

Small Business Trade Association Forum Minutes

Meeting Date:	15 th January 2009	Open Gov. Status:	Fully Open
Type of Paper:	Above the line	Paper File Ref:	
Exemptions:			

Small Business Trade Association Forum

**Minutes of the Meeting of the Small Business Trade Association Forum,
Held on 15th January 2009 in the Globe Room, Rose Court.**

Present:

Judith Donovan CBE,	Chairman
George Anastasi	Professional Contractors Group
Colette Best	Royal Institution of Chartered Surveyors
Ron Bonner	Professional Lighting and Sound Association
Lynsey Brooks	Federation of Small Business
Howard Button	National Federation of Demolition Contractors
Robert Cummings	Confederation of British Industry
Michael Davison	UK Warehousing Association
Ray Engley	Road Haulage Association
Mike Floodgate	Radio, Electrical and Television Retailers Association
Steve Hodgson	Property Care Association
Tony Hutchinson	Rural & Industrial Design and Building Association
Michael Lee	British Woodworking Federation
John Morecroft	Vehicle Builders and Repairers' Association
Peter Newport	Chemical Business Association
Wendy Nixon	Hair and Beauty Industry Authority (HABIA)
Bettine Pellant	Printing Industry Confederation (PICON)
Paul Reeve	Electrical Contractors Association
Phil Russell	Federation of Master Builders
David Ursell	Registered Nursing Home Association
Pete Walker	British Constructional Steelwork Association
Steve Walter	EEF – The Manufacturer's Organisation
Andrew Willis	Federation of Window Cleaners

Apologies were received from other members.

HSE Officials Present:

Teresa Quinn	Head of Policy Capability Team
Stewart McEwen	Policy Capability Team
Phil Kemball	Strategy Division
Laurence Golob	Business Involvement Unit
Keith Wiley	Worker Involvement Unit
Katherine Fuller	Business Involvement Unit
Kevin Smallwood	Business Involvement Unit
Christine Barringer	Head of Transportation Unit
Tim Harris	International Chemicals Unit
Claire Lonsdale	HSE, Small Business Trade Association Forum Secretariat

1.	Introductions and apologies
1.1	Judith Donovan welcomed the attendees and introduced 4 representatives who were attending their first meeting: George Anastasi, Bettine Pellant, David Ursell and Andrew Willis.
1.2	<u>Secretariat's Note:</u> Please refer to the appropriate slides on the e-community for more information on the presentations.
2.	Minutes of the last meeting

2.1	It was agreed that the minutes reflected an accurate and true description of the July 2008 meeting.
3	Hot Topics
3.1	<p>Claire Lonsdale provided members with an update on current health and safety initiatives, together with an insight into possible items for future Forum meetings. It was emphasised that this item was much shorter than usual due to the busy agenda for the meeting. The following topics were included:</p> <p><u>Health & Safety Offences Act (2008)</u>: This will come into force on 16th January 2009 and will amend section 33 of the Health & Safety at Work Act (1974) to raise the maximum penalties available to the courts in respect of health and safety offences. This includes, but is not limited to:</p> <ul style="list-style-type: none"> • Raising the maximum fine that may be imposed by the lower courts to £20,000 for most offences. • Making prison sentences an option for most health and safety offences in lower and higher courts. • Making it possible for certain offences, which can presently only be tried in the lower courts, to be tried in either the lower or higher courts. <p>The Act will only apply to offences committed on or after 16th January 2009. It will not change any of the existing legal duties on business. Further information can be found on the Parliamentary website: http://services.parliament.uk/bills/2007-08/healthandsafetyoffences.html and at the Office of Public Sector Information (OPSI): http://www.opsi.gov.uk/acts/acts2008/ukpga_20080020_en_1 (including explanatory notes)</p> <p>HSE Press Release: http://www.hse.gov.uk/press/2009/e09011.htm</p> <p><u>Asbestos E-Tool</u>: HSE are currently developing an interactive, web-based tool to help small businesses understand the “duty to manage” requirements in the Control of Asbestos at Work Regulations (2002). The e-tool will be visual and easy to follow; a series of questions will enable the user to determine whether they are a duty-holder and will take them through a series of steps to help them decide if asbestos is present and if so, how to manage it. The e-tool is intended to remove the need to use the equivalent HSE publication HSG 227: “A Comprehensive Guide to Managing Asbestos in Premises”, currently priced at £12.50. The e-too is designed to encourage compliance by making the guide more accessible and user-friendly and the project team would like to consult SBTAF on this in the future.</p> <p><u>COSHH Website</u>: HSE are currently redesigning their Control of Substances Hazardous to Health (COSHH) website to make it more accessible for SMEs. This is separate from the work on the COSHH: Essentials website. The new COSHH website will target small businesses in industries where chemical use is fairly widespread, but where duty holders may not realise that they have any duties under COSHH eg – bakeries, hairdressers, cleaners, woodworking etc. The aim is to provide straightforward ‘how to’ information, using a combination of case studies, FAQs and sample risk assessments. Information will be broken down into bite sized chunks using straightforward language. SBTAF will be consulted on the latest version of the website to ensure that the new site will be suitable for a small business audience. The consultation is likely to begin in January and Forum members will be invited to participate via the e-community.</p> <p><u>SBTAF Briefing Pack</u>: The first draft of the briefing pack has now been completed and member feedback is requested on any aspect of the briefing pack, its design and contents. The Secretariat will then revise it in the light of comments received and aim to have final, printed copies available at the Forum's next meeting in April.</p>
3.2	Members were pleased with the first draft of the briefing pack and initial impressions regarding the layout and content were very positive. Some textual errors were raised at the meeting and members were invited to provide further comments directly to the Secretariat.
4	The New HSE Strategy: The Health & Safety of Great Britain; Be Part of the Solution

4.1	<p>Phil Kemball (HSE Strategy Division) provided an overview of the new draft HSE Strategy, which was launched on 3rd December 2008. He explained that the purpose of the Strategy was:</p> <ul style="list-style-type: none"> • to try to regain momentum in the rate of progress of improvement in health and safety; • for the HSE Board to set its first key task as developing a new strategy for the health and safety system in Great Britain as a whole; and • to emphasise the role that everyone plays in the system and that the creators of risk are also responsible for managing it. <p>Phil gave a brief review of the 10 goals in the new strategy, including the firm recognition of the role of SMEs in improving health and safety performance and HSE's goal of customising support for small businesses to help them manage risk sensibly. Laurence Golob, Keith Wiley and Katherine Fuller also spoke briefly about what they believed the new strategy might mean for their respective work on leadership, worker involvement and small businesses. Members were asked to consider the strategy and whether they agreed with its goals. Suggestions were invited as to how their organisations could contribute, together with more specific thoughts on innovative ways to promote worker involvement and the joint HSE/loD directors' guidance.</p>
4.2	<p>A Lively discussion followed the presentations. Overall, reactions to the strategy were positive, with support for the new, streamlined approach.</p> <p><u>Strategy:</u> Members were pleased with the emphasis on personal responsibility for the management of health and safety, together with the inclusion of work-related ill health. There was particular support for the focus on how to 'break the mould' and do things differently. There was some concern, however, about the use of the phrase 'risk maker', which some believed implied the deliberate creating of risk and so needed to be better defined or reconsidered. The following points were also made:</p> <ul style="list-style-type: none"> • lack of statistics on ill-health. • no specific reference to reducing the regulatory burden. • concern about the reliance on RIDDOR statistics, in particular in relation to 3-day injuries. <p><u>SMEs:</u> Members supported any efforts to help SMEs comply with their health and safety responsibilities. It was emphasised that the problem was not just with complying but over-complying due to the relative complexity of the regulations. Members welcomed the idea of furthering work on the example risk assessments, and HABIA offered to provide case studies of small businesses that used them. It was also agreed that the Government needed to promote legitimate businesses, as their supply chain would form a major part of the economy over the next few years. In times of recession, the black economy grows and the regulated economy shrinks, which can bring about an increase in workplace accidents, which often remain unrecorded.</p> <p><u>Worker Involvement:</u> There was particular support for worker involvement as the way forward. To manage health and safety effectively, it is essential to have the insight and cooperation of the people who actually do the work. The Federation of Master Builders praised HSE's Worker Safety Advisor Scheme, which was discontinued at the end of March 2007. The point was made that many businesses associate worker involvement with the erosion of their authority over the workforce, and that to encourage take up it has to be presented and explained to people in the right way.</p> <p><u>Leadership:</u> There was general agreement in the benefits that good health and safety leadership could have for SMEs. However, as previously advised, members expressed reservations about whether the HSE/loD guidance for directors was currently SME-friendly. The use of terminology such as 'the Board' had convinced many small businesses that the guidance was not relevant to them as they did not have a board or directors. Lynsey Brooks revealed that she had been working with the Institute of Directors to re-launch a new version written especially for SMEs to raise awareness. It was suggested that this could be discussed at a future SBTA meeting.</p> <p>Judith Donovan summarised the discussion by emphasising that the strategy was not just about things HSE would be doing, it was also about things it would not be doing, such as addressing 'smoking' and the '5 a day' healthy eating campaign. (These are not health and safety issues).</p>

	<p>The strategy also acknowledges that there are things that others, such as trade associations, are better placed to do, and HSE is looking to work in partnership with these organisations. The main message of the new strategy is that it is everyone's responsibility to improve health and safety, not just HSE. The public consultation will run until 3rd March and members are invited to participate at: http://www.hse.gov.uk/strategy/reply.htm</p>
5	Combined Electronic Risk Assessment & Health and Safety Policy Statement Template
5.1	<p>Katherine Fuller, of HSE's Business Involvement Unit, gave an overview of work to combine the example risk assessment template with the health and safety policy statement. The idea is to build on the success of the example risk assessments to allow small businesses to easily satisfy two legal requirements by completing one piece of paperwork. Members had been provided with a first draft of the document and Katherine explained that they had tried to cut the content down to the bare minimum. Feedback and comments were invited from the Forum.</p>
5.2	<p>A lively discussion followed and members were divided over the type of approach the template should have to be most beneficial for SMEs. The key points made during discussion were:</p> <ul style="list-style-type: none"> • some members supported the thinking behind the template and reported that they had received positive responses from their members; • the template's strength came from how it tied in with the example risk assessments and would potentially benefit SMEs in low risk industries; • while the template was suitable for small/micro businesses assessing their own risks and how to deal with them, many contractors would need more specific, activity based factors included. The template wouldn't be of use to them in its present form as it was too generic to enable them to prove their competencies to the satisfaction of the clients who award the contracts. It was agreed that the differing expectations between clients was a problem for small businesses, particularly those in the construction sector; • mixing the issue of policy and risk was too confusing for small business - the health and safety policy should remain a separate document from the example risk assessments to ensure that SMEs are clear about the difference between the two; • some preference for HSE's guidance on health and safety policy (INDG259) because of its 'fill in the blanks/tick box' style format. Others were concerned that this approach allows businesses to complete them without understanding and then controlling the risks: • the template as it stood was too homogenous for use by SMEs; • the template didn't effectively link the risk assessment process to follow up activity, and a need to get people to relate to the activities they do. For this reason, some of the group believed that generic formats were not always the best solution to small business health and safety compliance issues. <p>There was also debate about how to measure that a risk assessment has been completed by a competent person. Most of the members believed that the reading age of a person was irrelevant to this and that what mattered was that the person was able to adequately assess the risks associated with a particular activity. In this case reading age does not always equate to expertise. If the template was oversimplified then it risked not actually addressing risk management.</p> <p>Judith Donovan summarised by emphasising the difference between oversimplification and use of language. Although 'The Sun' newspaper is written for a reading age of 8, it often explains complex issues very well. In any initiative aimed at small businesses it is important to use plain English, without adopting an approach that could be considered condescending.</p>
6	Work Related Road Safety
6.1	<p>Christine Barringer, head of HSE's Transportation Section, provided the Forum with an overview of work related road safety (WRRS). This topic had been causing concern among businesses due to the implications of the recent Corporate Manslaughter and Homicide Act (2007), but this related to all accidents, not just those on the road. WRRS links into the basic duty of care under the Health and Safety at Work Act (1974) and if businesses have any concerns, Chris advised that they review their health and safety procedures to ensure their compliance with the legislation.</p>

	<p>Members were given an introduction to the law and WRRS, together with an explanation that other departments, such as the Police and Department of Transport, have the lead on these types of issues. WRRS can be difficult to manage, as there are lots of uncontrollable variables. Businesses can, however, take action to ensure that their staff are aware of their responsibilities on the road and to try and control factors that may affect WRRS, such as:</p> <ul style="list-style-type: none"> • Driver competency • Vehicle maintenance • Scheduled routes • Correctly loaded vehicles • Distances driven <p>Chris emphasised the benefits of managing WRRS effectively, such as fewer injuries and cost savings resulting from fewer employee absences and fewer vehicles off the road for repair. It is important that leadership on effective road safety comes from the top of the organisation and for good communication between fleet managers and drivers. HSE has been working with other agencies to raise awareness of work related road safety as an issue, particularly the importance of workers taking personal responsibility for their own safety when driving at work. Free guidance entitled 'Driving At Work' is available from the HSE website: http://www.hse.gov.uk/pubns/indg382.pdf</p> <p>Members were then asked for any comments, most specifically any suggestions as to how HSE could help small businesses manage WRRS effectively.</p>
6.2	<p>The Forum agreed that managing WRRS was a challenge for SMEs and pointed out that there were limits to what employers could do. The difficulty of ensuring workers follow safety procedures was discussed. HSE recognised some of the difficulties, but employers should still try to control risk as far as is reasonably practicable. Workers should be made aware of safety procedures and of their duty to follow them.</p> <p>Whilst the Forum felt that HSE guidance for the fleet and haulage industries was good, there was less advice available relating to the individual worker driving their own cars, such as sales representatives. Other issues/concerns raised were:</p> <ul style="list-style-type: none"> • workers driving under the influence of alcohol ingested the evening before they report for duty • differences between commercial vehicles and company cars, which are often used as rewards • the lack of a commuter charter to make the public aware of the differences between private and articulated vehicle driving and the stopping distances for each • architects of sites pay little or no attention to the need of HGV drivers in their designs. <p>The discussion closed with the agreement that guidance issued by HSE and RoSPA was very useful in helping small businesses to understand their responsibilities under WRRS.</p>
7	<p>REACH Q & A</p>
7.1	<p>Tim Harris, of HSE's International Chemicals Unit, attended the meeting to discuss members concerns about the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) regulations. Tim emphasised that the key message for small businesses was to find out more about REACH. Some companies will have new duties under these regulations, particularly those that import chemicals from Europe. He confirmed that registration duties applied only for businesses that manufacture or import chemicals above the level of 1 tonne per year. Most however would have duties to pass information along the supply chain. REACH has established a 'candidate list' of substances and any business selling chemicals included on the list has a duty to advise purchasers how to safely use it.</p> <p>A lively discussion on REACH followed, with members emphasising the difficulty for SMEs in dealing with the complexity of the legislation. The following points were addressed:</p> <p>The Candidate List is published on the European Chemicals Agency (ECHA) website. A link to the list is provided in the 'ECHACHEM' heading: http://echa.europa.eu/chem_data/candidate_list_en.asp</p> <p>Implementation is intended to span 10 years, due to the number of substances and businesses affected by the legislation.</p>

	<p>It is difficult to say if any well-known and widely used substances will disappear from the market as a result of the regulations. [One member stated that substances are already being withdrawn from the market due to the economic downturn and problems pre-registering with the ECHA's registration system.]</p> <p>There are no plans to simplify REACH. They are next up for review in five years. The ECHA has recently appointed a Head of Communications, implying recognition that most people don't understand REACH. However, ECHA may embark on a new communications programme before then.</p> <p>The HSE REACH Helpline is still operative. HSE is running it as the UK's Competent Authority. At the present, there is only an e-mail service available. [One member reported that she had received an answer to a recent e-mail query within 15 minutes.]</p> <p>Tim advised members that he was happy to be contacted with any questions regarding REACH at the following address: tim.harris@hse.gsi.gov.uk</p>
8	A.O.B.
8.1	Steve Walter requested that a discussion on the EU's Musculo-skeletal Directive be included on the agenda at a future meeting.
9	Meeting round up and close
9.1	Judith thanked the members for attending and advised them of the time and date of the next meeting.
10	Date of next meeting – 29 April 2009, 11:30 – 15:30 Training Rooms 3 & 4, Redgrave Court, Bootle
Actions	<p>Secretariat to:</p> <ul style="list-style-type: none"> • Investigate the possibility of arranging a discussion on the EU's Musculo-skeletal Directive at a future SBTAF meeting. • Amend SBTAF Briefing Pack according to feedback received from Forum members. <p>Forum members to:</p> <ul style="list-style-type: none"> • Respond to requests for assistance with the development of the new Asbestos E-Tool. • Respond to requests for feedback regarding HSE's new COSHH website. • Provide feedback regarding the first draft of the SBTAF Briefing Pack. • Participate in the online public consultation for the new HSE Strategy: http://www.hse.gov.uk/strategy/form.htm

To contact the Small Business Trade Association Forum Secretariat, please email claire.lonsdale@hse.gsi.gov.uk or telephone 0151 951 3377 or access the e-community at <http://webcommunities.hse.gov.uk/inovem/inovem.ti/sbtafcommunity/grouphome>