

**Royal Society for the Prevention of Accidents
National Occupational Safety and Health Committee
Inquiry into Health and Safety Assistance to SMEs
Transcript of proceedings at a 'Hearing' Meeting held 23rd May 2007
at the NEC Hilton Metropole**

A. introduction

This document is report, including a verbatim transcript of proceedings, at the 'hearing' meeting held on 23rd May 2007 at the NEC Hilton Metropole as part of the Committee's Inquiry into H&S assistance to SMEs.

B. Background

As part of the Inquiry process RoSPA's NOSHC issued a call for evidence on various types of assessment being used by clients and main contractors, pre-qualification schemes, insurers and brokers, training organisations, schools and many other bodies to assess SME's health and safety competence and development needs. It was made clear that NOSHC wanted to identify what kinds of assessment are being used by various bodies, what works and whether there is scope for improvement.

Specific issues on which information and views were sought included:

- objectives of these assessments and their context;
- the methodologies employed;
- the numbers of assessments being undertaken;
- the competence of assessors;
- analysis and use of the results;
- the value added for the assessing organisation;
- the value to the SME; and
- the scope and options for improvement in assessment.

It was made clear that at this stage the Committee wanted particularly to hear from people with direct experience of assessing the health and safety competence of small firms and in particular **what types of assessment work well, what some of the common barriers are, and what can be done better to improve assessment.**

Themes to be examined included:

The role of insurers and brokers

The role of training organisations

Signposting and help for SMEs on H&S from business organisations

Assessing contractors

The trades union perspective

The consultant's perspective

The Local Authority perspective

The input from H&S professionals

The meeting was chaired by Paul Reeve, HS&E Adviser to the ECA. Paul directed questions to witnesses and Steering Group members. (SG members include: Nina Wrightson, (NOSHC chair); Roger Bibbings, RoSPA (Secretary); Kate Hopton, ABI; Heather Butler, HSE; Debra Macleod, HSE ;Rosina Robson, FSB; Howard Fidderman, Consultant to NOSHC; David Bryant, Workplace Health Connect.)

A voice recording was made of the discussion and a commitment was made to circulate a full verbatim transcript to all who contributed (see section C below).

A considerable amount of written evidence has also been received. Papers received were from: Business link; Cogent; Workplace Health Connect; and Phil Grace, Norwich Union Insurance. Observations and comments were received from: Malcolm Darvill, HSE; Stephen Horrocks PN Consultants; Jim Bennetts, Ofsted; Joyce Bennett, St Helens Chamber; Martin Ward, Association of School and College Leaders; Martin Isles, Quarry Products Association; John Morecroft, Vehicle Builders and Repairers Association; John McGuinness, Shires Safety Consultants; Russell Brownlie NOSHC; Tony Robinson, Business Assistance Branch, WorkCover NSW; Nick Platt, Farmers and Rural Research and Kate Hopton, ABI.

Attendees at the 'hearing' meeting were:-

Paul Reeve, ECA (chairing)
Roger Bibbings, RoSPA (Committee secretary)
Kerry Ross Warburtons Ltd
Mike Nixon, Safety Groups UK
Nick Platt, Farmers and Rural Research
Fiona Russell, LSC
Phil Grace, Norwich Union
Kate Hopton, ABI
Stewart Hall, Consultant
John McGuinness, Shire Safety Consultants Ltd
John MacLean, GMB
Rob Miguel, Unite (Amicus)
John Murphy, CHAS
Geraint Day, IOD
Rosina Robson, FSB
Clive Pantry, SP Associates
Sheila Pantry, SP Associates
Andy Lucas, Birmingham Council
Richard Hulmes, SAFED
David Bryant, Workplace Health Connect
Heather Butler, HSE
Debra Macleod, HSE
Howard Fidderman, Consultant to NOSHC
Sue Biggs, RoSPA
Tom Mullarkey, RoSPA

C. Transcript of recorded proceedings

Welcome to witnesses

The Chair said: 'I am very pleased to welcome you here today. This is a RoSPA Inquiry into improving health and safety support for small firms. And it is being conducted under the auspices of a sub-committee of RoSPA's National Occupational Safety and Health Committee or NOSHC, chaired by Nina Wrightson. I am chairing the sub-committee. We very much appreciate RoSPA's support for this initiative. And thank you for coming to support the event today. The basic aim of our work today is to home in on the assessment of small and micro-businesses - by a range of key stakeholders, ranging from pre-qualification schemes, to clients, to major contractors but also going through to trainers and - as we go through today - (it will be a two hour session, so I will introduce a break), we will be going through systematically, talking to various key stakeholder groups, getting evidence of what is out there now and basically, Is it good enough? Are we doing enough to help SMEs? Are we asking the right questions? Are we providing them with enough feedback and other communication?

Now - we have already received a number of written comments and following a particular comment today, all the comments today (which I should say are being recorded), together with the written comments - will be compiled at some stage. I would like to think that what we are looking for today is a rendition from people who have been active in this area - What are you doing? What's working? Where could we improve things? What could work better?

What I think we need to avoid today - to keep the dynamic going - is not to dwell too much on the problems faced by SMEs. I think that we could link to that when people make their comments but I think we need to take it as read that SMEs face various challenges in health and safety and thus the real thrust of today needs to be on what we can do to help them and communicate with them better on health and safety. So - missed opportunities, imaginative recommendations - we want those today from all of you here. What could really work for SMEs would be a fantastic result to come out of this Inquiry.

In a moment I am going to ask you all to give your name an affiliation. I think this will bring us all up to speed on which stakeholders we have here. And I will be asking eventually certain key stakeholders: What do you do now in relation to SMEs? What is working? And what might be working better?

I would, with the greatest of respect, like to ask people to refrain from what you and I might describe as 'advertising'. If we could keep that under control please. (I certainly intend to keep it under control.) And if I hear too many grumbles, I'll know advertising is going on. And also, not dismissing anyone's suggestions today - if anyone (as those of you have watched Alan Sugar in 'The Apprentice' will know, brainstorming is a wonderful thing) - so I would encourage you today though - remembering of course if you hear something you disagree with, we will allow a certain amount of intellectual challenge. But the fact is that these things will be reported on later and at that stage there will be an excellent opportunity to approve it or to shoot it down - so use your discretion.

What I'd like to do very quickly. I'd like to ask people to identify themselves with name and affiliation and after that I wondered if Roger would like to say just one or two brief words in support before we start. So if I can ask people to be very concise because we want to get round reasonably quickly'

Roger Bibbings said ‘Can I also ask, because of the recording equipment, those at the back particularly, can you stand up and use your best amateur dramatic voice to make sure we capture clearly what you say?’

The participants introduced themselves as follows:

Kerry Ross, Warburtons Ltd
Mike Nixon, Treasure of Safety Groups UK and also independent safety consultant
Nick Platt, Rural Consultants
Fiona Russell, Learning and Skills Council
Phil Grace, Casualty Risk Manager, Norwich Union
Kate Hopton, Association of British Insurers
Stewart Hall, Independent Safety Practitioner
John McGuinness, Shires Safety Consultants Ltd
John Maclean, National Health and Safety Officer GMB trades union
Rob Miguel Unite (Amicus Section) Health and Safety Officer
John Murphy, London Borough of Merton and Contractors Health and Safety Assessment Scheme (CHAS)
Geraint Day, Head of Health and Environment at the Institute of Directors
Rosina Robson from the Federation of Small Businesses
Clive Pantry, Sheila Pantry Associates Ltd
Sheila Pantry, Sheila Pantry Associates and also member of NOSHC
Andy Lucas, Team Leader, Environmental Health, Birmingham City Council
Richard Hulmes, Safety Assessment Federation (representing the independent inspection industry)
David Bryant, Workplace Health Connect
Heather Butler, Small Business Team at the Health and Safety Executive
Debra Macleod, also Small Business Team at the Health and Safety Executive
Howard Fidderman editor of Health and Safety Bulletin and consultant to the Inquiry
Roger Bibbings, Occupational safety Adviser RoSPA and Secretary to NOSHC
Sue Biggs, Committee Secretary for RoSPA.

The Chair said ‘ OK everyone - Well as you can see, we have a full range of important stakeholders here and today we will be asking for key evidence from you. To recap and then perhaps a very quick word from Roger to set us off - in your introductory papers it says what we are really doing today is to ask stakeholder organisations how they assess SMEs health and safety capabilities or competence - or both – and there are some specific issues we would like to tease out: What are the objectives of these various assessments? What sort of competence is that assessment requiring from organisations? What value does this add, either to you or to the SMEs? - because of course, in due course we will be looking very closely at what does the SME make of all this? This is not an independent process. We need to look at the whole thing, including the scope for improvement, not just the assessment.

Roger, do you want to say a few words just before we start?’

Roger Bibbings said ‘ I don’t want to say a great deal. You have already put the thing in context Chairman.

RoSPA, as you know, is not just a provider of training, auditing, awards and services to help people to manage health and safety - we also have a mission which is *to save lives and reduce injuries* and we undertake influencing work. And we do that through and in conjunction with our National Committee which includes a wide range of stakeholders in health and safety. This Inquiry is the lead project of the Committee over the next eighteen months. And it is going to be looking at a whole series of issues in the field of assistance to small firms in raising standards of health and safety management.

We decided to look at the question of assessment because that seems to be the sixty four thousand dollar question. And where we are very pleased to have made progress is in the report which Howard has prepared for the Committee. Hopefully you have had a chance to study that but it shows that there is a very much wider range of activity going on - a very much wider range of engagement with small firms by a very more diverse range of organisations than perhaps we might realise – and among the concerns we have perhaps is the fear that much of this work is going on in silos and is not joined up.

We have alluded to some of the problems we may uncover but we have an open mind and really that is the purpose of seeking views today - not just from representative organisations but from people who have first hand, personal experience of doing this sort of assessment with small firms. And we hope that by distilling all this we will be able to arrive at a set of conclusions and some immediate recommendations which the Committee can take forward and campaign for implementation.

The Chair said, 'Thank you very much Roger.

In moving on to get evidence from the key stakeholders, what I would say to everyone is that once they have presented their evidence, if you would like to make a comment that would be absolutely fine and is to be encouraged. Please, can I ask you to stand up and identify yourself briefly? This is not just for us but also for the microphone. We must not feel at all inhibited in making comments and that is also true for the RoSPA Committee members here today.

So what I would like to do first of all is - moving down the list you have of key stakeholders - we would like to examine the role of insurers on this subject - and so if one of the insurer representatives would like to just talk to us briefly about what are you doing first of all in this area. Thank you.'

Insurers and Brokers

Phil Grace, Norwich Union

We do have an interest health and safety risk management and our primary function is to deliver compensation to the injured party but we think do we there is a moral responsibility for health and safety in the companies we insure. Unfortunately, we have a similar difficulty to that of the Health and Safety Executive. My own company is an insurer of SME's, around 600,000 policy holders and although we have a large team (perhaps the largest in the country) of risk advisers they manage to visit about 40,000 and not all of these include liability insurance, they may be for motor or sprinkler or theft. We make use of the Internet. In common with many other insurance companies we have internet services, we offer advice and provide training for a fee and consultancy for a fee as well, so we are trying to overcome

challenges but as a safety practitioner the personal contact is the one that makes the difference and that's what we can't do. We just cannot speak to all of our policyholders and sending stuff through the post doesn't always mean it gets to the right person so we've almost abandoned that as a route of communication, but we try to provide guidance and assistance and visit when we can.

Paul Reeve the Chair asked Phil, 'In terms of assessing policies for small and micro business what information do you need to set a premium?'

Good question, how big they are many employees, turnover, trade, wage roll. Our business is driven by quick and slick processing and asking questions slows things down. (I'll be honest and frank.) We don't really make much use of information such as whether they have a policy. We ourselves have a fact-finding questionnaire of 25-30 questions used to generate a discount. Market forces mean we might be challenged by brokers who say "I can go to competitor B, who will not need a questionnaire, so why should we come to you"? This is something we have to face as part of market dynamics. At different times we can get it filled in and that will drive a discount. The underwriting is based on very simple information.

I should say there is a difference with large firms. They will have a claims experience, a number of claims each year - and their premium can be based on the cost of claims over a number of years, typically 5, if possible, and we can use that to predict a future claims cost and there will be a negotiation involved there, because the brokers may say we have identified bad backs as a causing claims, so we'd introduce manual handling and then we will take that into account with large firms with a claims experience but for SME's the claim might be every other year or every third year. We can't use those computational processes on such small businesses.

Paul Reeve asked about the major initiative via the ABI called 'Making the Market Work'. 'What effect is it having in the SME market place?'

Phil Grace said: Not a lot in terms of SME's. 'Making the Market Work' was an initiative launched by the ABI after the last Employers' Liability crisis of rocketing premiums, investigations by the Government etc. This was an attempt to seek recognition in the insurance industry of the efforts of trade bodies - trade associations - as we saw them as having a powerful motivating effect on their members to improve H&S to common standards and to improve standards - the scheme is not an approval scheme. It is an attempt by the insurance industry to get information from trade bodies on what they do to circulate among insurers. It enables brokers to say that their clients have reached a standard. It's like a short-circuiting of the underwriting process and it provides some recognition.

One of it's basic premises is that it works for likeminded groups and the people who have used it have generally been people of a specialist nature - the furniture makers trade body for example, or the organisation of piling specialists - organisations that have specific demands. We deal with groups of people. For SME's in general it's not so effective because they are a very disparate body. I can't give you any information about how it has worked, partly because the take up has been about 15 or 16 trade bodies - not a large number of individual companies and their insurance is spread across the whole UK insurance market and new ones across a 12 month period, and, so we have not been able to produce any stats to say members of that trade body have had a specific improvement.

What might work better?

Something suggested by a broker which I first saw 15 or 20 years ago in a journal, (I didn't think it would work then and I'm not sure it will work now) - a broker challenged me and said. 'why don't you have a common set of standards that you require SME's to achieve before you give insurance?'. There are one or two problems. First of all Employers' Liability cover is compulsory. You have to have it, you have to be an approved insurer to offer it, and you don't have to offer it. For example, NU would not insure roofers. It's choice you make. You're allowed to do that. One thing we can't do is make stipulations, and conditions, we can say you must set your alarm, otherwise we won't pay out, but we can't stipulate with employer – you must comply with health and safety law we won't pay the claim. So we don't have a lot of leverage or buttons to push and I think most insurers hope and expect that all small firms to meet legal minimum requirements. We'd like them to do better than that because civil law requirements are actually slightly more onerous in some cases. So the idea of having a set of standards, like a certificate of safety/MOT, is an interesting concept but I don't think it would work. I go back to I expect people to obey the law as a minimum. If they can go beyond that's better for them and it's better for us. That's not quite the answer you were looking for, but the best I can do.

Howard Fidderman asked.... 'The people you have go and visit SMEs, do they having training in health and safety, given the wide range of things you describe?'

Phil Grace, Norwich Union

Yes we've got about 115 composite risk advisers as we call them. They are basically property advisers - all have NEBOSH certificate and then we have currently 11 liability specialists and about 80% have the Diploma and the others are working towards it. Those specialists would just do liability surveys. They do just over 40,000 survey visits a year. But that includes motor fleet, sprinkler, complex fire, and liability only among 600,000 policyholders.

John Murphy, CHAS Manager

I think over the last 6 or 7 years, we've completed desktop-based competency assessments, part assessments on about 20-25 thousand contractors. The failure rate on initial application to us is somewhere around 70%, so the vast majority of the smaller contractors out there are not complying with the law. I think from the insurance industry's point of view, to try and go out there and make them comply is very, very difficult. Where I think there is a need is for recognition of those contractors who have taken that step and gone through independent third party accreditation such as CHAS. CHAS has actually entered into an agreement through a single broker with Zurich and AXA where they can get preferred rates or reductions in their liability insurance so that's one area where a recognition of contractors who've gone through these third party schemes can be useful. Thank you.

The chair asked 'With one eye on the clock already, I thought we should move on, but I would say that if anybody later has any extra points on subsequent points today, please you can come to us afterwards or send in a submission at any time? Now I'd like to get onto the role of training organisations. I wonder if our Training Organisation Representatives would identify themselves'.

Training Organisations

Fiona Russell, LSC

I don't actually represent training organisations, but our role is that we fund training organisations and colleges and teacher training. Our role from a health and safety point of view with SME's has come about where trainees are placed at an employer and we go in and check with that employer and ensure that suitable health and safety rules are in place. The LSC has put together a set of 10 standards for health and safety and we expect these to be in place and judgements made against them, and we would expect the training organisation to work with the employer to improve health and safety standards.

Paul Reeve asked 'Can I perhaps ask, have you any plans for further activities with SMEs? Is there anything from your experience of working with small businesses where you feel that you need to move into another area to try and improve the situation?'

Fiona Russell said

We are at the moment developing a 'Safe Learner' blueprint and this will impact hopefully on organisations. It's primarily aimed at our funded organisations but we hope that employers will be able to use it as well. If they have young people involved, either through training or working at their organisations, they could use this blueprint as well. The aim of it is to get a young person fully involved in health and safety, hazard aware, or competent in health and safety so that they develop a sense of it and, as they move on throughout their working life, they take those safe behaviours and attitudes with them.

The Chair said 'Thank you very much.'

Roger Bibbings asked... 'I'd like to raise Howard's question again with you. In your framework and in the chain of responsibilities, providers, colleges, training companies have a responsibility to go into premises where trainees are to be placed - to carry out assessments. Can you say a little bit about how typically that's done, but also what is the competence of those people and how is their work overseen or monitored by the Learning and Skills Council?'

Fiona Russell said

With regard to how they would go and carry out assessments, say at the workplace, we expect competent people to go and view evidence of health and safety standards, make a good judgement against them and again look at specific occupational areas as well. We expect them to keep those standards as a minimum and also, if there are specific issues in occupation areas to take that into account as well. With regard to competence, it is a subject that has come up again many times for debate. The LSC don't define what they mean by competent but we expect the people doing these checks to be competent, also in the occupational area that they are dealing with, also in the business in which they have been involved.

Roger Bibbings asked

Is it the case that there are still multiple assessments, in other words one college may go in and carry out an assessment when it has already been done by another one?

Fiona Russell said

Yes, that can happen. We did a little while ago, in line with the health and safety standards, try and develop a way that colleges could share information to reduce the number of visits carried out, to reduce bureaucracy. That hasn't happened yet because of the confidentiality issues about sharing information, trusting another person's judgement; was it done effectively? was it done to my standard? would I be happy with that judgement? It has been something we've

looked at and also talked about with various organisations including the Association of British Insurers, about how that might help to reduce insurance premiums, but as I say, when we spoke to colleges and providers, there was quite a lot of concern about confidentiality.

Chair: 'If I could just take a contribution from the back....'

Nick Platt

I used to go out and train. I used to work with a college and I used to go out and do assessments. As a staff we decided we weren't going to go out and do them any more and not a single one of the staff were trained in health and safety to go out and do that. We did a tick list but we eventually we stopped doing it.

John McGuinness

In relation to the last speaker I just have one comment to make. Within my recent past shall I say, we were commissioned by a college which shall remain nameless to provide an NVQ level 2 on behalf of the Learning skills council. We provided it on what we considered to be a very worthwhile scale with such a degree of success that the college decided to take an additional person on within the college framework.

After a series of job advertisements and interviews, one person was selected who had no qualifications whatsoever in H&S - not even an NVQ level 2. The issue was raised at corporate level and we believe was fed back to the Learning Skills Council, with the result that the Learning Skills Council negotiated with the college provider (based in Newcastle, that's as far as I am prepared to go), and that person insisted that the person appointed after us was removed from the post forthwith. So quite clearly the standards were set and were enforced. So it would appear to me that the college management was quite prepared to put someone into a position which he/she was not qualified to take. I think the case came to point when one or two of the students who were Environmental Health Officers, decided to have a formal health and safety qualification in the form of an NVQ level 2. When the training provider asked the questions, it would appear that the students were more qualified than the training provider and I think that's where the difficulty started. All credit to the Learning and Skills Council, they did intervene and that person was removed.

David Bryant, Workplace Health Connect

It's really a comment on scale in the sense that the funded organisations, the colleges, training providers and education partnerships who assess health and safety with SME's, we don't know how many assessments are carried out a year, it is probably over a million, just to give you an indication of the scale of the impact of the Learning Skills Council funded organisations in terms of the health and safety assessments they carry out.

The chair asked 'Are there any more contributions in relation to training organisations or topics affiliated to Training?'

Signposting & Help for SMEs

Chair said 'Would anybody like to give evidence in relation to business organisations?'

Rosina Robson, FSB

Just to give you an idea of what the FSB does to get the health and safety message out to members. We have 200,000 members in this country, mainly from the micro business sector

between 1 and 9 employees who altogether employ 2.5m people in this country. The FSB doesn't set competency when members join the Federation as such but we do offer advice on signposting and a number kinds of advice on health and safety. Our main source of advice is our 24 hour help-line which members find really useful because it's source of tailored advice for their business when they have particular issues and linked to that help-line is an email resource which gives members an opportunity to download information sheets on a whole range of different health and safety areas and from that they can email an adviser for further advice. Also, we link from those information sheets to other sources of official advice lines like HSE, Local Government and other recognised organisations, so we've got our own resources but we're also linking more widely as well. It tends to be that members phone in, certainly to the advice line, mainly about basic H&S issues. It's all about putting together a policy, carrying out a risk assessment, so that we know these basic messages have to keep being pushed out there. We also use our different communication channels (we had a regional bulletin) to update members on new regulations coming in and that's quite helpful and we also put links on our website to a lot of HSE campaigns like 'Watch your Step' and 'Better Backs'. So that will give you more of an idea of what we're doing.

In terms of how we think the situation can improve for businesses, we do think that, going back to comments made by insurers earlier, there's still a big opportunity for a sort of response to better setting health and safety premiums, taking to take into account the health and safety record, but I know we've done some work over the past two years on the HSE's H&S Performance Indicator which I understand perhaps got not a lukewarm response from ABI but they are finding it difficult to sell this to their members as a means of taking that indicator and possibly other indicators into account when setting premiums - that's something we're still pushing. Other areas, things like better regulations, at the moment, if we can really get HSE and others to get regulation to deliver some results on the ground and make legislation more understandable. Health and safety legislation is so frightening with small businesses. It's so technical, if they looked at just the basic legislation and no one knows what you're talking about. If there was just better guidance. This has all been said before but it's useful to highlight again. The idea that we've got to think small at first, at UK level and EU level is really important.

The chair asked 'What would work better?'

Geraint Day IoD

Very similar to the Federation of Small Businesses with budget influences. Members of the Institute of Directors have always been human beings, there are about 52,000 of them and about 80% come from SME's, 20% come from the larger enterprises, but nevertheless, we have a number of channels in terms of sign-posting, information and policy issues on health and safety. We use the website, we have business information and advisory services which can involve telephone calls, personal visits.

We also have an arrangement with Croner for members to actually buy extra advice, particularly around health and safety. Because we are the Institute of Directors, one of the things we try to take a close interest in the role of people who are directors, and this applies to every single sector, including the Third Sector - to more fully appreciate their health and safety responsibilities at that level as opposed to the managerial or implementation level.

At the moment we are trying to get these directors generally, (we don't have all the directors in the world who are members of the IoD) to actually appreciate the strategic and oversight and stewardship issues that members of Boards have to do. That's why we are working with HSE and others to actually help rewrite the existing Health and Safety Commission 'Directors' Responsibility for Health and Safety' guidance, which has now been out for about six years. It's in its midway stages at the moment and one of the things we do intend, subject to approval by the Commission in September, is to actually produce a version of that guidance for directors, aimed at smaller enterprises specifically - 99.4% of enterprises, by number in the UK are SME's and only about 6,000 are not.

With regard to other problems and it's one we have discovered, and it's more about the directors than the size of organisations, is about getting people to realise that although it's extremely important to make sure that health and safety matters are done properly and competently, that the people at board level have to understand the broader issues just in the same way that they have to understand things like accountancy. That's the challenge we're continuing to address - at the same time as knowing that the last time we did a survey across the whole membership, the regulations that caused the most problems, after employment regulations en masse, were health and safety regulations. So if we can become more adept at helping to guide people through the myths, actually - as Rosina Robson said - coping with the existing body of legislation may be difficult enough without the things that people don't actually need to consider. So we need to concentrate on those basics.

Debra Macleod, HSE

I thought I give some information on things that Geraint and Rosina have said and actually make a plea for information in one particular area. Taking into account the audience I'll go through the plea for information first. With regard to 'better regulation', we are very well aware that small firms do have problems in understanding some of our legislation and knowing exactly how to implement that. It is a message we get back strongly. The more specific information we can get back on where the real areas of issue are would be incredibly helpful because it can help feed into our simplification plans and give an opportunity to say it is actually this little piece here, or this big piece there, rather than just the general. If you, your members, your constituents, or people you deal with have that information, please feel free to pass it on to us. In terms of the SME performance indicator we are very grateful for the work the FSB has done in terms of helping us look at looking at what some of the limitations may be. It very much tallies with the response we have had from of the Workplace Health Connect advisers and we are in the process of working with the Small Business Service to look at how we might implement that, although it was originally created by HSE, it's a product which is now hosted by the DTI - so we need to agree with them how we take this forward but we're very mindful that actually it does assume a certain level of understanding of some of the key concepts and actually, we need to break down these barriers and make sure that people do really understand what the hazards and risks are in order to be able to take a next step and actually deal with them. We certainly recognise the point about needing to improve the guidance we put out.

One of the comments we quite often hear about HSE is that it's an organisation of experts talking to other experts and there is a project going on at the moment within HSE, which my team is leading, looking at the kind of engagement that we actually have with small business and ways in which we can improve that kind of communication and engagement. Now, through that process we have identified three key types of engagement, the first being provision of basic general information. So that is our publications, our general information on the web site.

We also have more tailored information where there are some kind of diagnostics going on so that SME, either itself or with the help of others can identify - OK this is the general issue; this is the specific issue for me and this is how I go about handling it. We also have a more in-depth resource intensive type of engagement which is about tailored advice and that would include things like the Workplace Health Connect pilots and also the work of our Health and Safety Awareness Officers and Inspectors, when they go out and actually give advice, rather than going out and doing inspections and enforcement. We are shortly to go to our Board with some proposals on the priorities for action, but very much at the heart of that is getting the basic information right as the starting point.

Going back to what Phil said, about working on the basis of minimum compliance with legislation, we need to make sure that is happening and one of the ways we do that is to make sure people are very clear on their responsibilities and how they go about doing that, so there's plans for quite a lot of work in train, to actually look at the publications and information we have on our website and to make sure it is not written by experts. It's written for people who are going to have to implement it.

Phil Grace said

Thank you for the information on HASPI because I should have mentioned it. The Association of British Insurers was involved in the development of HASPI. I cannot speak for other insurers but we have a questionnaire. We will accept a HASPI report in place of that questionnaire. Well I do have a slight question and that is, do we think a business case for health and safety still exists and that the iceberg principle still holds water? If it does, a user of HASPI would gain much more in terms of improved business performance than we could ever give them back and I wonder whether saying you will get a premium discount if you give us a HASPI report is the right way to go about it. The last time I looked it was a little over 7,000 users of HASPI and it will be a long time before we get a critical mass to say whether or not it has achieved anything.

Geraint Day IoD

Very interesting comment about the Health and Safety Performance Index which HSE has devised; We have had conversations with HSE officials. It is a little bit like saying you can run before you can walk. You can go back to the strategic issues, bearing in mind that it's more to try and convince leaders of enterprises to take health and safety seriously, whether 7000, 8000 or 10,000 at this stage. That is quite encouraging but actually there is a much bigger issue here, to get people at leadership level to take health and safety seriously and then apply such metrics as may be appropriate. As an ex-public health statistician I am quite critical of some of the methodology behind it. But actually, to get some validated matrix to help enterprises run themselves as well of course, maintain a safe and healthy work environment, is actually the objective, what inspectors use may be neither here nor there; let's, as a Great Britain if you like, in improving the health and safety system, get more organisations to appreciate the importance of implementing and monitoring health and safety performance.

The Chair asked... 'I would like to ask Debra, in the context of this stakeholder area , one of the things I was very interested in is that in recent times, HSE has put up some good examples of recent assessments on its web site, which I thought should have happened a long time ago, but I am pleased see it now. Have you had any initial feedback from smaller businesses as to whether those examples are actually practically useful to them? Are they finding that they can use them and, if they do use them, are

other people, if they get to see them, accepting them as a suitable sufficient risk assessment?’

Debra Macleod, HSE

I think we have had some in initial anecdotal feedback. I don't think we have done a full review of those because they are fairly new. We are in the process of identifying further areas where we could produce additional risk assessments and are working in particular with trade bodies in those areas to help draw up what might look like a sufficient risk assessment. In terms of how they are actually being used, at the moment I do not know. I can look into that with colleagues and see if they have some specific feedback. My general impression is that those people who have provided feedback have found it to be a useful tool to get them thinking, particularly in identifying what is enough, because one of the concerns is always that you can add more and more things on to the risk assessment - so as a tool for identifying what good enough looks like, hopefully, we're getting there.

The Chair said: Sounds like a useful approach 'what does good enough look like?' Would anybody else like to comment in the context of the inputs we've had on the business organisation evidence?

Roger Bibbings said: ‘We’re going to come back to HSE.....’

The Chair continued ‘Right ladies and gentlemen, we'd like to move on, if that's OK, onto the subject of assessing contractors, something very close to my heart - Sorry, I do apologise, I have missed an important contribution here - please feel free.

Richard Hulmes SAFED.

I represent the independent inspection industry and I think the closest we have come to your list is providing a health and safety service to clients and customers. We operate in virtually everybody's back yard, every industry, and on a much wider map. Not only the workplace, public areas, train stations, terminals, shopping centres and the like and we carry out something in the region of about four million equipment examinations a year and that range is everything from the machine where you had your latte coffee this morning, right up the Tower Bridge, the London Eye, offshore centres - the works – COMAH sites, everything. So we do get involved in that. We also look at the small and medium enterprises as well. What works for us and we have found to work, is working with other people, particularly the HSE, the Local Authorities, other Trade Associations, to try and get a level playing field and consistent approach. That we've found to be essential in our business. What also works, is we focus very much on our own members' competency, the accreditation process, following the matrix of compliance that we like to market our business on.

In addition we like to market health and safety as an added value, a business enabler and improver, rather than just a bureaucratic cost to the business. If people treat it as a bureaucratic cost, they are not going to get benefit out of it and that is what we try to promote. We also promote as a principle, sensible risk management. If I can give you an example; in my hotel room last night, I noticed that the towel rail had been disconnected. The wires had been cut and blanked off. There was a little sign saying 'this towel rail has been disconnected for your H&S' and I do have a huge empathy with the HSE because an awful lot of things like that are labelled on them as to why we can't do anything. What they should have said was 'this towel rail has been disconnected because we couldn't be bothered to go to the expense of wiring it in properly to Building Regulations' but that is different and that is another point.

The other thing we found works for us is tailoring the service to the small business, giving him what he wants, giving him what is effective for him or her, not just applying the big corporate blanket over everything and what would work better, doing all these five things better because we haven't got there yet. Unfortunately, we have found that this consistent approach hits commercial barriers. We have something like 28 separate health and safety passport schemes to go across all industries and our guys go and inspect a crane - tell me why they need to have five passports to inspect a crane on a building site, a quarry, a utilities site and so on and so forth. If we can get consistency, that would be wonderful.

Chair said 'I said it was going to be a good contribution, thanks for that, it was really helpful.'

Howard Fidderman asked: 'On your own passport scheme, could you just elaborate a bit more on what that involves?'

Richard Hulmes replied

Yes, it involves following HSE's guidance INDG391 which everybody else is supposed to follow and which recommends people applying these and recognising other schemes. But basically it goes through whatever it is, I think it's sixteen - well we now have seventeen modules - covering all the disciplines. But it is specific too to our business because, for example, we do have, with several of our members, the construction industry scheme which applies to the construction contractors primarily. i.e. those people who go on site to do certain construction tasks. We go on site to do something different. We probably operate out of hours, it is a slightly different risk assessment, so when we go in, we say to the site manager 'right, I am going to climb that tower crane now, please can we discuss how our safe system of work ties in with yours? What rescue procedures have you got?' And all the rest of it. And when we get the look as though we have three heads, then we start getting concerned.

The Chair said: Thank you. Are there any other comments or questions at this stage? Thank you very much. I'd like to move on now to get evidence on assessing contractors if I may. I am aware of John Murphy from CHAS - are there any other contractors to give evidence?'

Roger Bibbings said: 'There are other colleagues here who experience of assessing contractors..'

Assessing Contractors

Chair: If I may, I'll start with you John.

John Murphy, CHAS

I could talk about CHAS for hours. (Laughter) What we do. - Well we assess contractors and I will just explain briefly where CHAS has come from. As the safety manager of the London Borough of Merton many, many years ago, I was confronted with assessment of contractors for an approved list, (I am sure this will come up under the Local Authority approach as well) what I was confronted with was an array of contractors, a large amounts of contractors who said 'what are you doing here?'. We have already pre-qualified with the London Borough of Sutton or Kingston. For Christ-sake, am I going to have to do it again? I looked, sensibly I felt at what was required for pre-qualification, what was happening elsewhere around London

specifically. It became very apparent that we as safety professionals, (there were professionals in there as well), we were going through this back-covering exercise of - yes we have assessed competency of directors with reams of reams of information, but no one was really doing anything with it. And that is still the case today in many cases.

So we established the need to go down the pre-qualification route with a set of common standards that can be applied from Aberdare to Aberdeen - anywhere that once assessed to are recognised by everyone participating and that's where we are at now. We have a common set of pre-qualification standards.

Far more important than that (avoiding that duplication was very, very important) was this recognition, this understanding, that the vast majority of small and medium sized contractors are non-compliant. We got a lot of evidence there that says 70% of contractors on initial application to our scheme will fail their assessment and they will fail in some fairly significant areas, risk assessment (that doesn't come as a surprise to me), commonly not understanding the difference between hazard and risk. The hierarchy of control - control what?, I'm being a little flippant here, manual handling, COSHH, fire risk assessment, supply chain management, all very, very poor. So our principal objective was to support the contractors in actually achieving those compliance standards and that's what our assessors do. They will work with them to get them through a pre-qualification objective across the whole gamut of organisations. That failure rate on initial application now drops to round about 7.5%. That really is making a significant difference. We guide contractors. Our assessors will work with the contractors to achieve these standards, but we do point them in some directions for support. One is the '5 steps risk assessment' of HSE. I can tell you this is working. ('We definitely recorded that' said Debra Macleod) We are getting some basic feedback on that. I would also add that there is a very, very good risk tutorial on the Leeds City Council website and I commend that as well. So yes, we are seeing that significant improvement. So that in a nutshell is what we do.

What is working?

Well I think I have just covered that. The fact that the vast majority of contractors are now benefiting from the support of safety professionals - at a very, very reasonable charge, getting services in many cases free. They're improving their health and safety compliance, so what we are doing there I think is quite significant, particularly where it relates to employers who have less than five employees. We are seeing a lot of success with them as well.

What could we do better?

I think there are a number of things. One of the problems we actually see, particularly in senior management and their commitment to health and safety, is a problem in that many companies think 'Well I've got to be CHAS registered. If I am going to work for the Royal Mail/British Aerospace (I am now namedropping here) the Royal Household, they have got to be CHAS registered, So what they do is bring in a health and safety consultant and that happens all too frequently. They are not really taking ownership of health and safety. But what I think is particularly poor in what we in the safety fraternity do is actually not give those contractors far better support because some of the results we see from health consultants working on behalf of contractors is (and I'll be very polite here) poor. So that what we can do better as safety professionals is ensure that the quality guidance of advice we give to these contractors is of the right ilk and that it is only given when necessary because the vast majority of contractors should be able to work through - and I think you are referring to the introduction to HSE's INDG 389 - that's the framework for the vast majority of small contractors.

One final thing, and that is that are we are slowly recognising and acknowledging is that for the vast majority (particularly in the construction industry where there are small contractors), the big problem for them is literacy. Literacy and understanding and being able to work at that kind of level are actually quite important. And again, we train our assessors to work to that level but we've got to go back to what Debra said earlier on, we have got to speak in plain language. For safety professionals that is OK but when talking to the average building contractor who has been in the business 20 years - no, you've got to go down to their level. I hope that's been helpful Chairman.

Chair: 'Thank you very much indeed. I'll take comments from the back afterwards - Yes Richard.'

Richard Hulmes, SAFED

Well, very quick point. I agree with everything you said but you did put one clause in there, which I thought was pertinent, 'for those who are engaged in the scheme'. Do you know how many other schemes there are?

John Murphy

Obviously there are a lot of these schemes around and I can name a few of them for you. Achilles UVPD Verify which works in the utilities sector; Achilles Link Up which works in the rail sector. You have Safe Contractor, run by National Britannia which runs through other areas which are not Local Authority. Exor Management Services which is a direct competitor to Construction Line, do do proactive health and safety assessments. Constructionline do not. They gather information and it's there for the client to use as they see fit. So yes, those other schemes are around and what CHAS has done is to actually look at the standards they assess to and, where they are comparable, we will provide registration through CHAS without assessment. The only one organisation who can reciprocate that to any degree is say Safe Contractor. They are all, in the main, commercial databases and are all there to make a profit. CHAS is not a profit-making organisation and that is why they enjoy the support and indeed the high level of membership we have.

One final thing, HSE in the CDM ACoP did make the point that they wanted to see this high level of integration amongst these schemes. I am currently writing a constitution for a Forum of these groups so that we can meet to try and achieve some sort of progress towards that integration, so we're working on it.

Chairman: 'Well done.'

Roger Bibbings asked: 'Can I ask one supplementary on that which I think is an encouraging development you've described there. Firstly, is there an appetite to extend these schemes beyond construction, to look at the competence of many other clients and contracting services? And also, on your standards, have you made any kind of benchmark comparison with say, the standards that Learning and Skills Council have set out for their chain of responsibility? So is there broadly speaking, an appetite for widening this work to take in a much wider range of industry and perhaps client need?'

John Murphy

Well firstly on the wider point there about client base, CHAS, the 'C' does not stand for construction, it stands for Contractors. We cover everything from domiciliary care to

demolition. We have in some cases taxi firms which are registered through CHAS because that's what the client actually requires. So yes, we're covering anybody who trades really, with a local authority. - Sorry the other question was ?.

Roger Bibbings responded: Standards, we've got standards from the Learning and Skills Council, your standards - in other words we've got standards from the Learning Skills Council. Have you made any sort of comparison or match?

We haven't done a comparison with the Learning Skills Council, but I think what importantly we have done is looked at and been very pro-active with the standards demanded within the CDM ACoP for assessing competence and that I think is the benchmark for us. What we have done, are question sets, useable for both construction and non-construction companies. What we have done is just tweak it a little, so that it can identify with construction related areas.

Roger Bibbings: 'Thank you very much.'

Chair: 'If I may as Chairman, I'd like to say that when we worked with HSE and others, to come up with what we call 'core criteria' for assessing contractor capabilities, and these are the things that are now in the CDM ACoP, we never thought they were just for construction. We always thought that what we were looking at were the core H&S capabilities of any contractor. And I would definitely argue in that direction because I think we need a universal understanding of what 'good' looks like, no matter what sort of contractor you are. Now I realise we've got a comment from the back, I would be very grateful for your contribution'; (Noise.....)

Kerry Ross, Warburtons Ltd

Now speaking from a user point of view, I persuaded my organisation to look at contractor competence in two areas. One is the competence of the contractor as an entity, and the other one is the competence of the individual. So we went along the route of assessing the organisational competence using an organisation to do that for us and then understanding that there were a number of organisations in that field, some of them were very protective about what they did and some of them weren't. So I chose an organisation to do the competence perspective and one that would look at the other organisations and if a contractor of ours had a competence approval from CHAS or whoever it may be, then we generally accept that for our organisation and try to get out of this 'we're with them and not with them' and all this rubbish.

We also went along the Safety Passport Alliance route for individual competence on the basis that we were assured that the contractors working for us had a basic minimum level of health and safety training because the desk top exercise on competence from the organisation doesn't give you any assurances at all- and we found by experience that the contractors we were using, when asked questions, had no training at all. So the desk op competence exercise really has to be underpinned by something physical – by some physical training, otherwise, frankly it just doesn't happen. So that's why we went along the route of doing both.

On reflection, the exercise has been tortuous to say the least. To your comments John and with respect to a colleague of mine who is here, the compliance level of organisations, frankly it's poor, extremely poor, and when you talk to some of these organisations, frankly some of them don't understand what's required. They have not a clue a lot of them. I think that's down to how easy it is to set up in business in this country. People can set up a business very easily. They don't understand what's required. They don't understand what controls there are

and when an organisation like mine comes along and tries to impose issues on them with respect to competence, all they see is the imposition on the business as a cost and they don't want to know. And that's a major issue.

For other organisations, when you talk to them, they want to work for you and are willing to do the work and will do it. Some of them are dragged along kicking and screaming and it does take time. Your experience and I know Mike's will be the same, you try to help them to get to that level. There's a cost to all this by the way and they will get there eventually, but some won't. I've actually threatened one organisation and reported them to the HSE, with respect to their total lack of any application at all in managing health and safety within their organisation - to try to get some action from them. I have had conversations with bank managers about what information do you give prospective people going into business with regard to what health and safety implications there are, and frankly it's poor. I mean that's where someone goes to start up a business generally, they don't put the money up themselves they go to a bank. Institutions like that are unhelpful in terms of telling them exactly what's required. My expectation as an employer is I expect someone to come along understanding what's required and delivering on it. Frankly they don't.

If you just excuse me I'll refer to some of my notes for a minute. I noticed with interest the comments from this gentlemen over here from Norwich Union and I found this interesting because I've come to a similar conclusion - with respect to some organisations which will comply because they are committed to health and safety but they are not the issue here. The issue is the ones that won't. How do we drive and force these people to do it? Now every organisation I've come across in contractor management, all are insured - every one of them, so if that's the case they understand that they have to legally do it and that doesn't tend to be an issue, I've not come across one organisation - God forbid - that is not insured, but they see that as just a cost, they don't see the reasons why.

Now to your point about putting some pressure on granting the insurance from the perspective of reaching certain standards, that's something I fully endorse and should be driven down into the industry. If we allow people to get insurance just as a cost, without understanding all the implications and the fact that health and safety has to be managed, it's a key issue. It may cost more but that's part of doing business. People need to understand that. So I believe that within the compulsory insurance area, there needs to be some incentive on businesses, because frankly enforcement from the HSE - we know the HSE are strapped - they can't enforce health and safety in all these small businesses. There are too many of them, it's just impossible.

Companies like mine are being driven to the point of being the enforcer, to bring this decision into line with health and safety. That's the wrong way to tackle it. It's an easy way out for the enforcing authorities and for the Government. But it forces the onus on us - me as an individual and my company to do this. And for me that's wrong. We're tackling it in the wrong way. We should be forcing companies to get to that standard at the beginning and my expectation as an employer is that they should do that.

Just one thing to finish, (I've got a lot of notes but I won't go there) some years ago I agreed as part of my role, to become Chair of Safety Groups UK. It is a voluntary organisation in this country and some years ago we entered into an initiative with the HSE, called 'Safety Information Centres' - and the idea was to provide information to small and medium size enterprises, to help them to be compliant - but it failed and the reason it failed was the only

way we found we could drive them was by enforcement. Health and safety inspectors found when they went into a business that didn't have the health and safety systems in place. Our plea for the HSE was 'well tell them to go and tell them where to go' and we provided the help and support to do that. It was only successful as long as it was driven by the enforcing authorities. So my view is that if people are not willing to do it they won't unless they are forced into it. The system in the UK, the politics, the insurers and all the rest of those players involved need to drive small businesses particularly to get to that level of compliance.

Chair: 'Thank you very much for that. Ladies and Gentlemen, with one eye on the clock, is there one short contribution on this, or can we take a longer run after the break? What would you prefer? OK after this one then, we're all going to have a five minute comfort break.'

Mike Nixon, Safety Groups UK and Consultant

I have experience in working with a compliance scheme – a due diligence scheme. I concur with everything John said. The failure rate is dramatic. The contractors themselves, when challenged on things like health and safety competence, say '40 years of man and boy', 'I've never been on a H&S course', 'that is me competent'. No way. So really it's enforcing it that is getting it down and it really is wrong that companies like Warburtons have to try and force issue there. If we look at the safety schemes it is one way forward and it is at least a way forward. Suddenly with the safety passports, it just doesn't run, people just don't understand, they want to ignore it - it's a cost. I found the same with other clients and things like that, 'it is very difficult', 'it's all down to cost', 'how much a year services will cost?', 'I don't want to pay', 'two fingers to you'. Don't want to know; that is the attitude that exists from the micro up through the SME's to the ones that are employing 200- 250 people, it's just they don't want to know these days and I think it's because of lack of HSE being able to feed their insurance companies. Not being able to feed in to it , so it's just another viewpoint from an independent if you like.

Chair: 'Well it's partly because of issues such as that that we have to get to grips with trying to do better for SME's to allow them to engage in health and safety more effectively and that is what the evidence is for today. Could I invite everybody to take a 5-minute comfort break - and feel free and we will be back at 3.55 pm to continue, when we will be hearing evidence from the Trade Unions. '

(break)

Trade Unions

Chair: 'Thank you ladies and gentlemen for coming back so promptly. Just to re-establish the general tenor of the discussion, before we move on to Trades Union input, which is very important, just a quick general reflection on my own members. I represent the Electrical Contractors' Association and a lot of our small members, as I said before the break, they see all this as a cost. A lot of them don't like it if you like. But one of the points that is sometimes is lost on them - and sometimes it works and sometimes it doesn't - I say, if there were no health and safety standards at all, then all our members who could trade on their reputation would be doing business with all the others in the industry who had no reputation and I think actually it's a trade benefit to them that they reach this basic or better standard of health and safety management. It actually allows them to work in a different market from all the cowboys. So, you know, there are

business messages there. We really have to stick with SME's. You can't have it both ways. There are benefits to being proficient in health and safety in the market place.

Having made that point I'll move on and I'd like to start with Rob Miguel?'

Phil Grace

Can I just make one point? Kerry Ross made a point, why should we supervise the health and safety of Contractors, and then you made a comment Chairman about a firm who is good at health and safety can trade on its reputation. The thought crossed my mind that my chain works very well in quality - you don't make cardigans for M & S unless your quality is up to scratch.

It works pretty well with I'd say ISO 14000 - if you're an environmentally conscious firm you use other environmentally conscious firms. In our business we're going to have to be very careful if we say supply chain pressures won't work for health and safety. – Sorry.

Chair: 'Thank you very much for that. Rob now, if you'd like to say a few things about the new name for your union, that would be a great help as well.'

Rob Miguel, Unite (Amicus)

We have got a new name because we have amalgamated with Transport and General and the new Union is called Unite, but at the moment we're Unite's Amicus section and the other is the United T & G section - so that's going to happen in about two years when we finish arguing and get together. The whole of the union, Amicus anyway (all unions have a very complicated national and regional structure) in relation to small companies, regional officers are given small companies to look after them and when they originally go into those companies, they try to negotiate a deal for wages, conditions and also for health and safety. What they try to do then - and it all depends actually on whether we get recognition and statute recognition which requires that we have that's, 50% plus 1, so it all depends on recognition -we try to appoint Safety Reps then and Trade Unions feel this is the only way forward with SME's is to have a really good formal structure with Safety Reps and Safety Committees. In fact we'd like to see, and there was a lot of talk about enforcement (and perhaps that's the only way on a number of occasions), is to see safety reps get a bit more power in relation to serving, shall we say provisional inspection notices. And we feel that would help HSE.

You probably all realise there was a recent consultation on safety reps and consultation. We actually do not like the way it went. I don't want to bring that up here but the HSE took great pains to have a consultation. The results came in and they seemed to us to actually go against the views of the consultees. So there could have been some improvement in relation to consultation and health and safety reps' rights and the whole picture would have looked better.

I did say it all depends on recognition. In companies where there is no recognition, we might have 40% membership. We don't see anything wrong with safety reps carrying out their function, whether the trade unions are recognised to carry out other functions in relation to negotiations, that's beside the point. The reason I'm saying that is because we train those reps up to a very good standard. We can train those reps up to NVQ level 3 and that's a good safety professional to have in the company. And we believe that to us that's the way forward so we give them not only training, they get advice from their regional officers, advice from the Health and Safety Department, in fact we do joint training in those companies sometimes. In fact even the companies that have a very low union membership we train their employees as

well as our reps, so we do that quite often. Now, the advice we give is through our Health and Safety Department, so again, that company could have 20 people in it but it's going to benefit one, through training a safety rep, but two also from the advice that we can give as a union and draw on. The advice we'd probably give is on policy issues and some companies, because as a company of about 20 people, we don't have the resources to go in and give practical advice, they ask me to have a look at a machine and watch a guy actually operate it and see if I can give them some tips on how to improve the manual handling on that. We couldn't do that for every company - we try our best.

What I did do think is, approach their health and safety executive and say we want to be a bit more proactive in terms of looking at your initiatives, giving our training on those initiatives and sending them back into the company's to instigate them. I'll give you an example, and the reason I am giving you this one is because we're doing a survey on this, HSE and ourselves to see how effective this was - and I've got the results quite recently and they seem to be pretty good. We gave the reps training on the MAC tool on manual handling and manual handling aids. Then we sent them back into the workplace. You know we are talking about 500 to 600 reps getting trained every year. We sent them back into the workplace and they've not necessarily gone back into SME's, they could be going to SME's, small companies, large companies, whatever companies they went into and then they took those initiatives back into the companies and they introduced them onto the safety committees and to their management. Now we did find good results so we gave them a questionnaire to see if the training was any good.

The second questionnaire was to ask what actually happened and in about 40-50% of the cases, they actually introduced this onto safety committees. Management had never heard of the MAC tool before, especially in smaller companies, they took this on board and about 20-30% of those companies actually improved their manual handling aids, what they were doing in there. We had some good results, so we're not just about safety reps going into the workplace to do inspections. We want to run initiatives as well and we do. We believe that makes a difference. We feel this is a good way and I think there was some talk about HSE guidance. We think this is very good, but its safety professionals who are reading it. You've got safety reps reading it. If you have safety reps being trained and then going back into their companies and explaining that guidance, it's not gathering dust on a shelf somewhere, so we feel this is a good way to do it. Obviously, it does break down where we don't have recognition but we'd like to see good health and safety reps, and trade union safety reps especially, operating in companies, even where we haven't got recognition.

I'll leave it there because I know my colleague John wants to say a few things.

Chair: Thank you for that. I know you have been very pushed today. And so to John.'

John Maclean GMB

Traditionally as trade unions we just deal with larger organisations, say fifty plus - rather than SME's and try to generally engage with safety reps and the workforce in terms of any health and safety problems and joint consultation. There is a problem of logistics for trades unions to approach SMEs in the same way as an inspector can engage with them. Now three years ago I used to work in the London Region before I became a National Officer and I helped draft a project of WSA/HSE for Park Royal, one for SME's principally less than 50. But the difficulty was that often it's the culture, logic and perceptions of the people who run the businesses, i.e. often family firms, very patriarchal and didn't like to engage with any form of authority – trades

unions. Didn't like HSE getting involved. Didn't even like Business Link people coming and telling them what to do with their business. So there were always barriers to break down in terms of that. The principal driver of the Workplace Safety Adviser project was engagement of the workforce but to get engagement of the workforce we had to engage with the managers and owners. If you like, get them involved. And the other thing John mentioned, the problem of literacy. The added problem we had there was there is a great ethnic diversity in the workforce in the Wembley area. The approach the GMB used was experience based but also multi-lingual. The thing we found out (and people have talked of poor performance, poor awareness) nobody was aware of risk assessment. Safety policies were virtually non-existent. Engaging the workforce, the people who actually did the work did not happen. If they said anything they were told either, 'I'm the boss' or 'you know where the door is'. So that was very difficult.

One of the things the HSE policy officer said to me when we were preparing for this project was – and he was talking about the complexity the interpretation of some of the guidance – and he was talking about the terminology being difficult to understand – one of the roles trades unions could bring to bear was actually interpretation, simplification – in a way HSE could not do because of their legal standing. Interpreting the regs, interpreting the guidance – bringing things down to a practical level. So as well as engaging the workforce we can bring a comprehensibility if you like How to use some of the stuff we have mentioned today if you like. We talk at a certain level because we are the professionals who engage in it but how do you get them to understand that. It's actually about engaging the workforce. That is what we find the most useful thing to do. I am proud to say that that project was the only one that ran for the full three years. The other difficulty we had – and I mentioned about us being in a sense an area of authority – was that the perception was that unions were all about calling employees out on strike. That was often the perception. The rep we used was very conciliatory, quietly spoken. His approach was to bring management and workforce together along with a focus on comprehensibility and the way risk assessment was done and often in a different language as well. But that was quite a success. . So our experience with SMEs is not a vast experience but where we have got involved we have found it worthwhile nonetheless.

Chair: 'Thank you very much indeed.'

Howard Fidderman asked... 'Let me ask both of you. Have you any idea of what percentage of your reps are working in an SME? I'm trying to get an angle on what penetration you do have and possible routes in? What happened to the joint training you were doing with employers with the GMB through your National College at one stage?'

John Maclean

Right. The answer to the first one, I couldn't give you a definite answer but I guess it would be in single figures - SMEs that is. The vast majority of our workforces are in larger companies across the public and private sectors and it tends to be higher density, if you like that are organised areas. As to the second one, along with other unions the GMB has gone through a period of amalgamation. We've had a period of reorganisation shall we say. We had to sell our college for financial reasons. To a large extent our training is delivered in the regions. We do have some national training but that's more ad hoc and to specific companies. The scheme you're referring to, that's sort of gone by the board so..

Howard Fidderman asked... 'Do you do any joint training with employers?'

John Maclean

Occasionally to be honest, but principally we're concerned with training the reps so they can take knowledge back into the workplace.

Rob Miguel said...

I couldn't tell you actually what the percentage of SME's is but I can tell you it's on the increase in areas like Wales, for example. Where there are large industries closing down like steelworks, then there's an incentive for smaller companies to come in and operate. Those members who are traditionally coal miners and steelworkers are moving on to smaller companies. We are getting more SMEs but I couldn't give you a percentage. We are still running joint training with employers however, as the GMB we do tend to concentrate on training safety reps up, but we still run a joint programme with employers, usually on site rather than in colleges.

Howard Fidderman asked: 'And is it with smaller employers?'

Rob Miguel replied..

Yes, some of these are small employers. The large employers usually procure training from us because we have outside trainers as well we can send into large companies. But the smaller companies, yes, there are quite a few small companies we do that for and we go on site to give them training.

Roger Bibbings asked: 'A general question: 250,000 safety reps nationwide - (that's a rough estimate from the TUC), the majority trained, so they are a national resource in that sense for health and safety. Do you have any ideas and suggestions about how safety reps could be used better to get out and about in the community to engage with small firms? Also, perhaps through things like the processes the clients use to support and engage contractors and so on. Do you have ideas on how safety reps could be used outside their businesses?'

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Rob Miguel said....

It's fairly obvious that the Workers Safety Advisers scheme actually moved away from what it was intended for in the first place. When we were involved in the pilot, we had a guy roving round giving advice to smaller companies. He was a safety rep but he went away from that. Now I don't see any difficulties in actually running a scheme like that. It would be very beneficial in construction for example where we have we partnerships with the ECA - where we have got safety reps, and those safety reps could actually be used for the rest of the site or on different sites. It's just a matter that the law is actually stopping that happening. If the law could be improved to allow safety reps to go onto other sites or into different companies it would improve the situation and that could be done fairly easily, I think.

John Maclean

Adding to that, Rob mentioned earlier the recent HSE consultation about engaging the workforce. One of the things that we put in, I think other unions did as well, is this concept of roving safety reps. When the 'brown Book' the SRSC Regs - was originally brought in the world of work was not so fragmented, not so casual, not so more short-term and what we would like to see, particularly where you've got a supply chain as mentioned earlier, is a rep being able to go to another company in that supply chain and carry out an audit or inspection or investigation. We would like to see that but unfortunately in the present climate, I don't think it's going to happen.

Chair 'Once again, thank you very much gentlemen for your contribution on the Trade Unions. I'll take one comment and then I will move on to the next stakeholder group.'

Sheila Pantry SP Associates

It just occurred to me that there's a really good scheme operating in Ireland, very successfully in training particularly at industrial site where there were a lot of small companies involving larger ones doing any training would invite people in; nothing confidential about each other's companies, it was pure training in health and safety and that was a good neighbour scheme and ran for a long, long time. I don't know if it's still working now. It was extremely successful. A lot of people who had never heard of risk assessment or whatever heard it firsthand from these people in quality training.

Chair: 'Some of the points being alluded to today about the difficulties SME's have had in dealing with health and safety, I tend to feel from the experience I have had that actually health and safety is maligned in as much as it's their first bash at managing anything – a lot of these very small companies, it brings in all the concepts, communication with employees, being organised, you know these are not things they are familiar with. They been heralded a lot - they call it business and all the rest of it is something they're not very experienced then - and that's why we have these problems.'

What I'd like to do is move on and talk about the consultant's perspective. Thank you very much, I appreciate your contribution.'

The chair asked.... 'Can I ask which consultants input we had? Do we have any consultants here and can I ask you to be reasonably brief because of the time factor - we look forward to your contribution?'

Consultants

Stewart Hall, Consultant, Sole Trader

I am a sole trader. My experience is obviously limited, I haven't got a company behind me, but my experience is at two levels, the basic one is where a company contacts me because their insurance people have been in and said they're going to double the premium or they won't insure them unless they have the basics in place. They say 'I'm not particularly enamoured by it but please come in and do the basic risk assessment and get the insurance people off my back' and that is the attitude and that's the difficulty; they don't particularly want to do it, they've got to do it for insurance or for a new client of a higher standard who wants copies of risk assessment that they've ever done before. The second level – the better level - is companies that do treat health and safety seriously to get recognition in the form of 18001.

They want to show that they do take it seriously and that they have reached that level, and how to get things better. With regard to the former, whether it's the threat of corporate manslaughter or corporate killing but something is needed to trigger these 'I don't want to know, do the basics with bad grace and minimum cost'. The other point on the other one is, possibly to try to get on approved suppliers list you need quality qualifications as ISO 9001 and then environmental 14001. 18001 is almost not on the radar, so possibly if companies would specify the value of having health and safety in an accredited form of 18001, it may then up the state of health and safety and not be bottom of the ladder when really it should be right at the top.

Chair : 'Thank you very much. The gentleman at the back...'

Nick Platt

You can read my comments on page five of the collated written submissions. Basically, my difficulty is with rules of engagement initially. Most of my clients are farmers? And they just take the risk and think it's worth the risk not doing it because they come to me and say 'well the chances of someone knocking on the door are about once every five years, so forget it'. So that's the first problem we have. When we went to visit a premises in Staffordshire a couple of years ago, where a bit of enforcement went on, it was said 'if you turned up on an health and safety day, we won't come and visit you for a couple of years'. 1,000 forms went out, 1,250 farmers turned up. That was very good but then they all went away with the ability to deal with the assessment of a ladder and a quad bike. it was probably the first engagement with safety many of them had ever had. Well thinking about the people I deal with, making things more complicated, making them aware of what they must do. When they do become aware, they're quite good at it. It's just getting them on that initial training at the beginning. Once they get on a trusted network, they do go for it. It's just getting them on that initial training at the beginning. What I do with my lot is training. I have to do training with them because they've got to go away and do it. It's no good giving generic forms to them and saying 'off you go' because they'll never do it. So we've set up networks. Admittedly its funding through DEFRA. When funding runs out - I don't know if we'll be able to carry on with it. Now just basically, reiteration on a six monthly basis of making them aware of what they have to do.

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Chair: 'Thank you very much indeed. Further comments on that?'. John: Can I ask you, in terms of the time, can we focus on what might improve the situation?'

John McGuinness

Yes, just in terms of an historical overview, my input is based upon a national company who for a variety of reasons, decided to take 19 regional managers out of the system and to concentrate the management of contractors from a central base.

That involved, from their point of view, contacting almost 700 individual contracting groups, ranging from simple picture framing one-man organisations, right up the professions and everything in between, gas, electric, consultancies, CDM work, the lot. Now essentially, they put a time limit on this of one month, that was way back in February of last year. Now it's May 2007. Now of the number of contractors contacted south of the border, (there was a similar scheme run north of the border) the number of responses from our client's point of view was very, very disappointing. Less than 25% actually responded to the questionnaire, bearing in mind these companies had by and large worked for the company for over 25 years. They just ignored the initial letter and the contractor questionnaire, which we didn't provide, it was provided by our client if you like. That contractor assessment covered 11 key points, most of which would be applicable if that company used subcontractors. If they didn't, it was 10 to 11. maximum scoring of 5. Out of the 80% that returned, approximately 60% failed that assessment, which was in-house.

Now that brings me on to CHAS and the other schemes. A lot of these contractors were members of these particular schemes but still they failed my client's questionnaire and of course we, being the intra-party if you like, had to take all the questions. Why did we fail them? It's not of course about what we thought was good, bad or improper, it's what the client decided had to be in these categories. It creates a great difficulty for our client because even

at the most important time of their refurbishment programme, of which they had 1,600 plus, and individual sites to maintain and refurbish, they found they did not have the contractors because they failed the scheme.

Now they rolled out a secondary scheme, we contacted all those who failed, or failed to return, and the returns from that level were approximately the same. No response whatsoever from these individual contractors. Now before you ask me what the solution is, quite frankly, I don't think there's a solution to it unless someone can engage with these contractors and sell them the safety message, because these companies as far as we're concerned, will not get the business. It was our client's decision that if they failed to return, they are taken off the list completely and out of the 700 plus I think this particularly our client is down to 240 either approved or preferred contractors and they're having a real problem getting work for themselves, so it's a very disturbing return and indeed, very disturbing evidence for these people who have produced to say they are competent, it's a real, real issue.

Chair: 'Thank you John, I just wondering how many of them are electricians. (Laughter) Lets move on if we may, because we only have five possibly ten minutes left, so what I'd like to do now is talk about the Local Authority perspective. Do we have any people who can provide evidence from Local Authorities? We do, excellent. Please provide us with your evidence.'

Local Authorities

Andy Lucas, Birmingham City Council

I seem to have been parachuted in today. I've many years experience in health and safety but I'm not here to represent local authorities but I can certainly provide you with my experience. One thing I would say there's been a lot of discussion about HSE. Please don't forget that Local Authorities enforce health and safety and possibly in terms of small businesses as much enforcement if not more than HSE. I've never been in a room full of people where the phrase 'let's have more enforcement' has been used so often, so its quite surprising but I think that gets us to the point of where we are with small businesses.

I think the issue here is there is a huge gap between large multi-site companies and small businesses and I think the question really is 'does self regulation really work'? I think that's the issue with small businesses. From my experience when visiting small businesses I think the issue here is that small businesses want information and they want personal contact. They want to be told what to do, they don't want to be told really 'well this is the sort of rough ballpark area of work you need to look at; go away and come back', they want to be told what to do, I think you probably mentioned that already this afternoon. And this is kind of goes against self-regulation in terms of they do need the information rather than be left alone to try and work it out for themselves. I think if nothing, we do need to establish maybe an agreed set of minimum standards of compliance for small businesses and that's been mentioned already this afternoon. I think that would be a good starting point and worth looking into.

My own view is that the information is actually out there in terms of the Internet where there is a huge amount of information on HSE websites, Local Authority websites, we've mentioned. Risk assessments are there to be used. I think the problem here is that for some reason, I don't know why, small businesses don't seem to want to try and access that information, they probably don't know that can access it, or if they do they don't know what to do with it, which again comes back down to the fact that they do need that personal touch whether its from

regulators, consultants or with insurance companies. There's a need for incentives for good compliance. Obviously there's an issue with insurance companies which is premiums, which again is worthy of further investigation.

I think what you need, sadly, is a change in society's culture with regard to health and safety. Compliance is a positive step rather than a chore or an unnecessary financial burden. Again, it's trying to get over that obstacle which I find quite common during inspections and enforcement. Local Authorities do their bit, we run safety and health awareness days, free events for small businesses which I think comes back down to the financial cost of health and safety regulations. So, free events, we run projects, seminars, and again good advice on websites.

The final point I want to make - I will be brief - is that obviously, better regulations are a hot topic at the moment. Better Regulation Executive - LBRI. I think you may find the discussion developing of enforcement versus self-regulation. Better regulation I think is - you know we all need to try to reduce the regulatory burden on businesses. There was some discussion about reducing enforcement, reducing contacts, which I think goes against exactly what small businesses actually need. So it would then bring back to back the original point. I think one of the main questions you need to ask really is 'is self regulation for small businesses still applicable?'

Chair: 'Thank you very much. Thank you Andy, that's very helpful. Any further evidence in relation to Local Authorities? And I think the point was extremely well made. Yes, we are a little too 'HSEcentric' sometimes. I think the Local Authority angle here is very, very strong indeed?'

Roger Bibbings said: 'Could I just ask you, you're on the enforcement side, but the Local Authority as client obviously makes use of services like that and so on. Do you come across this as a Local Authority enforcement officer and do you signpost small firms towards these sort of services?'

Andy Lucas said

As much as we can we try to and also Workplace Health Connect, Business Federations, Chamber of Commerce. As much as we can we try to.

John Murphy

Can I just make a point about something you raised earlier on about contractors who fail the assessments and they may already be pre-registered or at least in part, with other schemes. There is a link into the Local Authority. We see that, where CHAS contractors can come back a year later and they'll fail their assessment again. One of the reasons for that in my view is that not just Local Authorities in particular, but procurers generally, when you're bombarding contractors with loads of questionnaires and getting no feedback from them, the mentality that generates, particularly within some medium and larger size companies is that the health and safety questionnaires are completed by procurers, not health and safety professionals.

They don't look at them. They don't vet them in any way. They view them as just a paperwork exercise, so one of the things that we can do better is actually about ensuring that there is a purpose to asking questions because if there isn't, if you're not going to look at it, don't bother asking. I thought it was worth making that point, Chairman.

Just one very, very brief point, and it's not a flippant remark at all. One of the specific questions in this questionnaire is where they obtain their health and safety advice from. One particular respondent put Geoffrey Podger down as 'the H&S adviser'. (Laughter) I must submit that as part of qualifying that, the HSE public announcement on the website. And of course when I called this person up to ask if he really was he really the adviser, she said 'well where else would I get the advise from?' Now it put me in a bit of a position because I couldn't argue with it and sadly she failed but there was a three-way battle going on for days. It was raging because she said that he was the adviser to her and she got all the information from the website.

Chair: 'Certainly a new take on competent advice! (Laughter). Thanks for making that point. I'll hand over to Roger to ask if you've got any final requests for evidence.'

Roger Bibbings said: 'Well it's just one more cheeky attempt to put HSE on the spot - but seriously, we've been hearing a lot about Better Regulation yes, and the Better Regulation Commission. HSE are thoroughly tied into this and HSE have gone a long way towards simplification and so on but quite clearly from what we've heard today, there is a third party scheme of regulation operating. We've heard about CHAS. We've heard about clients. We've heard about training organisations and there is quite obviously excellent, good, bad, indifferent work going on there. The perception of the SME client is that it's all health and safety regulation. HSE isn't actually responsible for this third party regulation but do you see HSE possibly taking a greater hand in future in looking more closely at what is being done by third parties in order to make this a better experience for small businesses and indeed, delivering better health safety?'

Debra Macleod said..

I think where we are at the moment is about informing the general community about health and safety issues and where our responsibilities lie. There are a couple of things that have come up e.g. the issue of 'myth busters'. I can't remember who mentioned that today; about trying to make very clear what our expectations are and what the legislation requires and what it doesn't require, coming back to this issue of what is good enough and what does good enough look like. There is also some work going on at the moment and which HSE is doing with IOSH on the use of competence and trying to explain both to consultants what our expectation of competence is but also to SME people who may be contracting the consultants and getting them in, saying 'look, these are the kind of things you need to consider when you're deciding who might be competent to do this work for you'. So at the moment, where we're going is very much in terms of trying to inform people so that they can make intelligent decisions rather than necessarily going into those areas ourselves.

Roger Bibbings said 'If I may Mr. Chairman, I was very heartened to see that the new draft statement of vision and purpose for the Health & Safety Executive Board is that the HSE will lead the health and safety system. That sounds very good but in that context, I suggest there is a need for, if not HSE then another recognised body, to regulate this or co-ordinate - securing continuous improvement - in this area of third party regulation, which we've been talking about today. That's just an idea and it can be either accepted or rejected by the Committee.'

Chair: 'Ladies and gentlemen, what I'd like to do now is take final evidence, because it's around half-past-four, so Richard?'

Richard Hulmes, SAFED

I was just going to add on to that, I mean it would be great too if you could, but I appreciate it's very difficult because you don't want get involved in the commercial activity, but actually, my feeling is if you don't get involved in it, then commercial activity is going to take your business over. It is such a growth industry, providing health and safety advice around and you've got schools where you've got kids in full body armour playing conkers, right down to all the other businesses and it's getting a bit silly. What I say is I do work with Stewart Bristow and Phil Bond and people like that down at Rose Court and I think you've got to go for it.

Chair 'Ladies and Gentlemen, any last burning evidence, particularly orientated towards improving the situation as it's been very well described today. Before we conclude. Tom Mullarkey, would you like to say something. Tom, you've just joined us.'

Tom Mullarkey

I do apologise for coming in so late but I would like to add my weight, my shoulder to this particular wheel that Roger is pushing so hard on RoSPA's behalf for quite a considerable time now. I think we all recognise that cracking the SME nut would be a brilliant thing to achieve and I am sure it can be done. It will be done in time but if we can work together and find insight from items you have produced this afternoon and apply them appropriately, I am sure we can reach those objectives much earlier. I promise you that RoSPA is really determined and committed to make this happen because once it does we will see phenomenal progress in health and safety generally. It is that last major bastion on occupational side which remains to be stormed and that would give us all a great deal of satisfaction. So thank you very much for your contributions and I really appreciate your involvement.

Chair: 'Thank you Tom for your comments and once again, thank you to RoSPA in general for initiating and supporting this particular exercise.'

Debra Macleod

Could I just ask one quick question? Some of the stuff coming up today has been very useful and has sparked off other thoughts in my mind. What's the timing if we want to submit any further information or evidence?

Roger Bibbings: 'Well the next date is 28th June for the Committee and I hope that there will be HSE participation there but obviously, anybody here, please add additional thoughts, send them to me, Email them to me 'rbibbings@rospa.com' and we will take all that into the evidence that we take back to the Committee who are going to chew on this and are going to be asked to come up with some very simple and straightforward ideas on what needs to be done and you've provided a lot today on the third question 'What can we do better?' and there are a lot of very useful ideas, standards, co-ordination, getting some of the standard setters together. A lot of round standards I think. We're going to have to get our minds around specialist standards, LSC standards, CHAS standards, uniformity of passport schemes and a lot about competence as well. We're going to try to get this down into a number of very clear propositions and will send that back to you as well to say this is what the Committee have drawn out of this and this is what they propose to move on with next.'

Chair: 'Thank you Roger. Can I just thank you all individually once again for coming today and supporting this exercise and have a very safe journey home and for those

who do like football, I hope you have an enjoyable game tonight. I won't even guess who you want to win. Thank you very much indeed ' (Laughter.)

Transcribed by Sue Biggs, NOSHC Minutes Secretary

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