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## Work at Height Regulations 2005 now in force

Frances Hirst, HM Inspector of Health and Safety, from HSE's national Agriculture and Food Sector outlines the new Regulations and the main arboricultural implications. (This article first appeared in the June 2005 Arboricultural Association newsletter).

### Introduction

After some well publicised delays, new Work at Height Regulations 2005 came into force on 6 April 2005. They implement the European Temporary Work at Height Directive (2001/45/EEC), and are intended to reduce deaths and injuries caused by falls by making a difference to how work at height is managed. In 2003/4 falls from height accounted for 67 fatal accidents at work and nearly 400 major injuries. They are the single biggest cause of workplace deaths and one of the biggest causes of major injury.

In arboriculture, falls from height continue to be frequently reported and the result is often death or major injury. Approximately 16% of all reported arboricultural accidents involve falling from height and about 6% are due to uncontrolled swings in the tree and the corresponding impact with branches or the trunk.

### What do the Regulations Require?

The overall aim of the Regulations is to ensure that all work at height properly planned, appropriately supervised and carried out in a manner which is – so far as is reasonably practical – safe. Planning must include provision for emergencies and rescue. Employers should also ensure that no person takes part in work at height, including organisation or supervision, unless he is competent, or if being trained, is supervised by a competent person.

The Regulations apply to all work at height where there is a risk of a fall that could cause injury. Employers, the self-employed, and anyone who controls the work of others (e.g. those responsible for contracting others to work at height) to the extent they control the work, have duties under the Regulations. The duty holder has to ensure that:

- all work at height is properly planned and organised;
- those involved in work at height are competent (including managers and supervisors);
- the risks from work at height are assessed and appropriate work equipment is selected and used;
- the risks from fragile surfaces are properly controlled; and
- equipment for work at height is properly inspected and maintained.

The Regulations also set out a simple hierarchy for managing and selecting equipment for work at height. Duty holders must:

- avoid work at height where they can;
- use work equipment or other measures to prevent falls where they cannot avoid working at height; and
- where they cannot eliminate the risk of a fall, use work equipment or other measures to minimise the distance and consequences of a fall should one occur.

Forming part of the Regulations are a number of Schedules which cover the detailed requirements for example:

- personal fall protection (e.g. work restraints, work positioning, fall arrest and rope access) (Schedule 5);
- ladders and step ladders (Schedule 6);

### **What does the introduction of these Regulations mean for the Arboriculture industry?**

If you are already following good practice for work at height now, you should be doing enough to comply with most of the requirements of the Regulations. In particular:

- follow the risk assessments you have carried out for work at height activities and make sure all work at height is planned, organised and carried out by competent persons;
- follow the hierarchy for managing risks from work at height - take steps to avoid, prevent or reduce risks; and
- choose the right work equipment and select collective measures to prevent falls (such as MEWPs) before other measures which may only mitigate the distance and consequences of a fall (such as fall protection systems) or which may only provide personal protection from a fall.
- keep up to date with industry and HSE guidance.

#### ***Tree Climbing***

Climbing work is not banned by the Regulations (the rumours are wrong), however all tree work involving work at height should be properly planned and appropriate work equipment selected to make it as safe as possible. In addition to these general measures, tree climbing using a rope and harness has to meet specific requirements set out in Schedule 5: Depending on the techniques being used, parts 1, 2 & 3 of the schedule are relevant.

The Regulations say that climbing work with a personal fall protection system – i.e. ropes and harness - can only be undertaken if:

- a risk assessment has demonstrated that the work can be performed safely while using that system;
- the use of other, safer work equipment (e.g. mobile elevating work platforms) is not justified;
- the user and a sufficient number of available persons have received adequate training specific to the operation envisaged, including rescue techniques.

The main climbing techniques in tree work are either **work positioning** (e.g. changeover climbing using a harness, friction knot and climbing line), or **rope access and positioning** (e.g. footlocking or SRT). Within the tree, where possible, the system should be securely attached to two load bearing anchor points. Each anchor point should be strong enough to support the climber, work equipment and any foreseeable loading.

The Schedule states that *work positioning* systems should only be used if there is a suitable back-up system for preventing or arresting a fall. If the backup system includes a second line the user must be connected to it. If it is not reasonably practicable to have a back up system then all

practicable steps have to be taken to ensure the work positioning system doesn't fail (these steps include training, using properly chosen equipment, choosing reliable anchor points, following industry and HSE guidance, and correct use of tools).

Schedule 5 goes on to say a *rope access and positioning* technique should only be used if it comprises of at least two separately anchored lines – one the working line and the other a safety line. The user has to be connected to both lines using a suitable harness. The working line should be equipped with a safe means of ascent and descent and have a self-locking design to prevent the user falling should he/she lose control. The safety line must be equipped with a mobile fall protection system connected to and travelling with the user of the system.

In *rope access and positioning* a single rope can be used if a risk assessment has demonstrated that the use of a second line would entail higher risk, **and** appropriate measures have been taken to ensure safety.

HSE recognises that arboricultural techniques and tree form and species will mean that it is not always reasonably practicable to have either two climbing lines or to be attached to the tree by two separate systems. We have worked with the industry in revising the **Guide to Good Climbing Practice** (<http://www.trees.org.uk/publications.php>), which builds on the previous good practice and provides greater detail in a number of key areas for example when load bearing supplementary anchor points are used, and how the work position should be organised to minimise the risk of the system failing.

In addition information on appropriate techniques for common treework tasks is given in HSE's research - *Determination of rope access and work positioning techniques in arboriculture*. This is available from the HSE website: <http://www.hse.gov.uk/agriculture/pdf/wahreport.pdf>

### ***Mobile Elevating Work Platforms (MEWPs)***

The use of personal fall protection systems in tree climbing is high risk and very physically demanding work. In many cases MEWPs provide safe and quick access to trees and a secure working platform.

The Work at Height Regulations do not impose a requirement to use MEWPs for all arboricultural work, however they should always be considered when planning work. MEWPs are particularly suited to tree work in urban areas; work on diseased or dying trees; where tree climbing is difficult or arduous because of tree species or tree form; and, where there is a reasonable number of trees to be worked upon. When selecting work equipment for work at height the Work at Height Regulations require that collective protection measures (the definition of which includes MEWPs) have to take priority over personal fall protection systems (e.g. rope and harness).

### **Conclusion**

HSE wants to see that all work at height properly planned, appropriately supervised and carried out in a manner which is – so far as is reasonably practical – safe. Follow existing arboricultural guidance (e.g. AFAG guides and the forthcoming revised Guide to Good Climbing Practice); ensure your staff have adequate training (e.g. recognised industry training and certification); and, choose the right gear for the job, and you will be doing enough to comply.

More information is available on <http://www.hse.gov.uk/falls/index.htm>