



Representing Agricultural and Amenity Contractors

Code of Conduct

November 2002

1. Introduction

- 1.1 This Code of Conduct is designed to promote professionalism amongst NAAC contractor members, encouraging a high standard of working practice within the industry. It provides the basis of the conditions of membership to the NAAC.
- 1.2 The Code will be used to promote the services of members, ensuring that customers receive the level of service that they deserve. As a paid up member of the NAAC, individuals and companies are considered to have accepted the conditions of membership.
- 1.3 This Code of Conduct will be reviewed annually or more often if the NAAC Council deems necessary.
- 1.4 Throughout the Code the term 'member' refers to an NAAC full member contractor.
- 1.5 Copies of this Code of Conduct should be displayed at the contractor's place of business and made available to all staff and sub-contractors.
- 1.6 The NAAC has a formal complaints committee to resolve complaints against member contractors. While having no statutory power, the NAAC Complaints Committee will investigate any complaints concerning the scope of this Code of Conduct. It will not get involved in commercial or financial disputes between NAAC members and their customers. Contravention of the letter or intention of this Code of Conduct may be used to terminate membership.

Wording in italics provides further guidance to members, additional to the Code of Conduct.

2. Insurance Cover

2.1 All NAAC members must have the following minimum level of insurance:

2.1.1 **Employer's Liability:** The policy is to meet the requirements of the Employers Liability (Compulsory Insurance) Act 1969. The level of indemnity is £10 million.

2.1.2 **Public Liability/Products Liability:** The policy must provide a limit of not less than £1 million in one claim or series of claims arising out of any one event, unlimited in any one period of insurance. The policy should provide an indemnity in respect of liability at law in accordance with an activity of the Insured as detailed below:

Activity of the Insured: a. Providing recommendation, advice, design and specification other than for a fee; b. Work undertaken for a principal; c. Work undertaken by an aerial spraying contractor on behalf of the insured; d. Sale, supply, treating, manufacturing, compounding or processing of products; e. Working on or treating of crops.

Indemnity required for: f. Bodily injury or damage to property including crops; g. A principal for whom the Insured is carrying out work. Contingent liability for work undertaken on behalf of the Insured by an aerial spraying contractor. Bodily injury or damage to property caused by products sold, supplied, treated, manufactured or compounded (processed); h. Cover to include damage to crops being treated or worked upon, and consequential loss arising from there.

3. General

3.1 All members must carry out business conscientiously in accordance with the law, this Code of Conduct and best practice advice.

3.2 Members should have copies of all necessary Government and industry Codes of Practice (relevant to their business) and all staff should be made aware of their content. Members should also be familiar with all relevant legislation.

- 3.3** It is the responsibility of the customer to make known to the contractor any special conditions or work practices that are necessary. In the absence of any such information, the member will ensure that all contract work will be undertaken to a satisfactory standard given the quality of the equipment and materials supplied by the customer. *Members are recommended to obtain written consent from their customer before any work is let out for sub-contract.*
- 3.4** Members should know the whereabouts of all employees, and staff should have regular check-in times and/or places. If employees fail to check in, a contingency plan should be prepared to ensure good communication with the customer and continued progression of the contract. Members should be able to communicate with employees to ensure the safety and traceability of staff.
- 3.5** NAAC members must not knowingly employ illegal labour (e.g. drawing state benefit, without a valid UK work permit or social security number).
- 3.6** NAAC members must ensure that all employees are suitably trained, qualified and competent to carry out the operations for which they are employed.
- 3.7** Only a fully trained/qualified operator should carry out any task requiring a Certificate of Competence, or specific qualification (except when properly supervised or when undergoing formal instruction).
- 3.8** Photocopies of all mandatory certificates must be held in the office and should be made available to customers on request.
- 3.9** Adequate instruction and training must be given prior to an operator being asked to use machinery/equipment, which is unfamiliar. Best work practices should be explained before any new task is undertaken.
- 3.10** All machinery/equipment must be checked regularly, a minimum before the start of each day's work, to ensure it is maintained in a safe and serviceable condition (refer *Farm Vehicle Health Check Scheme* page 8).

- 3.11 Where necessary, machinery/equipment must be properly calibrated.
- 3.12 Machinery/equipment must not be used when in an unsafe condition and faults must be recorded in a logbook, together with appropriate repairs/corrective action taken when the machine/equipment is signed off as safe to use. All minor faults, which do not affect safety, should be reported and corrected as soon as possible.
- 3.13 The servicing of machinery/equipment must be carried out in accordance with the manufacturer's handbook. (This must be in a language understood by the operator). The owner must ensure that the operator has access to and understands the manual. Service records should be kept.
- 3.14 Employees should be given a standard checklist of actions and questions to ask on arrival at a customer's site. This should include location of hazards, first aid facilities, fire fighting equipment and information about other workers/contractors/visitors on site. **There is a legal obligation on site owners/manager to inform visitors to a site (including contractors) of any hazards that exist and to cooperate to ensure their safety.**

4. Health and Safety

- 4.1 Every member must have a written 'Health and Safety Policy', to cover the requirements of the Health and Safety at Work etc. Act 1974. This document must be reviewed regularly (at least annually) and revised in the light of business, equipment or legislative changes. Members must ensure that all their employees (and any subcontractors) read and understand the requirements of this policy. A copy of this policy must be made freely available to all employees. *Members will be expected to be able to demonstrate that they, and their staff, are complying with the requirements of the Health and Safety Policy and other health and safety documentation.*
- 4.2 As part of the Safety Policy, personal responsibilities for health and safety should be discussed and agreed with all staff. A competent person should be appointed to act as 'Safety Officer', whose duties should be clearly identified. *Everybody within a company will have some responsibility for health and safety at work. The level of responsibility will depend on an individual's position in the organisation. All companies should identify what tasks need to be performed to ensure safety and then allocate those tasks to individuals. The agreements then need to be confirmed in writing as part of the safety policy and his/her conditions of employment.*
- 4.3 Members must prepare written risk assessments, as required by the Management of Health and Safety at Work Regulations, the Control of Substances Hazardous to Health Regulations and other legislation. These documents must be reviewed regularly (at least annually) and revised in the light of business, equipment or legislative changes.
- 4.4 All employees should be trained to carry out a visual site risk assessment, particularly if they are working on a site with which they are unfamiliar. The customer should be asked to provide information to help with this process. *Employees should consider themselves, the customer and his staff, the general public and the environment generally. This process should be ingrained in the thinking of each and every worker; only if individuals are aware of potential risks and hazards are they able to reduce consequent dangers.*

- 4.5 If, following an on-site assessment of risk, the employee considers that there are still significant risks, he/she must not start work (or must stop if work has already started). The operative must consult their manager or supervisor and/or the site owner/manager and decide ways by which the risks can be satisfactorily controlled. His/her manager or supervisor must agree these changes before work restarts. If the operative considers that the risks are still unacceptably high, their manager/supervisor must visit the site and resolve the situation.
- 4.6 Members must prepare written COSHH assessments, as required by the Control of Substances Hazardous to Health Regulations, whenever they or their staff are working with, or exposed to, hazardous substances. These documents must be reviewed regularly (at least annually) and revised in the light of business, equipment or legislative changes. Adequate arrangements must be made for the safe storage (including on site storage), transport, handling, use and disposal of hazardous substances, in accordance with the appropriate codes of practice.
- 4.7 Members must provide suitable personal protective equipment (PPE), including respiratory protective equipment (RPE), free of charge to their employees where risk assessment identifies that this is required to control risks to acceptable levels. Information and training must also be provided in its use, care and maintenance. Suitable facilities to maintain and store PPE (and 'street clothes') must be provided. Members must ensure that items of PPE are safely and properly cleaned. Replacement items of PPE must be made freely available. RPE must be inspected and maintained regularly by a competent person and a written record of this be kept for a minimum period of five years.
- 4.8 Members should ensure that all vehicles have appropriate, visible warning signs and carry a suitable first aid kit and fire extinguisher.
- 4.9 An appointed person, or 'Safety Officer', will have the responsibility for checking regularly the condition and contents of the first aid kits. This appointed Safety Officer will have the responsibility for checking regularly the condition of fire extinguishers, work equipment and vehicles. A written record should be kept of all such checks. *The 'Safety Officer' should be provided with appropriate training and preferably hold an HSE recognised first aid certificate (e.g. an appointed persons certificate).*

- 4.10 Members should ensure that their employees are made aware of any first aid and other emergency arrangements specific to a customer's premises.
- 4.11 When travelling in vehicles, seatbelts, when provided, must be used at all appropriate times.

5. Complaints/Incidents Procedure

- 5.1 Every contracting business should set up a complaints procedure. *This will involve a system of reporting, investigating and responding promptly and efficiently to all internal and external complaints. The aim should be to investigate and respond to a complaint within 48 hours. Employees reporting complaints about themselves should be given positive guidance to effectively resolve the problem, without being penalised for reporting it.*
- 5.2 All accidents and incidents should be reported. A procedure should be established to investigate all accidents/incidents, to eliminate any risk of the same accident/incident occurring again.

Further Information/Useful References

- a. Contact the NAAC for further guidance on Health and Safety.
- b. **Farm Vehicle Health Check Scheme Code of Practice**, a joint initiative between BAGMA, HSE, NFU, NFUS, NAAC and Lantra Awards. Contact the NAAC.
- c. **Safety on Farms – A Shared Responsibility** Industry guidance for farmers, growers, drivers, contractors and other commercial visitors. Contact the NAAC.
- d. **Farmwise** (MISC 165, HSE publications Tel: 01787 881165)

DISCLAIMER

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