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Deputy Director:
Philip White

Reference: Your reference: 5886/CLB

Date: 23 February 2008

Prevention of future deaths report – Paul Anthony Daniels

Date of death 23 November 2016

Inquest at Manchester South Coroner's Court on 24 - 30 November 2017

I am responding to your Regulation 28, Prevention of Future Deaths report addressed to Dr Richard Judge, Chief Executive of the HSE that arises from the inquest into the death of Paul Anthony Daniels. Your report was passed to me in my capacity as the Chair of HSE's Arboriculture and Forestry Advisory Group (AFAG). Mr Daniels's death is a tragic incident and I express my sincere condolences to his family.

AFAG is a sub-committee of the Health and Safety Executive's (HSE) Agriculture Industry Advisory Committee (AIAC) and provides a forum at which the Health and Safety Executive (HSE) and others, including the Forestry Commission, trade bodies, training organisations, employers and employees' representatives work together to respond to health and safety issues in arboriculture and forestry.

AFAG produces guidance for the tree work industry which complements that produced by the Forestry Industry Safety Accord (FISA), the Arboricultural Association (AA) and HSE. This guidance takes into account the practical knowledge and experience of those working in the industry and by following the guidance, those working in trees will normally be complying with the standards required by the Health and Safety at Work Etc Act 1974 and associated health and safety legislation.

Your report raises matters of concern in relation to:

- 1) the ratio of tree climbers to groundsmen;
- 2) the training of groundsmen for aerial rescue; and
- 3) the means of communication between the groundsmen and tree surgeons.

These three matters are addressed in long standing guidance produced by AFAG and effectively set out the standards expected to ensure legal compliance in this type of work.

Specifically AFAG leaflets AFAG401: Tree climbing operations¹ and AFAG402: Aerial tree rescue² apply to the work being carried out at the time of Mr Daniels's death. Together these two pieces of guidance describe the responsibilities of ground staff and the need to consider the ratio of ground staff to tree climbers. They state that a minimum of two people should be present during all tree-climbing operations and one of the team must be available on the ground, competent and equipped to perform an aerial rescue immediately. They also state that work should be planned before the work starts. On busy sites consideration should be given to dedicating a specific member of the ground staff to each climber. Therefore, contractors following current guidance, will ensure that at least one groundsmen, trained in aerial rescue will be present at all times and will consider the ratio of groundsmen to aerial workers as part of their planning for the work.

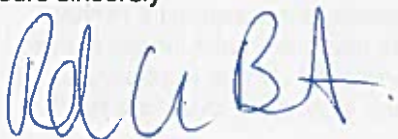
AFAG 401 also states that ground staff should maintain effective communication with climbers at all times. The precise means of communication should be determined by risk assessment by those planning the work and will depend on the particular circumstances of the task to be undertaken. There will be sites where communication by voice and hand signals is appropriate. However, where this is not the case there are readily available alternatives, such as helmet mounted two-way radios.

I have considered the AFAG guidance and believe that it adequately addresses the relevant requirements to ensure legal compliance. Clearly it is therefore opportune to remind the industry of the importance of applying the correct standards for the work being carried out.

AFAG next meets as a committee on 8 May 2018 and I will take this opportunity to promulgate the key learning points from this incident via the committee members. The range of organisations represented on the committee should enable the message, through their respective memberships, to have a wide reach throughout the industry. I will ask that members underline the importance of all people involved in this type of work adhering to the standards set out in the guidance and highlight the concerns raised in your letter.

In addition as a matter of routine AFAG and its members keep guidance under review to ensure that lessons learned through incidents are reflected in the guidance and we will ensure that these points are again considered when these specific leaflets are next reviewed.

Yours sincerely



R G Brunt
Chair HSE's Arboriculture and Forestry Advisory Group

¹ AFAG 401 Tree climbing operations <http://www.hse.gov.uk/pubns/afag401.pdf>

² AFAG 402 Aerial tree rescue <http://www.hse.gov.uk/pubns/afag402.pdf>