

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 18th July in the Globe Room, Rose Court.

Present:

Judith Donovan CBE, Chairman
Linda Gowling, Association of Charity Shops
Andrew Braund, Confederation of Paper Industries
Moirra McMillan, British Coatings Federation
Pete Walker, British Constructional Steelwork Association Ltd
Haydn Steele, Construction Plant Hire Association
Peter O'Connell, Federation of Master Builders
Rosina Robson, Federation of Small Business
Ian Douglas, Federation of Window Cleaners
Martin Smith, Forum of Private Business
Geraint Day, Institute of Directors
Pat Stanley, National Farmers' Union
Matthew Cowan, Professional Contractors Group
Collette Best, Royal Institute of Chartered Surveyors
Tony Hutchinson, Rural & Industrial Design and Building Association
Steve McFarlane, United Kingdom Warehousing Association
John Morecroft, Vehicle Builders and Repairers' Association

Apologies:

Philip Clarke, British Association of Chemical Specialities
Kieran O'Keefe, British Chambers of Commerce
Annabel Berdy, British Retail Consortium
Daniel McAlonan, British Dental Association
Declan Moore, British Glass Manufacturers' Confederation
Bob Cotton, British Hospitality Association
Robert Keen, British International Freight Association
Michael Lee, British Woodworking Federation
Leslie Hill, British Wood Preserving & Damp Proofing Association (representing the Property Care Association, the Wood Protection Association and the British Pest Control Association)
Peter Newport, Chemical Business Association
Janet Asherson, Confederation of British Industry
Shelley Atkinson Frost, Construction Confederation
Paul Reeve, Electrical Contractors' Association
Louise Ward, Engineering Employers Federation
Angela Hills, Federation of Tour Operators
Gary Pritchard, Glass and Glazing Federation
Wendy Nixon, Hair and Beauty Industry Association
Bob Towse, Heating and Ventilating Contractors' Association
Chris Dabner, National Association of Master Bakers
Robert Hudson, National Association of Shopfitters
John Gililand, National Care Homes Association
Howard Button, National Federation of Demolition Contractors
Catherine Tong, National Federation of Retail Newsagents
Ray Seymour, National Hairdressers Federation
Mervyn Pilley, National Society of Allied and Independent Funeral Directors
Martin Isles, Quarry Products Association
Mike Floodgate, Radio, Electrical and Television Repairers' Association
Frank Ursell, Registered Nursing Home Association
Ruth Pott, Road Haulage Association
John Brazier, PICON

Garry Parker, Small Business Bureau
Jean Rennie, Timber Trade Federation

Officials Present:

Jonathan Rees (HSE Deputy Chief Executive)
Jenny Eastabrook (Head Cross Cutting Interventions Division)
Cath Cottam (Head of External Diversity Team)
Ron Griffiths (Enforcement Policy Unit)
Steve Woolley (Head of Enforcement Policy Unit)
Roger Hamilton (Online Services)

Reema Shah (National Audit Office)
Julie McGuinness (National Audit Office)
Paul Drabwell (National Audit Office)

Heather Butler – SBTAF Secretariat
Zoe Woodrow - SBTAF Secretariat
David Gregson - SBTAF Secretariat

1.	Introductions and apologies
1.1	Judith Donovan welcomed members to the meeting. Judith informed members that since the last meeting 6 new members have joined the Forum. This means that there are now 49 members in total with a reach of approximately 900,000 businesses.
2.	Minutes of the last meeting
2.1	It was agreed that the minutes reflected an accurate and true description of the April SBTAF meeting.
3	HSE/DRC joint risk assessment and disability guidance
3.1	<p>Cath Cottam, Head of External Diversity Team, spoke about the joint HSE/DRC joint risk assessment and disability guidance.</p> <p>Joint DRC/HSE research was carried out in 2002. No consensus of experiences was discovered; different organisations had different levels of knowledge about disability. The research found that Health and Safety is sometimes used as a reason not to recruit or to dismiss a disabled person. Many organisations however were working hard to overcome Health and Safety difficulties to retain workers who are disabled or have long-term health conditions. One key issue the research identified was a sense of conflict between the Disability Discrimination Act and Health and Safety law.</p> <p>HSE is committed to promoting a disability-positive culture. Health and Safety should not be used as a fake excuse to discriminate against job applicants and employees with a disability. Disability awareness is increasingly important considering the ageing population. It is beneficial for businesses to recruit from a wide variety of backgrounds.</p> <p>HSE has been working with the DRC in developing joint internet web guidance. <u>There are no new requirements</u>: the guidance simply draws on existing standards and practices. It seeks to bring together ‘under one roof’ disability discrimination and Health and Safety duties; so that employers see that when they make reasonable adjustments for a disabled worker, they may also be introducing Health and Safety risk control measures.</p> <p>Cath ran through a demonstration of the website. She explained that the website is written in plain English, uses bullet points and includes a number of useful links and case studies. The External Diversity Team would be very interested to hear from SBTAF members if they have any examples that could be used as further case studies and/or any suggestions for additional links.</p>
3.3	A brief discussion followed the presentation. Forum members requested information regarding the legal status of the guidance. Members were advised that the guidance reflects case law as it stands and provides appropriate signposting to further legal advice. A suggestion was put forward by members that it could be useful to include a link in the guidance to AcAS guidance. Jenny

	<p>Eastabrook confirmed that that we already have a link to the job centre advice.</p> <p>A link to the guidance will be placed on the e-community once the final amendments have been made and the guidance has been tested with disabled clients. We expect that this will be complete by September.</p> <p>A member of the forum asked how you define a disability. Cath advised the forum that there is no simple definition. It is necessary to ask questions – can the worker still the job they are doing? Can any adjustments be made so they can carry on doing the job?</p> <p>A member of the forum commented upon concerns regarding HSE owned construction guidance ‘Constructing Better Health Regulations.’ The member felt that it was important that both pieces of advice be joined-up. Judith requested that Cath follow this up with the member offline.</p>
4	SBTAF E-community
4.1	<p>Roger Hamilton, Online Services, introduced this item. Roger began by explaining to members the background of the use of e-communities by HSE. Roger then provided the forum with a visual demonstration of how the e-community works. He explained how to:</p> <ul style="list-style-type: none"> - Register and log in to the site - Use the ‘What’s New’ and search facilities - Navigating around the site - Check the dates of forthcoming meetings - Post /reply to a message from the Forum <p>Zoe Woodrow, SBTAF secretariat, explained to members how email messages function. Upon joining the community members are given the option of receiving no message, weekly updates or updates each time new information is posted on the site. It is possible to change your preferences at any time by logging on to the site. If members choose to receive no email messages it is important that they remember to regularly log on to the site as they will not receive emails regarding new information.</p> <p>Heather Butler, SBTAF secretariat, advised members that if they wish to contact the secretariat directly, rather than making a post on the e-community, they can use the email address that is located on the homepage under ‘Group Information.’</p>
4.2	<p>Members discussed how useful they find the site. Comments from those who had used the site were positive. Several members confirmed that they found the community to be an invaluable tool. One member commented that these types of forums are particularly useful because all information is stored in one place, reducing the need to trawl through emails to find any required information.</p> <p>There was further discussion around the ‘discussion’ facility on the site which allows members to talk about health and safety concerns on the e-community. This facility has so far been under-utilised. It was agreed that as members became increasingly au fait with the site this facility would progressively increase in importance. A member of the forum asked to what degree the secretariat intend to moderate discussion on the forum. The secretariat do not intend to moderate discussion.</p>
5	HSC/E merger
5.1	<p>Jonathan Rees, Deputy Chief Executive, updated members on the progress of the HSC/E merger. A handout accompanied this presentation. The handout summarised the key issues around the merger.</p> <p>The changes are being made not because the current model is failing but because of the changes in society. Following transformations in the economy, legislation from Europe and changes in the standards of public sector governance it is felt that an updated model of governance would be more appropriate. Last years consultation received broad support in favour of this change.</p> <p>A unitary model called the ‘Health and Safety Executive’ will be created. It will build on the strengths of the current system. It will be an open body providing a broad representation of interests, including re-enforced Local Authority representation. A second consultation document will be published in August explaining the proposed model in further detail. To enact the proposed</p>

	changes it is necessary to go through the parliamentary process. We expect that the changes will come into force by Spring 2008.
5.2	<p>Questions were asked by members regarding the reasoning behind the merger. It was stated that this is not a problem fixing exercise, rather it is a clarification exercise. Most people are not aware of the difference between the HSC and HSE. It is generally felt that the model is past its sell by date. The possibility of re-branding the organisation was mooted but this was not favoured by users and stakeholder organisations.</p> <p>Some debate followed regarding the non-executive status of the new governance model and the potential effect on enforcement decisions. Concerns were expressed regarding the effect on the development of new legislation. It was confirmed by Jonathan Rees that the developmental process will not change and the checks that are currently used will continue. Decisions will still be made openly and will still be subject to ministerial approval. Upon the implementation of the new model theoretically enforcement decisions will be taken by the executive body but in practice the act of decision making will be delegated to inspectors.</p>
6	Written Health and Safety Statements: Eliminating Duplication
6.1	<p>Ron Griffiths, Enforcement Policy, spoke to the forum about a new project being scoped by the HSE. The government's Administrative Burden Measurement Exercise indicated that a significant proportion of British businesses who employ five or more, produce both a written health and safety policy statement and a written record of the arrangements they have in place for the effective planning, organisation, control, monitoring and review of the preventative measures they've devised from their risk assessments.</p> <p>HSE wishes to make it clear that businesses could produce a single policy that sets out their arrangements that would satisfy the requirement under both sets of Regulations. HSE is now investigating how best to ensure businesses do not duplicate efforts, while ensuring that an effective health and safety management system is worked out and put in place.</p> <p>As part of the early stages of preparation it is important to take the view of the forum on this issue. The following questions may help guide discussion, although any views are very welcome:</p> <ul style="list-style-type: none"> • Does the forum agree that generally businesses spend resources producing two documents - a health and safety policy and a written record of arrangements? • How, in practice, do businesses achieve compliance - write these themselves? employ a consultant? Take advice from trade associations? • What is their feeling of the impact of the two duties? - a real driver to get sensible arrangements in place? Simply a way to keep large clients happy? • What do they estimate the cost to be?
6.2	<p>Following the presentation Judith Donovan commented that members may wish to take this information away with them, consider the questions posed and put them to their members. Ron agreed that this would be beneficial and asked that members respond by Monday 17th September. It was confirmed that is an information gathering exercise rather than a formal consultation. SBTAf members can respond on behalf of their members representing SMEs if they feel this is appropriate. We would welcome information from forum and member organisations. There will be a further consultation in the Autumn.</p> <p>A lively discussion followed amongst members about the implications resulting from a lack of clarity on this issue in small businesses. The point was made that if small businesses are unclear about their responsibilities then they will feel under pressure to employ external health and safety consultants. This is an exercise that can be very costly to a small business. Members commented on the importance of HSE being clear on the situation internally, particularly considering inspector awareness. It was made clear by a number of members that this is an issue that will have a greater impact on less specialised industries as those that have specific health and safety concerns will have different priorities.</p> <p>The SBTAf secretariat will put the questions asked during the presentation on the e-community.</p>

7	Information Exchange
	<p>Several members showed an interest in the effects of the recent flooding and subsequent clear up process. Members would be interested to hear about best practice from fellow forum members. Judith requested that forum members submit any relevant examples on the SBTAF e-community.</p> <p>A discussion began amongst members about how to successfully meet the requirements of contractors and the desirability of standardised formats for Recruitment and Assessment Services (RAS). Some members of the group advised the forum that their trade associations have already undertaken a certain amount of work in this area. HSE highlighted work in some sectors on supply chains and a forum member mentioned work by the national specialist contractors council.</p> <p>A forum member informed the group that their trade association had recently been informed by its membership of problems associated with changes to EU standards for labelling gas cylinders. It has come to their attention that some premises are not aware of the changes and have a duplication of cylinders which could result in a dangerous incident. Members agreed to upload a safety alert to the e-community that others may use.</p>
8	AOB
8.1	Judith Donovan thanked members for attending the HSC Parliamentary reception in July. The event was a great success and members contributed to that success.
9	Meeting round up and close
10	Date of next meeting – 9th October 2007, <u>14:30 – 16:30</u> (Please note this is an PM meeting)
Actions	<p>Secretariat to:</p> <ul style="list-style-type: none"> • The External Diversity Team to consider the inclusion of links to AcAS guidance in the joint risk assessment and disability guidance. • The External Diversity Team to consider member concerns regarding ‘Constructing Better Health Regulations’ guidance. The secretariat will also raise these concerns with the construction team. • A link to the final version of the joint risk assessment and disability guidance will be placed on the e-community. • To place the questions asked in the ‘Written Health and Safety Statements: Eliminating Duplication’ on the e-community • Investigate the situation regarding the labeling of gas cylinders <p>Forum members to:</p> <ul style="list-style-type: none"> • Members to respond to the Ron Griffiths regarding the questions posed in Paper SBTAF/01 about the affects of written health and safety statements on small business by Monday 17th September. Please contact Ron at ron.griffiths@hse.gsi.gov.uk • To upload a safety alert to the e-community that others may use.

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>