

## ***Birmingham Health, Safety & Environment Association***

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Secretary: *Andrew Chappell C.Eng., MIET., Dip.E.E., CMIOSH, MCMI*

# ***Newsletter***

*January 2011*

## ***Welcome*** *to Our New Members*

We wish to extend a warm welcome to the following member, who has recently joined BHSEA: -

- Peter Warne, Principal Health, Safety & Environment Advisor, Amey Consulting
- Phillip Mist, General Secretary, Hire Trade Alliance Ltd.
- Megan Pearson, Health and Safety Officer, Airtech Controls Ltd.& Airtech Commissioning Ltd.
- Antony Arnold, Director, Empire Builders
- Todd Hallam, Group EHS Manager, Chalcroft Ltd.
- Paul Knight, Account Executive, Johnstone Park McAndrew

## ***Annual General Meeting 10<sup>th</sup> January 2011***

The **Chairman, Ed Friend**, welcomed members and the speaker, **Rosi Edwards**, to the meeting and the Secretary read out apologies from the following: -

Gill Bridger, Jim Brown, Peter Greenwood, Geoff Harvey, David Hadley, Michael Haynes-Coote, Eric Hickman, Dalvinder Masaun, G.Mulholland, Bill Parker, Tim Prestage, Peter Warne.

The Chairman also welcomed Neil Hancox, Brian Higgins and Charlotte Henderson who were all attending for the first time, before starting the business of the AGM. After checking the accuracy of the minutes of the 2010 AGM, it was proposed by, David Hughes, seconded by Roger Caleb and AGREED by the meeting that they should be adopted and signed, as a true record. There were no Matters arising that were not on today's Agenda.

**The Chairman** gave a brief synopsis of his report that was already in the written copy sent to members in advance of the meeting. He highlighted the HSE report from Rosi Edwards about their changing role and said that he found the May presentation on rehabilitation particularly interesting, especially in view of its reference to the

significance of the Equality Act, which is the topic under discussion in February this year. With the ever-present high risk from Asbestos, the June meeting gave us a timely reminder and the return after the Summer break brought us right up-to-date with the significantly new Classification and Labelling of Packages Regulations.

In November, we learnt about the new regulations governing the Driver's Certificate of Professional competence, which is a radical new system to improve professional driving standards and provide Continuous Professional Development over a five year period. The last meeting in December introduced us to an IT system to help us be more proactive in our duty of care by saving admin. time through the use of mobile devices for workplace assessments.

Ed went on to mention the pioneering work we were doing with HSE and Birmingham City Council in the local schools, which will continue in 2011. He then highlighted the BHSEA initiative to encourage our members to talk about their achievements in our "Members' Corner" slot at monthly meetings. He renewed his appeal to the wide range of experience in BHSEA to go back to our roots by networking at all our meetings.

He continued by thanking Rosi Edwards for the continuing strong support from the HSE and paid a special tribute to Principal Inspector Jo Anderson who had recently joined the Construction Group and was closely involved in our WWT Regional Action Group. Finally, he thanked Liz and Andy Chappell for their support throughout the year.

In the absence of **Construction Chairman, Gerry Mulholland**, his report was given by the **Secretary**, who said he was going to take advantage of the situation by being overly complimentary about the March meeting. This presentation was given by Gerry himself and it was about a unique piece of research into the selection of access equipment that had attracted international acclaim in Italy and the USA! It combined normal H & S techniques with time measurement, more usually found in work study environments, to produce a really sound business case for enhancing work at heights.

The second construction meeting took place in October and gave us a very different approach to the management of vibration risk by focussing our minds on actions that would reduce the risks, instead of wasting our time using questionable manufacturers' data to produce lengthy reports. This novel style was supported by a demonstration of a very inexpensive HAVi device to measure trigger times and actual exposure levels.

The Secretary then went on to mention three Work at Heights, WWT Safety and Health Awareness Days run in Birmingham Coventry and Walsall. These free breakfast events broke new territory and venues in Coventry and Walsall to get more coverage across the region. The Secretary also gave his thanks to the HSE speakers and Brian Dunckley who had ably presented the much-misunderstood topic of

Scaffolding erection! He concluded with a mention of the thanks to all people mentioned at the end of Gerry's written report.

The Secretary then presented the 2010 Accounts and mentioned that he had received only one written question and that was from John Jones who had queried why the Investment Broker's charges appeared to be so high. The Secretary replied that they managed a "Discretionary Account" on our behalf and that these remained fairly high even when the returns in these difficult times had been so poor. He went on to describe the ring fencing of the WWT account that enabled us to demonstrate the adequacy of the finances in a way that was acceptable to the Treasury for us to receive campaign funds. The accounts were still healthy despite the temporary reduction in rent due to expiration of the Acocks Green property lease to the NHS.

It was proposed by **John Jones**, seconded by **Warwick Adams** and AGREED by the meeting that the 2010 Accounts should be adopted.

As there was no other business, the Chairman formally closed the AGM

Following on from the Chairman's appeal for more contributions to Members' corner, **Mark Hoare, of the University of Birmingham**, then made a short presentation to describe the facilities and operation of the BHSEA website. The BMI projector is now on-line' so this enabled Mark to carry out a live demonstration of how to conduct an "Alphabetical search" of the guidance on the site, to find out about the BHSEA Meeting programme and how to find out details of the Annual Seminar.

After Mark's presentation, the Chairman asked **Rosi Edwards, HSE Regional Director**, to give her presentation. Rosi started by looking back to last year to get a perspective on 2011/12. The strategy was to prioritise attention on important activities and industrial sectors, taking into account the austerity measures demanding a 35% cut in budgets over four years. They would learn from the European enforcing authorities who had faced similar cuts, drive forward efficiency measures and spend a higher proportion of time on investigative activity. It is probable that HSAOs would give more support to investigations, with more help from industry experts. This would also see a reduction in media campaigns and reduced publicity, probably accompanied by a move towards making more charges for Asbestos licensing and Major Hazard consultation. They would be complying with the Government policy to reduce the burden on business, at the same time as influencing others to take responsibility for their own H&S.



**Rosi Edwards**

Underneath all of this would be strong move to manage the HSE's resources more effectively.

On the subject of accident performance, the UK's was consistently one of the best in Europe, albeit this was against a long-term knowledge that there was 60% under-reporting on RIDDOR. In 2009/10 there were 152 fatalities and 26,061 major accidents, continuing the downward trend compared to the 5 year average. In Construction there were 42 deaths – a reduction of 32% from the average for the previous five years! Manufacturing saw a 24% reduction from the previous five-year average, to 25 deaths, whilst the 41 deaths in Services was a 33% reduction. In contrast, Agriculture saw a 3% reduction.

When it came to fatal diseases, Rosi went on, it is no surprise that Asbestos still dominates with 4,000 deaths, although the Mesothelioma cases are likely to peak in 2016 with over 2,000. the most recent analysis is for 2008 where 117 deaths were from asbestosis and 2249 from Mesothelioma. The statistics for other health results were not as good with a statistically significant increase in prevalence back to the 2007-08 levels. Data from GPs and Specialists confirm the Labour Force Survey (LFS) proportion and prevalence figures.

On the enforcement side of the HSE activity, there were 1026 prosecutions, with 735 convictions. Local Authorities prosecuted for 287 offences with 254 convictions. HSE issued 9734 Notices and Local Authorities issued 6147. In the West Midlands, the statistics were: -

- 9 workers killed
- Reportable Injuries rate 105.8 per 100,000
- 108 prosecutions by HSE – 85 convictions
- 2,375 major injuries (2,578 in 08/09)
- 106,000 people made ill by work (LFS) – 4030 per 100,000 people Similar to 08/09)
- 29 prosecutions by LAs – 24 convictions.

If you ask “are things getting any better?”, Rosi added, the facts speak for themselves.

- Ill-health – long term fall from 2001/2 to 2009/10 of 15%
- Fatal and Major Injuries – on track at 22% fall (target 10%)
- Construction – fatal number and rate lowest on record; 14% fall in major injuries rate since 2008/09
- Working days lost – 30% fall

When looking at specific actions in 2010/11, Rosi quoted the investigation into LPG pipework, following the large accident in Scotland. In Midlands the targets for inspection of commercial installations were met. Surprisingly they found that even some of the newest installations used metal pipes instead of plastic pipes. 2,770 sites were visited and 1234 notices were issued for serious non-compliance.

On the Asbestos activity, the Construction Group had a priority to visit a proportion of notified licensed jobs because that's where the problems lie! They also held

SHADs for occupiers to explain the new duty to manage asbestos risks in premises with good quality of surveys, procedures and information. There was a focus on Schools.

On the question of Leadership, there was good follow-up after prosecutions to look at worker involvement to assess tangible improvements. Considerable effort was put into vulnerable workers in the food processing industries, typically where migrant workers were not sure of their rights or where there were pregnant workers. A Polish outreach worker had been appointed to help in this area. Fresh emphasis was also being made in the waste industry with more investigations and inspections.

In conclusion, moving forward to 2011/12, Rosi announced an Intensive Inspection Initiative in the high risk Refurbishment Construction activity, due to start in February for a month. Other big issues are likely to be: -

- Promoting leadership – within individual firms and sectors of industry
- Vulnerable and migrant workers involvement
- Inspection and enforcement – during management inspections and post – enforcement senior reviews to see if the lessons have been learnt and changes embedded.
  - Asbestos – as before
  - Waste industry
  - LPG – further visits
  - Food processing

### *Members' Questions*

**George Allcock** enquired about feedback on the implementation of the Corporate Manslaughter and Corporate Homicide Act 2008. Rosi said that the first and only prosecution had been brought against Cotswold GeoTechnical Holdings after a Junior Geologist had been killed in an excavation collapse. The case involved both Corporate Manslaughter Act and offences under the Health and Safety at work Act. However, this prosecution was not being pursued, due to the serious illness of the Director involved, resulting in him being unfit to plead.

**Robin Powell, of DSM Demolition**, referred to the total Asbestos related fatality statistics and those for Mesothelioma and asked to what the remaining figures related. Rosi said they referred to other Asbestos diseases.

**Malcolm Copson of Geopost UK** asked if Large CDM projects featured on the HSE Work Programme and Rosi replied that their focus would be on small refurbishment jobs where there was a relatively higher priority.

**Mark Hoare of the University of Birmingham** asked if there would be any problems with changing the RIDDOR reporting criteria from “Over 3 Days” to “Over 7 Days”. Rosi replied by saying that the statistics were more reliable for the longer absences, because of the serious ‘under-reporting’ experienced with 3-Day periods. The Government was also in favour of the changes because they would reduce the cost burden on industry, in line with its current Business Policy on reducing ‘red-tape’.

There was also the fact that HSE did not respond to Over-3-day reports with any investigations.

**Brian Higgins of the West Midlands Police Federation** commented that the Independent Police Complaints Commission (IPCC) were responsible for investigating the actions of Police Officers after instances of deaths, but that there was no feedback on Management failures that might have lead to the cause of the incident. Rosi indicated that these investigations were prescribe by law and not referred to HSE.

**Robin Powell** asked why HSE tended to use barristers in court cases. Rosi commented that it was very often the most cost-effective option for HSE. The barristers came from their Bootle office, were more experienced on court procedures and freed up time for Principal Inspectors to carry out their other work.

An 'anonymous' member asked about the intimidating impact of barristers, and the court process at Tribunals, on the small businesses. Rosi said they were not intended to intimidate at all, and urged anyone faced with a Tribunal to talk to the Principal Inspector bringing the action before the day in court. Very often problems with enforcement notices can be sorted out beforehand and notices altered to reduce the ordeal in court.

As there were no further questions, the Chairman thanked Rosi for her very welcome and informative presentation and asked the members to show their appreciation.

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## ***Monthly Meeting 13<sup>th</sup> December 2010***

**The Chairman, Ed Friend**, welcomed the speaker and the members to the meeting and the Secretary read out apologies for absence from G.Mulholland, M.Webb, G.Self, S. Westerby, S.Parton, G.Allcock.

### ***Presentation: IT Solutions for workplace Safety***

***Andrew Marshall, Head of Sales, Innovise Software Ltd.***

**A** **Andrew** started by describing the background to the merger in his company that had reinforced their capabilities in management IT systems for the public and private sectors. He added that they had 14 development staff and a further 8 staff providing 24/7 technical support. He commented that there was dormant provision in the 2003 Health & Social Care ACT, which was due to come into effect within months, that would allow the NHS to recover costs of treatment for anyone who had successfully sued a negligent party for compensation. Trends like this would put pressure on SMEs, he said, to work smarter to avoid added costs.



**Andrew Marshall**

Andrew went on to say that, with respect to the expertise in the audience, he knew that he did not have to mention in detail the various legal requirements for risk assessment, risk control measures, monitoring procedures and auditing systems. He did emphasise, however, that the Mobile Solutions that his company offered fitted in nicely: -

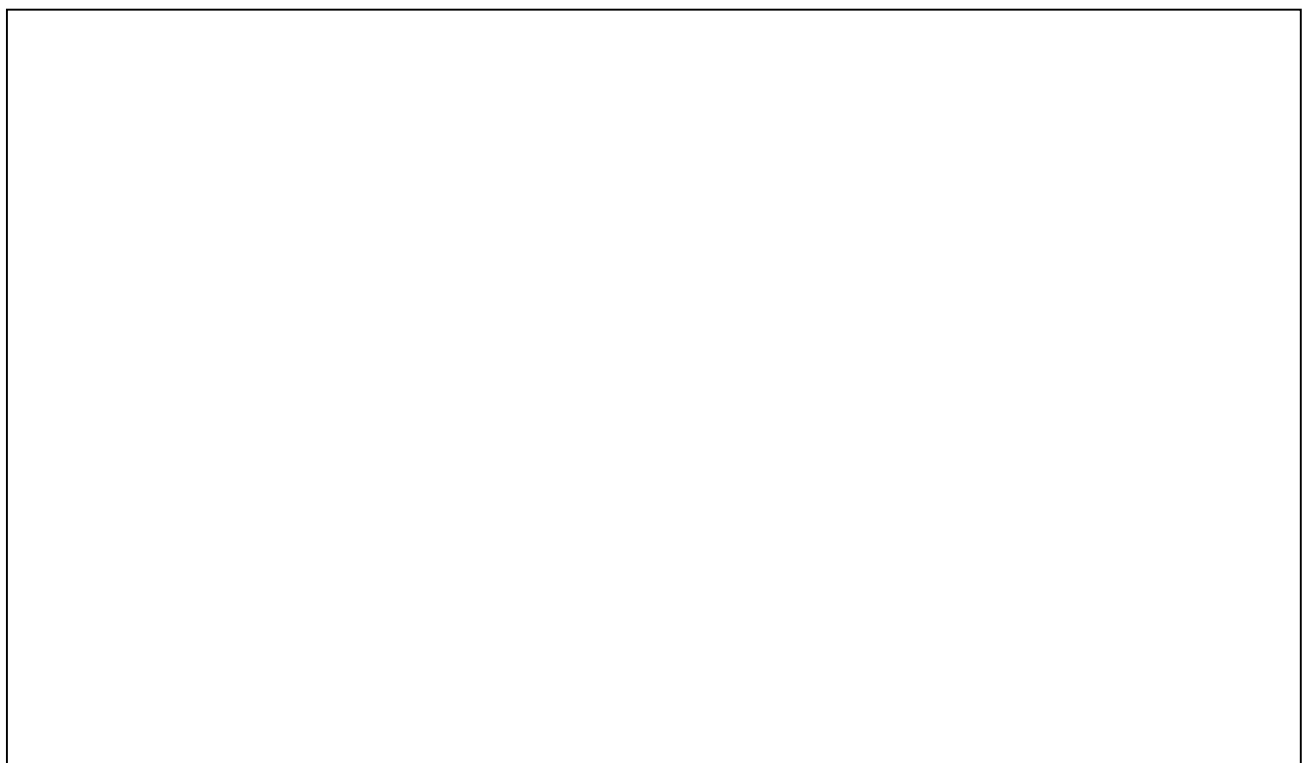
- a. Where a recommendation leads to a specific action, or process AND
- b. Where the recommended action needs constant checking.

In support of this, he cited a HSE Checklist for Workplace Transport. Another example he quoted was from the Coca-Cola system for checking sub-contractors' performance, relative to the contract terms, on the 2<sup>nd</sup>/3<sup>rd</sup>/4<sup>th</sup> days of the work. Mobile Solutions, Andrew suggested, could offer so much more support to: -

- Increase your ability to cover risks
- Give peace of mind that issues are under control
- Provide readily accessible audit trails AND
- Provide analysis and review of events and conditions.

Regarding HOW you do this, Andrew said that it is a suitable blend of paper and IT systems, such as the Civil Aviation Authority (CAA) requirement for signed checklists to demonstrate absolute compliance with safety-critical procedures. The typical system would: -

- Create checklists (Existing manual forms are easily replicated)
- Schedule when checks occur (Choosing What/When/Where and Who)
- Complete the check (Results recorded as easily as ticks on paper and in different formats)
- Capture failures (can be Defined Answers, or free text and photographs from built-in cameras to support failure verdict and to identify areas of risk)
- Follow up variances
- Create reports (signatures can be captured for the database.
- Create paper forms, as necessary.



Other features include: -

- Weightings applied to hazards, like Electrical, as opposed to lighted candles, to develop action priorities
- Prioritised schedule of inspections, using the Red/Amber/Green (RAG) colour codes for overdue inspections
- Screens that remain hidden, until related Risk Assessments are completed.
- Improved data handling because keying-in is eliminated and delays are reduced.
- Reports can be linked to stores stock analysis and new parts/materials ordered.
- Status of submitted reports is enhanced.
- Outputs from original date can be reproduced.

Andrew quoted a case study in North Ayrshire Council, Catering & Cleaning Division conducted four quality assessments per month in each Area (20 in total). This took 10 hours per assessment and 4 hours of administration and re-keying of information into an Excel spreadsheet for manipulation. The Innovise system reduce the audit time from 10 hours down to 2.5, whilst the admin. time was cut by an average of 3hours 40 minutes per assessment. Total time saved per month was 150 hours, which is equivalent to a full time post, resulting in considerable increases in productivity and corresponding cost savings. It was also easier to analyse the assessment results gave a better focus on the questions they raised.

### *Members' Questions*

**Tim Prestage of Tim Prestage Ltd.** asked if it was possible to change questions after the system was set up. Andrew replied that it was very easy because it had to accommodate changes in standards, for example. Clients were given training on how to carry out modifications for that reason. The checklists were a flexible format.

**Tony Hall of Willmott Dixon** asked if it was easy to use a free text entry. Andrew said that it was but you had to remember that the technology did not allow you to analyse free text. Consequently, it was better to use a system of drop-down lists to rationalise the choice within a flexible input format.

**Dave Lilly of National Grid Metering** asked about real time proof of work completed at a specific location. Andrew said that the mobile devices could also GPS functionality to capture such data and that Radio Frequency Identification Devices (RFID), fixed at the location/plant could be scanned before and/or after entry of data.

Bob Cole commented that mobile data systems could de-skill the role of the inspector, by over-reliance on checklists. Andrew responded by agreeing that, although it might be possible, the checklists could be supplemented by “any other” questions to keep the process more meaningful.

**Mark Hoare of the University of Birmingham** commented that such a system was very useful for companies with a high number of assets. **David Hughes of Hughes**



**Business Services**, asked if the Personal Data Assistants (PDAs) could be linked by cable to PCs and Andrew confirmed that they could.

**Dave Lilley** asked if the PDAs could be used for photographing Electricity Meters and Andrew confirmed that it could be done before and after. He also quoted an example of a fly-tipping investigation that used time-lapse photography and runway checks for debris at airports that used the same technique.

**Chris Peck** asked if technology upgrades were available for the PDAs and Andrew said that the range would make it suitable for the job e.g. plug-in docking vs. WiFi downloading, or Waterproofing or Heavy Duty designs.

**Ed Friend** commented that from his experience as an Inspector, PDAs could provide excellent evidence for the Courts and Andrew added that they also made trend analysis possible.

Ed summed up the presentation by saying he had found it most interesting and, judging by the quantity and quality of the questions, the audience would agree. In closing the meeting, he asked the audience to join him in showing their appreciation.

## ***Monthly Meeting 8<sup>th</sup> November 2010***

The Vice-Chairman, Dalvinder Masaun of West Birmingham and Sandwell Hospitals NHS Trust, welcomed members and guests to the meeting and the following, who were attending for the first time: -

- **Mike Pearson, SATS Ltd.**
- **Monica Guise, University of Birmingham**
- **Craig Nevin, Dudley MBC**

The Secretary then read out apologies for absence from ED Friend, Warwick Adams, Gerry Mulholland, Tim Prestage and Gordon Self.

### ***Presentation: "The Driver Competence Requirements"***

***Gary Thomas, Lloyd Morgan Group***

The Lloyd Morgan Group is involved in a wide range of professional services, including Health & Safety Consultancy, Educational Training, Vehicle Inspection & Driver Training, Interim Management provision and Quality Systems consultancy.

Gary is specifically concerned with the Driver Certificate of Professional Competence scheme that is the subject of this afternoon's presentation.

Gary told us that the Driver CPC requirements were introduced under **The Vehicle Drivers (Certificates of Professional Competence) Regulations 2007** in accordance with EU Directive 2003/59.

These are designed to improve the knowledge and skills of all professional Lorry, Bus and Coach PCV drivers throughout their working life, so that they are better equipped to face the modern challenges of their profession. As a result, they would also work more economically and be more environmentally aware, they would improve the professional image of their industries and attract younger people to a modern profession. He added that it was important to dispel the major confusion that employers had between this scheme and the Operators CPC, which is a totally different qualification, working with different standards.



**Gary Thomas, Lloyd Morgan Group**

Initially, holders of 'D' Licences (bus or coach) before 10<sup>th</sup> September 2008 have acquired rights until 9<sup>th</sup> September 2013; holders of 'C' Licences (lorry) before 10<sup>th</sup> September 2009 have acquired rights until 9<sup>th</sup> September 2014. In order to keep the Certificate of Professional Competence (CPC) past those dates, drivers would have to complete 35 hours of periodic training. New drivers would need to pass the initial CPC qualification in order to gain their vocational driving licence and qualify for the Driver CPC.

It is, Gary explained, like a CPD system that requires 35 hours of periodic training over a five-year period, but is backed up by a legal sanction! The training is delivered in seven-hour Module Sessions at centres approved by the Joint Approvals Unit for Periodic Training (JAUPT) on behalf of the Driving Standards Agency. The JAUPT registers the completion of the 35 hours of training to enable the driver to apply for their Driver Qualification Card (DQC). Gary said that modules had to be approved for specific driving requirements and cited Speed, Reversing, Driver Hours, Tachograph and Safe and Fuel-efficient Driving as some those that had already been approved. He emphasised that there is no requirement for a course to include a test or a pass/fail element and, so, there was no barrier for existing drivers to worry about in attaining the new status.

Gary continued by listing some of the Modules that had already been approved for the syllabus: -

Safe and fuel efficient driving	Health & Safety, service and logistics
Legal requirements	Safe culture
Seatbelts	Tachograph
Speed	Real world
Reversing	First aid
Driver Hours	Mobile phone
Vehicle checks	Customer service

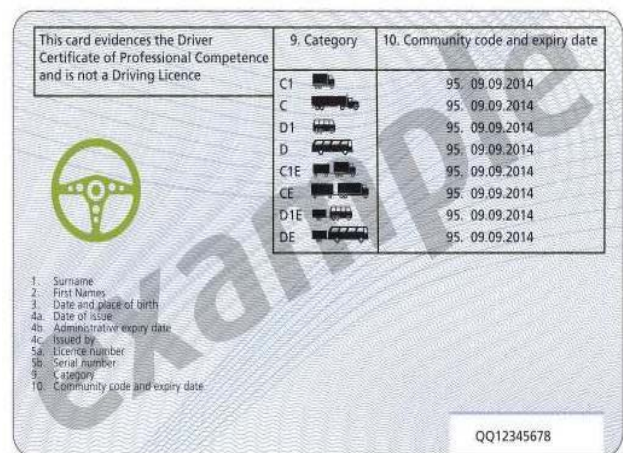
As an example of the content of typical modules we later obtained these listings: -

- Assess/ manage the situation in order to act safely, promptly and effectively in an emergency;
- Administer first aid to casualty who may be unconscious; needs CPR; is choking; is wounded and bleeding; is shocked; has minor injuries (including small cuts, grazes and bruises, minor burns and scalds, small splinters).
- Daily vehicle checks; maintenance requests; safe operation of refuse collection vehicles; reversing; road safety (knowledge of traffic law); breakdown/accident/load fires procedures and common driver offences (use of mobile phones, speeding, drink/drug driving & overloading).

Link to Guide for Periodic Training Syllabus: -

<http://www.drivercpc-periodictraining.org/en/ptg/>

The importance of these new competence standards is reinforced by the £35 penalties for drivers who do not carry the DQC on their person, in the cab. Additionally, anyone who causes or permits a driver to drive a relevant vehicle without a DQC is also guilty of an offence. Both are punishable with a fine of up to level 3 on the Standard Scale. **Employers, Managers and Supervisors should be very concerned by this regulation as it is an *individual*, not corporate offence!**



Sample Card

Gary went on to say that these drivers were exempt from the CPC requirements: -

- Drivers of vehicles with authorised maximum speed of <45kph
- Armed Forces
- Emergency services
- Tradesmen travelling to work
- Drivers who are road testing vehicles
- Drivers of vehicles used for driving lessons

and further exemptions were given to certain types of vehicles: -

- Road construction vehicles
- Works trucks on own site
- Digging machine
- Steam vehicle
- Agricultural vehicle
- Light recovery vehicle
- Engineering plant
- Industrial tractor
- Mini articvehicle minibus driven by volunteer
- Vintage goods vehicle
- Goods vehicle driven by a constable

Regarding the provision of CPC Training, Gary said

- This was managed by JAAPT on behalf of the DSA, in approved Training Centres, running approved courses.
- The trainers themselves have to be approved
- Course modules have to be submitted, vetted and approved by JAAPT

He added that Companies could obtain their own JAAPT accreditation for in-house training and that there were about 600 centres throughout UK. Regarding guidance on costs, Gary said that his Group charged £85 for individuals and £695 for in-house groups.

## *Members' Questions*

Various members asked to clarify details about the operation of the procedures or the application of the law to foreign drivers. Gary said that the Police now had more powers in that respect, to restrain vehicles until fines were paid.

There was a train of discussion from various members, however, that the systems were flawed because of a certain lack of rigour in the testing régime. There was also some surprise that such a system was supported with strong penalties, when it was no more than a CPD scheme! There was some sympathy for the speaker, when he said the he felt the “Messenger” had just been shot!

With that closing remark, the chairman asked the members to join him in thanking Gary for such an invigorating presentation and closed the meeting before the speaker bled to death!

