

*Royal Society for the Prevention of Accidents*  
**National Occupational Safety and Health Committee**  
**“Simplifying H&S pre-qualification schemes”**  
Report on an informal meeting for key players held at HSE’s Offices at  
Rose Court, 2, Southwark Bridge, London SE1 9HS on  
Wednesday 30<sup>th</sup> January 2008 - 11.00 a.m. till 3.00 p.m.

### **Introduction**

This note summarises the main points raised in discussion at an informal meeting, held under Chatham House Rules, for key groups at HSE’s Offices at Rose Court, 2, Southwark Bridge, London SE1 9HS on Wednesday 30<sup>th</sup> January 2008 - 11.00 a.m. till 3.00 p.m. It also sets out suggested future actions. A list of participants is attached as annexe one.

### **Background**

RoSPA’s NOSHC are undertaking a long-term inquiry into all the various forms of health and safety assistance which are currently available to SMEs. Their first report

(accessible at [www.rospa.com/occupationsafety/sme/](http://www.rospa.com/occupationsafety/sme/) )

is a comprehensive mapping exercise which looks, not just at the help that is available from the Health and Safety Executive (HSE) and Local Authorities but a very much wider spread of groups including major clients, funded trainers such as colleges, Health and Safety Groups, consultancies, bodies like RoSPA and IOSH, trade associations, small firms advisory bodies, schemes such as Workplace Health Connect and even providers of personal protective equipment or deliverers of first aid training.

Following a public ‘hearing’ meeting at the NEC in Birmingham in May and analysis of much written evidence, the Inquiry Steering Group concluded that SMEs face a plethora of assessment, compliance and pre-qualification schemes when trying to secure work. Although many of these schemes are of a high quality, too few offer mutual recognition and sometimes there is not even mutual awareness. This means that many SMEs have to compile and submit different forms and supporting evidence to potential clients, work placement organisations and the like. This results in a considerable duplication of effort and waste of resources, as well as accompanying frustration among SMEs, who no doubt feel they could be using their time more profitably elsewhere (which includes actually managing safety).

As the next step in the Inquiry process the Committee commissioned a review by Howard Fidderman into H&S pre-qualification schemes (accessible at [www.rospa.com/occupationsafety/sme/smes\\_final.pdf](http://www.rospa.com/occupationsafety/sme/smes_final.pdf)) (HSE and the Government’s Better Regulation Executive (BRE) were kept in touch during drafting.) It focuses specifically on the case for a set of ‘core criteria’ that could be adopted to promote mutual recognition.

NOSHC have agreed that there is a need to elicit views on the report and examine options. Already however the Inquiry Steering Group has concluded that if a common, appropriate and competent approach can be adopted in this

area, not only can unnecessary bureaucracy be reduced but procedures can also be improved to enable SMEs to receive better advice and signposting to appropriate sources of information and assistance, for example, to help them avoid making excessive and costly responses to their legal duties.

A 'Chatham House Rules' style meeting of key stakeholders (which HSE kindly agreed to host at their offices at Rose Court, London) was held on 30th January to discuss issues raised in the review (see agenda and attendance list at annexe one) including where these fit within the Government's plans for better regulation and improved standards of compliance.

RoSPA has also written to the Secretaries of State at DWP and DBERR, stressing the hundreds of thousands of businesses that are affected by these schemes and the potential for improving and simplifying health and safety.

This report and the main points raised in discussion on 30<sup>th</sup> will be circulated to participants and others who were not able to attend. It will also be discussed at the next meeting of NOSHC on 21<sup>st</sup> February.

### **Opening remarks and presentation**

Paul Reeve chaired the meeting. He welcomed participants to the meeting and stressed that the purpose of the day was to test views on the proposition that a minimum set of 'core criteria' could be universally applied to the health and safety pre-qualification processes in order to promote transferability between clients, funders etc. and to cut down on unnecessary paperwork and bureaucracy. This initiative stemmed from a study commissioned by RoSPA's NOSHC as the latest stage in their inquiry to review sources of help and assistance to SMEs to tackle health and safety management. The purpose was not primarily to help those clients and specialist organisations carrying out assessment but to help SMEs improve and maintain health and safety standards. Paul asked participants therefore to consider the issue from the SME's 'end of the telescope'.

Howard Fidderman summarised the findings of his report, which covered 19 schemes:

- There was a plethora of schemes and providers characterised by a lack of mutual recognition and awareness. This was resulting in bureaucracy and duplication of effort for smaller firms and extensive "third-party regulation" by scheme operators.
- Much of the evidence for duplication was anecdotal, although there is some firm data from groups such as CHAS and the ECA. Nevertheless, the extensive existence of duplication was not in dispute.
- Reviewing the 19 schemes against the SEC core criteria, the report concluded that most of the schemes shared most – and sometimes all – of the dozen criteria. Agreement on a core set beyond construction would probably require the inclusion of a small number of additional criteria, notably on fire, first aid and emergencies, and preferably a

reduction in the core 12, notably those on welfare and, possibly, enforcement.

- Other conclusions included: the core criteria were certainly capable of amendment and expansion to industries beyond the construction sector; there was considerable scope and broad (but not universal) enthusiasm for a core set; and enormous SME outreach potential among existing scheme providers and others.
- Challenges included: whether the existing schemes were suitable for small firms (whether they asked for too much information, had an approach that was too management-based, rather than linked to hazards); ensuring a satisfactory and consistent standard of both the assessors and the assessments; the implications for current charges levied by many scheme operators; whether small and micro firms would need separate criteria; the fact that Making the Market work did not appear to be working; how to ensure there would be benefits for all parties involved, notably the large commercial operators of pre-qualification schemes; and how the process could be used to improve the quality of assistance and advice that is given to SMEs.

Paul Reeve then put a series of questions to those present:

### **Key points on questions**

#### *Question 1*

Do we agree that the report has highlighted a significant problem that needs to be addressed?

- There appeared to be a problem of duplication meaning unnecessary expense for some SMEs.
- Greater commonality of approach was desirable but there would still be different schemes and badges. And too many clients want to see too many badges.
- Clients needed to be persuaded that a common approach was desirable, not as a pass or fail but to help clients make sound judgements about potential contractors/suppliers.
- Assessment houses and standards, however, were reportedly driven by clients' requirements (although some clients may be influenced by assessors).
- There needed to be dialogue with specifiers.
- RoSPA had a role to play as an independent body. There was also a need to involve CBI.

- SMEs and micro businesses probably need to be addressed separately. Low risk micros might benefit from an even more reduced approach.
- Health and safety could not be used as a barrier to entry to commercial processes, hence the need to build core criteria around legal requirements.
- It was important to remember that there is also the issue of competition and that schemes should not operate as a barrier to small firms.
- Many SMEs found H&S too difficult and too bureaucratic. A simplified, 'core criteria' approach could help to point the way forward.
- It was important that major client groups such as the Major Contractors' Group were involved. However, clients beyond construction should also be involved.
- The aim had to be to help clients rather than just satisfying an administrative procedure, although it was also emphasised that this was more than an administrative procedure because it provides assurance.
- A key question however was who actually did the assessment work. What was their competence? Basic assessment might require one level of competence but assessment of safety critical issues might require greater expertise and experience.
- Small firms organisations were concerned about 'health and safety gold plating'. If clients needed more than the basic criteria, they needed to be able to justify this.

### *Question 2*

Do we agree that universally recognised core criteria, such as those in the report, are the way forward?

- A hazard based approach as used in the HSE's SME Indicator', might seem more practical and more attractive but was not appropriate since it gave no credit for management capacity and preparedness.
- The unanimous answer was "yes".

### *Question 3*

How do we help SMEs to meet the criteria?

- Industry/sector federations/associations had to take a lead in explaining the core criteria. They need to offer advice and signposting to sources of help.

- There was a need to encourage SMEs into membership of schemes and trade bodies.
- There was a need for vetting the results of assessment via inspections.
- Core criteria could also be incorporated into health and safety awards schemes.
- Trade bodies could offer information and courses based on the core criteria.
- Assessment houses could offer information and advice, often as part of the overall vetting package.
- To avoid conflicts of interest there was a need to ring fence assessment from consultancy (as is the case in certification e.g. to OHSAS 18001)
- More examples were needed of what 'good enough' looked like when it came to meeting 'core criteria'.
- Generally, it was important that SMEs are told what is good, in addition to where they fall short.

#### *Question 4*

#### What help can we give to those who fail?

- Failure should not be seen as a pass/fail barrier. Those contractors that failed might still be engaged, for example with extra supervision, provided they caught up in a reasonable timescale.
- 'Fails' should be given good feed-back to make clear the actions they needed to take to comply with the criteria.
- There was a need to check to see that 'core criteria' might not be deemed anti-competitive under EU Competition Directives. The interpretation of the Services Directive, in contrast, was that they would not be. Indeed, two of the schemes represented were in fact governed by EC competition law.
- Some sector groupings had lists of approved specialist contractors for safe working on their databases. These were not deemed anti-competitive if based around legal requirements.
- 'Fails' needed to be pointed towards key documents. In some schemes the initial failure rate might be as high as 70 percent but this could drop to 7 per cent on subsequent application. It was not known however how many businesses were deterred from seeking business due to H&S pre-qualification requirements.

- Clients still need to be able to select clients who were ‘working towards compliance with the criteria.
- Those businesses with less than 5 employees (and who were not legally required to have written risk assessments and health and safety policy statements) might need a simpler approach.
- Workplace Health Connect pilot schemes had received a lot of referrals from firms seeking help to pre-qualify on health and safety with Local Authority clients.
- Many firms need individual help and assistance.
- Providers of health and safety services need to be sensitised to the needs of small firms seeking to pre-qualify in relation to health and safety.
- In some schemes, the same auditor stays with the contractor until it received accreditation, which has been found to be very helpful to the contractor,

*Question 5*

Are there any downsides for SMEs if we adopt core criteria?

- In some sectors, major clients were only moving slowly to refine their requirements.
- Not all clients were willing to help contractors to get up to speed.
- It is possible that sometimes a “bar” might preclude clients from taking on new contractors, particularly where they might not receive accreditation for 18 months.
- In reality, when there is a skills shortage, clients may have to be “sensible” about not excluding non-qualified organisations. Sometimes, the judgment will have to be done “in the heat of the moment, on site”.

*Question 6*

Can some of the criteria mentioned in the report go into a stage 2 assessment, leaving a universal set of ‘core’ criteria?

- In general yes, but there needed to be dialogue about what was of universal application (for example, beyond the CDM context) and what was more specialised.
- Some projects were very demanding and considerable stage two level scrutiny might be needed. If a ‘core criteria’ approach were too dogmatic it would not work.

- Essentially the process needed to be managed in order to deliver a practical result.

#### *Question 7*

##### What should the role of the HSE be?

- There were clearly benefits for HSE in securing better compliance and thus HSE needed to indicate their attitude to health and safety pre-qualification.
- HSE need to communicate the pre-qualification message to clients and to potential contractors/suppliers.
- There needed to be enforcement against the core criteria, and more “exemplary” enforcement where appropriate, against non-compliant clients and contractors.
- HSE needed to provide advice and support to SMEs and be prepared to help firms that failed.
- This would not be possible however without a reversal in the steady decline in HSE’s resources.
- Targets for prosecutions should be dropped because this diverted HSE resource away from providing information and advice.
- In the light of the Hampton Report, which directed regulators to concentrate on known poor performers, HSE needed to indicate which benchmarks of capability and achievement its inspectors would recognise. The HSE needs to stop its longstanding opposition to “licensing” schemes.

#### *Question 8*

##### Are there any other observations on the content of the report?

- There was a need to identify key roles that were critical in developing a cross recognition approach.
- It was not clear why the LSC felt unable or unwilling to promote a mutual recognition approach, particularly given the large number of visits to firms, allegedly over one million visits a year.
- HSE will expect training providers to have adequate procurement standards in place. Some training providers however had poor procedures and were not able to understand or take account of other performance benchmarks such as awards or OHSAS certification. HSE could help facilitate change.

- HSE were, it was stressed, very sensitive about licensing schemes in general but were able potentially to indicate which were good schemes and where to find links. They might even be able to say that 'in general, HSE supports...'
- It was also stressed that local authorities carried out about 40 per cent of enforcement in SMEs and thus they too need to be on board with a 'core criteria' approach.
- The criterion about 'access to competent advice' was one of the harder to meet. Options need to involve entry-level advice via a local health and safety group.
- Many schemes encompassed health and safety and other topics such as environment, sustainability and even HR issues. Suitable 'core criteria' could actually bridge several of these areas.

There was then a short break for lunch and networking.

### **Meeting resumes**

Participants considered a number of further questions:

1) What other initiatives are there that are aimed at rationalising and simplifying health and safety pre-qualification?

- The Health and Safety Assessment Schemes in Procurement Forum led by John Murphy was working towards transferability of standards. Schemes however were client led rather than led by HSE. They need to be persuaded to accept core criteria at a recognised level but this would require assurances about QA and there would need to be sample vetting to assess consistency. There might be a case for an HSE pilot scheme but the case for core criteria extended well beyond construction.
- A working group had been set up within the Strategic Forum for Construction Health and Safety. This was looking at the setting of competency levels. HSE were involved.
- IOSH were examining the business case for establishing an approval scheme for health and safety performance schemes in general.
- CECA (Civil Engineers Contractors Association) were considering competence issues within the proliferation of pre-qualification schemes in their sector.
- CONIAC (HSC Construction Industry Advisory Committee) had set up an SME working Group, which has had one meeting and completed a mapping report.



2) Were there criteria in the SEC criteria which were non-core'? Might there be other criteria that could be included?

- The criterion concerning 'welfare facilities'; might be less relevant to fixed workplaces
- An explicit criterion concerning first aid and emergency arrangements might be more appropriate.
- It was for consideration whether 'health and safety policy' needed to be a separate criterion or if this might not be better incorporated into a general criterion which dealt with 'policy, organisation and arrangements'.
- There was a question as to whether enforcement was an appropriate criterion and, if it was to remain in the core, it should be couched in terms of remedial action.

3) Given that there appeared to be substantial consensus around the case for 'core criteria and transferability, what further steps were now necessary to take this agenda forward?

- It was asked whether there was a need for more research to establish the extent of overlapping requirements and duplication of effort by SMEs and others.
- In general it was felt there was sufficient anecdotal evidence and that moving in this direction 'was the right way to go' for SMEs and clients.
- There was a need to educate 'in house' health and safety pre-qualification schemes about the case for core criteria and to limit any further scrutiny to a stage two process.
- The point was made that the clients participating in pre-qualification schemes represented a small proportion of all potential clients. Although this was, in one sense, a problem, it might also offer a business expansion case for operators to engage in mutual recognition of core criteria.
- There was a general feeling that RoSPA was best placed to advance work around core criteria. It enjoys a reputation among the stakeholders, does not have obvious commercial interests, has a wide range of contacts, and does not have an obvious vested self-interest.
- Trade bodies needed to be asked to submit details of any health and safety pre-qualification schemes they operated (noting that many were identified in Howard Fidderman's report).

- It was suggested that HSE might be asked to commission a survey of SMEs actual experience although it was also accepted this might delay matters somewhat while funding etc. was agreed. It was agreed this was not a pre-cursor to further action.
- A 'coalition of the willing' was now required to drive the process forward. It was suggested that a declaration might be drafted for circulation to those present and other organisations that had expressed an interest in the project, expressing their determination to establish a more rational and simplified approach to health and safety pre-qualification.
- There was a need to approach the Office of Government Commerce, major client groupings, organisations representing CDM co-ordinators, small business organisations and IOSH. RoSPA had an important role to play as an independent mediator.
- RoSPA needed to engage with the HSE and HSC on this issue, at a higher and more strategic level than it had done previously.
- There was a need to look at reward and recognition in relation to core criteria.
- Compliance with 'core criteria' should be sold as a way of enhancing other 'badging' schemes.
- There was a need to articulate the case clearly in writing and to engage other organisations that had expressed an interest but not been able to take part in the meeting.

### **Conclusion**

Thanks were expressed to all those who had taken part and also to HSE colleagues who had provided the facilities for the meeting.

It was agreed that RoSPA would circulate a summary note of proceedings, contact those who had not been able to participate and begin work on a draft declaration.

The project would require sustained support and input from all willing to help.

**Roger Bibbings**  
**Occupational Safety Adviser**

**2nd February 2008**

## Annexe one

### Agenda

11.00

**Welcome and introduction by the chair**, Paul Reeve, setting the scene

11.15

**Howard Fidderman:**

**short introduction to explain review methodology,**

summary of key findings in the report

([www.rosipa.com/occupational-safety/sme/smes\\_final.pdf](http://www.rosipa.com/occupational-safety/sme/smes_final.pdf) )

11.30

**Paul Reeve: leading discussion on how to improve SMEs' experience of health and safety in the supply chain.**

**Key questions:**

1. Do we agree that the report has highlighted a significant problem that needs to be addressed?
2. Do we agree that universally recognised core criteria, such as those in the report, are the way forward?
3. How do we help SMEs to meet the criteria?
4. What help can we give to those who fail?
5. Are there any downsides for SMEs if we adopt core criteria?
6. Can some of the criteria mentioned in the report go into a stage 2 assessment, leaving a universal set of 'core' criteria?
7. What should the role of the HSE be?
8. Are there any other observations on the content of the report?
9. We should all work together -what similar initiatives are currently going on in this area?

13.00 **Short sandwich break and networking**

14.00 **Further discussion of key questions**

14.45 **Next steps**

15.00 **Close**

**Attendance list:**

Richard	Ash	ECIA
Shelley	Atkinson-Frost	Construction Confederation
Sonal	Bhatt	BERR
Roger	Bibbings	RoSPA
David	Bryant	Workplace Health Connect
Teresa	Budworth	NEBOSH
Chris	Epps	NHBC
Howard	Fidderman	Consultant
Mike	Ford	Achilles
Lynsey	Groom	FSB
Darran	Hughes	National Britannia
John	Kinge	National Britannia
Mike	Long	The National Federation of Roofing Contractor's
John	Lucas	National Federation of Builders
Dermot	Maurer	Exorgroup
Hugh	McNeal	BERR
Tom	Mullarkey	RoSPA
David	Moore	BCSA
John	Parkinson	CBA
Paul	Reeve	ECA (Chairman)
Steve	Smith	JTR
Suzi	Walker	CHAS
Neil	Willings	Achilles

Apologies:

Tony	Bandle	HSE
Andrew	East	HSE
Foster	Evans	EVH
Chrissy	Falck	LSC
Briony	Krikorian	ABI
John	Murphy	CHAS
Wayne	Smith	BCF
Bob	Towse	HVCA