

## Small Business Trade Association Forum Minutes

<b>Meeting Date:</b>	4 <sup>th</sup> July 2006	<b>Open Gov. Status:</b>	Fully Open
<b>Type of Paper:</b>	Above the line	<b>Paper File Ref:</b>	
<b>Exemptions:</b>			

### Small Business Trade Association Forum

#### Minutes of the Meeting of the Small Business Trade Association Forum, held on 4 July 2006 in the Globe Room, Rose Court.

**Present:**

Judith Donovan CBE, Chairman

British Association of Chemical Specialities  
 British Chemical Distributors and Traders Association  
 British Coatings Federation  
 British Constructional Steelwork Association Ltd  
 British Wood Preserving and Damp Proofing Association  
 Confederation of British Industry  
 Construction Confederation  
 Engineering Employers Federation  
 Federation of Small Business  
 Forum of Private Business  
 Professional Contractors Group  
 Quarry Products Association  
 Registered Nursing Home Association  
 Royal Institute of Chartered Surveyors  
 Rural and Industrial Design and Building Association  
 Vehicle Builders and Repairers Association

**Apologies:**

British Chambers of Commerce  
 British Dental Association  
 British Glass Manufacturers' Confederation  
 British Hospitality Association  
 British International Freight Association  
 British Retail Consortium  
 British Woodworking Federation  
 Confederation of Paper Industries  
 Construction Plant Hire Association  
 Electrical Contractors Association  
 Federation of Master Builders  
 Federation of Tour Operators  
 Hair and Beauty Industry Association  
 Heating and Ventilating Contractors' Association  
 Institute of Directors

National Association of Shopfitters  
 National Care Homes Association  
 National Farmers Union  
 National Federation of Demolition Contractors  
 National Federation of Retail Newsagents  
 National Hairdressers' Federation  
 Radio, Electrical and Television Repairers Association  
 Road Haulage Association  
 Small Business Bureau  
 Timber Trade Federation

**Officials Present:**

Jenny Eastabrook (Director Cross Cutting Interventions Division)  
 John Grant (Enforcement Policy)  
 Richard Boland (Construction Policy)  
 Emma Bulmer (Utility Interventions Policy)  
 Steve Catterall (Worker Involvement Unit)  
 Zoë Woodrow (Worker Involvement Unit)

Debra MacLeod – SBTAf Secretariat  
 Elizabeth Hornsby - SBTAf Secretariat  
 Heather Butler – SBTAf Secretariat

<b>1.</b>	<b>Introductions and apologies</b>
1.1	<p>Judith Donovan welcomed both existing and new members to the meeting.</p> <p>Since the April meeting, two new organisations have joined the Forum:</p> <ul style="list-style-type: none"> <li>• Professional Contractors Group</li> <li>• Royal Institute of Chartered Surveyors</li> </ul>
<b>2.</b>	<b>Minutes of the last meeting</b>
2.1	<p>Members approved the minutes.</p> <p>Two action points cited in the April minutes were mentioned: the opportunity to view the ACoP supporting the Construction (Design and Management) (CDM) Regulations and the opportunity to hold a 'blue sky' thinking meeting. The Chairman drew members' attention to the update paper which outlines progress on the ACoP; she also mentioned the possibility of holding a Christmas meeting to allow Forum members the opportunity to network and discuss 'blue sky' thinking.</p> <p>An update on the previous Forum agenda item on Five Steps to Risk Assessment (due to be launched on 11 July) was requested. Information is provided in the update paper and members have subsequently been forwarded further details of how they can contribute to the promotion of the campaign.</p>
<b>3</b>	<b>Reporting of Injuries Diseases and Dangerous Occurrences Regulations</b>

	<b>(RIDDOR) 1995</b>
3.1	<p>John Grant introduced an item on the RIDDOR review, progress and potential options for change. HSE are currently working on a Fundamental Review of RIDDOR. At Health and Safety Commission meeting on 25 July 2006, HSE will be seeking a steer on possible models for change.</p> <p>The current system is perceived to have fundamental flaws, in particular:</p> <ul style="list-style-type: none"> <li>• Under reporting: Current requirements are hard to understand with complex definitions of major and over-three-day injuries.</li> <li>• Bias: Formal enforcement driven by investigating RIDDOR reports is skewed, as it targets employers that comply. Others remain largely untargeted, yet it is arguable these employers are less likely to manage health and safety effectively.</li> </ul> <p>To help inform discussion at the Commission, the Forum's views on the following points were encouraged:</p> <ul style="list-style-type: none"> <li>• Should we retain over-3-day injury reporting requirements?</li> <li>• If we remove the requirement to report over 3 day injuries, should we introduce the recording of these accidents in the accident book?</li> <li>• Should we simplify the major injury trigger point to notification of whenever a worker is taken to hospital, i.e. the same trigger as currently used for members of the public. Currently there is a lengthy list of reportable major injuries which have varying triggers.</li> </ul>
3.2	<p>The Chairman explained that HSE's intention is not to introduce any onerous and challenging legislation but to simplify and streamline the existing requirements. Extensive discussion followed the presentation. Divergent opinions were expressed regarding the three points highlighted in the presentation.</p> <ul style="list-style-type: none"> <li>• Some members were content with the three-day rule, as they believed it provides clarity and an obvious benchmark; others however believed that it left them open to condemnation through employee self-certification.</li> <li>• Again conflicting opinions were expressed concerning the major injury trigger point. Some members expressed the view that it took a professional medical assessment to determine the severity of an injury. Others feared this could discourage employers from sending employees with minor injuries to casualty, or that numbers of RIDDOR reports would fluctuate as a result.</li> <li>• There was some discussion over the purposes of RIDDOR reporting. It was stated that if RIDDOR only exists for statistical purposes then the reports should not necessarily be sent to the official enforcement agency. The point was put forward that if we are reporting because of the need to comply with European regulations then we could report simply to the minimum European standards.</li> <li>• Members expressed the opinion that the regulations regarding dangerous occurrences present significant problems, as it is often unclear as to whether an incident should be clarified as reportable. Members stated that they frequently receive queries on this matter from their members.</li> <li>• There was a suggestion that the list of major reportable injuries should be</li> </ul>

	simplified around one legal definition.
3.3	One forum member noted that a company's history of RIDDOR reports could sometimes be used adversely in reference to the tendering of contracts in some industries such as construction, which can be an inducement not to report.
3.4	Contrary opinions were expressed as to whether there is over or under reporting of RIDDOR. There was general agreement however that something should be done to address the issue of those who do not comply with regulations. It was generally agreed that it would be useful to have greater publicity of RIDDOR and how to handle it. It was stated that when trying to determine the causes of accident occurrence greater information is required regarding the specific details of an accident than RIDDOR currently provides.
3.5	The Chairman summarised the discussion: that members believed the RIDDOR regulations were not as good as they could be, though some members were able to successfully work with them; there were mixed opinions regarding possibilities for change particularly over the reduction of the trigger point. There was consensus on the importance that the regulations be clear and straightforward to use, as emphasised throughout the discussion.
<b>4</b>	<b>CDM (Construction Design and Management) Regulations (Follow up to discussion in April 06 meeting)</b>
4.1	<p>Richard Boland set out HSE's response to Tim Kind's report for HSE on the potential amendments to the CDM regulations. The report raised particular concerns regarding the requirements relating to one-off/occasional clients responsibilities, which could impinge disproportionately on small business.</p> <p>HSE is revising the existing CDM regulations following industry concern about their complexity and associated bureaucracy. There is already a duty implicit in the Health and Safety at Work Act and the Management of Health and Safety Regulations for the Client to ensure that the management arrangements for construction work are adequate. The CDM 2007 regulations make this requirement explicit. In addition CDM requires appointment of a 'co-ordinator' who is the client's key adviser for notifiable projects, replacing the current Planning Supervisor role which is perceived to have shortcomings. The trigger for appointment of the co-ordinator is that a project covers a duration of over 30 days/500 person working days.</p> <p>Tim Kind's report found:</p> <ul style="list-style-type: none"> <li>• A lack of integration between the planning, building control and CDM regimes which create unacceptable burdens on SME's;</li> <li>• Small business clients understand the planning and building control regimes, but are largely unaware of what is required of them by CDM;</li> <li>• Small businesses were concerned about what is perceived as a 'new' duty on clients, about their ability to comply with it and the burden that it would place on them;</li> <li>• Small business believed that the construction industry should take responsibility for 'putting its own house in order' rather than placing new duties on clients.</li> </ul>

	<p>HSE have made a commitment to work with the Department for Communities and Local Government (DCLG) to achieve better integration of CDM, Planning and Building Control regimes. This will result in a simplification proposal which will be submitted to the Cabinet Office Better Regulation Executive. HSE has revised the Approved Code of Practice (AcoP) chapter strengthening guidance to smaller clients setting out what they are required to do and what they are not required to do. The Construction Clients Group (CCG) are producing industry guidance through the Construction Industry Advisory Committee (CONIAC) which will particularly target small and one-off clients. HSE will arrange for this guidance to be distributed by Local Authorities to those who submit planning applications, so that the information is made available 'at point of need.'</p>
4.2	<p>There was a lively debate with several clear points emerging. Members reiterated the need to join up with DCLG and expressed fears that the Management Regulations require people to take on responsibilities when they do not have the necessary competencies. Some members supported the revision and felt that the intention of the revision was a reduction of bureaucracy.</p>
4.3	<p>There was general agreement amongst members that there is a lack of understanding within small businesses regarding client responsibilities and that it is important that communications are improved and attempts are made to increase awareness levels of this issue within small businesses.</p>
<b>5</b>	<p><b>ECA Simplification Proposal</b></p>
5.1	<p>Emma Bulmer introduced this item which updated members on progress in taking forward the proposal originally raised by ECA in the January forum meeting. The number of health and safety contractor schemes has grown considerably over recent years. However, these schemes work to different standards, causing uncertainty over which scheme is best suited to which project. The result of this is the creation of unnecessary financial administrative burdens on business, particularly small to medium sized organisations, as they may have to join a number of similar schemes to satisfy their different clients.</p> <p>HSE received a better regulation simplification proposal from the Electrical Contractors Association (ECA) suggesting that HSE endorses health and safety 'core criteria' (as suggested in the HSE Carpenter Report). The core criteria set a standard, providing clarity and aiding recognition between the schemes, thus relieving the burden on business. The proposal has been accepted by HSE and the core criteria will be included in the revised CDM Regulations due to come into effect from spring 2007. The objective of this project is to implement the simplification proposal in the short term, launching the competency core criteria to Electrical and Heating &amp; Ventilating Contractors and their clients, ahead of the revised CDM Regulations. The proposal may be of particular benefit to small/medium sized business as the common standard would lead to a reduction in their administrative burdens and costs.</p>
5.2	<p>Concern was expressed that local authorities have not been sufficiently involved</p>

	<p>in the developmental process and that to garner their support they should be made aware of this initiative.</p> <p>The point was made that following recent developments in HSE policy that specialist guidance is only made available on the internet but that small businesses often prefer hard copies. It was suggested that there could be the possible opportunity of making hard copies available to businesses through trade associations.</p>
<b>6</b>	<b>Health and Safety Qualifications</b>
6.1	<p>Steve Catterall introduced the national strategy for health and safety qualifications, which aims to progressively build health and safety competency whilst avoiding unnecessary repeat training. The strategy aims to better prepare young people to understand employers' health and safety procedures. One key objective is to raise awareness of different generic hazards with Year 10 school pupils before they embark on work experience.</p> <p>The strategy has been designed to provide a simpler structure to help employers identify and tackle their specific health and safety training needs. Having generic standards and qualifications means that employers would know that work placement students and young people joining their workforce have a basic level of understanding of hazards and risk assessment that they can build upon with the specifics of their own business/industry. Once the generic standards and training courses are in place, employers could use these as specific requirements for those considering work placements and employment.</p>
6.2	<p>There was general agreement amongst members that the introduction of health and safety qualifications will be a positive development, as many members feel that there is currently a void in this area. Members were pleased to hear that there are close connections between the Learning and Skills Councils and IOSH (the Institute of Occupational Safety and Health).</p>
<b>7</b>	<b>Worker Involvement Consultation on Improving Worker Involvement in Health and Safety (Follow up to discussion in July 05 meeting)</b>
7.1	<p>Zoë Woodrow introduced this topic which raised the key issues broached in the current consultation document. The consultative document suggests that there are three pillars to the strategy to increase workers' participation in managing health and safety: legislation, guidance and encouragement. HSC is seeking views on what is the right balance between these three pillars. The document sets out the current position and options to strengthen each of the pillars, including possible amendments to the law on consultation with employees. The two legislative options considered are a new duty to consult safety reps on risk assessments, and a new duty to respond to representations made by safety reps.</p>
7.2	<p>Several members expressed an interest on obtaining greater information on issues regarding migrant/foreign workers, as they believe this is an increasingly</p>

	<p>relevant issue. The Chairman informed the group that this issue had been an agenda item on the most recent HSC agenda and that the secretariat will compile a summary of the issues regarding HSE work on the protection of migrant workers. It was highlighted that members wish to be informed of any future HSE consultations distinctly from any other updates and notices.</p>
<b>8</b>	<b>Members' opportunity to raise 'hot' topics</b>
8.1	<p>The possibility of the production of a 'six month forward look' being produced and made available to Forum members was raised. Secretariat responded to inform members that they have been working alongside the HSE Communications Directorate to attempt to pull a document together. In the meantime the Secretariat will look at the possibility of distributing copies of the European and Better Regulation forward look.</p>
8.2	<p>There were concerns about the recent publication of INDG125 (Handling and Stacking Bales in Agriculture) which does not mention of the Work at Height Regulations and members felt this indicated of a lack of cross department working.</p> <p>The Chairman agreed that HSE officials should look into the matter and feedback to the Forum.</p>
<b>9</b>	<b>AOB</b>
9.1	<p>The Chairman produced the recently published revised copy of Essentials of health and safety at work and reminded members that they have the opportunity to purchase bulk copies at a discount.</p>
<b>10</b>	<b>Meeting round up and close</b>
	<p>Chairman thanked members for attending and speakers for their contributions.</p> <p>The next meeting will take place on 18 October 2006.</p>
<b>Actions</b>	<p>Secretariat to:</p> <ul style="list-style-type: none"> <li>• Consider a Christmas meeting/drinks to allow forum members the opportunity to discuss 'blue sky' thinking and network.</li> <li>• Forward onto members a draft copy of the ACoP following the 20th July CONIAC (Construction Industry Advisory Committee) working group meeting.</li> <li>• Forward further details of the Sensible Risk Assessment campaign to members.</li> <li>• Compile a summary of the issues presented to the HSC regarding HSE work on the protection of migrant workers.</li> <li>• Clearly notify Forum members when a consultation is taking place and not package the information with regular notices and updates.</li> <li>• Circulate appropriate material which provides a forward look on domestic and European issues.</li> <li>• Contact the team that dealt with the production of INDG125 and determine</li> </ul>

	<p>why there are no references to the new Work at Height Regulations. Forum members to:</p> <ul style="list-style-type: none"><li>• Contact the SBTAF email account if they have any queries or points they wish to raise in relation to the presentations.</li><li>• If members wish to make comments or provide feedback on items covered in the update papers (circulated in advance of the meeting) these will be readily accepted. Please send comments to the SBTAF email account.</li><li>• Consider the request for help promoting Risk Assessment campaign</li><li>• Respond to the Worker Involvement Consultation which closes on 8 September 2006.</li></ul>

To contact the Small Business Trade Association Forum Secretariat, please email [sbtaf.secretariat@hse.gsi.gov.uk](mailto:sbtaf.secretariat@hse.gsi.gov.uk) or telephone 020 7717 6319