

Chapter 12

Small firms

May 1997

Launch of HSC's small firms' strategy

The HSC initiative, which follows a record breaking consultation exercise (leading to over 2750 responses from small firms themselves) is very much the personal achievement of the HSC Chairman, Frank Davies. He led a series of regional breakfast meetings in various parts of the country to get views directly from small business owners and managers.

His involvement in particular has been decisive in combating the ideologically driven call (sadly still coming from some quarters) for wholesale deregulation and/or exclusion of small firms from the scope of health and safety law altogether.

Key themes in the strategy are: simplification of health and safety law and guidance; easier access to information; better targeting and consistency in enforcement; and working with 'intermediaries' to influence 'hard-to-reach' audiences. Important 'intermediaries' in this context include not only safety organisations like RoSPA and IOSH, but local Chambers of Commerce and Health and Safety Groups, trade associations and large firms. (Over 50 per cent of small firms work for large ones!)

All these ideas are ones which RoSPA has been advocating vigorously in its policy papers on health and safety in small businesses. Nevertheless, if HSE really are to help other organisations to 'bat on their crease', this will require extra resources to fund new development work and pilot projects (a point made strongly by RoSPA when giving evidence recently to the Commons Environment Select Committee).

To help show the way forward RoSPA has organised, with HSE support, a seminar briefing programme for Professional Business Advisers (PBAs) employed by Business Links and similar business development bodies. The idea is to raise such advisers' awareness of both the humanitarian and 'business' case for health and safety and to help them to integrate basic advice about health and safety management into their dealings with their small firm clients – for example when doing 'Business Health Checks'. In this way, PBAs can play an important role in giving such firms 'advice about advice' and signposting them to relevant agencies and other sources of help.

Despite the production of much new and improved HSE guidance for small firms (for example 'Essentials ...' and the many new sector guides now emerging), RoSPA's view is that it is 'people to people' (rather than 'paper to people') methods like the PBA project which offer the best chance of stimulating small firms to identify the first (always the hardest) steps they need to take to put health and safety management arrangements in place. Full use needs to be made of all potential 'intermediaries' with which small firms come into contact, including lawyers, accountants and the banks (the majority of whom still fail miserably when it comes to including any

meaningful advice on health and safety in their glossy guidance packs for small firms and business start-ups).

Although fewer than five per cent of all UK businesses are big enough to be caught by the requirement to have written health and safety policies and risk assessment records, a simple written health and safety plan for the smaller firms can still be immensely valuable.

RoSPA is continuing to argue for a new approach on these lines to help small firms identify what the general goal setting requirements of the modern health and safety law mean in the circumstances of their business. After all, few have got the time to study and absorb the full range of publications produced by HSE – notwithstanding new HSE services such as its ‘Infoline’ and Autofax facility which now makes access much easier.

RoSPA wants to see HSE and the Local Authorities giving every small firm the assurance that, if they produce simple action plans, these will be used by inspectors as a starting point for assessing compliance with the law as well as basis for further development and expansion where necessary. A basic plan, developed by the firm itself (if necessary, with professional outside help) is worth infinitely more than a polished consultant’s report which will never be read and acted on.

At its simplest, two sheets of A4 would do. Sheet one would set out what the firm was trying to do (i.e. not have accidents or damage health), saying who was responsible (manager and staff) and arrangements for achieving these objectives. Sheet two could simply be three columns: column one showing the main hazards about which the firm was concerned; column two showing what they think could go wrong; and column three showing what needed to be done to stop these things happening.

Over-simplistic? Well perhaps – but if small firms did just that and put relevant control measures in place, think of the impact on workplace accidents and ill health trends!

July 1997

Role of Health and Safety Groups

For some time RoSPA has argued that the UK 'health and safety system' has concentrated too heavily on the large organisation as the typical employment unit. The launch of the Health and Safety Commission's (HSC) Small Firm's Strategy represented a big step forward in addressing the health and safety needs of over 97% of UK firms – firms which employ fewer than 50 people and which, in comparison with firms employing 1000+, have a 50 per cent higher accident rate.

One important theme in the HSC's strategy is working with 'intermediaries' to influence 'hard-to-reach' audiences. Important 'intermediaries' in this context include not only safety organisations like RoSPA and IOSH, but local Chambers of Commerce, trade associations and large firms (over 50 per cent of small firms work for large ones!) and Health and Safety Groups.

One 'intermediary' project, organised by RoSPA with HSE support, is a seminar briefing programme for Professional Business Advisers (PBAs) employed by 'Business Links' and similar bodies. The idea is to raise their awareness of both the humanitarian and the 'business' case for health and safety and to help them to integrate basic advice about health and safety management into their dealing with their small firm clients.

The programme is designed to demonstrate the role which PBAs can play in giving small firms 'advice about advice' and 'signposting' them to relevant agencies and other sources of help. RoSPA's view is that it is 'people to people' (rather than 'paper to people', or 'video to people' or 'software to people') methods like the PBA project and the Health and Safety Groups' small business Safety Information Centres (SICs) which offer the best chance of stimulating small firms to put health and safety management arrangements in place.

Simple Action Plans

Although fewer than five per cent of all UK businesses are big enough to be required to have written health and safety policies and risk assessment records, RoSPA has argued that a simple written health and safety action plan for the smaller firm can still be immensely valuable. The Society is continuing to press for a new approach on these lines to help small firms identify what the general goal setting requirements of the modern health and safety law mean in the circumstances of their business.

RoSPA wants to see HSE and Local Authority inspectors giving every small firm the assurance that, if they produce simple action plans, these will be viewed positively and will be used by inspectors as a starting point during inspections. Where further action is needed to upgrade measures to comply with the law, such plans can be developed and expanded as necessary. Arguably, a basic plan, developed by the firm itself (if necessary, with professional outside help) is likely to be worth far more than a polished consultant's report which will never be read and acted on!

To develop a basic action plan, two A4 sheets would do. Sheet one would set out what the firm was trying to do (i.e. not have accidents or damage health, have safe

systems of work etc), saying who was responsible (managers and staff) and arrangements for achieving these objectives. Sheet two could simply be three columns showing the main hazards the firm was concerned about; what they think could go wrong; and what needed to be done to stop these things happening.

While such an approach could be criticised as over simple, it would nevertheless provide a practical framework to help focus discussion, both within the firm itself and with inspectors.

Safety Information Centres

It is against this background that the next stage of the SIC initiative must be viewed. Key question will be how groups can improve their outreach to smaller businesses and how they can increase their total number of contacts.

To promote debate it may be useful to consider two separate model for an SIC – although in practice, most SICs will incorporate features of both.

- **Model one:** A centre operating from fixed premises, using its own printed materials in one-to-one discussion with small firm owners and managers who have been referred to it by local HSE inspectors or EHOs. Discussion takes the form of detailed advice about completion of paperwork (notification, safety policy statement, accident recording, etc). Risk assessment work focuses on principal hazards with provision of detailed information about control measures. The aim is to build up a personal relationship with the firm and to support it on an on-going basis.
- **Model two:** A service rather than a fixed centre, using mainly HSE and other resources (including distance learning packages like those from HSE and CIEH), working with small groups of small firm owners and managers in a business development context (for example, via Chambers or Business Clubs). The service is made available through relevant ‘intermediaries’ as part of business development activities (‘business start up’ training or ‘business health checks’). The emphasis is on developing a simple health and safety ‘management system’ approach and on ‘signposting’ in order to empower the small firm itself to tackle its health and safety issues.

There may well be other alternative models. Nevertheless in either case, besides assisting small firms to improve their management of health and safety, subsidiary aims will include getting small firms to join and take part in their local Group and raising the profile of Groups locally. The key question which Groups will need to consider is which strategy offers the best prospects for growth and success in terms of increasing the number of centres and their impact and in increasing individual group’s profiles.

October 1998

‘Good neighbour’ guidance

By insisting that a high priority is given to health and safety and by sharing their information and expertise, organisations which already take health and safety seriously can raise awareness, spread good practice and help make the world of work safer for all. In this sense the co-operation and commitment of large companies in working with small firms – whether as contractors, suppliers or as neighbouring businesses – is vital in helping to bring about real, long term improvement.

Companies which are committed to achieving high standards of health and safety performance understand the need to communicate this objective effectively to all their staff as well as to all other individuals and organisations with which they have contact. They make it clear that they attach the same importance to the achievement of such standards as they do that of any other key business objective, such as quality, sales, profitability and so on.

Companies which have developed a strong capability to manage work related risk and have a vigorous health and safety culture, have a key ‘Good Neighbour’ role to play in exercising influence over health and safety standards in all other businesses with which they come into contact. These may be:

- **Contractors.** Where companies engage contractors – particularly to undertake high risk tasks such as installation, maintenance, waste disposal or cleaning – they will have suitable arrangements in place to ensure that they only engage safe contractors. This involves paying close attention to detail at all stages of the process, beginning with a thorough assessment of competence at the pre-contract stage and continuing throughout the job via close co-operation between all parties and appropriate levels of supervision and monitoring. This goes right through to the end of the contract when health and safety performance is reviewed and recorded.

Such companies may choose to develop their own lists of ‘approved’ contractors. They will also provide contractors and sub-contractors with all necessary information and other forms of advice and support including: training, specialist occupational medical and hygiene services and encouragement to enter either their own or external health and safety award schemes.

- **Suppliers.** Companies which are committed to high standards of health and safety performance will have procurement systems and standards in place which enable them to avoid purchasing plant, equipment, substances which pose unacceptable risks to either quality and/or the health and safety of their operations. Such systems will also be capable of identifying cases in which a supplier’s management of health and safety is deficient so that remedial action can be taken. Companies which exercise a ‘good neighbour’ role in relation to their suppliers, support them through the provision of appropriate health and safety information and consultancy, through training and through appropriate periodic reviews of performance.

- **Local businesses.** Companies which are committed to raising health and safety standards not only supply necessary information to their immediate neighbours but, taking into account resources available, seek to make available their own expertise to them. For example, they may provide additional places on training courses, specialist advice and service and practical support and funding for local voluntary health and safety groups. They may also seek to exercise influence over health and safety in local businesses by sponsoring events, by seeking media coverage for health and safety initiatives and by working with appropriate intermediaries to disseminate information at local level.
- **The wide public.** ‘Good neighbour’ companies also ensure that they fully protect all members of the public who may be affected by their activities, including vulnerable groups such as the elderly, those with disabilities or children who may gain access to hazardous work sites. They back a policy of providing full information to the public with one of full disclosure of further information on request, they consult widely with the local community and its representatives about all health and safety developments with the potential to affect nearby populations and they are fully responsive to concerns expressed by the public on health and safety matters.

Key principles

Key ingredients for ‘good neighbourliness’ on these lines include: an insistence on high standards of competence; effective control and co-ordination; co-operation between all parties; and clear and effective communication at all times. Other key principles include: a commitment to effective control of all work related risks and full and effective consultation over health and safety matters with all personnel at all times. ‘Good Neighbour’ companies are also committed to sharing good practice, practising openness and ensuring transparency on all health and safety matters (except matters relating to the health status of identifiable individuals) at all times; and give full support for any individual who may experience discrimination from whatever quarter as a result of complying with health and safety requirements.

In summary ‘Good Neighbourliness’ in health and safety is not just a matter of upholding humanitarian values and exercising professionalism and social responsibility, it also make sound business sense – not just for individual organisations but for Society as a whole.

December 2001

Where are you now?

Raising standards of health and safety in small firms has been *the* major, strategic challenge facing the health and safety system for over ten years. In general, small firms (less than 50 employees) seem to have twice the rate of fatal and major injuries compared with firms employing 1000+.

Small firms are clearly the target of HSC/E efforts to improve performance in high risk sectors such as construction and agriculture – although it is widely recognised that the whole ‘Robens’ approach to health and safety regulation (goal setting law, health and safety management systems, worker representative involvement etc) is really geared to meeting the needs of large firms.

In recent years, new ways have been sought to influence small firms and to encourage them to take OS&H seriously. For example:

- The previous HSC chairman, Sir Frank Davies, held ‘small firms’ business breakfasts’ (which were good as a sounding board but in reality only reached a small number of small businesses);
- Emphasis was put on the ‘business case for safety’, stressing that ‘safety pays’ (although research seems to suggest that small firms are likely to be more influenced by ethical, legal and reputational considerations);
- Publication of more HSE ‘Essentials’ type guidance (useful to small firms already motivated to address OS&H);
- ‘Good Neighbouring’ (by large firms helping small ones with OS&H management);
- More emphasis on OS&H in client selection and control of contractors (powerful but also potentially bureaucratic);
- H&S ‘passport’ schemes (particularly for contractors’ staff);
- Integration of ‘signposting’ advice on OS&H into business development advice to small firms (for example, by Business Links);
- Review of H&S policies etc before trainees and work experience students are placed in small firms (but ensuring this does not become a barrier to training placements);
- Local or sectoral enforcement ‘blitzes’ by HSE (good for getting short term change);
- Outreach work by HSE Workplace Contact Officers (now being evaluated);
- Encouragement and help from insurers (although more of this is needed); and
- Greater emphasis on OS&H standards in procurement from small firms by public sector clients.

Then there has also been the sterling work done by Safety Information Centres (run by local, RoSPA affiliated H&S Groups) which has clearly demonstrated the importance of face-to-face mentoring for managers. (See this month’s *Groups forum* for an update on this work.)

All these initiatives offer greater or lesser degrees of leverage – but clearly there is no ‘magic bullet’ – no ‘one size-fits-all’ solution which will produce a radical shift in the

way small firms address hazard and risk. This is one of the reasons why the European Agency for Health and Safety At Work in Bilbao (visit <http://europe.osha.eu.int/sme>) is currently promoting a special scheme to stimulate and evaluate good practice initiatives designed to raise standards in small firms across the EU.

In the UK context, despite all the work which has gone on, my own view is that there is still no clear central focus which can help to concentrate the efforts of all the various agencies which have the potential to influence H&S in small firms. There are lots of good messages and supporting guidance but no single central challenge for the smaller business.

I believe the central question has to be ‘Where are you now?, leading to ‘Where do you want to be, by when and how are you going to get there?’. In my opinion, what small firms need is: motivation (why bother?); demystification (good face-to-face advice to help them ‘see the wood for the trees’); and, above all, a simple action plan (what needs to be done, how, by whom, by when and with what outside help?)

Small firms need professional advice and services appropriate to their needs but with maximum emphasis on developing self-reliance.

In this sense therefore there needs to be much more emphasis on the employer’s duty in the *Management of Health and Safety at Work* (MHSW) Regulations to review performance. Indeed, one of the weaknesses in UK health and safety has been a failure to elaborate and secure compliance with the potential powerful elements contained in this particular regulation (including policy, organisation, planning, implementation, monitoring and review).

Much more could be made of the duty to ‘review’. All businesses, if challenged, should be able to show where they are in terms of OS&H management performance – setting out, in terms appropriate to their business, the balance of strength and weaknesses and work to be done.

At the other end of the business scale, far from being a bureaucratic burden, the duty to review OS&H performance could actually be used by HSC/E to simplify things for small firms and give them a new sense of direction. If HSC/E were to produce a simple review framework, leading to a simple ‘H&S action plan’. At its simplest, literally two sides of A4 could suffice. On one side: ‘objectives’, ‘how we manage H&S’, and ‘who does what’ – on the other, ‘hazards’, ‘measures to be put in place’, and ‘action required for compliance, with a target date’. (For an example of this see the model ‘action plan’ for small firms on the RoSPA/Norwich Union website, www.youngworker.co.uk).

Of course, this sort of approach would require small firms to record the extent of their non-compliance with the law and essential standards. On the other hand, if employers were to be convinced by HSC/E that putting this sort of thing on paper was not ‘putting their head in a noose’, they would need to be assured that production of an ‘action plan’ (however imperfect) would actually be viewed favourably by regulators.

Similarly, OS&H 'promoter' (clients, business advisers, insurers etc) would need to be able to convince the small company that an action plan would actually 'put them ahead of the game'.

Having a simple 'H&S action plan' as an annex to business plan would provide a focus for advice, not just from H&S groups and professionals but would hopefully lead to more 'signposting' advice on H&S from others such as bankers, accountants, and business advisers generally.

HSE are presently consulting a wide range of 'intermediaries' to assist in implementing the objectives in 'Revitalising Health and Safety'. One of the challenges here is to understand better how the agendas of HSC/E and others overlap. Another is recognising that valuable as it is, published information for small firms, on its own, has little effect.

What is required is face-to-face mentoring – and not necessarily by qualified health and safety professionals.

October 2002

Focus on SMEs

Small firms (defined in this country by the Department of Trade and Industry as those companies employing less than 50 employees) play an increasingly important part in the economic life of the UK. They account for some 3.5 million businesses (99 per cent of all firms) and about 45 per cent of all private sector employment.

The growth in the number of small firms in recent years has been associated with a number of trends, including the restructuring of traditional industrial sectors, contracting out by large firms of non-core business activities and the growth of self-employment, and in the number of micro-businesses (less than five employees). Also many large organisations have restructured as small independent cost centres which, in practice, function like smaller firms.

These trends have led to an increasing recognition by Government and regulatory agencies of the need to modify approaches to regulation and business assistance to create a positive environment for business survival and development.

In 1996 the HSE carried out a consultation initiative aimed at small firms, which received an unprecedented response from themselves. The exercise demonstrated that, in contrast to views expressed by some small firms organisations, SMEs accepted the need for action on health and safety but required assistance to interpret health and safety law and develop appropriate responses.

Subsequent work undertaken by HSE and others confirmed that small firms face a number of distinct challenges when dealing with os&h issues. These include:

- Accident rates are generally higher (on average in manufacturing in firms employing less than 50 the rate of fatal accidents is roughly twice that in firms employing 1000+) but, in any individual business, the average interval between accidents and incidents can be long, meaning that there is no corporate memory of accidental harm.
- The lean management structure in most SMEs (owner/managers running all aspects of the business themselves) means there is little time to focus on health and safety in detail.
- The SME is likely to have other pressing priorities and deadlines as well as a raft of other regulatory requirements covering taxation, employment, environmental requirements and so on.
- Both owners and employees may be ignorant of hazards, risks and control measures.
- They are unlikely to be part of business networks and rely on informal, word-of-mouth communication.
- There may be suspicion of (or anxiety about) contacting enforcing authorities and fears about the potential costs of os&h compliance.

Very importantly there is an increasing recognition that, although in essence the business challenges faced by small firms are similar to those confronted by large organisations, **small firms are not simply smaller versions of large companies.**

While they may adopt formal systems (for example, as required by customer specifications and business standards) their internal dynamics are much more informal, their communication pathways are more direct, they are characterised by oral rather than literate cultures, and their business structures tend to be highly flexible.

Over the last ten year's HSE's approach to small firms has concentrated on developing much better general guidance and awareness materials and facilitating access to basic information. The Executive has also promoted the development of work by intermediaries to influence os&h management in small firms, particularly via its contractual relations strategy. This has included extending pre-tender os&h assessment of potential contractors and the development of os&h 'passport' schemes for contractors' staff working for the same sets of major clients.

Recently the HSE have concluded arrangement's with the Government's Small Business Service (SBS) to ensure that business advisers are better able to diagnose small firms' os&h needs and direct them to suitable sources of advice. There are nevertheless still relatively few examples in which business development agencies in the UK have put in place structured schemes for delivering os&h management development and training. The HSC has also appointed one Commissioner, Judith Donovan, with specific responsibility for small firms and they have just introduced a pilot grant scheme for firms with less than 10 employees.

However the key question, which needs to be addressed, is the extent to which these elements constitute a 'suitable and sufficient' strategy to produce a radical shift in SME os&h performance.

Increasingly there has been a recognition within HSC/E that HSE inspectors and 'Workplace Contact Officers' can only reach a handful of businesses by direct contact. It has therefore to depend on a range of information strategies to reach wider audiences. While considerable success can be achieved in disseminating information, by paper and electronic media there are significant costs involved and the impact of the messages can be highly variable.

A key factor here is the context in which information is delivered. For example is it delivered 'cold' or is it part of some other business support or development activity so that it will be seen as relevant and appropriate by the intended recipients? RoSPA has argued that, rather than producing os&h policy statements and written risk assessments, HSE should give small firms the option of developing simple os&h 'Action Plans' setting out: simple os&h objectives; how they organise themselves to achieve them (who does what?); procedures (inspections, reporting, first aid etc); and a list of the actions needed (with target dates) to upgrade their control measures for principal risks. The development of such 'Action Plans' should be used by business advisers as a focus for dialogue with SMEs. Similarly, dissemination of HSE information and guidance for SMEs (particularly via the web) could be geared towards helping them develop such plans so that they can 'mix and match' os&h information relevant to their businesses. This kind of approach however will only work if HSE develops 'partnership agreements' with a wide range of intermediary organisations such as trade associations through which it can extend 'face-to-face' outreach rather than relying solely on information dissemination.

A particularly enduring but still under-recognised source of outreach for HSC/E to small firms are the 80 or so local RoSPA affiliated groups spread throughout the UK – some of which date back more than 60 years. Made up of representatives from local companies and other organisations, they provide a unique self-help mechanism at local level for staff dealing with health and safety matters as well as a means of promoting health and safety at work by reaching out to help other local businesses.

For any SME, the main benefits of belonging to a local Group include: regular contact with other companies' health and safety staff (not just professional safety advisers but managers, supervisors, safety representatives etc), local education establishments, 'Business Links', local authority staff and representatives from the enforcement authorities – HSE inspectors, local authority EHOs, the emergency services, safety product suppliers etc; maintaining current awareness of health and safety issues through a regular programme of invited speakers, occasional seminars and conferences, newsletters, company visits etc; access to lively discussion, debate and new ideas; the ability to share problems and expertise with other local businesses and the wider community. A number of Groups have also established local health and safety information centres or telephone based advice services providing 'signposting' to other services where appropriate.

Strategically RoSPA has chosen to focus its limited resources on advancing and maintaining os&h standards in relatively larger organisations with established os&h culture, expertise and values. Partly this is because the Society sees them as a resource for the os&h system generally, for example, given the powerful effect, which such organisations can play in influencing os&h standards in SMEs in the business chain. As part of their '*Revitalising Health and Safety*' programme the HSC too have continued to place considerable emphasis on the idea of large firms and Government Departments influencing os&h standards in SME contractors, suppliers and even customers. The idea here is that companies which have themselves developed a strong capability to manage work related risk have a key role to play in exercising influence over health and safety standards in all other businesses with which they routinely come into contact.

Where larger companies and public sector organisations engage contractors – particularly to undertake high-risk tasks such as installation, maintenance, waste disposal or cleaning – HSE have insisted that they should have suitable arrangements in place to ensure that they only engage safe contractors. This involves close attention to details at all stages of the process, beginning with a thorough assessment of competence at the pre-contract stage and continuing throughout the job via close co-operation between appropriate levels of supervision and monitoring. This goes right through to the end of the contract when h&s performance is reviewed and recorded.

This approach to influencing SMEs has great potential but handled incorrectly there is a real danger that large firms may develop unnecessarily bureaucratic approaches to os&h management of suppliers and contractors leading to a reinforcement of the negative os&h stereotypes rather than the reverse. It is important therefore that, in seeking to screen and control contractors, clients do not adopt approaches that actually work against HSE efforts to simplify os&h law and guidance.

Beyond influence exercised via purely commercial relationships, there are also possibilities for companies which are committed to raising OSH standards to act as 'good neighbours' by providing help and support to businesses in their immediate locality. They can do this by supplying os&h information, by making available their own expertise to such neighbours, for example, by providing additional places on training courses, by providing specialist advice and services and by providing practical support and funding for local voluntary health and safety groups. They may also seek to raise awareness by sponsoring events, by seeking media coverage for health and safety initiatives (for example during 'European Weeks of H&S') and by working with appropriate intermediaries to disseminate information at a local level.

RoSPA also believes that more work is needed to secure effective worker involvement in os&h in small firms. The framework provided by the *Safety Representatives and Safety Committees Regulations* in which recognised trade unions can appoint safety representatives with certain statutory rights and functions, has had a positive effect on os&h but mainly in large organisations. This has been helped by the support provided for them through union structures and the TUC.

On the other hand, despite the introduction of the 'Employee Consultation' Regulations to cover workplaces that are not unionised, there are still major problems in achieving the same kind of input by workers' safety representatives in business where employers do not recognise trade unions. The HSC are currently committed to consulting on employee involvement and consultation. They are also mounting a series of pilot exercises to test the feasibility of creating 'workers safety advisers' who could cover a number of workplaces in a district or in a sector.

RoSPA has suggested that, in very small workplaces there could be merit in the idea of appointing a health and safety 'champion', perhaps someone who combined safety representative, basic advisory and even first aid roles but who could call on help from outside when necessary.

Notwithstanding the problems of sharing and disseminating information in SMEs there is a real need to find new ways of sharing information and experiences in SME networks. Suggestions here include web-based anonymised case studies of accidents in (and lessons learned by) SMEs, 'os&h' circles' as part of small business clubs; sharing costs of consultants on technical developments, posting information on the internet of SME winners of os&h small firms awards etc. Another approach here is for large clients to facilitate the establishment of site-based contractors' os&h committees. HSE are working with the SBS to incorporate companies which exhibit good practice in os&h, within their 'national demonstrator company programme', with the particular aim of showing how good os&h can be integrated with good management practice in general.

In recent years international agencies at the European level have played an increasingly important role in focusing on the challenges to os&h created by small businesses across the European Union (EU). The whole question of SMEs is central to the new EU strategy statement for os&h. Also, the work of the Bilbao Agency has shown how new approaches to identifying, recognising and disseminating 'good practice' can be used to stimulate change and development through the sharing of

ideas and experience. These practical steps now need to be built upon to provide a platform for motivating and supporting action on os&h across the EU.

June 2005

Revaluing our Health and Safety Groups

Working with and through others

With no new resources being provided by central Government for improving health and safety at work, the Health and Safety Commission and Executive (HSC/E) have been placing greater emphasis on working ‘with and through others’ to raise awareness of accident and ill-health prevention at work. All the more surprising therefore that, up to now, little or no emphasis has been placed in HSC/E strategy documents on the key role to be played in the delivery of UK health and safety strategy by the local health and safety groups Movement. It is perhaps worth therefore reflecting on the Groups and where they are going.

Unique network

There are currently some 80 local Groups spread throughout the UK (http://www.rospa.com/occupational_safety/groups/index.htm which are made up of representatives from local companies and other organisations. Most are affiliated to RoSPA. They are independent, local bodies (and not ‘RoSPA Groups’ as is sometimes suggested). Many are also affiliated to the British Safety Council. In contrast to local branches of the Institution of Occupational Safety and Health (IOSH), which focus mainly on the development needs of health and safety professionals, the Groups provide an established self-help mechanism at local level aimed mainly at non-specialist staff dealing with health and safety matters. They are ideally placed, for example, to reach out to help local businesses, particularly small firms.

Origins

The Groups Movement had its origins in the late 1930s when a number of Groups were set up with help from the then Factory Inspectorate. Ever since groups have continued to be established throughout England, Wales, Scotland and Northern Ireland (and new Groups have recently been established in the Channel Islands). There are also some topic based Groups dealing, for example, with construction and health and safety in the charity sector. Membership is open to industrial, commercial and other organisations as well as individuals, usually on payment of a modest annual subscription (often as little as £50). They are non-profit making voluntary bodies (in many cases registered as charities) receiving support and sponsorship from member companies (and sometimes other sources), but the bulk of their work rests on the contributions and efforts of their members. Many groups benefit from work carried out by people who have worked in health and safety but who have recently retired. As a consequence some groups are caricatured quite unfairly as a reincarnation of Captain Mainwaring, Sergeant Wilson and the other characters of Dad’s Army. Not only does this rather underestimate the expertise which many older activists bring to their groups, it tends to misrepresent the typical membership spread of most groups and the extent to which they are up with recent developments.

Aims

The main aim of the Groups is to provide a forum for communication and discussion between businesses and key players at local level, including educational establishments, local authorities, trade unions, and the Health and Safety Executive (HSE). Besides promoting interest in health and safety and providing a network for

the dissemination of knowledge, many groups seek to foster a spirit of fellowship through enjoyable social opportunities and other forms of networking. It's surprising how many people active in health and safety in the same city or district only get to meet each other via their local Group.

Activities

Most organise programmes of regular monthly meetings in convenient locations with invited speakers, as well as occasional seminars and conferences (for example, during European Health and Safety Week). Quite a number have their own websites, publish regular newsletters and organise company visits etc. They are also an ideal, low cost way of promoting regular contact between people in local companies dealing with health and safety (managers, safety advisers, supervisors, safety representatives), and key people from local networks such as Business Links, the emergency services, safety product suppliers etc. Their officers are usually elected at their Annual General Meetings when programmes of meetings and other activities for the year are normally agreed.

A number of Groups continue to run health and safety information centres or enquiry services which are staffed by volunteers and are designed so that small firms, many of whom are fearful of contacting HSE or local Authority inspectors, can get basic advice, information and signposting to other services.

Co-ordination

At a national level communication and co-ordination of the Groups has been achieved for many years under the umbrella of the National Health and Safety Groups Council (NHSGC) which itself is a registered charity. This meets quarterly and, besides assisting groups with their work and representing the groups Movement generally, they also encourage and recognise good practice by groups through the annual Alan Butler Awards (currently sponsored by BT) which recognise best overall programme – small groups and large groups, best communications or website and best annual seminar.

Major re-launch

Largely because the Groups have become one of the best kept secrets in UK health and safety, the Groups Council Management Committee are presently developing plans for a major re-launch of the Groups Movement under the banner '**Safety Groups UK**' (SGUK), with the draft strapline '*For safer and healthier workplaces nationwide*'. The Committee have been consulting all groups on a new 'terms of reference' document, setting out a new mission and objectives designed to raise the profile of the Groups as a key part of the UK 'health and safety system'. They propose that, in future, the Management Committee should be made up of representatives drawn from English Regions as well as from Scotland and Wales. SGUK itself would meet four times a year, with the AGM providing an opportunity for representatives of all Groups to attend and discuss issues of common concern. Discussions are also in hand to develop a formal partnership agreement with HSE. In short the aim is to launch SGUK to put the groups well and truly back on the map, to provide a forum for feeding ideas through to national level and to help individual groups build their capacity at local level.

Enhancing RoSPA's Support

Besides providing the secretariat to Council, for many years RoSPA has helped to support to the groups Movement in a number of ways. In each issue our monthly journal 'Occupational Safety and Health' (which every group receives as part of their free RoSPA membership) includes news of recent Group activities, a listing of forthcoming meetings and local contact names and addresses. Details of Group Council activities are also reported. Similar information is also accessible via RoSPA's website at <http://www.rospace.com/occupational-safety/nhsgc/index.htm>.

RoSPA is now seeking funding assistance to help meet the costs of a range of essential support and development functions such as: periodically surveying the groups network in order to keep the database up to date; ensuring effective cross fertilisation of information between groups and the new Management Committee; assisting groups with forward planning and 'lead' projects; co-ordinating activities such as joint recruitment work and presence at exhibitions; facilitating groups' input to HSC/E consultative documents; selling the groups to key players such as major trade bodies and trade associations; further developing the website; and running informal development events for groups on issues such as planning simple research projects, using the local media, accessing funding and developing a website.

Looking ahead

The Groups have a vital contribution to make to enhance the promotion of health and safety activity at local level. This is particularly relevant in the context of current HSE campaigns, for example on the HSC's five current priorities (stress; musculo-skeletal disorders; slips, trips and falls; falls from height; and site transport safety), its work to reach out to small firms, its major focus on health at work and the Commission's desire to develop its overall strategy by working 'with and through' appropriate 'intermediaries'. **A key proposal of the Management Committee therefore is that Groups be invited to plan and deliver activities based around HSE priority campaigns.**

Find out more

Companies, organisations or individuals wanting to find out more about the Groups and plans for the re-launch are advised to contact me or Charlotte Henderson or Jacky Steemson at RoSPA.



Calling SMEs

► **As another campaign is launched** to raise the profile of workplace health and safety issues in the many small businesses across the UK, RoSPA's occupational safety adviser, **Roger Bibbings**, examines current initiatives targeting this group and argues that a coordinated approach is needed to ensure the specific needs of SMEs are met.

The Health and Safety Executive (HSE) has long been arguing that good health and safety management results in business benefits and for nearly ten years it has been endeavouring to promote the 'business case' for health and safety by researching costs of accidents and latterly by developing tools such as the 'ready reckoner' (www.hse.gov.uk/costs) and publicising a number of real-life case studies.

A further HSE campaign on this theme has been in motion since January. *Better Business* targets small and medium-sized enterprises (SMEs), predominantly those with 10 to 50 employees. It has a number of strands, including advertising and a dedicated website (www.hse.gov.uk/betterbusiness).

In the context of the recent Hampton review of regulation (see: www.hm-treasury.gov.uk/budget/budget_05/other_documents/bud_bud05_hampton.cfm) there is obviously a need for HSE to continue to counter allegations about health and safety being 'over the top', 'out of control' and a 'burden on business'. Given the constant media hype about the dreaded 'elf and safety' being the root of all evil, HSE clearly need to continue to remind businesses about not only the costs of work-related accidents and ill health but the many bottom line benefits that are to be had from adopting a proactive approach.

There are clearly quite a number of businesses (including past RoSPA award winners that are SMEs) who will be more than willing to be used as case studies to help sell the campaign message but it also needs to be sold to sceptics as well as the already converted.

To help the overall message seem true to life, case studies, supporting anecdotes and

quotes are needed from converts to explain how and why they changed their view of H&S. And of course, sharing examples of good practice in this way can provide exposure and good publicity for the companies or organisations involved.

RoSPA is interested in helping with the *Better Business* campaign in any way it can. It is very important, however, that a sophisticated approach is taken. For example, it is important not to patronise small firms by presenting the 'business case' as just a matter of cost saving by avoiding accidents.

This is obviously an important and persuasive line of argument but, as HSE's research has shown, most SME owners/managers are not just amoral calculators. They are quite capable of being moved by ethical considerations as well as by perceived threats to personal and business reputation arising from accidents, ill health cases or enforcement action.

Of course, there are 'don't know, don't care' and worse still 'do know, don't care' SMEs – but the vast majority are 'do care, don't know' and they need to be helped to become 'do care, do know' businesses! Suggesting that they will only be interested in protecting people if it saves them money could well be taken as an insult.

Targeted approach

In RoSPA we also feel strongly that the 'business case' message for smaller businesses has got to be a bit different to that which has been developed for larger organisations.

Although overall the frequency of accidents in SMEs is higher than for large firms, in any small firm the interval between serious events is very much longer.

Getting small firms to spend precious time (much more important often than money) on H&S depends on showing them how 'sensible health and safety' management processes and precautions derived from good risk assessment will actually aid business efficiency and effectiveness. For example, introducing safer and more effective working methods can often help to improve productivity. Establishing better consultation on health and safety matters through suggestion schemes and regular toolbox talks can help to improve communications and culture generally.

Also the HSE's *Better Business* campaign needs to concentrate on showing smaller firms how a good profile on health and safety can assist in winning business, getting on client lists like the Local Authorities' CHAS scheme (Contractors Health and Safety Assessment Scheme), for example (visit: www.chas.gov.uk).

The problem with schemes such as the latter though, is that many small firms experience H&S 'pre-qualification' processes for contractors as highly bureaucratic. Not only is there a proliferation of such schemes by major clients, including related schemes like 'H&S passporting' (www.hse.gov.uk/press/2003/e03197.htm) but there are many other forms of H&S scrutiny including 'Making the Market Work' operated by certain trade associations and the ABI (see: www.abi.org.uk/Display/File/364/ABI_A4_HealthSafety2.2.pdf) and scrutiny of placements for trainees by LSC (Learning and Skills Council) funded training providers working within the latter's 'Safe Learner Framework' (visit: www.lsc.gov.uk).

There are even small firms that are being asked to undergo certification to OHSAS 18001 and then there are the many audit and assessment tools, including the

Parting Shots

HSE's small firms performance indicator (www.businesslink.gov.uk).

Clearly in the light of Hampton and the 'small firms test' which the government now insist is applied to all new regulatory initiatives, HSE remain committed to avoiding bureaucratisation of H&S. (It gives quite the wrong message and suggests that H&S is all about paper when it should be about systems and precautions.) But there is a distinct danger that third parties outside HSE (including Local Authorities – as clients rather than regulators) are busy ramping up the amount of H&S form filling facing small businesses. There clearly needs to be some rationalisation here we think or at least a strong steer towards using a single tool such as the HSE indicator.

Signposting

SMEs, it is often said cannot undertake risk assessment themselves and want HSE or H&S professionals to 'tell them what they have to do'. At first sight this might seem attractive but it has its dangers too. In reality it is impossible, not just because it is not feasible in practice for the regulator to visit every workplace and to prescribe everything in detail, but because prescription actually discourages maximum H&S self-reliance by SMEs and it tends to encourage consultant dependency.

This raises another problem. Far too many SMEs are spending money unwisely on unsuitable consultancy, particularly the sort that focuses entirely on paperwork and procedures, rather than hazards and precautions and the delivery of practical knowledge and skills which will eventually make the consultant redundant. **(To cut down on paperwork RoSPA continues to argue for the adoption of better solutions like a simple 'H&S Action Plan' system for SMEs as an alternative to having to have lengthy safety policy statements and risk assessment records.)**

That said, the reality is that for virtually every SME 'time poverty' is a big, big constraint. It's no use HSE telling them all the information they need is there on the web (although there is a huge amount of really useful guidance available at: www.hse.gov.uk/smallbusinesses). They have so many other things to attend to and they are bombarded with information from every quarter and on every subject.

Information is important to support development when change is underway but what SMEs need most is face-to-face contact with competent professionals, espec-

ially in the early stages, to help them get the measure of their problems and to signpost them in the right direction.

This is one of the encouraging features of the *Workplace Health Connect* pilots that are currently underway (www.hse.gov.uk/workplacehealth) and which aim to provide free occupational health and safety, absence management and return to work (OHSR) advice to small firms 'free from the fear of enforcement'.

It is not immediately clear that these pathfinding schemes will also cover safety issues too. But clearly accidents are also a health issue and, when work-related road injury and injury outside work are taken into account, it is not right necessarily to assert, as HSE sometimes do, that health is now such a bigger problem than safety. There needs to be a balance and in practice they are inextricably linked.

Local groups

Initial advice and signposting are very important to help SMEs define their problems and to get them moving in the right direction but, longer term, small firms also need to be linked up at local level with networks of on-going support. **RoSPA has been involved in the re-launch of the health and safety groups' movement.** The new national coordinating body, 'Safety Groups UK' (see: www.safetygroupsupk.co.uk), is signing a partnership agreement with HSE.

Under *Workplace Health Connect*, some pathfinder organisations will recommend to small firms that they become members of their local group. The groups, of which there are over 80 spread throughout the UK, are low cost, self help organisations based in the community where non H&S specialists can get much useful briefing, help and signposting. Groups are in fact one of the best kept secrets in the UK H&S system, one of the reasons for their re-launch under the 'Safety Groups UK' brand.

Current initiatives

Some Local Authorities are offering advice to SMEs and there are numerous examples of innovative outreach by safety conscious large firms. For example, to help with the new HSE led *Partnership on Health and Safety in Scotland*, RoSPA has set up the *Scottish Higher Performers' Forum* (see: www.rospa.com/occupational-safety/scottish). This offers a setting within which larger companies, which are higher performers in H&S, can share and compare innovative examples of how they have extended their H&S outreach

to SMEs and the wider community.

RoSPA also has a special service called Health and Safety Review (www.rospa.com/audit/hsr). IOSH has launched (www.safestartup.org), and many trade associations have special web tools to help SMEs.

Coordination

Judith Donovan CBE (who is a doughty and passionate spokesperson on the Health and Safety Commission for small firms) has been leading the Small Business Trade Association Forum which is made up of members from trade associations and organisations that represent small businesses (visit: www.hse.gov.uk/aboutus/hsc/iacs/sbtaf). It was set up to: make sure that the HSC/E hear the concerns of small business; improve the way they communicate with small business; and to consult small business on new initiatives and proposed changes in health and safety law.

The Forum have done quite a lot already but there is still a need for them perhaps to map and coordinate the very diverse range of H&S activities and initiatives that are presently aimed at small firms. So much is going on and there is a distinct danger not only of 'wheels being reinvented' (and of unnecessary duplication of effort) but also of opportunities for joint working being lost.

A major strategic gap, however, remains in the form of a lack of basic H&S knowledge and skills among the numerous business advisers that have daily contact with SMEs, whether they come from Business Link, the Small Business Service, banks, training organisations, insurers, accountancy firms and so on. A key part of the strategy has got to be 'up-skilling' the non-health and safety adviser and getting them to understand the business case for 'sensible H&S'. Hopefully HSE will be targeting them too and not just individual small businesses.

Comments to: rbibbings@rospa.com





Parting Shots

Good. neighbours

► **In 2004**, RoSPA set up the Scottish Higher Performers' Forum to bring together award winning organisations in Scotland which agreed to sign up to a charter which challenged them to extend their health and safety outreach and influence, particularly to small firms. The Society is now seeking comments on whether the Forum model should be extended nationwide, because as RoSPA occupational safety adviser, **Roger Bibbings**, explains – even small amounts of time and effort spent reaching out to those who need help can produce big results.

One of the paradoxes faced by safety charities such as RoSPA is that our strongest supporters actually need us the least. Although there might be a few exceptions, most of our members are committed to the idea of better health and safety at work.

Many who enter successfully for our awards go well beyond the extra mile. They are committed to the idea of continuous improvement in health and safety performance. They recognise the need to improve the consistency of risk control and get accidents, near misses and ill health levels down but they are usually starting from a very positive baseline.

In contrast, the organisations that really need help from bodies like RoSPA and other health and safety service providers are those businesses that either 'don't know and don't care' or who 'do care but don't know' – either that they have got H&S problems or how to go about managing them.

In this sense there is a strategic imbalance in the distribution of health and safety expertise and commitment in the UK.

Robust health and safety expertise and culture are to be found, in the main, in large, well-organised businesses with strong board level commitment, developed management systems and standards, workforce involvement and access to professional health and safety advice and services.

Yet large organisations of this kind, particularly those that exhibit these features because they operate in some of the higher hazard sectors, actually employ less than a third of Britain's 23 million workers. At times it is almost as if they are islands of safety sense in a sea of virtual callousness and ignorance.

That may be painting too stark a picture but it does serve to make the point that in Britain, which is among the safest of countries in the world to work in, there is still a first and second if not a third world of health and safety.

Numerous organisations are committed to spreading the message that good health and safety is both a hallmark of civilised values and that it is good for business.

The HSE in particular produces a massive volume of information and works constantly to improve its communications. But the State should not and cannot do it all. There are many other key intermediaries, trade associations, trade unions, H&S groups, professional bodies, colleges and so on.

The Health and Safety Commission's (HSC) strategy to 2010 and beyond recognises that moving things forward has to be a partnership project, with many different players each 'doing their bit, where possible in a joined up way with others.

It was with this in mind that, in 2004, RoSPA set up the *Scottish Higher Performers' Forum* (SHPF) (www.rospace.com/occupational

www.rospace.com/occupational) to bring together award winning organisations in Scotland who could agree to sign up to a charter which challenged them to extend their H&S outreach and influence, particularly to small firms.

The Forum is also intended to feed in support to the *Partnership on Health and Safety in Scotland* (PHASS) which is led by HSE, as well as bringing together key agencies north of the border who are committed to helping one another to raise standards and improve H&S outcomes.

The starting point for the SHPF charter is a commitment to provide a positive example to others by continuing to raise H&S standards as a key business objective, backed by senior management leadership, full and effective workforce involvement and use of competent health and safety advice.

It challenges signatories to seek recognition of their health and safety performance through means such as certification, entry to awards or use of appropriate auditing services and putting information on their targets and performance achievement in public domain, including via the Internet and annual reports.

They have to ensure that all their suppliers and contractors are competent to manage the health and safety of their own employees and those affected by their operations, and that they understand other stakeholders' health and safety expectations.

Parting Shots



They are expected to encourage all their contractors, suppliers and other business partners to participate in health and safety training and safety passport schemes, make use of auditing, enter for health and safety awards and become members of their local health and safety groups.

Beyond this kind of supply chain influence, SHPF members are also:

- challenged to act as 'good neighbours' on health and safety issues, providing access for local small firms to their in-house training schemes and information services wherever possible and when appropriate;
- encouraged to provide direct access for small firms to examples of 'good health and safety practice', for example, through benchmarking and site visits;
- urged to promote health and safety on a 24/7 basis (for example, by extending safety life-skills to help employees and their family members remain safe outside work);
- expected to support health and safety education in schools, for trainees and for young people, including school students involved in work experience schemes; and also to
- sponsor research and pioneering pilot projects, sharing findings and supporting wider community-based health and safety initiatives.

To back all this up, signatories to SHPF are urged to provide high-level champions who are able to exploit national, local and specialist media and other communication opportunities to highlight the social and business cases for action on health and safety issues.

They are also asked to commit to communicate with each other and other 'Scottish health and safety system' players on steps they are taking to reach out to influence others, to agree common approaches to common themes and to report periodically on progress to each other and to PHASS.

In many areas of life Scotland has many advantages over other parts of Great Britain. People tend to know one another better. Lines of communication are often shorter and less formal. There is a different political culture and thus in many ways more scope for innovation.

This is good for Scotland but it also has the advantage that what has been shown to work in Scotland can often also be promoted as a possible solution to similar problems in England, Wales and Northern Ireland.

With this in mind, RoSPA would like to get views, particularly from its award winners in England and Wales, on the value of extending the SHPF model nationwide, to provide a UK-wide forum for co-operative, path-finding projects, providing funding support for new work, and becoming a powerful 'health and safety' exchange mechanism which will really will unlock the reserves of H&S commitment and expertise which presently are locked up inside higher performers.

Of course many will argue that they are already heavily committed with their 'day jobs' in H&S and they might ask 'what's in it for us?'

The traditional answers include:

- 1) accidents or enforcement action affecting smaller businesses in the contracting and supply chain can adversely affect business continuity;
- 2) there are legal duties requiring businesses of all sizes to co-operate effectively on H&S;
- 3) raising standards helps to create a level playing field for fair competition; and
- 4) being a good neighbour on H&S issues helps demonstrate corporate social responsibility.

Answers 1 to 3 connect with the 'head' of business but answer 4 is really all about the 'heart'. By spreading their H&S ethos more widely in the communities of which they are part, socially responsible businesses are showing in a very practical way where they stand and indeed what they stand for.

There are solid business reasons why organisations should seek to promote good standards, but equally they need to show

convincingly that they are not simply amoral calculators when it comes to issues like preventing accidents and safeguarding health.

H&S resources are not infinite but equally even small amounts of time and effort spent reaching out to those who need help can produce big results and they can also produce a very positive message about the values of the organisation giving this kind of help.

Groupings of 'higher performers' already exist of course but these are mainly for the purposes of solving common problems, for example in particular sectors, benchmarking or making representations to third parties such as the government or regulators.

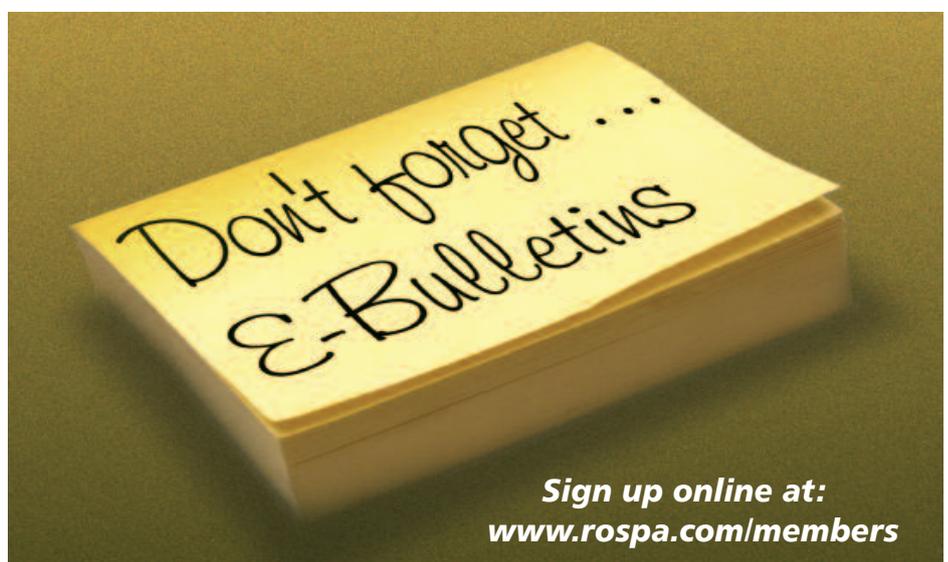
What is different about the proposal being made here is:

- that it is across-the-board (organisations coming together around a common commitment to H&S); and
- that is all about reaching out to others rather than a purely internal focus.

Some people may say that it is the job of business to wait until the authorities decide what must be done rather than to seek to set the agenda. And similarly it is the job of bodies like RoSPA to tell businesses what is required of them rather than to campaign for change.

Needless to say that is not 'where we are coming from'. And it is not the view we believe very many of those businesses (and professionals within them – who are our active supporters) share.

Is our vision of a UK-wide *Higher Performers' Forum* realistic? Can it help to deliver what other agencies are presently unable to? Could it help to shift the strategic centre of gravity in H&S? **Readers comments are welcome. Please email: rbibbings@rospa.com**



**Sign up online at:
www.rospa.com/members**

July 2007

Parting Shots

Simplifying standards

► **At a recent hearing** held by RoSPA's National Occupational Safety and Health Committee as part of its inquiry into the OS&H services and support being provided for small firms, one issue that emerged strongly was that SMEs across industry are faced with a bewildering variety of health and safety assessment criteria being used by third parties. RoSPA's occupational safety adviser, **Roger Bibbings**, examines the current situation for assessing small firms' OS&H capability.

In the March 2007 issue of OS&H, I raised the question of health and safety management standards that might be referenced, for example, by clients, funders, insurers or in any future moves by the Health and Safety Executive (HSE) towards self-regulation (see *Parting Shots* March 2007).

Recently, at a 'hearing meeting' held by RoSPA's National Occupational Safety and Health Committee (NOSH) as part of its inquiry into the OS&H services and support being provided for small and medium enterprises (SMEs), the question of health and safety management standards surfaced again.

As part of its inquiry (see: www.rospace.com/occupational_safety/sme/map.pdf), NOSH has identified a massive amount of contact by third parties with SMEs and, as a first step, it has decided to look at the different approaches being adopted by a variety of bodies when they assess health and safety capability in small firms. These range from assessment techniques used by bodies such as the Contractors Health and Safety Assessment Scheme (CHAS), those used by consultants in assessing contractors as part of pre-qualification, work undertaken by numerous private consultants – through to schemes operated by business and

trade associations – for example, the ABI's 'Making the Market Work' (MWM) and H&S assessment visits to premises by colleges and training companies before they place trainees in placements.

At the SME hearing, representatives from all these and other important constituencies were asked to describe: 1) what approach they adopted to assessing OS&H capability; 2) what worked; and 3) what they thought could be done better. (A transcript of their evidence is being prepared and will be considered by NOSH at their next meeting.)

Assessment

One issue that emerged strongly was that there are a bewildering variety of criteria and standards. Reference was made to publications such as HSE's *Successful Health and Safety Management* (HSG65) (and the very similar BS Guide, *BS 8800: Health and Safety Management Systems*) and also the *OHSAS 18001* standard. It was generally agreed that these represent a conceptual core of good health and safety management practice. (Notwithstanding that it is seen by some as 'a bit 1980's' and lacks adequate coverage of contemporary themes such as director leadership, workforce involvement and the new OH agenda, HSG65 is still very widely taught in the training of managers, professionals and worker representatives

and forms the point of departure for high resolution audit services such as RoSPA's Quality Safety Audit (QSA). Recent HSE moves to begin work to revise HSG65 seem to have been put on hold.)

SMEs are not just small versions of large firms, and because of this it is generally recognised that assessing them using sophisticated tools like QSA – or other proprietary systems such as the BSC's Five Star Audit, Det Norske Veritas's "Risk-Based Certification" service or HASTAM's CHASE etc – is just not appropriate.

Industry representatives rejected the case, both in the UK and internationally, for a UKAS accredited H&S management standard and this led to several certification bodies and contractors developing OHSAS 18001:1999 which is based on BS 8800 and includes HSG65 type elements covering: policy, planning, management programme, implementation and operation, checking and corrective action and management review.

Several major clients and main contractors have begun to ask for 18001 as part of pre-qualification but equally others claim that it is not appropriate to small businesses and does not actually demonstrate that the businesses concerned have got safe systems of work in place.

There are of course many other options

Parting Shots



for organisations wishing to evidence and compare their OS&H capability and performance. These include schemes such as the RoSPA's OS&H awards (over 1,400 of which were presented this year), benchmarking schemes such as CBI 'Contour' and SHEiBA, HSE's CHASPI – *Corporate Health and Safety Performance Indicator* – (still only completed by a few dozen companies) and the companion online tool for SMEs, the SME H&S Indicator (accessible at: www.hspl.info-exchange.com).

Focusing on common risks faced by SMEs rather than management processes, it is claimed that the SME H&S Indicator assessment can be completed in just fifteen minutes. Originally developed by consultants Greenstreet Berman on behalf of the HSE, with the co-operation of the Small Business Service, the Association of British Insurers, the British Insurance Brokers Association and the Federation of Small Businesses, it was hoped that it would be widely adopted and lead to reduced employers' liability insurance premia but there is little evidence that it is being used extensively or even signposted by others dealing with small firms such as HSE, local authority inspectors, training providers or pre-qualification schemes.

Under the *Making the Market Work* (MMW) scheme (initiated by the ABI in response to business and government concern when market conditions hardened and employers' liability insurance premia started to rise) a number of trade associations have registered their own schemes for assessing OS&H management. They include the British Printing Industry Federation; the National Federation of Roofing Contractors; the Federation of Small Businesses and the British Constructional Steelwork Association. All these schemes vary and the fact that they are within MWM does not mean they are ABI approved.

Perhaps one of the most significant steps taken by trade associations in defining standards for pre-tender assessment is an initiative taken in late 2006 by the Electrical Contractors' Association (ECA) and the Heating and Ventilating Contractors' Association (HVCA) when they published their 'core criteria' (based around the advice given in the new CDM ACoP) to enhance the safety aspects of the tendering process for construction projects.

The dozen criteria can be used in "pre-qualification" assessments to help clients and major contractors look for evidence of contractors' OSH credentials, and should also help organisations to avoid having to

submit their credentials repeatedly when tendering. They are based on the *Management of Health and Safety at Work Regulations 1999* and cover issues such as access to competent advice, individual qualifications, health and safety policy and risk assessment. They are already aligned to the Contractors Health and Safety Assessment Scheme (CHAS) and should align further with other similar schemes.

CHAS is available to public and private sector organisations for short-listing contractors, suppliers and consultants. It provides assessment criteria that safety professionals can use for the OS&H element of a pre-qualification application. It is not an approved or select list of contractors. CHAS checks that a company appears compliant with important OS&H law, although it is not "an assessment system that will make sure all companies are fully complying with every aspect of OS&H law". There are a number of interesting and related initiatives here, including Construction line, and Safe contractor.

Forum

At the NOSH hearing, John Murphy of CHAS reported that a forum was being established between a variety of schemes of this type to exchange information and hopefully deliver greater uniformity of approach.

In the construction sector there are several safety passport card schemes which set a core criteria of standards. The Major Contractors Group currently approves 22 card certification schemes such as the Construction Skills Register (CSR), Construction Skills Certification Scheme (CSCS) and affiliated schemes such as ECS, Construction Plant Competence Scheme (CPCS), the Scottish Construction Registration Executive (SCORE), and the Engineering Services SKILLcard.

In the training sector, the Learning and Skills Council (LSC) has yet a further set of core criteria which are set out in its *Safe Learner Framework* within which LSC-funded providers have to undertake OS&H assurance of placements. This involves scrutiny of placements in up to one million businesses annually against LSC OS&H standards.

The LSC has a one-stop shop for OS&H information and has published OS&H standards to help colleges and other providers and employers. These were agreed with HSE and government and comprise nine core standards (and a tenth specific to the learner) that reflect basic law and OS&H

management, for example, policy, risk assessment. The LSC advises that where employers do not meet all the standards, "the assessor should signpost the employer to appropriate sources of advice and assistance".

The same signposting approach is also being adopted by the five Workplace Health Connect pilots (www.workplacehealthconnect.co.uk). Here OS&H professionals with additional training in OH issues, work through a workbook with SMEs (5-250 employees) covering policy, risk assessment, monitoring and review and point them to further sources of advice. Although it is supposed to be aimed at OH and return to work, much of the WHC pilot work has involved helping SME clients with very basic health and safety management.

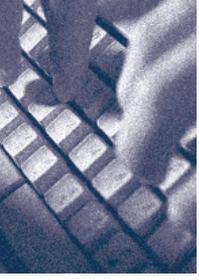
In all this it is clear that there is not only a confusing variety of standards and criteria but that apart from the work being done in construction and related areas, there is little evidence of mutual acceptance of health and safety standards. Even with systems such as the LSC Safe Learner Framework there is no assurance that one college will accept another's OS&H assessment. With fewer businesses accepting trainees there is every possibility of an SME receiving multiple OS&H visits from training bodies, not to mention having to fill in OS&H pre-qualification questionnaires, each slightly different from the next.

Quite apart from the waste of time and resources, this can only prove to be a negative experience for the SME concerned and reinforce the perception that OS&H is all about bureaucratic back-covering and form-filling and not practical action to help make work safer and healthier. It makes little sense for HSE to put effort into better regulation, simplifying things for business when 'third part regulators' are busy creating confusion and added burdens and may not actually be helping SMEs to improve.

In the coming months NOSH will be focusing more closely on this issue and will probably be pressing the case not only for core criteria, fewer standards and mutual recognition of assessments but closer definition of the competences which those doing this work need – especially the soft skills they need to interact effectively with small firms and guide them in a practical way to improve their OS&H management approach.

Readers' views welcome.
Email: rbibbings@rospa.com

October 2007



Parting Shots

SME update

➤ **RoSPA's** occupational safety adviser, **Roger Bibbings**, provides a progress report on the National Occupational Safety and Health Committee's major inquiry into the various forms of H&S assistance which are currently available to small and medium size enterprises in the UK.

Regular readers will recall that **RoSPA's National Occupational Safety and Health Committee (NOSHCH)** is conducting a eight-month major inquiry into health and safety and SMEs (see: *Parting shots July 2007*).

The inquiry is very wide ranging, looking not just at the help that is available from HSE and local authorities but at a very much wider spread of actors including major clients, funded trainers such as colleges, local H&S groups, consultancies, bodies like RoSPA and IOSH, trade associations, small firm advisory bodies, schemes such as Workplace Health Connect (WHC) and even providers of PPE or deliverers of first aid training.

NOSHCH's terms of reference for the inquiry are as follows:

- To identify and evaluate good practice, barriers and missed opportunities associated with current work by intermediaries aimed at promoting, developing and sustaining effective health and safety management in small firms (less than 50 employees).
- To make recommendations for action.

The work is being overseen by a Steering Group (SG) chaired by Paul Reeve, H,S&E adviser to the Electrical Contractors Association. The SG is composed of representatives of key bodies such as HSE, the Federation of Small Businesses and important initiatives such as the Contractors' Health and Safety Assessment Scheme (CHAS) and WHC. RoSPA provides the secretariat.

The Group's task in a nutshell is to review everything that is going on at present to help SMEs to tackle H&S and to reach conclusions about what is out there, what's working, and what could be done better.

While there will be a number of interim reports, the timescale commits NOSHCH to making a final report in October 2008.

Why small firms?

In many ways Britain has a two-tier H&S regime. There is now a major gap between the health and safety management regime, culture and performance found in most large organisations and similar arrangements which should be in place (but are often missing) in the 3.5 million businesses that make up the rest of the UK economy.

SMEs now employ about 45% of the entire UK workforce. How to bring them up to the level of the 5,600 or so private sector businesses that now employ more than 250 people is **the** \$64,000 question in H&S. It's the last big one in H&S to be cracked, a challenge made all the more urgent, for example, by the sad news that fatal injuries were up again in 2006/7 – with many of these being in SMEs and micro-businesses.

Of course there are many small firms that handle H&S very professionally and many, of course, have only a light hazard burden meaning that they only need to take quite simple steps to control their risks. (That said however, most firms whatever their size will face problems such as slips and trips, manual handling and other ergonomic issues, work-

related stress and of course occupational road risk.) In general, however, serious accident rates in small firms (less than 50 employees) are roughly twice the rate of those in very large firms (1,000 plus).

There are many reasons for this such as ignorance of and suspicion about H&S (there is even hostility in some cases), and time poverty to be able to engage with the subject. And SMEs face many other problems such as information overload (too many sources of guidance, online tools, software etc) and not enough face-to-face advice. Although many trade associations offer H&S services and advice, and SMEs can join local networks such as their local H&S group, many do not know where to go for entry level advice (especially guidance from competent professionals who are sensitive to SMEs' needs).

While there is insufficient enforcement to bear down on 'cowboy' firms, increasingly more and more SMEs are working as contractors or suppliers for large organisations who are subjecting them to pre-qualification health and safety assessment.

Colleges, schools and training companies are also assessing SMEs' health and safety competence as part of their duty of care to trainees before they are placed in local businesses. This may be helping to guide such firms to upgrade their arrangements but it may also be resulting in unnecessary third party bureaucracy, reinforcing SMEs' negative perceptions of OS&H.

Obviously, there is no silver bullet to

Parting Shots



tackle all these issues but finding the right strategic approach offers scope for really cutting accidents and ill health as well as producing many other incidental business/operational benefits to UK PLC. Yet, as the NOSHC inquiry has already shown, it's a big ball of knitting. There are many players and many angles and it is important to remember that, both from the perspective of the SME and of government ministers, health and safety is only one of a number of issues such as sustainability, finance, innovation, business skills etc which have to be tackled if smaller businesses are to survive and prosper.

Progress

A special web area has been established at www.rosipa.com/occupational_safety/sme/index.htm to create a focus for the NOSHC inquiry and to call for evidence and funding support.

A major scoping report has been written by Howard Fidderman, which sets out a very comprehensive and unique overview of over 30 different sources of advice and help to SMEs. (This analysis – accessible at www.rosipa.com/occupational_safety/sme/map.pdf – is still expanding as more SME H&S initiatives are identified). Much written evidence has been received and members of the Steering Group have had informal talks with a number of key players, including, for example, the government's Better Regulation Executive.

A major 'hearing meeting' to take views from key witnesses was held in May alongside this year's *Safety and Health Expo* at the NEC, with many witnesses speaking from direct experience of engaging with SMEs. A full verbatim transcript has been prepared (now on website) which provides a fascinating series of insights and confirms the scale and nature of the SME H&S problem.

NOSHC see the inquiry as supporting government plans to simplify regulation generally for SMEs, as well as HSE's work with SMEs which is currently focused on simplification of their guidance and improving their communication and consultation with small firms.

In areas like construction, the hope is the inquiry will help support initiatives such as the 'Working Well Together' campaign.

Next steps

Because the potential scope of the inquiry is so vast, the SG has decided to focus down initially onto H&S pre-qualification (and similar) schemes. The next step is to make a comparative review of the H&S assessment criteria used in five – possibly

more – schemes. These are the Learning and Skills Council's (LSC) 'Safe Learner Framework', trade association schemes within the ABI's 'Making the Market Work' initiative, DWP's Workplace Health Connect pilots, HSE's *SME H&S Indicator* and possibly OHSAS 18001, as well as the core criteria used by CHAS based on findings from the Carpenter Report and the SEC's core criteria. The aim is to assess the scope for defining a common set of essential criteria. (CHAS too are taking an important initiative in creating a forum for consultancies doing H&S pre-qualification work.)

In this context, there will also be a need to review competence requirements for people who actually carry out this kind of assessment work with SMEs. The longer term vision, however, is not just one of establishing effective means to check that SMEs meet essential standards, but of ensuring that SMEs being assessed actually get effective feedback and signposting to help them move forward on health and safety. (Above all, it has to be a positive experience for the SME.)

When the analysis of the various criteria is completed, NOSHC may then convene a major seminar for all SME assessor organisations (run under 'Chatham House Rules') to exchange views find a way forward. Overall objectives which seem to be emerging at this stage include:

- 1) Establishing meaningful 'core' criteria for assessing H&S capability in SMEs.
- 2) Establishing the core competencies of those doing the assessment work.
- 3) In this context, maximising face-to-face engagement between assessors and SMEs to provide effective mentoring, signposting etc.
- 4) Securing mutual acceptance of assessment results by key players – including HSE and LAs.
- 5) Strengthening motivational factors and eliminating barriers.

The inquiry has already generated a lot of interest, for example, from Lord McKenzie, Minister responsible for H&S at DWP, colleagues at the European Agency for Safety and Health in Bilbao and organisations representing small firms.

The SG wants to secure as much support as possible and work in co-operation with others such as IOSH, the trade unions, CBI, Association of British Chambers of Commerce and so on. We need their views on some of the main lessons that are emerging from the 'hearing' and from all the written evidence, and we also need guidance on which people we have yet to engage with.

Is the decision to focus on pre-qualification a good way forward? Is it just a question of assessment criteria or are competence requirements for assessors just as (if not more) important? Will the assessment schemes identified be willing to come together to share, compare, improve and consolidate? Is there further beacon work out there we can point to?

It's an exciting agenda and one with real potential to help meet RoSPA's mission and vision which are respectively 'To save lives and reduce injuries' and 'To lead the way in accident prevention'.

The SME inquiry has so far been funded by very generous donations from BNFL, National Semiconductor and the Learning and Skills Council. Further donations are still needed – and will be gratefully received! Contact Roger Bibbings on tel: 0121 248 2095 or see: www.rosipa.com/occupational_safety/sme/sme_letter.pdf

Readers' views welcome.
Email: rbibbings@rosipa.com

RoSPA occupational members can subscribe to free monthly E-Bulletins on a wide range of topics (see subscription page 52).

RoSPA also publishes three E-Bulletins which are available to non-members. These cover occupational safety and health in the education and construction sectors, and there is also a general occupational health ebulletin.

Visit: www.rosipa.com now



Improving H&S outcomes

► **The government's Better Regulation Executive** is asking for views on what can be done to simplify health and safety legislation for smaller businesses, an issue which, as RoSPA's occupational safety adviser, **Roger Bibbings** reports, is also currently being examined by the Society's National Occupational Safety and Health Committee as part of its inquiry into the H&S assistance available to small firms.

In this column a few month's ago (see *Parting Shots*, October 2007), I brought readers up-to-date on the progress of the RoSPA National Occupational Safety and Health Committee inquiry into getting better health and safety guidance and support to SMEs. (Details at: www.rosipa.com/occupationsafety/sme/index.htm)

As a first step we commissioned a comprehensive scoping report and took oral and written evidence (both of which are now on the website) looking at all the many and varied forms of help that are out there. This work showed that there is a huge range of information, guidance and services (not just from HSE, but trade associations, consultancies, occupational health schemes, insurers and brokers, colleges etc) but little co-ordination and also quite a lot of confusing or even bad advice.

Since then we have been making further progress with the inquiry, and at the same time there have been renewed calls to cut 'H&S red tape' in SMEs. The Federation for Small Businesses, for example, launched a report suggesting that H&S administration takes up even more time than it did five years ago (www.fsb.org.uk/news.asp?REC=4285). The Forum of Private Business also put out a press release (<http://www.fpb.org/news/1897>) about the need to cut red tape. The Department for Business, Enterprise and Regulatory Reform or (DBERR) has

launched a call for evidence about what can be done to further simplify H&S regulation for smaller businesses (<http://bre.berr.gov.uk/regulation/>). The department has been holding evidence sessions in various parts of the UK and RoSPA has been feeding in its ideas.

Pre-qualification

Against this background the next phase of the NOSHC inquiry has proved very timely. Having looked at all the potential forms of health and safety outreach which might have the biggest impact in SMEs, NOSHC has decided to move on to undertake an analysis of health and safety pre-qualification schemes such as those operated by major clients, funders etc. Paul Reeve of the Electrical Contractors Association is chairing the Steering Group for this work and John Murphy from the Contractors Health and Safety Assessment Scheme (CHAS) is also closely involved.

In a nutshell, the inquiry is looking into a wide variety of such pre-qualification schemes including those used by larger firms in construction, schemes like CHAS and Safecontractor, those used by colleges etc (as part of LSC's *Safelearner Framework* – which involves over one million visits a year!) and individual trade association schemes.

NOSHC has now published a further report (see: www.rosipa.com/occupational

[safety/sme/index.htm](http://www.rosipa.com/occupational_safety/sme/index.htm)) which assesses the extent to which there is a set of 'core criteria' which underpin these schemes and also whether there is evidence of unnecessary requirements and duplication of effort, with SMEs having to undergo repetitive pre-qual procedures.

The aim of this report is to stimulate a discussion between key stakeholders, particularly clients, SME organisations, HSE and DBERR. Further discussion on what a set of 'core criteria' might look like will take place at a major 'Chatham House Rules' meeting for key players early this year. We want employers' organisations particularly to be involved and to add their weight to calls for action. There are many issues and angles to explore.

If 'core criteria' can be defined in a meaningful way (based on the key requirements of the *Management of Health and Safety at Work Regulations*), could these form the basis of a common 'stage one' approach in all pre-qual schemes – with further issues of interest to specific clients/funders etc taken up in a more focused 'stage two' scrutiny? This could cut down on unnecessary bureaucracy and form filling (where firms had already satisfied stage one criteria), enable better mutual recognition between schemes and also indicate clearly the really essential things SMEs need to think about.

Of course many pre-qual schemes go well beyond this 'core', but if clients/ ►

Parting Shots

funders etc really feel they still need more information, are they clear what H&S value this is really adding? Or are they asking for more simply as part of what I tend to call 'BBC' or 'bureaucratic back covering'?

Then there is the question of what processes are used to collect and assess evidence (form filling, submission of key documents, interviews, site visits etc.) And what about the H&S competences required of those, actually doing this work, including the essential soft skills needed when dealing with SMEs.

And what help and support do the various schemes offer to those businesses that fail to pass pre-qual?

Our thinking on the committee is that if we can improve the effectiveness of these processes, including ensuring personnel doing the assessment work have the right skills, experience and underpinning knowledge, then we can also get much better outreach and signposting to hundreds of thousands (if not millions) of SMEs that need better help on health and safety.

In persuading DBERR to look at this whole issue RoSPA has stressed that this is very much 'third party regulator' territory – not primary regulation such as enforcement by HSE and LAs. Although it has not surfaced specifically in member surveys conducted by organisations representing small firms, RoSPA believes pre-qual processes have a very major impact on SMEs. From their point of view they need to know what they have to do to show clients and funders that they can manage H&S – otherwise they cannot pass this stage in procurement and thus cannot do business. Yet as far as the committee can see, to date no one has looked at this question as a generic issue, indeed many of the pre-qual schemes covered in the NOSH review seemed unaware that others existed.

In NOSH's view it is an area ripe for rationalisation and simplification and thus should be of major interest to all businesses and to Government, particularly via DBERR and HSE. Although arguably HSE has done much to stimulate action on H&S via the supply chain to reach SMEs, simply leaving H&S pre-qual to the market to sort out has produced too many schemes and certainly duplication and unnecessary burdens. (The same might be argued as well about the proliferation of 'H&S passport schemes' for contractors' staff, but that is another issue.)

Obviously improving health and safety pre-qual is only part of the answer, there is the much wider question of how to engage SMEs in health and safety, the majority of

whom are not hostile to H&S but simply lack the resources (particularly time) to work their way through the H&S requirements maze.

Information, tools and guidance have improved but experience suggests that engagement between the SME and a suitable professional is needed before such resources become meaningful or relevant.

Some people are tempted to believe that asking SMEs about how they 'manage' health and safety is not particularly appropriate, especially if they 'run' their business in an informal way. Wouldn't it be better just to give them a common hazard checklist, indicating basic controls? This sounds attractive but, apart from the fact that the list would be very long (to cover the huge variety of hazards found at work), the fact that they want to work with or for major organisations means they are going to have to think and act more systematically anyway, and especially if they grow in size as a result.

Then there is the argument about so-called low risk businesses. Do they really need all this focus?

The difficulty here is that just because you do not use machinery or hazardous chemicals does not mean your staff and others do not face real risks, for example, fire, occupational road accidents (few businesses can operate without road vehicles), manual handling, violence from the public and so on. Working out how you are going to organise yourself and your employees to ensure you are being systematic and logical about the dangers you face is essential whatever sort of business you are. And remember, whether they work

in a major multinational or in a small firm on a local industrial estate, the individual worker has the same right to be protected from hazards at work. (H&S law is not just for workers in big firms.)

New solutions

All that said, the key point to remember is that the requirements of the MHSW regulations and processes like H&S pre-qual are only a means to end. Too often filling in all the forms is seen as an end in itself. The only reason that things like H&S policy, organisation and arrangements are important is that in practice they are the means by which requirements for safe and healthy working are identified and are implemented consistently to stop injuries and work-related health damage happening. If we keep this in mind then it is more likely that we can adopt lean, fit-for-purpose approaches to things like pre-qual scrutiny.

Small businesses employ 58% of the private sector workforce, contribute 50% of UK GDP and make up more than 99% of all UK businesses. They also have higher accident rates. If we are to avoid having a two-tier H&S regime in the UK – and if we are to cut the injury and disease figures, as well as the losses which these impose on both businesses and the wider community, we have to find new solutions and new approaches.

Readers are urged to respond to DBERR's call for evidence (closing date 31/01/08). Please copy me in, so I can know what you're thinking. Contact me by email at: r.ribbings.rospace.com or 0121 248 2095.



You can't afford to miss the SAFETY express...

Get your copy of RoSPA's SAFETY express delivered to your doorstep for just £23.00 (members) and £27.00 (non-members). For six copies a year you can't afford to miss it.

Telephone 0121 248 2000 to order or fill in the subscription form at the back of this journal. Contact Sue Philo on 01367 820 367 to place an advertisement.



Freedom for the individual?

► **Last month RoSPA's occupational safety adviser Roger Bibbings** gave his initial thoughts on the Löfstedt Review. Here, he examines one of the proposed changes – the exemption of the 'low risk' self-employed from H&S law – in greater detail.

One of the apparently big changes proposed by the *Löfstedt Review* is a move to exempt altogether from health and safety law the genuinely self-employed who are working alone. In the terms in which it was expressed in the review, this change seems sensible. On the other hand, not only RoSPA and IOSH but the TUC and many others in the H&S community have sounded a note of caution that such a move, if not handled correctly, could actually lead to a reduction in standards, if not an increase in injuries and work-related ill health.

Löfstedt points out that, at present, although EU H&S legislation does not generally apply to the self-employed, in the UK it has been practice to include them within the scope of specific regulations, given that the *Health and Safety at Work etc Act 1974* (HSWA) imposes a general duty on self-employed people to conduct their

work in a way that ensures that, so far as is reasonably practicable (SFAIRP), they and other persons affected by their activities are not exposed to significant risks. This is backed by the *Management of Health and Safety at Work Regulations* (MHSWR) which require the self-employed to carry out a suitable and sufficient assessment of any significant risks to themselves as well as to others affected by their work.

Löfstedt has observed that the approach by other EU member states to this issue varies, with some countries choosing not to apply health and safety law to the self-employed, whilst others only apply the law to the self-employed where their activities are considered to be particularly hazardous or if they present risks to others. For example, in Professor Löfstedt's home country of Sweden the self-employed are only covered in relation to chemicals and machinery, to protect their safety and that of others who may be affected by what they are doing. And in Germany the law does not apply to the self-

employed except where their work may affect the safety of employees.

Löfstedt quotes the *Davidson Review* (www.bis.gov.uk/files/file44583.pdf) which acknowledged that, although extension of health and safety law to the self-employed seemed like 'gold-plating', it could be justified on the basis of risk, particularly since the type of work self-employed people do varies widely, in many cases carrying significant risk of injury or harm, eg. in agriculture or in construction.

Löfstedt therefore rejects the idea of a blanket exemption because it could lead to an increase in accidents and ill health, not only amongst the higher risk self-employed but among others round about them.

On balance, therefore, Löfstedt comes down in favour of only exempting from H&S law those self-employed people (ie. those who do not have any employees) whose activities within the confines of a workplace pose no potential risk of harm to others. He argues that this would benefit approximately one million people. He accepts, however,



Parting Shots

that the actual burden that existing regulations currently place upon these people may not be particularly significant and that in practice they are not enforced against. But, he says, an exemption for the low risk self-employed '*...will help reduce the perception that health and safety law is inappropriately applied*' and will complement HSE's recently revised guidance for employers on home-workers, while not affecting the duties that others have towards self-employed persons. He stresses, however, that it is vital that this change is accompanied by clear guidance to ensure that the limited scope of the change is clearly understood and that not all the self-employed will be exempt.

Consultation

While bodies like the Federation of Small Businesses, the British Chambers of Commerce and the Institute of Directors have welcomed the idea of taking many one person micro businesses out of scope of regulation as a significant step, the Health and Safety Executive (HSE) has yet to consider proposals for consultation on how to effect this change.

As ever, the devil will be in the detail. For example, when looking at the cost benefit analysis it will be necessary to consider broadly the number of people deemed to be both self-employed and working entirely alone in different sectors. And it will also be necessary to obtain reliable data on the number of work-related injuries suffered by such self-employed people, for example, using accident and emergency treatment information. Any assessment based on RIDDOR (*Reporting of Injuries, Diseases and Dangerous Occurrences Regulations*) data alone (which are notoriously incomplete) is likely to be inadequate.

Exemption may be fine for the self-employed working at home on IT based tasks but it could be difficult where the self-employed person is working in a very high risk setting, even if they are on their own.

One might envisage, for example, construction workers engaged on refurbishment in three adjacent houses. In the first house the self-employed person is working with a self-employed mate, so despite any amendment, existing H&S duties would still apply; while next door another self-employed builder who is working alone but doing similar work could claim exemption. And in the house next to him/her is a lone worker who is actually an employee and is thus covered by the general duties in the HSW Act as well as the requirements of specific regulations. The hazards and associated risks faced by all four people are the same. The first pair and the worker

at the third house would still be obliged by law to use safe access equipment and PPE, for example. The worker in the middle could claim exemption from such requirements, arguably lowering costs and gaining an unfair competitive advantage. And his lower standards might make it harder to convince the others in the adjoining properties to adopt the correct precautions. In all three cases, however, if serious injuries were to occur, there could well be risks to emergency services personnel as well as calls on the NHS and the public purse.

Once the refurbishments were complete and residents move in, one might envisage that inside each of the three houses self-employed people are at work. In the first house a lone software developer, who currently is supposed to by law do some sort of risk assessment, decides that his/her workplace is 'low risk' and in any case sees no prospect of enforcement. He/she decides that little special action is necessary. If and when the law changes, however, they would still need to assess the situation to assure themselves that they are indeed exempt.

In the second house, a couple, both of whom are self-employed, are working in an environment which is 'low risk'. They currently do little out of the ordinary to ensure their health and safety, but with the change in the law they worry about whether their recent decision to form a company might make one or both of them employees thus eliminating their entitlement to claim exemption.

In the third house, a self-employed person who is actually doing small scale contracted out manufacturing work in their garage for another enterprise is using toxic materials that may damage their health and possibly pose a risk to the environment but without endangering the safety or health of any other individual. Would they be exempt?

The point of this little story is simply to illustrate the great variety of circumstances in which people work on their own, either as genuinely isolated and 'low risk' individuals at one extreme, through to only nominally self-employed persons in high risk contexts at the other. And the situation can be very fluid as self-employed people move over time from isolated to collective working environments, even during the course of a working day.

The great advantage of the law as it currently stands is that the firm of one person, just like the firm of two – or two thousand people – has to determine what needs to be done to ensure health and safety SFAIRP by making a suitable and sufficient assessment and then acting in a proportionate

way. (If there are no significant risks, no action is required.)

In the same chapter of his review in which he addresses this issue (Chapter 4) Löfstedt accepts that, in general, the need for regulation should relate to the scale of risk rather than the size of an undertaking. Yet by proposing an exemption for the genuinely self-employed person working alone he is in effect saying that this principle evaporates when the undertaking involves less than two people.

Philosophically this is the territory of the robust libertarian who asserts their right to smoke in the open air, go climbing in winter alone, eat vast quantities of unhealthy food, sail solo across the Atlantic and so on. Emotionally it is an approach to risk acceptance that I would defend to the utmost. Intellectually and practically, however, I have long ago got used to the idea of wearing my seatbelt, donning my motorcycle crash helmet and not feeling hard done by as a result of not being able to buy class 'A' drugs over the counter.

At best, exempting the lone self-employed will still leave the conscientious person in this category who is working on their own but at the margins of significant risk having to make a judgement about where they stand. At worst, the change will be misunderstood and will give the green light to cowboy elements in high risk settings.

Common sense?

The truth I suspect is that the current debate here is not really about whether it is more burdensome for self-employed people to be obliged to assess the risks they face as opposed to assessing whether they are within or without the scope of exemption. It has actually become a tiny but nevertheless totemic part of a much more enervated struggle that has been going on for several decades between two different world views; deregulation to secure the freedom of the individual versus regulation and the utilitarian disciplines of the collective to ensure the greatest good for the greatest number. In English political discourse this clash goes back to Hobbes and Locke and globally before that to the ancients. But in the very practical world of health and safety is not the idea of each of us having to exercise due care to protect ourselves and each other simply, as Lord Young said, 'common sense'?

Readers' views are welcome.
Email: rbibbings@rospa.com



Being business- friendly

► **Ensuring companies have access** to the right sort of health and safety support and advice is vital in helping them to survive and prosper, says RoSPA's occupational safety adviser **Roger Bibbings**.

In his commentary on the Queen's Speech, David Cameron said in May that the Government will introduce an Enterprise and Regulatory Reform Bill to make "Britain one of the most business-friendly countries in the world".

In present economic circumstances, for the Government to be business-friendly to encourage investment is clearly a very necessary imperative. But can such a goal be achieved simply by removing outdated regulations and limiting inspections? Must it not also involve taking steps to ensure that companies can get access to the right sort of help and advice that they need to survive and prosper? And in this context, is health and safety really a barrier to investment and growth or, if approached properly, can good H&S management not be a real growth promoter?

The fact is that the whole question of health and safety is vital to our future economic success. It is not a burden on business, as some ministers are wont to regard it, but a vital protection for both people and businesses alike. And its importance links directly to two other key themes in the Queen's Speech, namely: support for hard-working families and bearing down on crime.

As a society we owe a duty to all members of the workforce to ensure that they return home to their families safe and sound at the end of each working day. And we must also bear down hard on the relatively few unscrupulous employers whose failure to

obey the law that protects their employees' lives and limbs is indeed a serious crime. If ineffective health and safety enforcement leads to greater lawlessness, whose interests is this serving?

For over fifteen years, in our submissions to successive governments, RoSPA has pressed the case for a strategic approach to developing the help that small businesses need so that they can meet their legal obligations and avoid costly accidents and losses due to work-related ill health.

In 2006 RoSPA's National Occupational Safety and Health Committee (NOSHC) undertook an inquiry into all the main activities in the UK promoting and supporting better H&S standards in SMEs. Phase one was a survey of sources of help and assistance available (see www.rosipa.com/occupational-safety-advice-and-information/info/sme/osh-map.pdf). The aim was to: **(1)** chart fully everything that was happening in this field and assess the extent to which it really did reach and help SMEs; and **(2)** spot missed opportunities and make imaginative recommendations for action. Phase two went on to examine the case for simplifying H&S prequalification schemes operated by clients and other third parties and helped prompt the setting up of Safety Schemes in Procurement (www.ssip.org.uk). Phase three examined a range of sector-specific initiatives that have tried to help small employers improve their H&S management. This then

led on to the inauguration of the *RoSPA Small and Medium Size Enterprise Assistance Trophy* (SMEAT), sponsored by BHSF, which recognises the most outstanding contribution made by a trade association (TA) or similar body to providing health and safety assistance to SMEs. Last year the trophy was awarded to the British Constructional Steelwork Association. This year the award was won by the Mineral Products Association.

Clearly there is a lot of help out there but it is still largely uncoordinated and is not reaching all the businesses that need it.

Recently, as a result of cuts to its budget, the Health and Safety Executive (HSE) had to cut its telephone information line and it now advises businesses to use the HSE website instead. (HSE has also had to cut awareness raising advertising in the media, such as on key hazards like asbestos.) The HSE site is great but it does not meet firms' needs for person-to-person advice. HSE does have some quite low key advice to direct companies to outside sources of help if they need it (www.hse.gov.uk/pubns/indg420.htm) but its presumption seems to be that most firms – including small ones – will have the knowledge and skills they need in-house.

Not just RoSPA but SME organisations such as the Federation of Small Businesses have said there is a crying need for a new telephone helpline service now that HSEline has gone. It is contradictory that this informal non-red-tape service should go just at a time when the

Parting Shots



Government is seeking to remove bureaucracy. Our experience suggests that, although they have access to the internet, most people in smaller businesses appreciate the chance to talk directly to an expert who can guide them quickly to the solutions they seek.

In RoSPA we are confident that, for a considerably smaller sum than it cost HSE to operate, we could develop a highly effective advice service for SMEs, not just in answering calls directly but acting as a hub that would link callers to the many other specialist help services that exist in TAs and similar bodies.

In 2010/11, together with other H&S bodies like IOSH and BSC, RoSPA helped to set up the Occupational Safety and Health Consultants Register (OSHCR) (www.oshcr.org). Establishing such a register was supposed to help bear down on those consultants who are giving bad or over-complicated H&S advice. DWP minister, Chris Grayling, has been worried about this. But early signs are that while the register is a start, it is still little used by employers, with most consultants continuing to get work via word of mouth rather than via structured procurement processes.

Clearly much more work is needed, particularly to help coordinate the contributions of all the bodies, including in the private and voluntary sectors, that can help firms to understand their risks and implement appropriate preventive measures. This is unlikely to happen however unless and until the minister responsible, Chris Grayling, decides to call on HSE to take a lead and draw together safety groups, TAs and unions into this kind of coordinated national safety effort.

Knowledge sharing

Entries to our SME Assistance Trophy have shown the enormous H&S 'value added' being delivered by quite small teams in trade associations. This suggests much could be achieved by developing a service to help TAs that want to build the commitment of their members in this vital area but need a framework and a support network to do so.

Examples of H&S work by entrants to our SMEAT include: awareness raising and information provision, particularly through help-lines; development of H&S web areas with news, good practice case studies, info and guidance, FAQs, useful links etc; the publishing of periodic H&S e-bulletins and alerts; the placing of regular articles or supplements on H&S in existing trade association publications; and running specific campaigns on priority topics sometimes with H&S 'champion slots' secured in existing sector events.

Trade associations also have a major role in representation and consultation on H&S

policy development, often via membership of sector-based joint committees or forums which agree priorities, targets, campaigns etc. Many develop consensus sector-based guidance and run seminars, conferences and events on key H&S issues. Some have schemes for performance improvement, benchmarking and recognition, organise competence registration and/or CPD or run H&S pre-qualification and H&S 'passporting' schemes. Several deliver services and benefits such as securing preferential ELCI premiums from insurers and brokers or provide consultancy advice direct to members or via a service-based membership partnership with an existing health and safety organisation. A few even commission research into sector H&S issues or provide help with occupational health issues.

RoSPA would be keen to work with HSE's Small Business Trade Association Forum (www.hse.gov.uk/aboutus/meetings/iacs/sbtaf/index.htm) for example, by facilitating 'buddying' between TAs which have developed their services and those which want to expand their H&S support activities to their members. We could help, for example, by linking TAs and other sector bodies together in a low-cost, e-based benchmarking hub which would enable businesses to share and compare key performance indicators (KPIs), policies, alerts, solutions and results from investigations as well as other metrics and practices.

Our experience confirms that, in the largely non-competitive world of health and safety, business-to-business knowledge sharing adds huge value, enabling companies that struggle to understand regulatory requirements to be reassured by their peers' interpretations of particular regulations.

And besides the work of the TAs there is the national network of local, voluntary H&S groups which RoSPA helps to organise via the Safety Groups UK movement.

In fact, it is clear that, taken as whole, all this excellent work (that goes on largely below HSE's radar – and which is certainly unnoticed by politicians) represents a massive non-regulatory 'Big Society' solution to common H&S problems. Why then, given that this kind of support is designed specifically to be business-friendly and to help generate major savings for business, would the Government not want to lend a helping hand to grow it further?

When pressed Chris Grayling does not disagree with the idea that good health and safety management brings positive business benefits – so we have suggested to him and his colleagues that it would be useful if, when speaking out about 'daft' or 'bad' health and

safety decisions, government spokespeople could balance this by highlighting the contribution which 'good' health and safety can make, not just to preventing injury and reducing business costs but in helping to promote leadership, innovation and teamwork. No clearer example of this could be seen than in the outstanding health and safety performance achieved during the Olympic 'Big Build' which RoSPA has just recognised with a special Queen's Diamond Jubilee Award made to the Olympic Delivery Authority.

Coordination

Reassurances from Minister Grayling that nothing will be done to reduce protection for workers in risky industries are obviously to be welcomed but his suggestion that health and safety laws and regulations have been interfering with investment and jobs is actually wide of the mark. In fact, in his very competent review Professor Ragnar Löfstedt found no evidence of this and in the end identified only fourteen outdated or redundant pieces of health and safety law that could be got rid of. It is therefore quite misleading for Chris Grayling to suggest, as he did recently at a business forum, that by getting rid of such gems as the *Celluloid and Cinematograph Film Act 1922*, the *Gasholders (Record of Examinations) Order 1938* or the *Gasholders and Steam Boilers (Metrication) Regulations 1981* the Government are somehow relieving industry of a colossal burden of red tape.

If we want to talk about the real health and safety burden faced by business, let us all focus instead on the cost to business and to the nation of getting it wrong. In 2010/11 there were 171 notified work-related fatalities (not including an estimated 600 deaths in work-related road accidents). Many thousands of people died from work-related diseases. Twenty-five million working days were lost. The annual cost to UK plc exceeded £14 billion in 2009/10. Each fatal accident cost our society about £1.5 million and each reportable injury cost £17,400. And, of course, the cost to the many thousands of victims and their families is unquantifiable.

That is why the case for coordinating help and advice, particularly to SMEs, who are the future of our economy, is so overwhelming. For a tiny fraction of the cost of failure we can help win the recovery by linking up and spreading the many strands of information and H&S advice that are already out there.

**Readers' comments are welcome
and should be sent to me at:
rbibbings@rospa.com**