

Health and Safety - teaching the law and educating for prevention

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Abstract:

The teaching of law to non-lawyers can involve an unreceptive audience, particularly when the subject is health and safety. The author works with prospective rural practice chartered surveyors who are likely to be professionally involved with the two highest risk working environments in the UK : construction¹ and agriculture.² Unlike construction, the agricultural industry has failed to reduce annual fatalities in the past quarter of a century and continues to account for around 20% of workplace deaths, whilst employing under 2% of the workforce.³

This paper explores the use of court cases, as an introduction to studies, to pique student interest, enhance legal skills and, importantly, to attempt to influence life-long behaviour for those with future responsibilities in these areas. Students are also exposed to the field work of the Health and Safety Executive.

The paper sets out some of the issues and experiences of teaching health and safety law to non-law students, outlines the cases used (for the 2011/12 cohort) and reviews the responses to preliminary research ascertaining student attitudes and understanding of the area before and after teaching.

Keywords:

health and safety, law teaching, surveyors.

1 Introduction - home institution, courses and study

This paper is based on the author's teaching experience on law modules to students of the RICS⁴ accredited rural land / estate management undergraduate and post-graduate Orural Shropshire, between Birmingham and the Welsh border and was, until 1995, known as an Agricultural College. It was founded in 1901 on the legacy left by Thomas

¹ www.hse.gov.uk/statistics/industry/construction/index.htm

² www.hse.gov.uk/statistics/industry/agriculture/index.htm

³ Labour Market Statistics 2011, Office for National Statistics. www.ons.gov.uk/ons/rel/lms/labour-market-statistics/september-2011/statistical-bulletin.html#tab-For-May-to-July-2011 and *Agriculture in the United Kingdom* 2011, Department for Environment, Food and Rural Affairs, www.defra.gov.uk/statistics/files/defra-stats-foodfarm-crosscutting-auk-auk2011-110530.pdf (viewed 1st June 2012).

⁴ Royal Institution of Chartered Surveyors.

Harper Adams in 1892 (Williams, 2000). The College has a working mixed⁵ farm of nearly 1,000 acres together with 175 acres of woodland. The agricultural roots of the college are apparent from the notice outside rooms urging students to remove their wellies before entering!

It is worthy of note, that the degree course in question has a vocational focus and the vast majority of students (normally well over 90%) go into course relevant graduate jobs each year, i.e. as trainee chartered surveyors in rural practice, with the most of the remaining students going into agricultural consultancy, non-rural surveying, farming and just one or two a year going into completely unrelated jobs.

The objective of this study is to reflect on the issues raised by teaching law to non-law students, particularly in the key area of health and safety law, using evidence of student attitudes, understanding and achievement to inform the development of effective pedagogic materials and techniques.

2 The imperative of understanding health and safety law and practice

Health and safety is a subject which should be covered at various points in a land based curriculum, most certainly not just becoming a 'tick box' exercise, a symptom of poor practice in the sphere of health and safety which is all too prevalent⁶. In the undergraduate course it is currently introduced in the first year as one lecture in an introductory law module, supported by a tutorial session and on-line quiz, in the second year in a number of pre-placement briefings and exercises (all students do a mandatory sandwich year) and in the final year in a professional practice module. It is also addressed in a range of practical situations in modules involving, for example, construction, agricultural machinery, livestock and site visits to farms, woodlands and estates.

As an adjunct to the in-house delivery, the Health and Safety Executive, Agriculture Sector, work closely with the institution and give an annual talk and video showing pictures of shocking injuries and even fatalities and some harrowing footage of close relatives of victims discussing the personal and practical cost of serious injury and death, often in the context of a family business. These materials are not replicable and are an invaluable aid to embedding the message of safe working practices and management.

The subject is particularly relevant in the sector involved as in agriculture and related industries (such as forestry) there were 42 fatal injuries in 2010/11 with a corresponding rate of 8.0 deaths per 100 000 workers, compared to an overall rate across all workers of 0.6 per 100,000. In construction there were 50 fatal injuries, with a rate of 2.4 deaths per 100 000 workers (Health and Safety Executive, 2011). Comparing the figures of 1987/88 where the rate of deaths per 100,000 was 10.2 in agriculture and 10.7 in

⁵ Dairy, beef, sheep, pigs, poultry and arable.

⁶ *Uren v Corporate Leisure and Ministry of Defence* [2011] EWCA Civ 66. [2011] ICR D11, [2011] All ER (D) 49 (Feb)

construction, although there is improvement, clearly in over 20 years agriculture and the land based sector has not made the strides of other hazardous occupations. This picture is replicated in other western countries.⁷

An understanding of the need for and content of health and safety teaching has evolved with reference to various sources. Several members of staff are practicing rural chartered surveyors, examiners for the RICS and other relevant bodies such as the CAAV (Central Association of Agricultural Valuers) and the ICF (Institute of Chartered Foresters) and are thus well placed to know what students require in their future working lives, as is vital on vocational courses. Regular liaison, in course development, with practitioners highlights health and safety as being of major importance and a level of competence is mandatory in qualifying as a chartered surveyor (RICS, July 2006). The number of workplace fatalities and serious injuries in the past year in rural practice,⁸ with (from industry discussion) an increasing concern in livestock markets, has highlighted the need for an understanding of the legal framework and compliance, for legal and financial reasons and, of course, to protect the health, safety, welfare and possibly, life, of employees and others. As well as the importance of understanding the issues as individual workers, the students will often have responsibility for other staff, premises and contractors at an early stage in their careers.

In developing effective teaching methods and materials, the long term goal is to try impact behaviour (Gielen and Sleet, 2003) in the land based sector. Whether the most effective means of imparting the health and safety message is through ever more straightening legislation and sentencing (Zimring and Hawkins, 1971; Hawkins, 2002), through general industry publicity such as the press (Ozegovic and Voaklander, 2011), through behaviour-based management (Stranks, 2009) or through formal, classroom education (Germeri *et al.*, 2009 and 2010) such as is under consideration in this paper, is a matter for further research.

This, then, directs thinking very clearly to the *purpose* of teaching non-law students - not to get students to 'think like a lawyer' (Mertz, 2007), but rather to impart practical information directly relevant to their working lives (Morris, 2010). The health and safety curriculum clearly illustrates the interaction of primary law - the legislative framework and a body of cases - with reference of how to comply with that law in terms of practical workplace behaviour, from carrying out risk assessments to the practical matters such as lone workers leaving contact details, location and expected time of return, not carrying out certain animal handling operations unaided, leaving tractors in a safe position, and so forth - good practice as well as an understanding of legal liability.

This emphasis on skills (Cox, 1992) and context (Saunders and Clarke, 1997) rather than purely 'knowledge' (Harris, 1992) is, of course, a feature of the law, as well as

⁷ For the USA see National Institute for Occupational Safety and Health, Center for Disease Control and Prevention, Agricultural Safety - <http://www.cdc.gov/niosh/topics/aginjury/>; for Canada see Canadian Centre for Health and Safety in Agriculture - <http://www.cchsa-ccssma.usask.ca/aboutus/index.php>; for Australia see Australian Centre for Agricultural Health and Safety - <http://www.aghealth.org.au/> (viewed 21st May 2012).

⁸ The unconfirmed figures from the Agriculture Sector of the Health and Safety Executive for 2011/12 are 50 agricultural (and related) industry deaths.

non-law, curriculum, discussed for decades and encouraged nearly a quarter of a century ago by the Marre Committee Report (1988). It enables a greater interaction between law and non-law pedagogic literature and lecturers with an inter-disciplinary relevance that was, perhaps, not always the case. The need for context is, then, embedded in course objectives (Woodcock, 1989) with the imperative of carefully considering how the law will impact the working life envisaged by most of the students (Endeshaw, 2002).

Having established that health and safety law needs to be taught for substantive content, to comply with professional and practical needs and, of course, to develop transferable skills beyond the acquisition of core knowledge - what problems have been encountered in attempting to cover this area with non-law students?

3 Teaching Law to Non-Lawyers

When teaching law, that there is a difference in learning styles and receptiveness between law students and non-law students has long been acknowledged by researchers (Twining, 1967 and Richard, *et al.* 2009). The teaching of law to non-lawyers can involve an unreceptive audience, particularly when the subject is health and safety, based on student perceptions of relevance (Dobson and Marsh, 2008), accessibility and pedagogic issues surrounding delivery.

As prospective rural practice chartered surveyors the students can find 'black letter' law dry and demanding (see Hutchinson, 2005, for a useful comparative discussion of the legal content of construction and surveying courses across seven institutions). This paper explores the use of court cases to engage student interest, enhance legal skills and underpin wider legal studies and, importantly, to influence behaviour for those with future responsibilities in these areas. The paper also includes responses to preliminary research ascertaining student understanding of the area before and after teaching.

3.1 Academic Range

The course in question involves a wide academic range of students due to the specific professional focus of the course and the limited number of institutions offering a rural practice specialism.⁹ For most UK university courses it would be unusual to have a course with an entry requirement of 280 UCAS points (in 2011/12) to have applicants with three, or even four A grade A2s. Students also come in with 'A level equivalent' qualifications such as BTEC National Diplomas in vocational subjects such as Agriculture or Countryside Management. This academic diversity makes the careful consideration of teaching methods particularly important (Davis, 2003), to help ensure the inclusion of those coming in with lower previous academic achievements, whilst maintaining the interest and fully challenging and developing the most able.

⁹ The Universities of Cambridge, Reading and Aberdeen offer closely related courses but only the Royal Agricultural College at Cirencester has a direct equivalent.

3.2 Relevance?

Pleasingly, (mercifully!) some students clearly understand the relevance of health and safety law, particularly as they will be undertaking a working sandwich year (all Harper Adams undergraduate degree programmes include a mandatory placement year, which for most students includes APC¹⁰ registration) which ensures that formal employment is a key feature of the course culture from the outset. Many students also have extensive agricultural work experience or experience in other potentially hazardous environments such as livestock markets or in property businesses. However, although, as lawyers we might live and breathe Lord Wright's : 'Law in its own way covers the whole range of human activity ...' (Gower, 1950) others, who have not really considered what their chosen profession actually involves, do not always arrive at university ready to embrace legal studies (Allen, 2007).

Effective teaching requires that students understand the relevance of their studies and that their engagement is maintained and the effective lecturer will constantly evaluate, both formally and informally, whether this is occurring and adjust delivery and materials accordingly (Ramsden, 1992 and Corbin, 2002). In developing an understanding of relevance, and best engendering learning, utilising students' existing knowledge of practical situations and relating the operative law to that setting through case studies has been found to be effective (Oppenheimer, 1999).

3.3 Demanding?

As the teaching of health and safety matters is underpinned by an overview of the key primary and secondary legislation (this being, of course, a densely regulated subject) the nature of the material and the unfamiliar terminology can make the subject forbidding for some who can be, as expressed by Allen in her considerable work on teaching law to business students, 'alienated' by the discipline (Allen, 2007). This is not the place to explore perceived standards of British secondary education - the students arrive at the start of the first year as a product of their preceding education (Datta and McDonald-Ross, 2002), but it is clear that the written language of law can be unfamiliar (Vick, 2004), inaccessible (Christudason, 2004) and generally overwhelming (Allen, 2007) to some, even those whose entry qualifications mark them out as more 'able'.

In a vocational, non-law course, students perceived demands of legal studies are often exacerbated by comparison with other modules, such as Forestry. There has been a consensus, following discussions in Course and Examination Boards, that all modules on a course need not be of precisely equal demands if, indeed, such an exact science were possible.

So the challenge is to present materials which are demanding enough to be accurate, to stretch ability and to develop higher level cognitive processes (Bloom, 1956), whilst being accessible (McGeveran, 2007).

¹⁰ Assessment of Professional Competence - the work based element required for RICS qualification as a chartered surveyor.

3.4 The *Law* Lecturer

A final and, obviously, crucial feature that can impact the success or otherwise in the teaching of law to non-lawyers (or any teaching, for that matter) is, of course, the lecturer. Those who read law may be immersed in ‘black letter’ content and the traditional domination of the study of primary sources (Soetendorp and Byles, 2000) probably through the medium of lectures, tutorials with a heavy pre-reading load and assessment through essays.

That a concentration on legislation and precedent, with little reference to context and the wider world, is limiting has been recognised well over a century (Holmes, 1897). It is, then, most certainly apparent that the ‘law school’ approach is inappropriate to courses where, in particular, (a) the students will not / cannot / are unlikely to engage in a high volume of reading, (b) where a wide range of topics have to be covered in limited detail, and (c) where the nature of the subject has, as with health and safety, a very practical aspect.¹¹

This concern of a black letter approach for non-law students was usefully explored by David Doorey in the context of Canadian employment law courses. Drawing on Twining’s exposition of developing separate theories of legal education for lawyers and non-lawyers (Twining, 1967), he particularly highlighted the need to ask *why* a particular course is being taught and what students want and need from a course rather than taking the same approach as with law students (Doorey, 2007).

Morris (2007) suggests that the goal in teaching law to land and property students is both to be able to work intelligently with lawyers, *and* the goal of keeping themselves out of trouble through the practice of ‘preventative law’ (Ridley, 1994). We are, for reasons of practicality and accessibility, into the realms of ‘translating’ the law rather than having students make extensive use of primary sources. The materials are reduced to a core. Although there are dangers in this (Ward and Slater, 1990) there is a considerable need (regardless of an academic ideal), in many of the legal subject areas, to get across a level of ‘prophylactic law’ - a base level of knowledge to avoid dangerous or expensive mistakes in professional life (Soetendorp, 1999 and Soetendorp and Byles, 2000) and with health and safety this can literally mean the difference between life and death.

These, then, are some of the issues which the teacher of law on a non-law course needs to address. Subject benchmarking statements, professional guidance and the experience of colleagues have been drawn on to determine the mix of substantive knowledge and the transferable (NCIHE, 1997) research and evaluation skills needed which also seek to support ‘... diversity, flexibility and learner autonomy’ (Hinett, 2002). Also, whilst not teaching future lawyers, there are key points to be transferred across the disciplines, such as :

- where to find the law
- that the law is constantly changing (Soetendrop, 1999)

¹¹ A defence or rejection of black letter teaching for *law* students is left for others to consider.

- the ability to identify legal issues (Cownie, 2004)
- getting beyond the surface learning of facts, through to a deeper understanding (Marton and Säljön 1976 and Meyer and Land, 2005).

Vocational law courses / modules which have often avoided the final issue and have provided a diluted delivery of facts, without the contextual framework offered to law students (Broadbent, 2005), which does little to develop understanding and proliferates the idea that law can be a dry set of unambiguous rules.

4 Methodology

In considering, through personal experience, colleague input and data, the short comings of current teaching, analysing and reflecting on the position and developing changes, the evolution of teaching methods and materials is broadly following an iterative process of change under action research methodology, first explored by the Prussian American psychologist Kurt Lewin (1946) and later developed in an educational context by many, notably the highly politicised Brazilian left wing educator Paulo Freire (1971) who particularly developed student centred education from its inception with Jean-Jacques Rousseau (1762), the prolific Swiss philosopher. It can be quantified as a form of systematic enquiry resulting in a direct impact on an educator's practice (see also Glanz, 2003).

A methodology on data collection is not provided due to the early stage in the formal analysis of results, which will require more detailed testing to assess beyond the, none the less valuable, impressions which have been garnered.

5 Teaching Practice

The remainder of this paper relates to the attempts to improve the engagement of students and the effectiveness of module delivery. In addition to the self evaluation of the author and peer review, a pilot study of student perception and understanding was carried out. As health and safety law is a relatively small part of any module, there is limited formal examination.

5.1 Lectures

That lectures are not the perfect mechanism to disseminate information and for the effective assimilation of that information is not a new assertion (Gibbs and Habeshaw, 1996), and much has been written on ways to enhance their value and effectiveness (Jenkins, 1992; Gibbs *et al.*, 1992; Fry *et al.*, 2003 and, particularly enjoyably, Bligh, 1998) in terms of engaging interest, maintaining concentration and imparting knowledge, or signposts to acquiring knowledge and skills (Cain, 2007). And an over-emphasis on the regulatory nature of health and safety law can do little to ameliorate some of the most notorious shortcomings of the lecture model. Although keen, then, to develop effective ways of engaging and educating non-law students, the dissemination, or at least introduction, of a base of information is still most effectively done through the lecture and although direct reference to primary sources does not hold a central position (Carrington *et al.*, 1995) for the education of non-lawyers, an explanation of the

existence, mechanisms, facts and points of law comprising these primary sources of law still underpins the curriculum.

5.2 Notes

In addition to copies of the lecture Powerpoint, a 130 page book has been produced, with short outlines of around 150 cases - *Health and Safety Casebook : key cases from 1837 to 2012 with particular reference to the land-based industries* (de Silva, 2012).

Although these notes do not obviate the requirement that students refer to text books and, on a more practical level, the Health and Safety Executive website,¹² there is a limited requirement for them to refer directly to primary sources in this element of their studies.

5.3 Case based teaching of health and safety to non-lawyers

To try to address the problems encountered in teaching health and safety law to non-law students in a largely lecture based environment - ‘fear’ of law, disengagement with the phrase ‘health and safety’ and the like - cases have been introduced as a starting point to learning, in contrast with an earlier approach where the basic legal provisions were disseminated through lectures. Whilst not going into the detail of the casebook method of law teaching common in American law schools,¹³ the aim is for the student to appreciate the *relevance* of their legal studies, and to enable the lecturer to move away from too formulaic an approach of talking through the legislative framework, much of which can be provided in note form and with links to further reading. It is hoped that this helps to make materials more accessible, and gives purpose and focus to private study (Monseau, 2005). Morris (2007) considered that students responded to case studies ‘perhaps for [their] vivid exemplary or story content.’ This also clearly keeps in mind the key issue of what the *purpose* of the teaching is and what one is trying to achieve (Jacobson, 2011).

Case studies have more usually been introduced after a body of law has been set out in a lecture, addressing none of the problem issues raised above and resulting in students failing to engage before they ever get to assimilate the information and attempt to reach the higher level educational objectives of analysis, synthesis and evaluation (Bloom, 1956 and Anderson and Krathwohl, 2001) to apply their knowledge. Of course, basing studies exclusively on cases could leave gaps of coverage and, indeed, balance (Cownie, 2002) but they have proved a useful base for establishing the importance of teaching about health and safety law and providing a practical meaning (Chan *et al.*, 2002).

Several scenarios from law reports are given to read before coming to the lecture. A range of questions relating to the case studies are also given, to raise questions and to prompt independent study. The applicable *law* is not, however, given ahead. The cases are reviewed in the lecture with a review of the law at that stage. This has helped students understand how the law applies to a very practical situation or incident.

¹² www.hse.gov.uk.

¹³ See Kaufman, 1998.

6 The Cases

Cases which have been used this year include the following. The reasons for choice are indicated.

Armstrong, Douglas John - Inquiry into the circumstances of the death of, under the Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976¹⁴ Sheriff Court

This involved a fatality after a quad bike accident on a rural Scottish estate. An overloaded bike was being used by a casual, untrained worker to do the pheasant feeding rounds. He arranged to cover for a sick friend. No risk assessment resulted in a lack of means of communication, no check on competence to ride a particularly powerful quad bike, no helmet, no lone working policy, no route map. The deceased was not found for two days. The matter resulted in a conviction of the Trust who held the estate under the Health and Safety at Work, etc. Act 1974. There was an action against trustees personally which was later dropped but which added legal interest in terms of business structure and the personal responsibility of office holders.

BRB v Herrington [1972]¹⁵ House of Lords

This well known case involving a child being seriously injured when trespassing on British Rail land resulting in a successful occupiers' liability action was chosen to indicate that the responsibility of employers may result in civil action. It also stresses the need for awareness of members of the public who might be on the premises, and ties in to other studies on occupiers' liability and the development of law in that area with the resultant introduction of legislation.

R v Morris, Marshall & Poole [2011]¹⁶ Crown Court

This case resulted in a conviction of a company under the Health and Safety at Work, etc. Act 1974 following the death of a 79 year old freelance 'odd job' man. He fell from a roof whilst carrying out property repairs and maintenance for a letting agent. There was little evidence of a risk assessment, This case discussed risk assessments and highlighted the level of responsibility towards workers who are *not* employees.

R v Velcourt [2011]¹⁷ Crown Court

A 21 year old harvest worker died when the extended grain spout of his combine harvester contacted an 11,000 volts overhead power line. He was working with one of the biggest, tallest machines on his first commercial harvest. Velcourt Ltd were found to have failed to adequately inspect, monitor, supervise or audit health and safety

¹⁴ Selkirk Sheriff Court, 28th August 2008

¹⁵ [1972] AC 877, [1972] 1 All ER 749

¹⁶ Mold Crown Court, sitting in Chester Crown Court, 20th December 2011, ref. T20110335

¹⁷ Salisbury Crown Court, 17th May 2011

management at the farm or to ensure that the farm manager received adequate health and safety training.

The case shows the importance of risk assessment and adequate training.

***R v British Sugar plc* [2005]¹⁸ Crown Court**

British Sugar plc and transport contractor, VM Plant Ltd, were convicted after an office worker was run over by a shovelling vehicle at the firm's factory in Suffolk. British Sugar admitted failing to ensure that workers were not exposed to risks to their safety. In particular, it failed to adequately segregate pedestrians from areas where vehicles were in operation

Despite a good health and safety record before the accident, within a month another employee had been killed in a boiler room explosion. This prompted a major health and safety review where British Sugar found a gap between training and ensuring that processes were actually being followed, and also a reliable and efficient method of data gathering with regard to reported incidents such that management could regularly review and pick up areas for concern.

The case highlights the point that it is not just those operating hazardous machinery or working with livestock, etc. who are at risk.

***R v JMW Farms Limited* [2012]¹⁹ Crown Court**

Only the second conviction for corporate manslaughter under the 2007 Act was brought after a fatality on a pig farm in Northern Ireland. The death occurred when a feed bin was balanced on the prongs of a fork lift truck being driven by one of the company's directors. The bin was not fitted for the truck in question and it fell, crushing a 45 farm worker. This case gives a contextual backdrop to an introduction to the Corporate Manslaughter and Corporate Homicide Act 2007 and was heard just in time for the final 2011/12 teaching session and will be explored in more detail in future years.

***Uren v Corporate Leisure and Ministry of Defence* [2011]²⁰ Court of Appeal**

Uren involved a young serviceman rendered paralysed after diving into a paddling pool head first whilst playing organised games on a 'fun day'. The case is useful, in particular, for Smith LJ's consideration of risk assessments and for the position where an employer sub-contracts an activity to another. The Ministry of Defence were the employer, Corporate Leisure were an events organiser running the 'fun day'. The trial judge's decision that, although proper risk assessments were not carried, the risk was small when balanced against the social benefits of the day was rejected and the case was remitted for re-trial.

¹⁸ Bury St Edmund's Crown Court, 8th February 2005

¹⁹ Laganside Crown Court, Belfast, 8th May 2012

²⁰ [2011] EWCA Civ 66. [2011] ICR D11, [2011] All ER (D) 49 (Feb)

***Walker v Northumberland County Council* [1995]²¹ High Court, QBD**

This case, involving a social service manager, is important as being the first to establish that an employer can be held liable for psychological injury to an employee caused by work related stress. The judgment underlined the employer's duty of care to provide safe systems of work in respect of occupational stress as well as other hazards, and to take steps to protect employees from foreseeable risks to their mental, as well as physical, health.

***Whitehead v Trustees of the Chatsworth Settlement* [2012]²² Court of Appeal**

A gamekeeper shot himself in the leg when he slipped whilst carrying a loaded (although broken) gun. The employer was held to be *not* liable - they could clearly evidence that instruction and information on good practice (i.e. not having the gun loaded and ready to shoot) had been provided, with regular review and staff reminders.

7 Has it made a difference?

This style of teaching has been taking place for two years, 2011 and 2012, following many years delivering the outline health and safety provisions in a rather more pedestrian style. It is intended to build in formal testing of this element whereas currently the summative testing is relatively limited due to health and safety comprising a relatively small part of an overall module, or non-examinable briefing. At this stage, however, although that detailed testing has not taken place, three means of assessing effectiveness have been used. Firstly, anecdotal review by the lecturer, comparing student interest in class and engagement with pre-reading. Secondly, peer review of a lecture by a colleague, particularly assessing student engagement by the volume and questions and answers from the student group. And thirdly, a small study of student feedback on their attitudes to and understanding of the health and safety element of the module (rather than just overall module feedback) has been sought this year, with input both before and after the relevant lectures and tutorials.

Self and colleague evaluation is such that, in comparison with other law lectures, the number of students completing the pre-reading and consideration of the cases, as judged by participation and questioning in class, is higher than usual. Student interest is clearly sparked by the combination of (a) the fact that they are looking at 'real' court cases and (b) scenarios with which many of them are familiar.

Before the case-based health and safety lecture and tutorials, questionnaires asked for a statement of students' practical experience, level of health and safety training and views on the importance of health and safety training. Before the sessions over 50% of students indicated that they thought that a knowledge of health and safety practice was important but not health and safety law. After delivery they were asked about learning

²¹ [1995] 1 All ER 737, [1995] ICR 702, [1995] IRLR 35, [1995] ELR 231, [1994] NLJR 1659

²² [2012] EWCA Civ 263

and any changes in perception. Feedback from these surveys unsurprisingly indicates enhanced perception of the need to understand the law and to take health and safety seriously. It was surprising, however, how many indicated, on paper at least, that *before* the sessions they were fully aware of the importance of this area. There is no formal data from previous years but the author and other staff are clearly cognisant of the lack of interest and dismissal of the subject in former years. This has coincided with increased publicity in the agricultural and rural practice sector of the concerns.

Quantitative data will be collated for a follow up paper on results of tests in health and safety law.

8 Conclusion

The case studies show how the use of real situations can trigger an appreciation of relevance and pique interest to explore the underpinning law, forming a basis on which to develop more technical studies.

The teaching of health and safety law to an academically diverse range of students whose abiding interests might lie well outside legal studies requires careful consideration, a willingness to try a range of teaching and assessment ideas and the grace to alter and abandon methods which fail to engage or prove effective.

It is hoped that the exploration of a case led programme has enhanced the delivery of health and safety information at Harper Adams and may provide some ideas for others.

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