

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 30 September 2010 in the Brighton Suite, Premier Inn Kings Cross, London.

Present:

Judith Donovan CBE	Chairman
Peter Walker	British Constructional Steelwork Association Ltd
John Morecroft	The Vehicle Builders & Repairers Association
Ray Engley	Road Haulage Association
David Ursell	Registered Nursing Home Association
Bettine Pellant	Printing Industry Confederation (PICON)
Tim Webb	Printing Industry Confederation (PICON)
Steve Pointer	EEF Ltd
Douglas Leech	Chemical Business Association
Wendy Nixon	Hair and Beauty Industry Authority
Declan Moore	Glass & Glazing Federation

Apologies were received from other members.

HSE Officials Present:

Jane Willis	Director – Cross-cutting Interventions Directorate
Rosalind Roberts	Head, Health Unit & Public Services Sector
Kate Haire	Head, Business Involvement Unit
Jill Hawthorne	Secretariat – Small Business Trade Association Forum
Kristine Bright	Secretariat – Small Business Trade Association Forum

Presenters:

Julie Sharman	Local Authority Unit, HSE
Stuart Bristow	International Unit, HSE

1.	Introductions and apologies
1.1	Judith Donovan welcomed members and Jane Willis, Director of Cross-cutting Interventions Directorate. Also welcomed was Rosalind Roberts, Head Health Unit & Public Services Sector, Operational Strategy Division.
1.2	Apologies were received from Wayne Smith, Michelle Irving, Kevin Minton, Andrew Braund, Paul Reeve, Matthew Johnson, Martin Isles, David Daniel, Julie Gillies, Pat Stanley, Ron Bonner and Tony Hutchinson.
2.	Minutes of the last meeting
2.1	The Forum agreed that the minutes reflected an accurate and true account of the meeting held on 21 July 2010. There were no matters arising.

3	Feedback from the meeting with the Minister of Employment held on 22 September in Caxton House, London
3.1	Judith informed the forum that the meeting with Minister Grayling had gone very well and thanked Declan Moore, Peter Walker and Paul Bogle for attending and for their valuable input at the meeting. The Minister was briefed about the purpose of the Forum and informed about its considerable outreach to the SME community.
3.2	Specific areas of discussion with Minister Grayling were largely directed at less regulation, reducing red tape, gold plating and CRB checks on potential construction site workers. The Minister was very concerned at how this process was being implemented even though it was not strictly a health & safety issue. Peter Walker and Declan Moore confirmed that they had found the meeting very useful, open and frank. Both were surprised at how quickly the Minister had reacted to the issue relating to CRB checks. The Minister was provided with evidence of issues with individual Local Authorities.
3.3	A discussion of the burdens and bad press surrounding gold plating and over interpretation followed with consensus that this stance has had a derogative impact on motivation, making the job much more difficult to do. Members raised the issue of more legislation from Europe being implemented as Regulation rather than Directives, which provides less scope for amendment and tailoring. Jane Willis advised the forum that they can make a significant contribution by assisting HSE with the development of Impact Assessments which can be shared with the EU.
3.4	Judith advised members that Minister Grayling had indicated his willingness to attend a future meeting of the forum. She also suggested that a small working group of forum members could perhaps look at Lord Young's Report once published and by using gap analysis, identify what the report doesn't do, rather what it does do. Kate Haire and Jill Hawthorne to take forward.
4	Rosalind Roberts, Sector Representative, Head of Health Unit and Public Services Unit, Operational Strategy Division
4.1	Rosalind gave members a potted history as to where sectors fitted into the organisation and explained that in the early days HSE had 21 offices, and within each of these offices was a National Industry Group (NIGs). Rosalind handed members a chart showing the structure of Operational Strategy Division and offered to provide contact details.
4.2	Rosalind explained that the Division are currently developing sector based strategies. These will be consulted on internally before being discussed with stakeholders. Rosalind advised that one of things we may consider with stakeholders is the development of further model risk assessments. Rosalind was asked why construction sector was not included within the sector set up. Rosalind confirmed that because construction was well established, it had remained in Field Operations Division (FOD) and had not been brigaded, however, Construction do follow the same work processes as the sectors. Members with cross-cutting issues were advised to contact Kate and Jill in the first instance.
4.3	The discussion moved on to issues related to guidance and the Forum was informed of the current position. If HSE are required to/ wish to publish or market any guidance, a business case has to be prepared and a committee have to approve funding. This has had an impact on some HSE campaigns. In future there will be a bigger emphasis on the production of web based, rather than hard copy, publications. Kenny MacDonald Head of HSE's Online services is involved with revamping the website and it was suggested that he attends the next SBTAF to update everyone on progress.

5	Hot Topics
<p data-bbox="177 244 225 271">5.1</p> <p data-bbox="177 546 225 573">5.2</p> <p data-bbox="177 1016 225 1043">5.3</p> <p data-bbox="177 1688 225 1715">5.4</p>	<p data-bbox="331 244 887 271">Lord Young's Review of health and safety:</p> <p data-bbox="331 311 1485 439">Kate Haire informed the group that Lord Young's review of health and safety will not be published until mid October. Kate confirmed that Lord Young would stay in post for up to 12 months after the publication of his findings to ensure his recommendations are implemented.</p> <p data-bbox="331 445 1485 508">Post meeting: HSE's formal statement relating to the review was published on the SBTAF e-Community site on 15 October 2010.</p> <p data-bbox="331 546 584 573">Gas Safe Register:</p> <p data-bbox="331 613 1485 707">Kate Haire updated the forum on progress with The Gas Safe Register, which was launched 1 April 2009. At the end of the first year of operation the number of registered businesses had increased to 63,137, accounting for 115,514 individual engineers.</p> <p data-bbox="331 714 1485 842">During 2009 Gas Safe Register undertook a significant consumer awareness campaign including national TV advertising, coverage on numerous consumer and national/regional press and radio. They also developed innovative campaigns to provide consumers with face to face information and advice.</p> <p data-bbox="331 882 1485 976">Details of the 2010 Better Gas Safe than Sorry campaign, which highlights the true stories of people affected by unsafe gas work, can be found on the Gas Safe Register website – www.gassaferegister.co.uk – including text and video stories.</p> <p data-bbox="331 1016 922 1043">HSG65 Managing Health and Safety Update:</p> <p data-bbox="331 1084 1485 1146">Kate provided members with an update on what has been delivered to date, specifically:</p> <ul data-bbox="331 1153 1302 1281" style="list-style-type: none"> • A revised website presence on the topic (see http://www.hse.gov.uk/managing/index.htm) • An updated Guide to Inspection of H&S management (for HSE & LA's); • A briefing & training package for FOD staff. <p data-bbox="331 1321 1485 1518">Kate went on to explain that next steps would include the development of a statement of the core elements for managing for Health & Safety and the production of a refreshed and 'reduced' HSG65. Work is focused on making the guidance more relevant and accessible to the key target audience. Feedback from Community of Interest members on the first drafts of the 1 & 3 'pagers' has been considered and revised drafts will be tested out with the community shortly.</p> <p data-bbox="331 1559 1436 1621">ACTION: Kate to ensure that SBTAF members with an interest receive copies of the revised drafts.</p> <p data-bbox="331 1688 568 1715">Asbestos Update:</p> <p data-bbox="331 1756 1485 1953">Kate reminded members of the Survey Guide HSG264 published in January 2010 and the launch of the duty to manage e-tool. Members were asked to forward any feedback that they had on this guidance. Kate also informed members that HSE teamed up with the BHF-BSSA Group to produce a Quick reference fact sheet for retailers to assist them to understand their legal responsibilities. Wendy queried whether this was available to all retailers.</p> <p data-bbox="331 1960 660 1986">Action: Kate to follow up.</p>

<p>5.5</p>	<p>Corporate Manslaughter update:</p> <p>On the 9th February 2010 the Sentencing Guidelines Council issued its definitive guideline for sentencing in cases of corporate manslaughter and H&S offences <i>causing</i> death, to be applicable to the sentencing of organisations from the 15th February 2010.</p> <p>The guideline recommends that in cases of corporate manslaughter the fine should seldom be less than £500,000, and in relevant health and safety cases seldom less than £100,000. The guideline will only apply to sentencing in courts in England and Wales.</p> <p>The courts have been using the new sentencing guideline and the "expected" level of penalties, both when considering sentences in current cases, but also in a recent case where a company appealed against its sentence. In the latter case, whilst the guideline would not apply due to the date of the offence, the judge still quoted the sentencing guideline as a guide to what penalty a court might have award currently, when considering the appropriateness of the fine that had originally been given to the defendant.</p> <p>There is also some evidence that the lower courts are using the increased sentencing powers given to them by the Health & Safety (Offences) Act 2008, with higher penalties being awarded for regulatory offences (the Act increased the maximum penalty for these in the lower courts from £5,000 to £20,000).</p>
<p>5.6</p>	<p>Safe Maintenance:</p> <p>A variety of activities take place every year before, during and after the European Week for Safety and Health at Work (w/c 25 October in 2010). Suggested activities include:</p> <ul style="list-style-type: none"> • Show an EU-OSHA slideshow on maintenance to your management team and/or safety committee to plan your organisation's response • Raise workforce's awareness with campaign posters and campaign literature • Run an event for your organisation to coincide with European Week • Purchase a copy of the NAPO DVD to show to your workforce • Try the Safe Maintenance Health check and address any weaknesses you find <p>The EEF is holding events on Safe Maintenance at sites across Great Britain, in conjunction with HSE and the TUC:</p> <ul style="list-style-type: none"> • 19 October 2010, Newport • 4 November 2010, Sheffield • 9 November 2010, Warrington • 23 November 2010, Glasgow • 30 November 2010, Leamington Spa <p>For further information and booking details please see: http://www.eef.org.uk/events/current/Safe-Maintenance.htm</p>
<p>6</p>	<p>Presentation 1 by Julie Sharman, Local Authority Unit, Operational Strategy Division: Promotion of the Partnership between HSE and LA</p>
<p>6.1</p>	<p>Julie Sharman gave an extremely informative presentation which highlighted the HSE/LA regulatory partnership and the way they work particularly under the Health & Safety at Work Act 1974 Section 18 which outlines the duty on HSE and LAs to make adequate arrangements for enforcement.</p>

	<p>Julie went on to explain that her team facilitates and promotes the partnership between HSE and LAs. Their plans take account of national and regional priorities and targets and also locally derived objectives. Julie explained that when targeting interventions a simple rating system determines the approach and that premises are scored against four factors which are confidence in management; health performance; safety performance and finally welfare standards.</p> <p>Questions were taken from the floor and Judith thanked Julie for her presentation. Julie's presentation has been posted to the e-Community site.</p>
7	Presentation 2 by Stuart Bristow, International Policy Unit HSE's engagement with the EU
7.1	<p>Stuart Bristow started his presentation by giving an overview of HSE's engagement with EU and the European Agency for Safety and health at work. He also explained the role of the Advisory Committee on safety and Health at work.</p> <p>Stuart then explained the different stages involved in making EU laws and the influencing points. Finally Stuart described communication stages with stakeholders whereby once a proposal reaches the formal stage, the policy team set up a stakeholder group, to allow consultation as negotiations develop.</p> <p>Stuart took questions from Forum members and Judith thanked him for an excellent presentation. Stuart's slides are available on the e-Community site.</p>
8	Presentation 3 by Kate Haire, Business Involvement unit Guidance for SMEs
8.1	<p>Kate Haire gave the final presentation of the meeting when she updated members on progress with the development of HSE's core messages for SMEs. Kate explained the content of the guidance; the proposed structure; and the intended design for the guidance. A website will be developed to host an interactive version of the guidance. The team are working on a business case to bid for a limited hard copy print run of the guidance and a flyer to raise awareness. Kate advised the forum that other ideas as to how to increase awareness of the guidance would be most welcome. We will confirm the launch date by e-mail via the e-community site.</p> <p>Kate continued to update the forum on the review and development of guidance for SMEs, in the Woodworking industry. This initiative forms part of a pilot involving reviewing guidance for the Printing and Plastics industries, within the Manufacturing Sector. The priority is to refresh existing guidance and at the same time ensure it is SME friendly.</p> <p>A survey of the existing Woodworking guidance was undertaken involving feedback from small businesses on their opinion of available Woodworking guidance materials. At the same time HSE conducted its own research which included a survey of Infoline queries, reviewing demand for Woodworking publications and looking at the number of hits on the Woodworking website.</p> <p>From all the information gathered, it was established that a series of Woodworking Information Sheets required refreshing and making SME friendly.</p> <p>Changes to this guidance involves:</p> <ol style="list-style-type: none"> 1. Reducing the amount of text on the information sheets. 2. Including colour pictures to support the text. 3. Highlighting key machinery features on the pictures, to give greater clarity to the text descriptions. <p>The slides for both of the updates above can be found on the e-Community site. Judith</p>

	thanked Kate for the presentations and her earlier presentation on Hot Topics.
9	Information Exchange
9.1	<p>Discussions took place around the following issues:</p> <p>CE Markings:</p> <p>Confusion when purchasing CE Marked consumables and identification of valid CE marking when ordering and checking goods. Pete Walker said he would forward guidance issued for BCSA and it could be posted to the e-Community site for information.</p> <p>Older Workers and health & safety</p> <p>We recently asked for comments from members on draft guidance relating to older workers and health & safety. This was raised at the meeting as a cause for concern for the amount of work it would involve people to undertake. Kate Haire will raise with HSE's external Diversity team and they will be asked to contact Pete Walker direct to discuss further.</p>
10	AOB
10.1	No other issues were raised
11	Meeting round up and close
11.1	Jane Willis expressed her thanks to Judith on behalf of both HSE and SBTAF members for her work in creating and taking forward the forum and wished her all the best for the future.
11.2	Judith Donovan announced that the date and venue of next meeting could not be confirmed until the new Chair of SBTAF was appointed. The secretariat will contact members with further details as soon as we can.