

**Health & Safety Guidelines  
for Allotment Management  
and a Preliminary Risk  
Assessment**



4<sup>th</sup> January 2013

## **RISK MANAGEMENT** – Advice for Allotment Holders

Most managerial decisions include an element of risk management and a structured approach to managing the risks facing an allotment is one of the most important things an allotment committee can do.

Risk management is made up of forward thinking, common sense and prudent behaviour. The allotment committee can easily review their management strategy by setting up a small group to work together to think ahead, apply common sense and check each other for prudent thinking. This working group can periodically produce a paper for the committee to consider and approve. This risk management exercise should be repeated about every three years or sooner if circumstances change, with one or two new people on the working group to bring fresh thinking.

This may seem like a piece of bureaucracy which allotment societies are unused to, and so it is. But with the increased responsibilities and the need to take a long term view of them this is an important piece of bureaucracy. Skipping it will put your committee and the site at unknown and unnecessary risk.

### **What is Risk?**

Risk is what we all live with every day – it is the chance of something going wrong, and it often does. When things go wrong and we haven't foreseen the possibility we sometimes call it bad luck, but this is really obscuring our own failure to think ahead and plan for when things go wrong. In our everyday lives we are fairly familiar with the many risks we face. But managing an allotment site presents other risks most of us don't experience. For this reason a systematic and regular approach to identifying, assessing and mitigating or dealing with the risks we take is a sensible precaution.

### **The Process of Managing Risk**

- 1 Identify the risks to which your allotment committee is subject too.
- 2 Assess how often each risk might materialise and how serious the result might be.
- 3 Prioritise the identified risks, deciding which ones are sufficiently common and/or sufficiently serious in impact to warrant your time and resources to mitigate them.
- 4 Mitigate your priority risks by deciding an appropriate course of action for each one.
- 5 Monitor and review your management of risks regularly so that you notice new risks, can change priorities and check that your mitigation is still appropriate for each priority risk.

### **Identify the Risks**

Risks to allotments fall into several categories:

#### **Governance Risks** such as

- Inadequate constitution
- Committee lacks relevant skills
- Committee dominated by one or two people

#### **Operational Risks** such as

- Inadequate rules for plot holders
- Poor enforcement of the rules
- Falling branches

- Decline in public demand for allotments

**Regulatory Risks** such as

- Breach of data protection law
- (For Industrial and Provident Societies) failure to comply with reporting requirements

**Financial Risks** such as

- Low level of emergency fund
- Low level of savings for long term projects
- Fraud

You should make your own list of significant threats. These will have common items across most allotment sites (fence falling down, water leak, tree falling) and some that may be uncommon on allotment sites generally but specific to your site (land slip undermining fences, flood, collapse of stream bank, encroachment by others).

**Assess the Risks**

Once you have listed all the threats you should assess each one, judging the frequency with which it may materialise and the severity of the damage it may cause when it does materialise. This may be most easily done in tabular form and an example of a table for the hypothetical risks faced by an allotment committee such as yours is shown below. Although many risks are common to most allotments the likelihood (frequency) and impact will vary considerably depending on local conditions and the quality of management applied by the committee.

**Prioritise the Risks**

You cannot plan for every risk – there are infinite possibilities. But you can and should plan for any risk which will have a high impact and any risk which has a high likelihood or frequency.

Once you have decided which risks you should plan for, you can begin to decide how you might mitigate each one.

	<b>High Impact (3)</b>	<b>Medium Impact (2)</b>	<b>Low Impact (1)</b>
<b>High Likelihood (3)</b>	Decline in public interest in allotments	One plot holder verbally abuses another	Uncultivated plots in the growing season
	Damage to underground services	Invasive weed (e.g. Japanese knotweed)	Boundary hedge overgrows and obstructs pavement
	Break in resulting in fence, gate and hut damage and loss of machinery	Weed killer and fertilizer is left lying around	Vermin e.g. Rats seen in shed or on-site
<b>Medium Likelihood (2)</b>	Inadequate funds in emergency reserve	Major storm damage to nearby trees	Mowers break down and grass paths grow long
	Plot holders uninterested in helping the committee	One plot holder assaults another	A plot holder starts a bonfire, smoke causes complaints from neighbours
	Fraud	Security gate, fence or locks are damaged	Committee becomes ineffective
<b>Low Likelihood (1)</b>	Physical attack on plots (theft or damage) or plot holders	Site becomes waterlogged	Other Storm damage
	Large meteorite falls on site – extensive blast damage	Parking Area requires pot holes and cracks to be repaired	Small meteorite falls on site – broken pane in greenhouse

	Traveller invasion of allotment site	Children cut themselves on broken glass	
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**Mitigate the Risks**

There are several ways in which risk can be mitigated or dealt with and which one you select will depend on the nature of the risk and what options are available to you.

**Preventing the risk** is to arrange your affairs so that you do not take on the risk at all. For example if you are concerned about a large tree on the adjacent plot falling across an allotment you could have the land owner or a contractor fell the tree so that you no longer have the risk, as has been seen to have be done!

**Minimising the risk** is to arrange matters so that when the risk materialises the impact is less. In the example of the tree above you could have a contractor prune the tree to reduce the likelihood of it falling and reduce the danger if it did so.

**Transferring the risk** is most commonly achieved through insurance. In essence you persuade someone else to take on risks which you cannot avoid, usually for a fee or premium, and which are potentially too expensive for societies or individuals to accept. The financial claim resulting from causing harm to a person or damage to their property through neglect is what third party (or public liability) insurance pays for. There are many other risks which can be transferred to insurance companies including risks to buildings and their contents, risks to plot holders of being sued for causing harm or damage, and the risk of bad weather spoiling crops etc... which I can see you have highlighted in the tenancy agreement where plot holders are required to provide their own insurance for personal property.

**Contingency planning** is what you do when you cannot prevent, minimise or transfer the risk but know that the potential level of harm from the risk could seriously damage your allotment. For example do you have a clear idea of what you must do when you discover that a tree on your neighbours adjoining land has fallen onto an allotment and damaged a tenant shed? And do you have enough money in your emergency reserve funds to cover the immediate cost of removing the tree? Do you know what to do if you suffer a break in with resulting damage to the fence, huts and security gates or locks, or if you lose mowers and other machinery and tools? And are these plans written down costed and regularly reviewed?

**Accepting the Risk** is what you do when the risk materialises with a known frequency, the method and cost of fixing the problem is known, the cost is not large, and your committee has plenty of money to resolve this sort of problem if the frequency or cost changes. Fences need repair from time to time, locks need replacing. The frequency of this problem and the process of getting it resolved are well known, as are the costs which are low. This is a risk a committee can take on.

**Monitor and Review Your Management of Risks**

There are several reasons why monitoring and regularly reviewing your risk management is important. Firstly, your circumstances will change over time. And secondly, getting risk management right will improve each time you repeat the exercise, building on your previous work.

It is essential that you record in writing a register of the identified risks. A copy of this record should be held by every officer of your society so that it is accessible if someone is on holiday when it is needed.

Of course risk management is not just a paper exercise. It's vital that your plans are carried through. For example if you want to minimise site risks you need to inform your plot holders about what you regard as safe and unsafe, regularly inspect what is happening on the site, and take appropriate action to stop unsafe behaviour.

Finally, having a well-organised and documented risk management process can help to demonstrate that you are taking these responsibilities seriously and conscientiously. This may be important if problems arise and you have to deal with aggrieved neighbours or allotment holders, or if you have to make an insurance claim. You will be able to show that you took all reasonable steps to identify the risks and to deal with them, and that you were in no way careless or reckless. This can be important if legal action is possible.

## **PRE OCCUPATION RISK ASSESSMENT**

The following preliminary risk assessment seen overleaf was prepared, by Neil Sweet for and on behalf of Churchill Parish Council. Several points which were uncertain at the time of our meeting have now been clarified and the key points highlighted during our meeting were seen in the terms of the tenancy agreement and during the site survey.

Most of the risks are the same for most allotments, although the assessment of them will vary with local circumstances.

## **SUMMARY**

The main risk to you in my opinion will be the trees and branches encroaching onto the allotment site from your neighbours land. It is more than likely that the cost of managing the trees and shrubs in this adjoining plot will prove a burden to the land owner and he will therefore be reluctant to react promptly when things go wrong.

The overall level of exposure to risk on the allotment site itself is considered to be minimal as long as the paths are maintained and plot holders follow the rules and remain considerate to each other.

The site in my opinion is in great shape and the planning has been well managed and is better than some other sites I have seen. I have outlined my thoughts for each of the key liabilities below for your consideration.

## **DETAILS**

### **Burglary and theft**

Exposure - (a) professional thieves can and will get in if they really want to, despite measures to deter or prevent them. They are generally after machinery and search efficiently, causing only modest damage; (b) casual thieves on the other hand tend to search allotment holders' sheds for machinery and quality hand tools and there is likely to be some risk of this, casual thieves can be messy and can cause a lot of damage.

Remediation:

- To keep no communal machinery on site and that you recommend that allotment holders don't do the same. So thieves find little to steal. Sheds shall be locked and the equipment/ tools chained together in the shed.
- Serious thieves will break in through any locks or barriers you use. The stronger the barriers, the greater the damage they cause. We should therefore only use such measures as will deter casual thieves and vandals while accepting that the professionals will get in whatever we do.
- you should insure through a reputable insurer against loss of communal property – approx £80 premium for £5,000 cover, and £120 for £10,000. The latter would cover any communal items such a shed, the gates and some fencing.

Overall risk - medium risk reducing to low risk with insurance

## **Vandalism**

Exposure – Because this site is off the beaten track and the boundaries are either protected by neighbouring properties or are relatively secure. It is not particularly difficult to deter young people from climbing fences in the few vulnerable areas.

Remediation - to continue keeping your boundary fences/ hedges regularly checked and in good repair and to avoid advertising yourselves as a fun playground for vandals.

Overall risk - low

## **Tree problems**

- Tree works are likely to be an issue.

Exposure - there are a large number of small trees in the adjoining land next to the allotments and these are the responsibility of the respective land owner(s). Along the boundaries there are a few shrubs and hedges. As you have suggested, the hedge between you and the doctor's surgery will need some maintenance, but it is believed this can easily be discussed with the practice manager.

Remediation:

- You have had the dead/dying tree removed
- You will need to contact your neighbour, with regard to the small trees which currently encroach onto your land with the aim of having them pruned or cut back.
- inspect regularly and keep other trees, shrubs and hedges in good condition, lopping branches etc while they are manageable if they are likely to be troublesome later (cost: a few £00s);
- maintain public liability insurance which should cover any damage to third parties or their property from falling branches etc.

Overall risk - medium in terms of cost liability, low in relation to third parties.

## **Flooding – streams & surface water and sewage**

Exposure - the, drainage is generally good. Only a couple of plots appear to have become water-logged but not enough to cause inconvenience and this has/could be dealt with by the plot holders digging suitable drainage channels.

The main sewer running across the site could cause flooding with foul water. Note! Can you confirm if Wessex Water responsible for this pipe: If so you do not have to bear any cost, just the inconvenience and the smell.

Overall risk - low

### **Encroachment**

- you might become responsible for dealing with encroachment by overgrowth from your neighbours land.

Exposure - the site boundaries are basically straight lines, with one area of dead or derelict ground in the middle. Any encroachment from your neighbours land would be very obvious and could not be accidental on the part of the land owner. In practice, you might have to deal with some of these problems but the Parish Council as a freeholder could be expected to have an interest too. Legal action to deal with any encroachment could be expensive and is possible but unlikely.

Remediation - keep the boundaries in good condition with agreement with neighbour on dead or derelict ground.

Overall risk: low.

### **Invasion**

Self-management – you could become responsible for dealing with any invasion e.g. by squatters or travellers.

Exposure - you have limited hard standing on which squatters etc might place vehicles or caravans (trying to use cultivated ground for this would probably be impractical). You are not an obvious target compared with other locations with more space and the extent of the site cannot readily be seen from the road. The site is/should always be kept locked.

Remediation - maintain security and be prudent about showing the site to casual strangers.

Overall risk - low

### **Fences**

Exposure - the fences on which you mainly depend, most are new and in pretty good condition and none are in need of replacement or repair. The boundary fence to the adjoining land is in poor condition, and it is not likely that the land owner will replace it.

Remediation - regular inspection and piecemeal patching of this fence at a modest cost would help to defer any need for a wholesale replacement – which would be expensive. I would recommend an agreement of this type 'for remedial action' is agreed with the neighbour/land owner.

Overall risk – medium, principally time and expenditure

### **Gates and locks**

Exposure - the basic structure of the gates and posts is good, though moving parts like hinges and bolts would need replacing occasionally. There is a modest risk that delivery vehicles or plot holders vehicles might damage the gates seriously, calling for major repair or replacement. Liability for the damage would probably rest with the vehicle owner concerned, though the Parish Council may need to bear the cost in the short term. The locks will need periodic repair and replacement, and we should seek to use the most reliable.

Risk - medium, principally expenditure

### **Public liability**

Self-management – little change except that we would do more large repairs and might be held liable for any problems with their design or execution.

Exposure – the Parish Council already has public liability insurance employers' liability insurance which covers volunteers on the site as well as allotment holders and the general public. Most problems that might arise on plots are down to individual plot holders, not the Parish Council.

Remediation – we should be proactive in assessing and dealing with the risks in 'the adjoining land e.g. trees and shrubs in the boundary fences

Overall risk – medium, reducing to low with a proactive maintenance policy.

### **Personal liability**

Exposure - Committee members and allotment holders have limited liability though we should remember that limited liability does not protect individuals that act negligently, improperly.

Overall risks – low.

### **Site access problems**

Exposure – the Parish Council offers free access to the site in the tenancy agreement, and that would be expected to continue

Overall risk - low

### **Public access issues**

Exposure – unlike some other sites, there are no public rights of way across the site nor does it border public rights of way where, for example, boundary problems might arise or there might be a heightened risk of trespass or invasion.

Overall risk - low

### **Fire**

Exposure – Bonfires are not permitted on-site and this is clearly stated in the tenancy agreement

Overall risk – relatively low, reducing further with no bonfire and safety policy.

### **Asbestos**

Exposure – This is agricultural land and no Asbestos/cement board was seen, it is not clear if asbestos is present in the adjoining land? If there is we cannot 'without permission' determine it is safe if it is undisturbed and in good condition.

Remediation - Maintain and keep secure the boundary fence to prevent unauthorised access to the adjoining land by others/

Overall risk – low

### **Inadequate finance**

Exposure – You have reasonable financial reserves (about 18 months' turnover) and quite careful financial control. This would need to be maintained and you should create a 10 year rolling financial plan and expenditure strategy. You will need the plan in order to finance occasional high-cost works such as parking or fencing repairs, and planned replacement and maintenance. According to the Parish Council, you should be able to set your own rents and keep (most of) the proceeds enabling you to build up a substantial 'works fund'

Overall risk – medium risk reducing to low risk with good financial management