

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 29 April 2009 in Training Rooms 3 & 4, Redgrave Court.**

Present:

Judith Donovan CBE,	Chairman
Lynsey Brooks	Federation of Small Business
Robert Cummings	Confederation of British Industry
Paul Bogle	National Federation of Builders
Ray Engley	Road Haulage Association
Linda Gowling	Association of Charity Shops
Steve Hodgson	Property Care Association
Tony Hutchinson	Rural & Industrial Design and Building Association
Martin Isles	Mineral Products Association
Michael Lee	British Woodworking Federation
Wendy Nixon	Hair and Beauty Industry Authority (HABIA)
Phil Russell	Federation of Master Builders
Malcolm Tagg	Vehicle Builders and Repairers' Association
Pete Walker	British Constructional Steelwork Association
Steve Walter	EEF – The Manufacturer's Organisation
Stefan Wojciechowski	National Federation of Retail Newsagents

Apologies were received from other members.

HSE Officials Present:

Jenny Eastabrook	Joint-Head, Cross Cutting Division
Tony Bandle	Head of Business Involvement Unit
Anne Strype	Business Involvement Unit
Katherine Fuller	Business Involvement Unit
Anna Bliss	Business Involvement Unit
John Lack	Communications Directorate
David Dawick	Communications Directorate
Claire Lonsdale	HSE, Small Business Trade Association Forum Secretariat

1.	Introductions and apologies
1.1	<p>Judith Donovan welcomed the attendees and introduced Paul Bogle and Stefan Wojciechowski, who were attending their first meeting.</p> <p>The Quarry Products Association has merged with the British Cement Association and The Concrete Centre to become the Mineral Products Association. Martin Isles will continue as their representative on the Forum.</p> <p>Lynsey Brooks, who has represented FSB on the Forum since its inception in 2006, was attending her last meeting. Judith and members thanked Lynsey for all her work with the Forum over the years.</p>
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 January 2009 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:</p> <p><u>Guidance for Employers of Migrant Workers</u>: Forum members provided feedback on the draft version of this guidance in February. It is based on a similar format to the Example Risk Assessments but is not sector-specific. It will be published on the HSE website as a free, downloadable leaflet in May. The Secretariat will provide a link to the guidance through the e-community on its release.</p> <p><u>Safety Schemes In Procurement (SSIP) Forum</u>: The SSIP Forum will launch on 20 May as a freestanding association of businesses, instead of as a limited company. It represents an attempt to facilitate mutual recognition between different health and safety competence accreditation schemes in the construction industry. Both RoSPA and IOSH have voiced support for the initiative. Founder members are Exor Management Services, Construction Health & Safety Assessment Scheme (CHAS), National House Building Council Safety Scheme and Constructionline. The main criteria for membership is that the providers' health and safety accreditations meet the scrutiny of an annual, independent audit. This is intended to give clients confidence that any contractor holding an accreditation issued by an SSIP Forum member will meet the required standard of competence.</p> <p><u>Asbestos E-Tool</u>: A test version of the e-tool is now available at: http://www.hse.gov.uk/testbed/web-new/asbestos/managing/index.htm Username: development Password: login</p> <p>The project team would like to thank the Forum for their help with this project so far and are keen to receive feedback on the e-tool to ensure it is suitable for its intended SME audience.</p> <p><u>SBTAF Briefing Pack</u>: The final version of the briefing pack is now complete and hard copies are available from the Secretariat. The aim is to use it as a tool to encourage people to maintain their engagement with Forum activities and attendance at Forum meetings, especially during the current economic climate. It will help new representatives understand SBTAF aims and what being a member of the Forum will involve. There is also the possibility that it could be used to promote SBTAF and its good work both inside and outside HSE. Copies can be requested from the secretariat.</p> <p><u>Gas Safe Register</u>: On 1 April 2009, the CORGI gas registration scheme was replaced by the new Gas Safe Register (run by CAPITA). It is now a legal requirement to be listed on the Gas Safe Register before carrying out any work with gas to comply with the Gas Safety (Installation and Use) Regulations 1998. See www.gassaferegister.co.uk for more information, including an FAQ section.</p> <p><u>Removal of Forms Project</u>: As part of its Simplification Plan, HSE has undertaken to reduce unnecessary administrative burdens on business by removing outdated forms from the health and safety system. SBTAF was among groups consulted on proposals to amend requirements in the Factories Act (1961) and the Offices, Shops & Railway Premises Act (1963) for employers to notify a health and safety enforcing authority before occupying a factory or employing anyone in an office, shop or railway premises. Amendments removing these requirements came into effect</p>

	<p>on 6 April 2009 and a written briefing on the changes, including an FAQ section, is now available on the SBTAf e-community.</p> <p><u>New Chemicals Regulatory Directorate:</u> On 1 April, HSE combined the Pesticides Safety Directorate and the Chemical Assessments Schemes Unit to create the Chemicals Regulatory Directorate. This new, single regulator will hopefully result in easier access for industry and provide a more efficient level of service. The Directorate will be responsible for both PSD and CASU's former functions; the licensing and regulation of pesticides, biocides and chemicals in the UK. There are currently no projected changes for industry regarding service and interaction.</p> <p><u>Sensible Risk Management:</u> HSE is looking to further work undertaken since 2007 to promote sensible, proportionate risk management principles among both business and the general public. (Initiatives taken forward under the sensible risk programme include the example risk assessments and myth of the month). HSE now aims to pursue a more 'active' campaign aimed at converting changes in attitudes into practical actions. SBTAf will be kept updated regarding the progress of this initiative and may be consulted in the future.</p> <p><u>Worker Involvement:</u> SBTAf gave positive support for this integral theme in the new HSE Strategy at the January 2009 meeting. Policy Group are currently discussing proposals with both senior management and the HSE Board over how to drive improvements in line with this strategic goal over the next 2 years. The project team are currently in the early stages of drafting possible approaches, such as a campaign to promote the benefits of worker involvement to businesses. There will be a particular focus on how to communicate this message in non-unionised workplaces. All are subject to Board approval, but the team hope to shortly be in a position to share their thoughts and to begin consultations with key stakeholders such as the SBTAf on their proposals to improve practices in this area.</p> <p><u>EU Musculo-Skeletal Disorders Directive:</u> The EU is intending to propose a new directive to address significant risk factors of MSDs and to lay down minimum standards for worker protection. The new directive would integrate the provisions of two existing directives relating to the Manual Handling of Loads and Work With Display Screen Equipment into one. A working party was established in November 2008 to form an opinion on the development of further EU legislation on MSDs and is due to report to the Commission in May/June 2009. One SBTAf member (Confederation of British Industry), has a seat on the working group and advised that a copy of the high level draft directive had been issued to group members in March and that discussions were still at a very early stage. The next meeting of the working group is due on 3 June and the EU is looking to table a formal proposal for August 2009. Further information on the current status of the directive and its potential scope can be found at:</p> <p style="text-align: center;">http://www.hse.gov.uk/aboutus/europe/euronews/dossiers/msd.htm</p>
3.2	<p>Members discussed the proposed MSD Directive and its implications for small businesses. There were concerns that a new Directive would focus on the bureaucratic process of risk assessment, rather than on practical solutions to combat the risk of MSDs in the workplace. The CBI and MSD Working Group are currently searching for practical examples and case studies of what businesses already do to combat MSDs, to illustrate the effectiveness of existing legislation. Any SBTAf members who are able to supply such case studies are invited to contact the CBI via the Secretariat no later than 28 May. In response to concerns raised by Forum members, the Secretariat will liaise with the relevant HSE policy leads to table a discussion on the Directive at the Forum's next meeting in July.</p> <p>Steve Hodgson advised that the Trade Association Forum (TAF) are also working on the issue of mutual recognition between prequalification schemes in the construction industry. Concern was also expressed that theSSIP Forum would become a purely commercial venture by</p>

	<p>prequalification providers.</p> <p>The Federation of Master Builders requested more information about the differences between the new Gas Safe Register as opposed to the former CORGI system. Many FMB members are either registered gas engineers or subcontract out to those who are and they were concerned that there seemed to be confusion among consumers and industry as to the changes in the Gas Safety regime. Judith Donovan advised that the new system had only been in place since 1 April and that a large advertising campaign was currently taking place. The Secretariat offered to arrange for the policy leads to contact FMB after the meeting to discuss any concerns. Further information can also be obtained from the Gas Safe Register website at:</p> <p style="text-align: center;">http://www.gassaferegister.co.uk/</p>
4	Combined Health & Safety Policy Statement/Risk Assessment Template (Revised)
4.1	<p>Anne Strype provided members with an update on the combined health and safety policy statement/risk assessment template for small businesses. The aim is to help small, lower risk businesses comply with legislation by providing an electronic template that combines the requirements of the policy statement, written health and safety arrangements and risk assessment in one, easy to use document. It is intended to show businesses the kind of approach to be taken to written health and safety requirements, whilst eradicating duplication and saving time, resources and costs.</p> <p>Since this was last presented to the Forum at the January 2009 Meeting, the template has been revised according to members' recommendations to improve both its accessibility and useability:</p> <ul style="list-style-type: none"> • The presentation of the template has been improved and is now much clearer to follow. • The message of taking responsibility for health and safety has been strengthened. • The need for a written policy statement/risk assessment for companies with 5 or more employees has been highlighted. • The focus of the written example has been changed from falls from height to slips and trips, which more businesses can relate to. • Prompts have been entered in the fields for easy completion. <p>The project team are also devising a 'setting the scene' document, similar to those provided with the example risk assessments, to illustrate what needs to be considered and included. It is intended to publish the template on the HSE website and a communications plan is intended for 2009/10. The Forum will be notified as soon as it becomes available.</p>
4.2	<p>Forum members approved of the latest version of the template. Some had liaised with the project team regarding possible revisions and considered the new draft to be a great improvement. Several members voiced their support for the revised template and intended to point their members towards it upon publication. Tony Bandle summarised by emphasizing that use of the template is not compulsory; it is intended as a tool to help small businesses consider what information to include in their policy statements/risk assessments and to help reduce the amount of time and resource expended on complying with written health and safety requirements. HSE is asking for help in promoting the template, along with the example risk assessments, and will make Forum members aware when a final version is due for publication.</p>
5	Health & Safety Leadership For Small Businesses
5.1	<p>This item was presented by Jenny Eastabrook, head of HSE's Cross Cutting Division, together with Lynsey Brooks, who updated the Forum on her work to devise a guide to health and safety leadership for small businesses. Jenny reminded the members that Leadership is a key theme in the new HSE strategy and HSE is committed to continuing to promote the importance of effective health and safety leadership in businesses of all sizes. Specific goals are to:</p> <ul style="list-style-type: none"> • Encourage strong leadership in championing the importance of, and a common sense

	<p>approach to, health and safety in the workplace.</p> <ul style="list-style-type: none"> • Motivate focus on the core aims of health and safety, helping risk makers and managers distinguish between real issues and trivia. • Encourage oversight of health and safety as a key business risk. <p>Members were provided with an overview of initiatives taken to encourage effective health and safety leadership, including the joint HSE/loD guidance “Leading Health and Safety At Work”. Although general awareness of the guidance was good, this dropped markedly among small businesses, especially micro firms. Jenny acknowledged that the Forum had previously advised that the guidance was too lengthy and complex for small business use and that HSE were now considering how to adapt their approaches to the Leadership theme with regard to small businesses.</p> <p>Lynsey Brooks updated the Forum on her work to produce a guide to health and safety leadership aimed specifically at small businesses. FSB believes that while the current HSE/loD guidance is good for larger organisations, the technical terms and length of the document can alienate small businesses. She has attempted to make the FSB guidance shorter (3 pages long) and more relevant for small business use. The guidance has four stages: Plan, Deliver, Monitor and Review, which are all based on themes discussed in the existing HSE/loD guidance. FSB are currently searching for positive case studies illustrating the benefits of good health and safety leadership for use in the guidance. Forum members were asked for help in providing these, especially for businesses with less than 20 employees.</p> <p>Jenny finished by emphasising that HSE are aiming to customise their approach to leadership for the benefit of small businesses. Comments were invited as to how HSE could help small businesses improve health and safety leadership, together with feedback for the FSB guidance and a steer as to how to take this work forwards.</p>
5.2	<p>A lively debate followed the presentations, with a detailed discussion on the FSB Leadership Guidance. Members made the following observations:</p> <ul style="list-style-type: none"> • The FSB guidance focuses on the implications of the Corporate Manslaughter Act, when SMEs are already covered by existing provisions in the Health & Safety At Work Act (1974). Lynsey explained that many of her members were concerned about the Corporate Manslaughter Act and that most would pay more attention to this than the HSWA (1974). It was suggested that the guidance could refer to the HSWA, rather than focusing solely on Corporate Manslaughter. • Owners of very small/micro businesses don’t see themselves as leaders or ‘leading the business’, but rather as owners. Referring to the whole concept of ‘leadership’ could be just a alienating to them as the use of technical terminology. It was agreed that language needs to be altered to effectively present the same concept to different size businesses. Members stressed that more emphasis needs to be placed on ownership than leadership at the small business level, as more companies will relate to this use of language. • Small businesses wouldn’t necessarily recognise the concept health and safety leadership, even if it is something that they already tackle as part of the day to day running of a business. This makes it difficult to acquire positive case studies, although the Federation of Master Builders volunteered to explore whether any could be obtained from their members. • Even in its current format, the FSB guidance could be too long for small businesses to read. Members also emphasized the low reading age of many small business owners and the need to account for this in the language used. • Members highlighted the importance of linking health and safety leadership to efficiency and profitability, to secure small business buy-in. • The tick-box checklist at the end of the FSB guidance was praised as a great aid for micro businesses.

	<ul style="list-style-type: none"> • Small businesses favour a prescriptive approach to health and safety; they want to be told what to do to comply with legislation and fulfil their duties. This is especially true with regard to health and safety leadership and the Corporate Manslaughter Act; many small businesses are unsure how to meet their obligations. The National Federation of Retail Newsagents asked how a shop owner can ensure that they have met their responsibilities regarding health and safety with respect to the danger of a worker being injured or killed in a robbery. In this sense, the lines of responsibility and liability are blurred. • Guidance that is aimed at small businesses should break information down into bite-sized pieces, to enable them to tackle each section individually and in stages, making health and safety seem less complex and burdensome. <p>There was agreement that the FSB's work on leadership guidance is valuable both practically and politically. Several members voiced their support for the guidance and committed to providing more detailed feedback/any potential case studies via the Secretariat by the end of May. There was a general feeling that a template produced by FSB (and available on their website), but which trade associations could tailor to make more relevant to their own sector/members would be a valuable way forward. The language of 'owner/manager' resonated better than leadership. Judith concluded by reminding members that the HSE strategy is due to launch on 8 June.</p>
6	Revised Health & Safety Law Poster
6.1	<p>John Lack, of HSE's Communications Directorate, provided the Forum with information about the new Health and Safety Law Poster. The new poster was launched, together with the amended Health & Safety Information for Employees Regulations, on 6 April 2009. New regulatory amendments have reduced the amount of information employers have to provide on the poster – there are now only two boxes of company-specific health and safety information to be completed. HSE has attempted to improve the presentation of the new poster to make it more eye-catching and accessible. It has been designed for a reading age of 13 and is stamped with an individual hologram to prevent the production of fraudulent copies.</p> <p>John advised that HSE don't wish this to place any unnecessary burdens on business and have allowed businesses a 5 year period in which to replace the old poster. It was emphasised that duty holders also have the option of providing employees with the information in the form of a leaflet/pocket card instead of displaying the poster. The leaflets can be downloaded for free from the HSE website. HSE have also produced picture-based versions of the guidance "Health & Safety Law: What You Need To Know".</p> <p>HSE will be pleased to offer Forum members a discount on purchases of the poster, to enable them to pass this on to their own members. Terms can be tailored to individual needs (for example, bulk purchases on a sale or return basis). Members were advised to contact HSE at the address below (Section Actions) for more details. The price of the new poster remains at £6.38 + VAT, which is the same as when the original poster launched 10 years ago.</p>
6.2	<p>Members approved of the appearance of the new poster, commenting that it was easy to understand with just a glance. The use of language was also very suitable for SMEs and could even be incorporated into the FSB leadership guidance for small businesses. It was emphasised that the text relating to ELCI my need revisiting, as in its present form it could be interpreted as the employer having a duty to provide insurance for the employee if they were injured at work, ie – that the employee could make a personal claim from that fund. John agreed to discuss whether the section should be redrafted with HSE colleagues. Judith Donovan summarised by asking the Forum to spread messages about the new poster to their own members. Several attendees stated their intention of requesting further information with a view to ordering and distributing the new poster.</p>
7	Information Exchange/AOB
7.1	<p><u>Corporate Manslaughter Sentencing Guidelines</u>: Rob Cummings (CBI) gave members an update on the current situation with the sentencing guidelines for the Corporate Manslaughter Act (CMA)</p>

	<p>2007. These are currently under further discussion, after the Sentencing Guidelines Council (SGC) had voiced concerns about the potential impact on business. The proposals are currently for fines to be based on a percentage of a company's annual turnover, presently drafted at between 2.5 – 10% for offences under the CMA and between 1 – 7.5% for fatalities under the Health & Safety At Work (1974) Act. The SCG are likely to publish an amended version of guidelines in the summer which will be followed by a two month consultation. As such, the guidelines are now unlikely to be fully published before the end of 2009. Tony Bandle advised that HSE was maintaining a watching brief on how this was progressing.</p> <p><u>Swine Flu</u>: Stefan Wojciechowski (Federation of Retail Newsagents) enquired about HSE's response to the outbreak of swine flu. Many businesses would struggle to cope with losing many staff hours in the event of a pandemic. Tony Bandle advised that the Health Protection Agency were leading on the response to swine flu and that HSE would accordingly follow their directions. Although HSE are not currently working on any specific guidance for businesses, the Civil Contingencies Unit remain in close contact with central government and guidance may be released in the future, depending on how the situation progresses. General advice is also available from the HSE website: http://www.hse.gov.uk/news/2009/swineflu.htm</p> <p><u>Changes in HSE Policy/ACOPS</u>: Pete Walker (British Constructional Steelwork Association) highlighted that Forum members had been unaware of recent changes to HSE policy regarding the provision of first aid training at work. This follows on from the changes to HSE's ACOP for work in confined spaces, of which the Forum were also unaware. Tony Bandle accepted that HSE must commit to improve both their internal and external communications of changes in guidance, ACOPS and policy. Training and development schemes for new HSE staff emphasise the importance of this and HSE will continue working to improve in this area.</p>
8	Meeting round up and close
8.1	Judith thanked the members for attending and advised them of the time and date of the next meeting. The Forum was also informed that Judith's term as a member of the HSE Board has now been extended into 2010/11. For this reason, the autumn meeting will now take place during late October instead of early September. Members will be advised of the exact date, time and venue via the e-community.
9	Date of next meeting – 21 July 2009, 10:00 – 12:30 (Please note this is a morning meeting) London – nb - Venue to be determined
10	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 the next SBTAF meeting in July. • Arrange for HSE's Gas Safe Register policy leads to contact Phil Russell regarding queries over the change from CORGI to CAPITA. • Circulate alternative dates for the Autumn 2009 meeting on the e-community <p>Forum members to:</p> <ul style="list-style-type: none"> • Provide detailed feedback and case studies for the FSB leadership guidance by 31 May 2009. • Provide examples of how SMEs are effectively controlling the risks of MSDs in the workplace to Rob Cummings at CBI via the secretariat. It would be helpful if any case studies could be provided by 28 May 2009. • Respond to requests for feedback regarding the new Asbestos E-Tool. (Links to the test version are available at: http://www.hse.gov.uk/testbed/web-new/asbestos/managing/index.htm LOGIN: development PASSWORD: login • Inform the secretariat if their TA has the capacity to provide a potential venue (London) for the next two SBTAF meetings on 21 July and in October. • Assist in promoting HSE's new Policy Statement/Risk Assessment Template to SMEs. • Any members who are interested in obtaining a discount on purchases of the new Health

	& Safety Law Poster or associated products, can contact either John Lack or David Dawick at: john.lack@hse.gsi.gov.uk or david.dawick@hse.gsi.gov.uk
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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>