

Small Business Trade Association Forum Minutes

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Small Business Trade Association Forum

Minutes of the Meeting of the Small Business Trade Association Forum, held on 15th January in the Fortune Room, Rose Court.

Present:

Judith Donovan CBE, Chairman
 Linda Gowling, Association of Charity Shops
 Philip Clarke, British Association of Chemical Specialities
 Kieran O'Keefe, British Chambers of Commerce
 Moira McMillan, British Coatings Federation
 Pete Walker, British Constructional Steelwork Association Ltd
 Annabel Berdy, British Retail Consortium
 Michael Lee, British Woodworking Federation
 Peter Newport, Chemical Business Association
 Janet Asherson, Confederation of British Industry
 Steve Walter, Engineering Employers Federation
 Phil Russell, Federation of Master Builders
 Matthew Goodman, Forum of Private Business
 Wendy Nixon, Hair and Beauty Industry Association
 Geraint Day, Institute of Directors
 Pat Stanley, National Farmers' Union
 Sofia Gkiousoy, National Federation of Retail Newsagents
 Mervyn Pilley, National Society of Allied and Independent Funeral Directors
 Matthew Cowan, Professional Contractors Group
 Steve Hodgson, Property Care Association
 Martin Isles, Quarry Products Association
 Tony Hutchinson, Rural & Industrial Design and Building Association

Apologies:

Paul Smith, Aboricultural Association
 Haydn Steele, Construction Plant Hire Association
 Daniel McAlonan, British Dental Association
 Declan Moore, British Glass Manufacturers' Confederation
 Bob Cotton, British Hospitality Association
 Robert Keen, British International Freight Association
 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
 Rosina Robson, Federation of Small Business
 Andrew Cooper, Federation of Tour Operators
 Ian Douglas, Federation of Window Cleaners
 Gary Pritchard, Glass and Glazing Federation
 Bob Towse, Heating and Ventilating Contractors' Association
 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
 Ray Seymour, National Hairdressers Federation
 Tim Webb, PICON
 Ron Bonner, Professional Lighting and Sound Association
 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
 Steve McFarlane, United Kingdom Warehousing Association
 John Morecroft, Vehicle Builders and Repairers' Association

Officials Present:

Lord McKenzie, of Luton, Parliamentary Under Secretary of State (Lords)
 Hugh Robertson, Health and Safety Commissioner
 Sandy Blair, Health and Safety Commissioner
 Tony Hetherington, Head of HSE Local Authorities Unit
 Tony Bandle – Head of the Business Involvement Unit
 Helen Smart, Better Regulation Unit
 Shirley Williams, Targeting and Intelligence Team
 Alan Morley, Business Involvement Unit
 Holly Featherstone, Private Office, DWP
 Heather Butler – SBTA Secretariat
 Zoe Woodrow - SBTA Secretariat
 Chris Trantom - SBTA Secretariat

1.	Introductions and apologies
1.1	<p>Judith Donovan welcomed members to the meeting. Judith introduced members to Lord McKenzie. Lord McKenzie told members he was very impressed with the contributions they have made to a range of subjects and their achievements over the last three years. He said that he was impressed and heartened to see such a breadth of representation in the forum membership. With the increasing public focus both on the government's agenda and in the media there is a clear importance for this kind of forum to produce meaningful consultation with business. Members have helped to encourage and distribute positive Health and Safety messages particularly in the face of perpetuating Health and Safety myths. Lord McKenzie thanked Judith for her inspired leadership of the forum and for overseeing a continued increase in membership.</p>
2.	Minutes of the last meeting
2.1	<p>It was agreed that the minutes reflected an accurate and true description of the October SBTA meeting.</p> <p>A member of the forum raised an issue referred to in the October minutes. This was in relation to the interpretation of RIDDOR by the police. The member agreed that the detail in the minutes regarding the clarification of the processes was accurate yet had concerns that the police themselves do not understand the situation correctly and that this is a situation that must be resolved. It was agreed that the member would speak to Tony Bandle outside of the meeting to investigate the issue further.</p>
3	Directors Leadership of Health and Safety – How HSE is working together with Trade Associations to promote the new leadership guidance and messages
3.1	<p>This was a joint presentation given by Geraint Day, Institute of Directors (IoD) and Steve Hodgson, Deputy Director, Property Care Association (PCA). Geraint began by thanking members for their contributions to the development of the Director Leadership guidance. As an introduction Geraint provided members with a very brief background to the IoD. The IoD is a professional organisation with approximately 53,000 members, over 75% of whom work in SMEs.</p> <p>Geraint explained the history of the development of the guidance, in particular how the Institute of Directors worked in close partnership with the HSC and other organisations and bodies to develop the guidance.</p>

	<p>HSE's former guidance for directors was adequate but many people were unaware of its existence. A general perception perpetuated amongst directors that Health and Safety is a technical issue. It was decided that in order to increase director involvement, participation and knowledge of health and safety leadership it would be useful to provide new guidance aimed at directors and written in language that they could relate to.</p> <p>The aim of the document would be to maintain good health and safety performance, improve health and safety performance and encourage directors to consider health and safety at board level. To do this the document needed to attract the attention of the reader, detail only the essential principles, include case studies and links to extra help and resources and have an eye to legal and other developments. With this issue being one with a moving agenda it was important that current developments could be incorporated in any guidance produced. This led to the decision to publish the guidance on the IoD website.</p> <p>The guidance was developed through a process of seminars and public consultation exercises. On September 4th 2007 HSC considered the draft version of the guidance. The launch of the revised guidance took place on the 29th October 2007. The new guidance is based around 4 essential principles: Plan, Deliver, Monitor and Review.</p> <p>The guidance has now been sent to all IoD members but further promotion work continues. Any help that appreciate SBTAf members can provide in helping to distribute the guidance and to raise awareness of its existence would be greatly appreciated.</p>
3.3	<p>Steve Hodgson, PCA, spoke to members about how the Property Care Association plans to disseminate and promote the guidance to its members and monitor its uptake and impact.</p> <p>Steve provided members with a background to the PCA and how it operates. The PCA is a traditional trade association funded by member subscriptions. The PCA has very high entry standards that are ratified during its visits to member trade premises and sites where work is being undertaken. The PCA is involved in the development of British standards and publishes technical guidance and codes of practice that are used as a benchmark for the industry. They are committed to consumer protection and provide mediation and independent dispute resolution services. The PCA is a firm supporter of the governments' Trustmark scheme. The PCA collects, collates and disseminates technical, health and safety and legislative information for the benefit of its members.</p> <p>The PCA places a very high importance on the ability and responsibility that trade associations have in disseminating information, such as the director leadership guidance, in a timely manner. The PCA has a number of small businesses amongst its membership. It is essential that these owner managers recognise their role in setting standards of health and safety and it is the job of trade associations to give them the tools to do that. The new directors leadership guidance document helps the PCA and other trade associations to lead the way.</p> <p>The PCA supports its members through a variety of channels including monthly newsletters, direct, electronic and paper mailing, publications of information on the members section of the PCA website, support and verification visits to members by well informed technical support officers and regional meetings and conferences. Various face to face and telephone encounters will allow the PCA to monitor the impact, uptake and impact of the new legislation and guidance that they supply. This regular communication offers additional support and information to members and allows the PCA to emphasise the importance of understanding the need to comply with the law.</p> <p>The PCA believe that a trade association has a fundamental duty to keep members informed of developments that may affect their ability to trade safely, successfully and profitably. The provision of simple concise guidance such as 'Leading Health and Safety at Work' not only makes communicating information to members easier but will go a long way to dispel the widely held belief that legislators are an obstacle to commerce rather than an important aid to it.</p>
3.4	<p>A member of the SBTAf asked if it was possible to monitor the change in patterns of behaviour as a result of the guidance. It was acknowledged that this will be difficult to measure, particularly</p>

	<p>over a short timescale. HSE will monitor the market penetration of the guidance and will undertake impact evaluation research. It would also be useful if members could monitor and advise the HSE of the number of their members they have distributed the guidance to.</p>
4	Sensible Risk Management - Example risk assessments
4.1	<p>Helen Smart, Better Regulation Team, introduced this item which was a follow up to an October 2006 agenda item on 'Better Regulation/Sensible Risk Management'</p> <p>Since this was last on the SBTAF agenda HSE has continued to develop example risk assessments for a wide variety of industries and work activities, 18 have been developed in total. They are aimed at smaller businesses that do not have 'in-house' health and safety personnel. HSE has worked with a number of trade associations and other interested bodies (e.g. Trade Unions, Local Authorities) in the development of the example risk assessments. Helen thanked the SBTAF members for their continued support and partnership during the development of the risk assessments.</p> <p>The example risk assessments have been largely welcomed but feedback has been limited and sporadic. HSE now wish to evaluate the success of this work and to discuss with SBTAF members the example RAs in practice, whether they are working to reduce the time and paperwork associated with risk management in SMEs and if there is anything further we can/should be doing?</p> <p>The team are considering the best ways to undertake an evaluation. The current thinking is to distribute a short questionnaire to those that have actually used the risk assessments. It is difficult however to identify those businesses that have used the example risk assessments, although we do know that a lot of people have been using them. We would like the SBTAF to identify from their own membership those that have used them and who would be willing to give feedback. Possible options to consider would be for SBTAF members to ask their members to contact the HSE, for us to write short articles for your magazines/newsletters and/or put links to the questionnaire on to your websites or on the HSE website at the end of the risk assessments.</p>
4.2	<p>A lively discussion followed the presentation. It was suggested that HSE should consider placing a short questionnaire at the end of the example risk assessment process as this would not be too onerous and would also guarantee capturing those who had completed the risk assessments. A considerable number of members were open to the idea of HSE writing an article about the example risk assessments for their magazines/newsletters.</p> <p>Several members complemented the example risk assessments, describing them as being an excellent help to small businesses who do not have dedicated health and safety personnel. A number of members commented that they had been working with HSE on the development of further example risk assessments and that they believe it is a very useful way of working together.</p> <p>During the discussion it was confirmed that the example risk assessments are not appropriate for those businesses where the health and safety risks are serious and complicated. HSE hopes that this is visible on the website but would be very happy to make any necessary amendments if feedback identifies this as being an issue.</p> <p>Members asked what work is being done with Local Authorities to raise awareness of the risk assessments. Sandy Blair advised members that they have been promoted at roadshows, through LA EHOs and via delivery leaflets. There has also been significant activity in the health and beauty sector. Tony Bandle advised the forum that the best way of advocating the use of this type of guidance is through industry itself. Members of the forum agreed with this statement and pointed out that word of mouth was the most successful way to persuade people to use practical tools and guidance.</p>
5	How we work with local authorities (LAs)

<p>5.1</p>	<p>This was a joint presentation given by Sandy Blair, Health and Safety Commissioner and Tony Hetherington, Head of HSE Local Authorities Unit. Sandy began the presentation by providing members with a general overview of the role of LAs. Sandy introduced himself to members. Sandy is a Health and Safety Commissioner with twenty years experience as a chief executive in Local Government. Sandy met several of the SBTAF members at the lunch that was held for the SBTAF and commissioners in October 2007. He felt that after talking to members and hearing their evident interest in partnership working that it would be useful to come and discuss the HSE and LA partnership.</p> <p>In the last few decades manufacturing has declined and an increasing number of businesses are regulated by Local Authorities. In recent years a large effort has been made to ensure that our communications strategy is consistent across HSE and LAs. This is a challenge as resource and performance vary across authorities.</p> <p>Tony continued the presentation by explaining the routes that HSE and Local Authorities are taking to ensure that in practice there is a closer partnership and common framework:</p> <ul style="list-style-type: none"> • HSE and LAs apply the same law. This is important as a business will not see any difference between a HSE or LA Inspector; • S18 guidance to ensure LAs and HSE work to appropriate standards; • Benchmark standards; • Enforcement Management Model; • Courts and Industrial Tribunals as a last resort if a business feels that the action taken against them has been disproportionate. <p>LAs and HSE are working together to ensure that there is a consistency regarding practical actions, such as:</p> <ul style="list-style-type: none"> • A joint competence framework; • Flexible warrants. This will ensure that in an emergency there can always be an enforcement presence; • Through Fit 3 we are setting consistent priorities and standards; • Partnership teams and liaison groups. This ensures that flexible warrants, sharing visits etc works on a practical level; • An increase in joint planning and working to common standards.
<p>5.2</p>	<p>A member of the SBTAF asked about the potential affects of the Regulatory Enforcement and Sanctions bill. Tony and Sandy advised members that there is unlikely to be any significant changes to the regulatory regime but that there may be an affect in terms of procedures, for example there may be a requirement to establish more formal arrangements for Lead Authorities. Sandy explained to members that it would be sensible to allocate greater resource to explore partnership working as some practices, for example joint warrants can be actually quite complicated to manage in practice. Tony added that HSE hopes that as it increasingly develops partnership working that this will lead to greater transparency and clarity.</p> <p>A query was raised regarding the effect of changes to charges associated with the Regulatory Enforcement and Sanctions Bill, it was suggested that perhaps the bill will result in companies being charged for inspections. Sandy clarified the situation for members. The charges are associated with a situation that is only likely to be applicable to large companies whose premises come under the jurisdiction of LA inspection but who have numerous sites across a number of different Local Authorities. If this organisation would benefit from a consistent approach in inspection they will be able to pay for one LA to lead the inspection for all the outlets, thus ensuring consistency. This approach however would be resource intensive and therefore if an organisation requires this service it is felt that it is fair that they should pay a nominal fee to receive it.</p> <p>The affect of the new smoking laws was raised. It was suggested this has marred the transparency in regulation because LAs are able to visit a premise that they would not ordinarily</p>

	<p>regulate as a consequence of their responsibility for enforcing the new laws. It was pointed out by a member of HSE staff that the smoking laws come under the jurisdiction of public health legislation and not traditional health and safety regulations. COMAH was raised as another piece of regulation that, when applicable, leads to confusion in the transparency in regulatory responsibility. A premise may come under the jurisdiction of LA regulation but if it is also applicable under COMAH then HSE are also allowed to inspect. This can result in incidences of multiple inspections. Sandy advised members that this should not happen as there should be an agreement at the local level about which authority takes responsibility for inspections. However HSE would be happy to investigate if members can cite specific incidences where this has happened.</p> <p>Clarification was requested regarding the situation in the devolved administrations. Members were advised that health and safety regulations are consistent throughout the devolved administrations.</p> <p>Members cited examples of where partnership working has resulted in complications and problems for their membership. Sandy advised the members that HSE are aware that even with the best will in the world there will always be unfortunate exceptions and situations where processes are not followed as they should be.</p> <p>The lack of consistency regarding advice and standards was highlighted by several members. Sandy agreed that this can indeed be an issue but that there is an intense and continued effort to resolve this. The continued work around better regulation should help to further these efforts. Sandy again implored members to contact HSE either through local offices or via the SBTAF if they do encounter incidences of inconsistency as this will raise our awareness of any problems out there.</p> <p>The importance of a three way partnership between Trade Associations, HSE and LAs was articulated. As part of the Fit3 agenda there has been much important and beneficial joint working and it is important that this continues in the future. Tony advised the group that the intention for the future is that interventions will be increasingly driven by Fit3. From a communications perspective HSE will encourage the distribution of Fit3 messages via Trade Associations at both a local and national level. Tony Bandle emphasised the positive experiences and sensible suggestions he has received when working with Trade Associations.</p> <p>Judith Donovan summarised the discussion by confirming that it is clear that much good work is being done and that there is clearly a willingness and intent from all sides to ensure that there is a standardisation in partnership working.</p>
6	Field Operations Directorate (FOD) Intelligence
6.1	<p>Shirley Williams, FOD Targeting and Intelligence Team, introduced this item. Shirley began by explaining the background to the targeting and intelligence project. The Targeting and Intelligence team was established because there is evidence to suggest that HSE's operational resource is not being used to its best effect. Time can be frequently wasted due to inspectors visiting companies that are no longer operating, or by making several visits to companies for project directed inspections. To carry out visits by appointment however would undermine the nature of HSE's inspection philosophy and would be likely to have an adverse effect on frontline delivery.</p> <p>Return of invitations to FOD events, such as SHADs, also indicates intelligence may be out of date.</p> <p>HSE has acknowledged that it needs to use the intelligence that it does have to better effect, learn from colleagues what works and what doesn't, talk to LAs and share intelligence with them, talk to other government departments and also to its stakeholders such as Trade Associations.</p> <p>The Targeting and Intelligence team would like to know if its key stakeholders, including SBTAF members, would be willing and/or able to share with HSE the contact details of their members. This project is however at an exploratory stage and HSE is considering the possibilities rather</p>

	<p>than making a direct request. To respond by saying no is a perfectly acceptable and reasonable answer. The team has considered that data protection will be a relevant consideration and HSE Legal Advisers are currently considering the situation and implications. It would be much appreciated if forum members would be able to give an indication as to whether and/or how they would be willing to co-operate with this request within the next month.</p>
6.2	<p>Members of the forum stated that it is also a difficult task for Trade Associations to keep track of their own membership. Even larger businesses are often not completely aware of the current status of their premises. As the information fluctuates over a period of time it is almost a full time job maintaining this kind of database.</p> <p>Many members pointed out that the problem with this approach, asking Trade Associations for the details of their members, means that HSE is targeting the compliant for inspection. Those businesses that are members of Trade Associations are generally the ones who are making the effort to obtain knowledge and work within the law. It was suggested that it would be more productive to look at finding information on those businesses that are not members of Trade Associations. It was suggested that it might be worthwhile considering establishing a process/way for people to report those businesses that are known to being non-compliant with health and safety legislation.</p> <p>A further suggestion was put forward regarding the possibility of receiving benefits for providing their information, for example an inspection 'holiday.' However the resulting lack of inspection could have negative affects in certain industries. Members of the forum pointed out that the name 'Targeting and Intelligence project' was in itself negative as it sounded covert and sinister.</p> <p>Some members suggested that it would not be easy, or indeed useful, for Trade Associations to provide HSE with details of their member's names and addresses particularly as this could lead to a perception of a breach of trust. This could then in turn have the effect of a downturn in Trade Association membership. A number of members said that they would however be happy to work with HSE to arrange events and to publicise our messages.</p> <p>Judith advised members to consider the issue and feed their suggestions back to the SBTAf.</p>
7	Information Exchange
	<p>Judith advised members that HSE are aware of the call for information from forum members regarding the internal restructuring of HSE. Judith informed members that the proposition of the HSC/E merger is currently going through parliament and as soon as there are any developments members will receive an update. We will in fact ask the new chair of HSE to come to the next SBTAf meeting and discuss the vision for the future of HSE and the strategic direction it will be taking as it goes forward.</p>
8	AOB
8.1	<p>Judith proposed to members the possibility of holding a meeting, potentially the July meeting, at HSL Buxton. Members agreed that this would be an excellent and interesting idea.</p> <p>Judith advised members that this would be the last meeting of Heather Butler who will be taking on a new role at the Border and Immigration Agency. Members said their goodbyes and thanked Heather for all her hard work over the last couple of years.</p> <p>A member of the forum asked if it was possible to receive an update on HSEs statistics</p> <p>Tony Bandle asked the SBTAf members if they had responded to the BRE call for evidence. There were several positive murmurings around the room.</p> <p>A member of the SBTAf requested an update on corporate manslaughter.</p>
9	Meeting round up and close
10	Date of next meeting – 9th April 2008, 14:00 – 16:30 (Please note this is an PM meeting)

Actions	<p>Secretariat to:</p> <ul style="list-style-type: none"> • Tony Bandle to contact the SBTAF member who raised concerns about the interpretation of RIDDOR by the police. Tony has since spoken to the member concerned and the matter has since been resolved. • ask the new chair of HSE, Judith Hackitt to attend to the April SBTAF meeting and discuss the vision for the future of HSE and the strategic direction it will be taking in the future. • Investigate the practicalities of holding the July SBTAF in HSL Buxton • provide members with an update regarding HSE statistics. • provide members with an update on corporate manslaughter. <p>SBTAF members to:</p> <ul style="list-style-type: none"> • advise Geoff Brown (geoff.brown@hse.gsi.gov.uk) how SBTAF members will be able to help HSE collect feedback on the example risk assessments • advise HSE where the application of COMAH has resulted in multiple inspections • advise Shirley Williams (Shirley.williams@hse.gsi.gov.uk) if they would be willing to co-operate with the request for help to increase HSE intelligence

To contact the Small Business Trade Association Forum Secretariat, please email sbtaf.secretariat@hse.gsi.gov.uk or telephone 020 7717 6482 or access the e-community at <http://webcommunities.hse.gov.uk/inovem/inovem.ti/sbtafcommunity/grouphome>