

## Small Business Trade Association Forum Minutes

<b>Meeting Date:</b>	9 <sup>th</sup> April 2008	<b>Open Gov. Status:</b>	Fully Open
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<b>Exemptions:</b>			

### Small Business Trade Association Forum

#### Minutes of the Meeting of the Small Business Trade Association Forum, held on 9<sup>th</sup> April in the Globe Room, Rose Court.

**Present:**

Judith Donovan CBE, Chairman  
 Linda Gowling, Association of Charity Shops  
 Philip Clarke, British Association of Chemical Specialities  
 Wayne Smith, British Coatings Federation  
 Pete Walker, British Constructional Steelwork Association Ltd  
 Annabel Berdy, British Retail Consortium  
 Peter Newport, Chemical Business Association  
 Janet Asherson, Confederation of British Industry  
 Lynsey Groom, Federation of Small Business  
 Pat Stanley, National Farmers' Union  
 Matthew Cowan, Professional Contractors Group  
 Ron Bonner, Professional Lighting and Sound Association  
 Kim Oliver, Property Care Association  
 Martin Isles, Quarry Products Association  
 Tony Hutchinson, Rural & Industrial Design and Building Association

**Apologies:**

Paul Elcoat, Arboriculture Association  
 Kieran O'Keefe, British Chambers of Commerce  
 Daniel McAlonan, British Dental Association  
 Bob Cotton, British Hospitality Association  
 Robert Keen, British International Freight Association  
 Michael Lee, British Woodworking Federation  
 Andrew Large, Cleaning and Support Services Trade Association  
 Andrew Braund, Confederation of Paper Industries  
 Shelley Atkinson Frost, Construction Confederation  
 Hayden Steele, Construction Plant Hire Association  
 Paul Reeve, Electrical Contractors' Association  
 Louise Ward, Engineering Employers Federation  
 Phil Russell, Federation of Master Builders  
 Andrew Cooper, Federation of Tour Operators  
 Ian Douglas, Federation of Window Cleaners  
 Jane Bennett, Forum of Private Business  
 Declan Moore, Glass and Glazing Federation  
 Wendy Nixon, Hair and Beauty Industry Association  
 Bob Towse, Heating and Ventilating Contractors' Association  
 Geraint Day, Institute of Directors  
 Chris Dabner, National Association of Master Bakers  
 Robert Hudson, National Association of Shopfitters  
 John Gililland, National Care Homes Association  
 Howard Button, National Federation of Demolition Contractors  
 Sofia Gkioussou, National Federation of Retail Newsagents  
 Ray Seymour, National Hairdressers Federation  
 Mervyn Pilley, National Society of Allied and Independent Funeral Directors  
 Tim Webb, PICON  
 Frank Ursell, Registered Nursing Home Association  
 Mike Floodgate, Radio, Electrical and Television Retailers' Association  
 Ruth Pott, Road Haulage Association

Collette Best, Royal Institute of Chartered Surveyors  
 Garry Parker, Small Business Bureau  
 Jean Rennie, Timber Trade Federation  
 Michael Davison, United Kingdom Warehousing Association  
 John Morecroft, Vehicle Builders and Repairers' Association

**Officials Present:**

Judith Hackitt, Chair, HSE Board (for items 1-3 only)  
 Elizabeth Hodgkinson, Director, Cross Cutting Interventions Division  
 Tony Bandle – Head of the Business Involvement Unit  
 John Holland, Campaign Project Manager, Shattered Lives campaign (for item 5 only)  
 Sue Parkyn, Construction Division (for items 4-6 only)  
 Rob Olsen, Business Involvement Unit  
 Katherine Fuller, Business Involvement Unit  
 Richard Aspland, SBTA Secretariat  
 Chris Trantom - SBTA Secretariat

1.	<b>Introductions and apologies</b>
1.1	Judith Donovan welcomed members to the meeting.
2.	<b>Minutes of the last meeting</b>
2.1	It was agreed that the minutes reflected an accurate and true description of the January 2008 SBTA meeting.
3	<b>Update on the strategic vision for HSE, and what it means to SMEs and Trade Associations</b>
3.1	<p>Judith introduced Judith Hackitt, Chair of the new HSE Board.</p> <p>Judith H thanked members for making a difference by taking an active part in the Forum. She acknowledged the importance of the Forum in facilitating dialogue with the small business community. The number of SMEs is increasing, and reaching smaller organisations is a challenge for the HSE. It needs help to communicate effectively with SMEs and the Forum greatly assists with this. Judith H also noted that Lord McKenzie had provided fulsome praise of the Forum's role.</p>
3.2	<p>Judith H then presented an overview of the "new" HSE and the role of the new Board. She noted that consultation on the HSC/HSE merger indicated that stakeholders saw it as a common sense move. There were some significant changes in the function of the Non-Executive Directors, previously HSC Commissioners. Non-Executive Directors have a more holistic role. In addition to high-level policy-making and goal setting, they are now responsible for; <i>inter alia</i>, resource allocation, financial and probity issues, and some staff-related issues.</p> <p>She advised that negotiations with the Department for Work and Pensions had resulted in a better-than-expected funding outcome for the next three years. However, there was now a need to break out of the 3-year cycle of thinking in favour of a longer-term view. How this would be achieved is a challenge for the Board and will be based on the strategy development already underway.</p> <p>Judith H explained that the development of the new strategy would involve a review of the existing HSC Strategy to 2010 and beyond. In addition, a lot of useful input had been provided to the House of Commons' Work and Pensions Committee inquiry into the work and operation of HSC/E. This evidence and the Committee's report would inform the development of the fresh strategy, to be consulted on with stakeholders in September/October and published in November this year. The role of SMEs would be covered in the strategy review.</p>

3.3	<p>HSE recognised that there was a tension between goal-setting (performance-based) legislation and the call from business, particularly small business, for clarity on what constitutes compliance with the law. Although a prescriptive “just tell us what we need to do” approach has appeal to some businesses, a major concern for HSE is that this takes the ownership of the risk away from business. It also assumes that the HSE has the depth and breadth of expertise to provide specific solutions to all risks. Judith H argued that much expertise about controlling risk resided within industry and therefore it was often not appropriate for the regulator to prescribe a solution. Trade associations in particular have a good deal of untapped potential to operate in this area.</p> <p>Judith H was struck by the level of interest at the Work and Pensions Select Committee on the competence of independent health and safety advisors. She acknowledged the important role that the Forum had already played in the development of the two recent HSE publications on obtaining competent OHS advice (see <a href="http://www.hse.gov.uk/pubns/externalproviders.pdf">www.hse.gov.uk/pubns/externalproviders.pdf</a> and <a href="http://www.hse.gov.uk/pubns/indg420.pdf">www.hse.gov.uk/pubns/indg420.pdf</a>). However, access to competent advisors was clearly still an important issue for many SMEs.</p>
3.4	<p>Members raised a number of points in response to Judith’s presentation. In relation to the need for clarity on compliance, one member noted that previously where HSE had not provided the clear guidance required, trade associations had indeed filled the gap. The member was concerned that the support previously provided for that guidance by HSE – in the form of endorsement/joint badging of publications – was no longer available. Compounding industry concerns was a belief that there was no consistent view within HSE as to what endorsement actually meant.</p> <p>Some members argued that without approved codes or endorsed guidance it was very difficult for SMEs to comply with the law. The endorsement of the regulator was crucial to industry relying on such guidance.</p> <p>Judith H observed that HSE should continue to make good use of trade associations in the development of guidance on how to comply. Business is often best placed to develop guidance on compliance and this is most successful if done on an industry-specific basis. There was a balance to be struck between HSE leading or facilitating the development of guidance, and the role of industry associations in issuing definitive guidance. Judith agreed that some sort of framework for differing levels of endorsement by HSE should be openly available as a guide for officials and those seeking endorsement.</p> <p>A member asserted that the HSE practice of charging for guidance publications was a barrier to SMEs obtaining important information. Judith H acknowledged that as a matter of principle, guidance on compliance should be freely available. However, this was not always possible as large, detailed publications require many resources to develop them, and HSE has funding constraints. A continuing move to web-based and electronic formats would result in lower costs to business. In any case, it was less likely that SMEs would need the larger publications.</p> <p>A member suggested that the HSE preferred enforcement activity rather than using representative bodies such as this Forum to reach out to small business. Judith H responded by observing that enforcement activity was pursued when it was called for, in line with the Enforcement Policy Statement, i.e. inspectors had identified a clear breach that justified the issue of a notice. HSE’s preference for engaging with SMEs (unless they are classed as high-risk) is through the provision of information and advice.</p> <p>Some geographical inconsistencies in operational enforcement policy would partly be overcome by the consolidation of the HSE in Bootle. The new Regulators’ Compliance Code, which largely follows existing HSE principles, should also bring about more consistency across regulators.</p>
4	<p><b>Current activity round up</b></p>
4.1	<p>Tony Bandle, Head of HSE’s Business Involvement Unit, provided a round up of significant current issues.</p> <ul style="list-style-type: none"> <li>• Dame Carol Black’s review: The report of the <i>Health of the Working Age Population</i> –</li> </ul>

	<p><i>Working for a healthier tomorrow</i> received over 260 responses. It was presented to the Government in March. Tony invited members to provide feedback on the report (available at <a href="http://www.workingforhealth.gov.uk">www.workingforhealth.gov.uk</a>) either directly or via the e-community.</p> <ul style="list-style-type: none"> <li>• Segmentation strategy: The segmentation framework is a tool to aid decision-making in determining where to target resources and what interventions/services to offer. For SMEs, unless they are identified as high risk, the focus of activity will continue to be the provision of information and advice. Work on the strategy and the delivery model due in autumn 2008 to feed into the corporate planning process for 2009/10. It will also be considered as part of the HSE Strategy.</li> <li>• EASe: stands for Easier Access to Services. Initial recommendations have been developed but these have still to be considered by the new HSE Board, which will take the final decision.</li> <li>• BRE Review of health and safety review for low risk and SME businesses, and Enterprise White Paper: The Call for Evidence period ran between November and the end of January. More than 125 responses were received and over 50 meetings were held with stakeholders across the nation. A final report will be published in the next few months. Tony noted that the BRE review had to some degree been overtaken by the Government's Enterprise Strategy. That Strategy considered exemptions for SMEs from new Regulations but recognised that this was inappropriate in most areas of health and safety. European legislation does not provide for exemptions and this informed the thinking of the UK review.</li> </ul> <p>The Association of British Insurers has produced a guide <i>Insurance for Small Business</i>. Members were invited to provide feedback as to whether they find this publication useful. It can be downloaded at: <a href="http://www.abi.org.uk/BookShop/ResearchReports/SME_Guide.pdf">www.abi.org.uk/BookShop/ResearchReports/SME_Guide.pdf</a></p> <ul style="list-style-type: none"> <li>• Hampton Review and other developments in HSE's Simplification Plan: The BRE/National Audit Office's final report on HSE's Hampton Implementation Review was published on Thursday 20 March. The Report commented positively on many aspects of HSE's performance.</li> </ul> <p>HSE will shortly be publishing additional guidance on labelling the weight of loads. Once published, HSE will alert SBTAF members and ask them to promulgate the guidance and its use to their members.</p> <ul style="list-style-type: none"> <li>• Corporate Manslaughter: The Corporate Manslaughter and Corporate Homicide Act 2007 Act came into force on 6 April 2008. The Act does not introduce new duties or obligations. The Act is not part of health and safety law. Tony noted that the law is not aimed at small business, as existing legislation already provides for the prosecution of individuals for gross negligence manslaughter/culpable homicide as well as for health and safety offences. The new offence delivers greater equality now that large companies can be held liable for manslaughter where gross failures in the management of health and safety cause death. It does provide an impetus for all businesses, including SMEs to review their organisation and arrangements for managing health and safety and to ensure that they are clear, effective and resilient. Further information is available at: <a href="http://www.hse.gov.uk/corpmanslaughter/index">www.hse.gov.uk/corpmanslaughter/index</a></li> </ul>
4.2	<p>A member asked about the possibility of accessing relevant case law on the Corporate Manslaughter Act. Elizabeth Hodkinson explained that only offences committed after 6 April – the Act's commencement date – were subject to the Act. Accordingly, it is unlikely that there will be any case law for at least 12 months. Elizabeth suggested that this could be the subject of a very useful Forum presentation at a future date.</p> <p>Another member asked about the progress of the Health and Safety Offences Bill. Elizabeth advised that this Bill is still before the Parliament. The Bill has passed its Committee stage in the House of Commons. The Report stage and the 3<sup>rd</sup> Reading are scheduled for 13 June 2008. However, as this was a Private Members Bill, its progress is difficult to predict.</p>

<b>5</b>	<b>Shattered Lives – current HSE slips, trips and falls campaign</b>
5.1	<p>This item was presented by John Holland, Campaign Project Manager, Slips, Trips and Falls campaign.</p> <p>John provided a detailed summary of the Shattered Lives campaign. This campaign is the HSE’s biggest advertising campaign in 2007/08. It aims to raise awareness of slips, trips and falls and inspire action by employers and other duty holders. John explained that slips and trips accounted for 38% of all major injuries, and there were 45 fatalities resulting from falls from height last year. The cost to the economy of these fatalities and injuries was £811 million per annum.</p> <p>There were, however, simple actions that duty holders could take to minimise the risk. These included providing a system of work that prevented material falling on the ground that could create a slip or trip hazard, and ensuring there was a system in place for prompt clean up of spillages. In respect to falls from height, employers should ensure the competence of workers. This should also cover training in selecting the most appropriate access equipment.</p> <p>Examples of the campaign material were circulated to members.</p> <p>John outlined the reach of the campaign across Great Britain and the evaluation to which it will be subjected. By the end of its seventh week, the ‘Shattered Lives’ web pages had received approximately 800,000 visits.</p>
5.2	<p>Members expressed their support for the campaign and noted the visual impact of the campaign posters. One member believed that this presentation had managed to shock the Forum without giving offence. The member intended to take back the campaign’s messages and materials to explore how they could be used by her industry association.</p> <p>John invited members to contact him directly if they would like more information (<a href="mailto:John.holland@hse.gsi.gov.uk">John.holland@hse.gsi.gov.uk</a>)</p>
<b>6</b>	<b>HSE Construction Division SME Initiatives – potential parallels for SBTAF</b>
6.1	<p>This item was presented by Sue Parkyn, Construction Division.</p> <p>In the construction industry, 90% of firms have less than 10 employees, making SMEs a very important part of the Construction Division’s business. Sue outlined some of the initiatives aimed at smaller enterprises. These included running a number of very-well attended events, such as Safety and Health Awareness Days, and the creation of a construction-specific occupational health web site (<a href="http://www.hse.gov.uk/construction/healthrisks/index.htm">www.hse.gov.uk/construction/healthrisks/index.htm</a>). The site provides a single point of entry for the industry; links to information about specific hazards; and case studies that presented simple solutions.</p> <p>Sue noted that in the construction sector, 0.9 million working days were lost to injury. However, 1.8 million working days were also lost to illness. This was an area that HSE needed to focus on.</p> <p>Sue discussed one of the Division’s initiatives: supply chain work in health, and its SME dimensions. She described the first example of this type of project. The Construction Division identified a particular problem activity, laying kerbstones. This task was associated with a high level of musculoskeletal injury resulting from manually handling excessive weight. The Construction Division held a forum to discuss the issue with key stakeholder groups: clients, major contractors, designers, workers, suppliers of kerbs and lifting aids, and manufacturers. The forum set up a working group that met over an 18-month period to come up with risk control solutions that were acceptable to all stakeholders. A number of solutions were identified, reflecting the hierarchy of control in the Manual Handling Regulations. It was agreed that duty holders would be given 12 months to transition to the agreed solutions, after which time the HSE would require compliance with those solutions. Guidance was produced for the industry and for HSE’s inspectorate, which industry signed up to.</p>

	<p>Following the success of this initiative, the Construction Division has developed a “supply chain initiative process map”, which can be applied to other high-risk tasks in the construction industry, such as use of plant resulting in hand arm vibration, lifting of access covers, lifting of panel products and cutting of paving blocks and kerbs. Sue advised that the HSE can develop risk control solutions but it doesn’t always know if these are the best solutions. Industry involvement is essential for this. To this end, Sue invited Forum members to become involved in the Division’s campaigns and initiatives.</p>
6.2	<p>A member congratulated the Construction Division for its excellent work with this initiative. The member was pleased to hear that the initiative had been followed up through inspection activity. He thought this activity was important to help create a level playing field for contractors and duty holders.</p> <p>A member representing a construction-related association stated that his member organisations had already begun to address the risk of hand arm vibration by considering whether it was necessary to use plant that could result in this syndrome. If industry can link in with future HSE campaigns on these issues, it is likely that many risks can be addressed by designing out processes that expose workers to risk. Tony Bandle noted that similar thinking has occurred with foundry processes to eliminate the need for fettling.</p>
<b>7</b>	<b>Information Exchange</b>
7.1	<p>Elizabeth Hodgkinson referred to the Regulatory Enforcement and Sanctions (RES) Bill.</p> <p>The Bill is part of the Government’s ‘Better Regulation’ policy agenda, which aims to improve and simplify the way legislation (on any subject) is made and enforced. One aspect of this policy is a general principle that enforcement should focus on where the risks are greatest. This was the main proposal of the Hampton review in 2005.</p> <p>A key aspect of interest for the Forum is the Bill’s provision of a power to require regulators not to impose or maintain unnecessary regulatory burdens on businesses or individuals. HSE has a good track record on better regulation and is committed to delivering the better regulation agenda.</p> <p>The Bill is scheduled for 3<sup>rd</sup> Reading in the House of Lords on 28 April 2008.</p>
<b>8</b>	<b>AOB</b>
8.1	<p>Judith reminded members that the next Forum meeting is in Buxton asked members to advise Rob Olsen (<a href="mailto:rob.olsen@hse.gsi.gov.uk">rob.olsen@hse.gsi.gov.uk</a>) or Richard Aspland (<a href="mailto:richard.aspland@hse.gsi.gov.uk">richard.aspland@hse.gsi.gov.uk</a>) by mid June if they will be attending.</p>
8.2	<p>Judith informed members that the European Agency’s Campaign for Safety and Health at Work, more commonly known as <i>Euroweek</i>, will this year concentrate on risk assessment. This will be the first year of a two-year campaign. The UK’s campaign, with particular focus on SMEs, will concentrate on promoting the end benefits of doing a risk assessment, and the simplicity of completing one.</p> <p>The campaign will be launched on 24 June at the headquarters of EEF in London. There will be a buffet lunch and a number of speeches, including a keynote speech by Lord McKenzie, the Minister for health and safety. SBTAf representation at the launch would be welcome. Approximately 10 places are available but this may increase. Contact David Gregson on 020 7717 6913 or <a href="mailto:david.gregson@hse.gsi.gov.uk">david.gregson@hse.gsi.gov.uk</a> if you are interested.</p>
<b>9</b>	<b>Meeting round up and close</b>
<b>10</b>	<b>Date of next meeting – 9th July 2008</b>

<b>Actions</b>	<p>Secretariat to:</p> <ul style="list-style-type: none"> <li>• provide updates on key developments of relevant Bills on the e-community (members can check the HSE website for other legislative developments at <a href="http://www.hse.gov.uk/legislation/forthcoming.htm">www.hse.gov.uk/legislation/forthcoming.htm</a>);</li> <li>• alert members when additional guidance on labelling the weight of loads is published;</li> <li>• provide John Holland and Sue Parkyn with contact details of members interested in follow-up;</li> <li>• place Action Points assigned to SBTAF members on the e-community.</li> </ul> <p>SBTAF members to:</p> <ul style="list-style-type: none"> <li>• provide feedback on Dame Carol Black's report;</li> <li>• provide feedback on the usefulness of the ABI guide <i>Insurance for Small Business</i>;</li> <li>• consider how their organisations could use the Shattered Lives campaign material to help spread the message to members in ways that help embed good practice.</li> </ul>
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