

# CONTRACTORS AND VISITORS



Health and Safety Guidance Note



**NFU Mutual**  
RISK MANAGEMENT SERVICES

## INTRODUCTION

Use of contractors is something which is integral to many businesses. Contractors are used so that necessary tasks can be carried out quickly, without the need to disturb the main functions of the business, where specialist knowledge or skills are necessary or where specialist equipment is needed which would be uneconomical to have sitting dormant for much of the year.

## CONTRACTOR VS EMPLOYEE

A **contractor** includes any person or organisation who has been brought into the workplace to carry out a particular work activity but who are not directed specifically by the employer on how the tasks should be conducted.

A key way to determine if the worker is a contractor is to consider if that person or organisation maintains a certain level of independence when doing the work. A contractor or the “traditional” self-employed person who carries out work for you will arrive, within limits, at their own convenience, pack up when they wish, provide their own work equipment etc., and devise a way of doing the job that best suits them.

If you are employing a contractor to do any work, you have a responsibility to keep them safe. These obligations include providing relevant site information (e.g. on existing structures, intended use and risks such as asbestos and electrical cables, information regarding specific hazards such as busy vehicle routes or overhead power lines etc.), checking suitable management plans are in place and making sure adequate welfare facilities such as toilets and hand washing facilities are on site before work begins. These facilities need to be in place, but do not necessarily need to be provided by you.

Workers will normally be deemed to be your **employees**, irrespective of whether they are treated as self-employed for tax and National Insurance purposes, if working arrangements are consistent with a contract of employment. Among other things this means you:

- Tell them what time to begin and finish work, and agree their holiday periods;
- Tell them what jobs to do, how they should be done, and in what order;
- Provide any tools and materials for the tasks carried out.

If workers work mainly for you, work in an agreed way, use tools and materials supplied by you, and are under your control then they will probably be deemed as your employees for health and safety purposes. In that case your duties under health and safety law will extend to these types of contractors as well as any ‘official’ employees you may have.

Family, friends and volunteers are also considered employees for health and safety purposes when working/involved in a work related activity. It is not necessary for there to be a contract of employment-safety law applies when there is an effective employer/employee relationship.

## LEGAL REQUIREMENTS

The Health and Safety at Work etc. Act 1974, Section 3, places a duty on employers to persons other than their employees, which places a general duty on the employer in relation to persons such as members of the public, visitors and contractors to take steps to ensure their health safety and welfare.

The Management of Health and Safety at Work Regulations 1999 require an employer to carry out an assessment of the risks to health and safety connected with their work activities and this should include consideration of the risks presented to contractors and visitors. These regulations also place a duty on employers who share a workplace to co-operate and co-ordinate with each other in matters of health and safety.

The Occupiers' Liability Acts 1957 and 1984 place duties on organisations that occupy land and premises which are visited by people for a variety of purposes. Under the Acts, the organisation owes a duty of care to both lawful visitors who are invited or permitted to be there, and trespassers.

## PRE APPOINTMENT CHECKS

**Competence** – Before you appoint the services of a contractor, you need to be confident that they are competent to carry out the task in hand. If you appoint a contractor who is not competent, you can be held responsible if there is a problem with that work or if an accident happens stemming from the lack of competence.

Examples of contractors who are unlikely to be deemed to be competent include:

- Appointment of domestic builders to erect steel framed sheds without previous experience of this specific type of work;

- Appointment of chainsaw contractors/tree surgeons that do not hold a certificate of competence in that activity;
- Appointment of pesticide sprayers who have not carried out any formal training.

It is sometimes useful to check for professional memberships, trade registration schemes or approved contractor schemes. Examples include National Inspection Council for Electrical Installation Contracting NICEIC (and/or SELECT in Scotland), ELECSA and ECA for electrical contractors, inclusion of the National Register of Sprayer Operatives (NRoSO) registration list and membership of National Association of Agricultural Contractors (NAAC), Gas Safe Register for contractors working with natural gas. Contractor Health and Safety Assessment Scheme (CHAS) and Safe Contractor are examples of approved contractor schemes. These are only examples – lack of professional registration does not mean a contractor is not competent, but if professional membership is not in place the onus on you to assess competence in other ways may be greater.

Examples of questions you could ask a potential contractor include:

- What arrangements will you have for managing the work? For example, who will be responsible, how will the work be supervised, what checks do you make on equipment and materials etc.?
- Will you be using subcontractors and if so how will you check they are competent? The level of competence for subcontractors will depend on the risk and the complexity of the work;
- What is your recent health and safety performance? For example, how many accidents and cases of ill health have you had, has HSE taken any action against you?
- Do you have a written health and safety policy?(This is only a requirement if five or more people are employed by the contractor);

- Can you provide existing risk assessments done for similar jobs? (Again, written risk assessments are only required by law if five or more people are employed by the contractor);
- What qualifications, skills and experience do you have in this type of work?
- What health and safety information and training do you provide for your workers?
- If required, do you have Employers' Liability Compulsory Insurance?

These questions will help you find out whether the contractor is complying with their duties under health and safety law. You can then decide how much evidence is needed to support what you have been told. Other questions you can ask which may help you to decide which contractor to choose include:

- Do they have any independent assessment of their competence?
- Are they members of a trade association or professional body?
- Will they be producing a safety method statement for the job? A safety method statement is not required by law. It does however describe in a logical sequence exactly how a job is to be carried out in a safe manner and without risks to health. It includes all the risks identified in the risk assessment and the measures needed to control those risks. This allows the job to be properly planned and resourced. Examples where method statements would ALWAYS be expected would include larger building/repair jobs, roof work etc.

**Safety Arrangements** – You need to have reassurance that the contractor has complied with their own duties in relation to health and safety and should therefore ask about what health and safety arrangements are in place. It may not be necessary to go through these in fine detail (dependent on the level of risk involved) however you should ask some basic questions to check that the arrangements are relevant and suitable to the work that they have been appointed for.

The types of checks you need to carry out include:

- The competence of personnel;
- The level of supervision available;
- Whether suitable and maintained equipment will be in use;
- That there is knowledge of safe systems of work;
- That there is a management system of controls in place.

**Insurance** – It is important that checks are made that the contractor being appointed has suitable insurances to cover the activities they are being appointed to carry out and evidence should be requested for this. Different types of insurance may be necessary depending on the work (e.g. Employers Liability Insurance should be held by all contractors unless they are individuals with no employees).

An example small contractor competency questionnaire that includes the above details is included at the end of this guidance document. A more extensive questionnaire may be needed for medium or large sized contractor organisations and where the work involves high risk activities.

## PRIOR TO COMMENCEMENT OF THE WORK

Before any work starts on site, there needs to be an exchange of information between you and the contractor. This should include making the contractor aware of any hazards to which they or their employees may come into contact.

Examples include:

- Highlighting the location of any on site hazards – asbestos, overhead power lines, underground services, slurry lagoons etc.;
- Making them aware of any safety controls on site such as one way systems for vehicles or parking areas;
- Making them aware of any specific issues such as busy periods, public areas etc.;
- Making them aware of the location of first aid kits;
- Highlighting any site rules and expectations;
- Advising them of emergency arrangements for the site.

It may be suitable to provide some of this information in writing (e.g. in the form of an information sheet) where appropriate, as evidence of providing the contractor with information on the health and safety risks they may face and the controls in place to deal with the risks.

An example contractor instruction sheet and accompanying letter is included at the end of this guidance document.

You also need to find out from the contractor matters such as:

- Who is in control of the work and who any concerns should be raised with?
- Who is responsible for supervision of the workers?
- Do they need you to provide any support or assistance or additional information?

## ASSESS THE RISKS OF THE WORK

Both you and the contractor need to think about the planned work:

- What can harm people?
- Who might be harmed and how?
- How will you control the risks?

You should already have risk assessments for the work activities of your own business. Make sure your assessments cover risks to contractors from your business (e.g. asbestos, on-site vehicles etc.). The contractor must assess the risks for the contracted work and then both of you must get together to consider any risks from each other's work that could affect the health and safety of the workforce or anyone else.

An example risk assessment template for low risk contractor activities and a Risk Assessment/Method Statement Review form are included at the end of this guidance note.

## DURING THE WORKS

It is important that contractors are not just left to their own devices during the works. You should check in regularly with them to help to identify any concerns which they may have, any problems that have been encountered, any accidents which may have occurred and ask if there is anything the contractor requires you to do or information to provide. You also need to be aware of whether the contractor is working in a safe manner, and where relevant appears to be adhering to any method statements and/or risk assessments provided, taking time to observe the workers, for example:

- Does their equipment look to be in good condition and are suitable guards in place?
- Is roof work being carried out with the fall protection they said they would use?
- Are workers wearing appropriate protective equipment?
- Have risks to your workers and/or visitors been controlled as agreed?

Where concerns are identified, these must be raised with the contractor. If the contractor does not respond with corrective action, you must consider taking action, such as terminating the contract, to ensure that the work does not continue in an unsafe manner.

## VISITORS

In addition to contractors, you may also have visitors on your premises. Visitors could be those that you have invited, such as delivery drivers, customers etc, but can also be members of the public that you have not specifically invited, such as people using public rights of way and trespassers.

By taking steps to ensure the general safety of your premises, the environment will also be much safer for visitors. Taking the following steps may help:

- Ensure it is clear where visitors should park or report to when they arrive (e.g. through directional signage);

- Try to arrange visitor parking close to the office to avoid them becoming unfamiliar pedestrians in yards etc.;
- Make sure your equipment and vehicles are well maintained with keys removed when not in use;
- Ensure visitors are adequately supervised by a member of staff;
- Clear out old equipment and materials or designate specific areas where such materials can be stored;
- Make sure stored items are secure, will not fall, slide or topple (e.g. old gates, wheels or tyres etc.);
- Keep buildings (including hatches on silos etc.) locked shut where possible – consider providing locks to buildings which cannot currently be secured;
- Avoid storing materials or equipment directly next to buildings/fences to a level which would allow someone to climb up;
- Remove the lower section of fixed ladders or blank off the lower 2m to prevent unauthorised use;
- Remove and store securely or chain other ladders securely to prevent use;
- Keep livestock in fields without public rights of way where possible;
- Make sure any signage provided is in good condition and can be clearly read.

Visitors should also be given appropriate information and instructions regarding any relevant risks to their health and safety (e.g. emergency procedures including the location of assembly points etc.).

You should ask if any special arrangements are required by the visitor. On arrival it is good practice to complete the visitor's details in a visitor record book. Remember that visitors should also sign out again before leaving the premises.

## SIGNAGE

Whilst warning notices do not negate the need for other controls or discharge the responsibility to a visitor, they can help to make people aware of a danger which is known. So whilst it is unlikely to be effective to place warning signs everywhere, some selective and well placed signs can make all visitors, by invite or not, aware of particular hazards which may be present.

## OPEN DAYS OR PUBLIC EVENTS

If you are planning an open day or similar event, you should carry out a more specific review of the site and consider if there are areas which need to be segregated to prevent visitor access and any more specific steps which should be taken to keep visitors safe.

## FURTHER GUIDANCE

- HSE Contractors website  
[www.hse.gov.uk/toolbox/workers/contractors.htm](http://www.hse.gov.uk/toolbox/workers/contractors.htm)
- INDG368 Using Contractors  
[www.hse.gov.uk/pubns/indg368.pdf](http://www.hse.gov.uk/pubns/indg368.pdf)
- HSG 159 Managing contractors: A guide for employers  
[www.hse.gov.uk/pubns/priced/hsg159.pdf](http://www.hse.gov.uk/pubns/priced/hsg159.pdf)
- INDG411 Need building work done?  
[www.hse.gov.uk/pubns/indg411.pdf](http://www.hse.gov.uk/pubns/indg411.pdf)
- INDG472 Preventing accidents to children on farms  
[www.hse.gov.uk/pubns/indg472.pdf](http://www.hse.gov.uk/pubns/indg472.pdf)

These documents are available to download free of charge from [www.hse.gov.uk/pubns/books](http://www.hse.gov.uk/pubns/books)

## SMALL CONTRACTOR COMPETENCY QUESTIONNAIRE

<b>Organisation:</b>		<b>Contact Name:</b>	
<b>Address:</b>			
<b>Telephone:</b>	Work:	Mobile:	
<b>Type of work being undertaken:</b>			
<b>Qualifications/experience/competency of people undertaking the work:</b>			
<b>Please answer the following questions and supply the information requested.</b>			<b>Copy/Details provided? Yes/No</b>
1.	Provide a copy of your risk assessment for the task to be undertaken (if you do not have one, we can provide an example template for you)		
2.	Provide details of experience/competency of you and your staff (where applicable)		
3.	Provide a copy of your Public Liability Insurance Certificate & Employer's Liability Certificate (where applicable).		
4.	Are you a member of any trade associations/registered bodies for your trade? If so, please attach evidence		
5.	Can you confirm that all machinery/equipment in use by yourselves on our site is maintained in good working order and subject to regular service/inspection e.g. lifting equipment is subject to regular examination under the Lifting Operations and Lifting Equipment Regulations?		
6.	Have you had any RIDDOR Reportable accidents or HSE Intervention within the last 5 years?		

By signing this questionnaire you are agreeing to:

- Inform us should there be any changes to the information provided above;
- Take full responsibility for the management and safe working of your staff and any sub-contractors under your control;
- Comply with all health and safety rules/requirements, as laid down by \_\_\_\_\_

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_

Job Title: \_\_\_\_\_

**EXAMPLE CONTRACTOR LETTER**

Contractor Company  
Contact name  
Address  
Town  
Postcode

Date: ...../...../.....

Dear .....,

We are committed to ensuring that all contractors work safely and comply with all relevant legislation and Regulations.

A copy of our ‘Safety Instructions for Contractors’ is attached. Please read this carefully and pass on the relevant information to your employees or subcontractors.

Prior to commencing work on the first day, please report to ..... at .....

Any special hazards you need to be aware of will be discussed with you in detail by your site contact. If you are in any doubt about any aspect of our safety rules, please contact me immediately.

I am sure you will understand and support the seriousness we attach to all safety matters. Accordingly, you will appreciate that failure to comply with these instructions could result in the cancellation of your contract and prevent you from carrying out further work for us.

I look forward to your co-operation in maintaining our safety record.  
Yours sincerely,

.....  
Name

## **EXAMPLE CONTRACTOR HANDOUT – KEY SAFETY PROCEDURES**

### **General**

- You must ensure that you (and your employees/subcontractors) comply with all current legislation connected with the work you are about to undertake;
- Prior to work commencing you must ensure that your risk assessment/method statement has been received and approved by your Site Contact;
- You and your employees/subcontractors must comply with all site health and safety rules /instructions/signs/notices, e.g. speed limits, one-way systems, accident reporting, no smoking areas, no children or pets permitted;
- Any damage to structures, equipment etc. must be reported immediately to your Site Contact;
- You are responsible for the safety of yourselves and others in your working area. Suitable measures such as fencing, barriers, tape etc. along with clearly displayed signage must be implemented as per your method statement;
- You are responsible for the adequate supervision of employees/subcontractors brought onto the premises and the provision of a suitable site induction. Your Site Contact may request copies of site inductions at any time during the contract.
- Good standards of housekeeping must be observed at all times;
- All risks associated with your work must be communicated to your Site Contact and any other persons who could be affected by your activities.
- You must ensure you remain vigilant to other business activities which may include vehicles, pedestrians and livestock.

### **Permit to Work**

- There are certain activities such as hot works, demolition, excavations, live electrical work, confined space entry, etc. where a permit to work will be required. You must ensure no such work takes place until this is implemented. Your Site Contact will arrange for the appropriate permit to work to be issued.

### **Personal Protective Equipment**

- You must ensure that your employees are provided with suitable personal protective equipment for the tasks being undertaken, as identified in your risk assessment and method statement;
- There are certain areas on the premises with particular personal protective requirements and you must ensure these are complied with.

### **Fire**

- The business has fire arrangements in place for the premises and you must ensure you and your employees/subcontractors familiarise yourselves with them;
- There are designated smoking areas on the premises and you must ensure your employees/subcontractors smoke in these areas only.

### **Chemicals**

- No chemicals are to be brought onto the premises without prior permission;
- All chemicals must be handled, stored and disposed of in accordance with the corresponding Material Safety Data Sheet (MSDS).

### **Accidents**

- You must notify your Site Contact and, where applicable, the HSE of any accidents, incidents of ill health or dangerous occurrences arising from your work;

**First Aid & Welfare**

- You must ensure you know where first-aid and welfare facilities are. However, this does not negate the requirement for you to make provision for your own (and your employees/subcontractors) first-aid arrangements.

**Plant/Equipment/Tools**

- All plant/equipment/tools brought on to the premises must be maintained in accordance with manufacturer’s requirements and meet any statutory requirements e.g. lifting equipment/LOLER.
- You are not permitted to use any plant/equipment/tools belonging to the business without prior arrangement by your Site Contact and appropriate training received.
- The business’s employees are not permitted to use any plant/equipment/tools belonging to contractor unless prior permission is granted and appropriate training has been provided.
- All plant/equipment must be safely parked, stored and turned off, with keys removed when unattended.
- Refuelling of plant/equipment must only take place in designated areas which will be agreed prior to work commencing.

**Key Contacts:**

Insert key contact names and contact numbers

**First Aid Points (locations):**

List location of first aid kits and contact numbers for first aiders.

**Raising the Alarm:**

Detail emergency procedures

**Muster Point Locations:**

Identify location of emergency evacuation point(s)

.....

**Specific Site Hazards:**

\*delete those that are not applicable

- Presence of public footpaths;
- Presence and location of services, e.g. power lines, water and gas mains – both above and below ground;
- Ground condition;
- Presence and location of any nearby watercourses;
- Transportation routes;
- Presence of Livestock;
- Hazardous substances, e.g. chemicals and asbestos containing materials;
- Unsafe structures such as fragile roofs;
- Noise;
- Confined spaces;
- Flammable/explosive atmosphere;
- Toxic/hazardous atmosphere;
- Special events, such as open days or group visits;
- Particular risks from other work activities and contractors;
- Other:

Please sign below to confirm:

- You have read and understood the above information and will communicate this to your employees/subcontractors;
- You will comply with all health and safety rules/requirements, as laid down by -

.....

Name:

Signature

Company

Date:

## SMALL/LOW RISK, RISK ASSESSMENT FORM

Company name			
Location			
Person conducting assessment		Date	
Person supervising work		Date	

Persons exposed (tick box)							
<input type="checkbox"/>	Employees	<input type="checkbox"/>	Other workers	<input type="checkbox"/>	Public/visitors	<input type="checkbox"/>	Young persons
<input type="checkbox"/>	New/expectant mothers		<input type="checkbox"/>	Vulnerable persons		<input type="checkbox"/>	Others
Estimated total number of persons at risk							

Hazards		Tick if Present	Hazards		Tick if Present
1	Adverse weather conditions		18	Work at height	
2	Hazardous substance		19	Third parties	
3	Heat/hot work		20	Static Equipment/Machinery	
4	Lack of experience		21	Sharp Objects	
5	Lack of training		22	Other:	
6	Lack of/too much oxygen		23	Cold	
7	Access		24	Electricity	
8	Lifting equipment appliances		25	Excavation	
9	Lighting		26	Fire/Flammable Atmosphere	
10	Hand/Power Tool		27	Floor/Ground Conditions	
11	Other:		28	Flying Particles/Dust	
12	Loading/unloading		29	Moving Parts of Machinery	
13	Structure		30	Proximity to water	
14	Temporary works		31	Scaffold	
15	Vehicle/mobile equipment		32	Stairs/Steps	
16	Working hours/fatigue		33	Other:	
17	Workstation design				

Comments

The following system gives a simple way to determine the relative importance of risks. It takes account of the degree of harm (i.e. what is the worst likely outcome) and the likelihood of the event occurring. This method also incorporates a judgement as to whether or not a risk is acceptable.

For each hazard identified for each task ask the question “what is the worst likely outcome?” – is it Severe (e.g. fatality), Moderate (e.g. major injury or permanent disability including permanent ill health) or Minor (e.g. a minor injury or plant damage)?

Next, make a judgement of the probability or likelihood of harm occurring:

LIKELIHOOD	DESCRIPTION
Probable	Occurs repeatedly/several times
Possible	Could occur sometime
Remote	Unlikely, though conceivable

Decisions as to whether or not action is needed can then be made by reference to the following matrix:

Severe	Medium	High	High
Moderate	Low	Medium	High
Minor	Low	Low	Medium
	Remote	Possible	Probable

By using a matrix such as this, the risk level can be determined and used to prioritise your controls.

Hazard number (from previous page)	Nature of risk (What might go wrong?)	Risk before controls L/M/H	Control measures (How do you stop it going wrong?)	Control measures implemented by (name)	Risk after controls L/M/H

Hazard number (from previous page)	Nature of risk (What might go wrong?)	Risk before controls L/M/H	Control measures (How do you stop it going wrong?)	Control measures implemented by (name)	Risk after controls L/M/H

Method statement required?	<input type="checkbox"/>	YES	<input type="checkbox"/>	No
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**Additional risk assessment required (tick box)**

<input type="checkbox"/>	Noise	<input type="checkbox"/>	COSHH	<input type="checkbox"/>	Handling	<input type="checkbox"/>	New/expectant mothers
<input type="checkbox"/>	Asbestos	<input type="checkbox"/>	Lead	<input type="checkbox"/>	Radiation	<input type="checkbox"/>	Young persons

**PPE Required (tick box)**

<input type="checkbox"/>	Helmet	<input type="checkbox"/>	Respiratory	<input type="checkbox"/>	Boots	<input type="checkbox"/>	New/expectant mothers
<input type="checkbox"/>	Hearing	<input type="checkbox"/>	Eye	<input type="checkbox"/>	Harness	<input type="checkbox"/>	Young persons

	Name	Position	Signature	Date
Person completing the assessment				
Person reviewing the assessment				
Date to be reviewed				

This risk assessment must be communicated to operatives before work commences.

## RISK ASSESSMENT/METHOD STATEMENT (RA/MS) REVIEW RECORD

<b>Task/Activity/Sub contractor:</b>				
<b>Site Name</b>				
<b>Site Address</b>				
<b>Site Manager</b>				
<b>Start Date</b>				
<b>Review Checklist</b>	<b>Y/N</b>	<b>Reviewed By (Initial)</b>		
Does the RA/MS relate to the specific Contract/Site?				
Is there a brief description of the work activity?				
Is there a sequence of operations?				
Has where the work will be carried out been specified? (ground floor/first floor etc)				
Does it specify who will be doing the work? (no of operatives etc)				
Are they fully trained and competent for this type of work?				
Does the work involve unskilled/untrained persons? (Apprentices)				
Are they utilising Sub Contractors? Are these suitably managed?				
Has the Contractor identified the hazards?				
Has the Contractor carried out Risk Assessments?				
Are these Risk Assessments' specific to the Project Works?				
Do the Method Statements detail emergency procedures?				
Does the work involve working at height? If so, is suitable access equipment e.g. work platform provided?				
Is edge/fall protection required?				
Has the responsible person for installation and maintenance of edge/fall protection/working platforms/access equipment been identified?				
Has the contractor identified safe systems of work? (Hot works permits/permits to work)				
Has any mechanical plant been identified?				
If yes have they confirmed that Statutory Records of Inspection/Testing are provided?				
Has the contractor provided copies of any competency cards required?				
Are suitable arrangements detailed for First Aid, Fire etc?				
Have any Hazardous Materials been identified?				
If so are COSHH Assessments provided?				
Has the contractor identified any Manual Handling Risks and provided a Risk Assessment?				
Have they identified mechanical lifting operations/techniques for heavy objects?				
Has the contractor provided details of materials/equipment deliveries to site?				
Has it been identified and agreed where these materials etc are to be offloaded and stored?				
Does the Method Statement provide details of protection from or to others on site?				
Does the method statement provide details of any testing/commissioning (where applicable)?				
General comment:				
<b>Document review status*</b>	1	2	3	<b>Please circle current status</b>
*1. Work may proceed; 2. Revise and resubmit: Work may proceed subject to resolution of comments; 3. Revise and resubmit: Works MAY NOT proceed.				
Reviewed by:			Date:	

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