



**Birmingham Health, Safety & Environment Association**

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Registered Charity No.: 255523

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

**Newsletter**

**January 2012**

## **Annual General Meeting – 9<sup>th</sup> January 2012**

**Chairman, Ed Friend** welcomed the speaker and members to the meeting. Apologies had been received from Gordon Self, Tony Long, Caroline Hurd and Geoff Harvey. The Minutes of the AGM are given below: -

### **1. Those Present**

Mr.E.Friend in the Chair, with other members present, as recorded in the blue Attendance Book.

### **Apologies**

Due to the Secretary being ill immediately prior to the meeting no apologies were announced. There were none from the floor.

### **2. Minutes of the AGM held on Monday 10<sup>th</sup> January 2011.**

Members had previously been sent the minutes of the 2011 AGM and, as there were no comments on accuracy, it was proposed by **D Hughes**, seconded by **G.Allcock** and AGREED by the members that they should be signed as an accurate record.

### **3. Matters Arising**

There were no matters arising.

### **4. Chairman's Report for 2011**

The Chairman said he would only give a brief summary as his written annual report had already been received by members. He commenced by paying tribute to Andy Chappell, our current Secretary who was retiring having being in post for some sixteen years Ed also thanked Liz, Andy's wife, for all she had done for the

Association. They were a team and between them they had played a big part in moving the Association forward to where it is today: one of the foremost, influential and well respected safety associations in the country. On behalf of the members he wished them well in their retirement and Andy a full and speedy recovery.

The Chairman said that the process was in place to appoint a new Secretary.

He went on to thank the speakers who had made presentations throughout the year and had maintained the excellent standards that BHSEA always sought to achieve. A number of members had volunteered for 'Members' Corner' which had been a success. The annual symposium had been particularly successful, being held at the BMI for the first time.

Ed recognised the support that the HSE, Local Authorities and ROSPA had given the Association as well as the members of the BHSEA Council and Management committees.

Finally he thanked the members for their commitment to BHSEA throughout the year.

#### **5. Construction Chairman's Report for 2011.**

The report had already be circulated to the members. The Construction Chairman, Gerry Mulholland, said that the economic downturn was still having a major effect on the construction industry at all levels. The industry had to focus on key areas of risk. The two construction meetings had done this with presentations by two senior HSE inspectors. Bob Rajan had spoke about and demonstrated the HSE's on-line tool for RPE and Gorden Crick the HSE's Leadership Tool Kit. Both meetings were well attended and extremely informative for members.

Gerry then gave an update on WWT. There had been a concious decision made to do more which had paid dividends. There had been a Carillion Supply Chain event in Wolverhampton and another at New Street station (where the redevelopment work is being carried out). A joint civils event had been held with Hewletts and Shropshire and Staffs WWT.

Later this year the WWT group will be hosting a National Steering Group meeting in the BMI.

Gerry gave a reminder that the pressure on funding remaind and events had to meet the laid down criteria to secure funding.

It was pleaseing to note that, despite the recession, the number of construction members had increased –partly attributable to the increase in WWT events.

Gerry concluded by thanking a number of people:

- The Construction Committee, particularly in the way they had responded to his

challenge to increase the number of WWT events.

- Jo Anderson and her team at HSE (particularly Dee Walsh).
- Andy and Liz Chappell for their excellent support over the past 16 years.

## 6. Adoption of Accounts and Balance Sheet for 2011.

The Charirman (in the Secretary's absence) presented the annual Accounts and Balance Sheet for 2011 and reported that no written questions had been received from members about the report. He confirmed that the Association's financial state was still sound. There were no questions from the floor. The Chairman emphasised that the financial report was scutinised by the BHSEA Management Committee and independently audited.

It was **proposed by David Hughes, seconded by Dalvinder Masaun** and AGREED by the Members that the Accounts and Balance Sheet should be approved.

## 7 Election of Officers.

The Secretary presented the nominations of Honorary Officers and Elected Members of Council for 2012 as follows: -

Vice-President	Ed Friend	Consultant
Chairman	Dalvinder Masaun	Trust H&S Manager Sandwell & Birmingham Hospitals
Vice-Chairman	Tim Prestage	Managing Director, Tim Prestage Ltd
Construction Committee Chair	Gerry Mulholland,	H, S &E Leader, Laing O'Rourke

### Elected Council Members

George Allcock	Consultant
Malcolm Copson	Health and Safety Manager, Geopost
Eric Hickman	Consultant
David Hughes	Director, David Hughes Business Services
Mark Hoare	H&S Manager, The University of Birmingham
John Jones	Managing Director, John K. Jones Ltd
Steve Parton	Risk Control Surveyor, AXA Insurance
Chris Hopkins	Pinsent Mason LLP
Mike Morton	Dudley MBC

It was **proposed by Robin Powell, seconded by John Surman** and AGREED by the Members that the nominations should be approved.

### Co-opted Council Members (for information)

Dr Paul Billinger	Principle Inspector, HSE
Roger Caleb	H, S and E Officer, National Grid Metering
Andy Lucas	Birmingham City Council
Sue Chalder	Birmingham Medical School
Beverley Davies	Health and Safety Adviser, The University of Birmingham
John Wood	President, Dudley, Sandwell and Birmingham FPA

- 8 At this point **Ed Friend** handed over his Badge of Office and **Chairmanship** of the Meeting to the incoming Chairman **Dalvinder Masaun**. Dalvinder thanked Ed for his service to the Association as Chairman.



L to R: Dalvinder Masaun, Chairman; Ed Friend, Vice-President

#### 9 Alan Butler Award

The new chair was pleased to announce that the association had been awarded an Alan Butler Silver Award by Safety Groups UK.

#### 10 Close of Business.

As there was no further business, the Chairman closed the AGM and introduced the speaker, Rosi Edwards, HSE Regional Director, Wales, Midlands and South West, to give her presentation on 'HSE –The Year Ahead 2011/12.'

## *HSE – The Year Ahead*

*Rosi Edwards, HSE Regional Director, Wales, Midlands and South West*

**R**osie started by paying a tribute to **Andy and Liz Chappell** and thanking them for all they had done in support of health and safety in the West Midlands over many years and wished Andy a full and speedy recovery.

[Andy and Liz are retiring from their role as the 'BHSEA Secretariat Team'. Unfortunately Andy was unable to be at the meeting due to a sudden illness, immediately beforehand.]



**Rosi Edwards**

## **Rosi then split her address into the following sections:**

The merging of the HSE Field Operations areas

Charging (cost recovery) and its impact

The Lofstedt Review, Red Tape Challenge and reducing burdens

Statistics –what do they tell us?

What the HSE did 2011/12 and priorities for 2012/13

## **The merging of the HSE Field Operations Divisions**

The HSE Field Operations Directorate faces a funding reduction of 20% by 2014. To achieve this, a number of actions have been taken including reducing the number of Field Operations Divisions from seven to three. As a result the Midlands region has merged with Wales and the South West, resulting in a reduction of posts at the top level of the organisation and is part of a plan to reduce posts in a controlled way at all levels.

## **Charging (cost recovery) and its impact**

The consultation on charging ended in October 2011. HSE has been doing ‘dry runs’ to test procedures. This will continue until 6 April 2012 when charging will start.

## **What will be charged for?**

The Government has been decided that HSE will charge if an inspector finds a ‘material breach’ of the regulations. There will be no charge if no breach is found, e.g. for an inspection resulting in verbal advice. However if the inspector writes a letter notifying the duty holder of a matter that requires them to take action to put right or issues a notice, then a charge will be made. This will be at an hourly rate of about £124 and will be for the time the inspector spends dealing with the breach at the work place and the associated administrative work with issuing the documentation. Any subsequent return visits to ensure that the breach is put right will also be charged for. The hourly rate includes an element for the time spent by administrative staff and managers.

From now until April, HSE inspectors will be briefed and trained on the charging arrangements. It is not the intention to use the system as a means of generating money for the HSE. Inspectors will not be changing their behaviour and issuing more letter or notices to make money. Inspectors will focus on high-risk industries and poor performers in any industry and, if their targeting is successful, it will inevitably result in inspectors finding material breaches and hence charging for their time.

More information about charging will be published shortly by the HSE.

## **Appeals**

If an employer does not agree with an improvement or prohibition notice there is already an official mechanism for appealing to an Industrial Tribunal and this will continue. In the case of letters, there will be a simple two-stage appeal system for those firms who contend that there was no material breach or consider the time charged for is excessive.

## **Lofstedt Review, Red Tape Challenge and reducing burdens**

The review and challenge found no case for radically altering health and safety legislation but there a need to tackle things that cause business to go beyond what is proportionate. (For a list of report recommendations see handout.).

The key message is for employers to focus on health and safety issues that really matter and take action that is proportionate to any risk.

### **Some additional points to note:**

The Government response notes the proposal for HSE to direct all Local Authority health and safety inspections and for HSE to be the primary authority for multi-site firms but points out the importance of local knowledge and experience. HSE will work with local government to secure a more consistent and proportionate approach to enforcement. The government will be giving more thought to the way the Primary Authority Scheme should work.

The government will review all regulatory provisions that impose strict liability and look for ways to address what could be a significant driver of over-compliance with health and safety law, e.g. if employers and insurers fear that just because an accident has occurred in association with work it may automatically make the employer liable for a civil claim.

An Independent panel ([bhsea.org.uk/whatsnew2012.htm#2](http://bhsea.org.uk/whatsnew2012.htm#2)) has now been established for duty holders who consider they have been asked to do something unreasonable. In the case of notices, the appeal will continue to be heard by the Industrial Tribunal. Matters will only be referable to the panel once the employer has exhausted the normal routes, e.g. discussed the matter with the inspector and his/her line manager.

### **Inspections**

The ministerial statement in March 2011, “Good Health and Safety, Good for Everyone” made it clear that HSE would only make pro-active inspections in high risk industries or poor performers and that the number of proactive inspections would be reduced by a third (to 22,000 nationally per year). Investigations of complaints and incidents will continue as before, with HSE using existing criteria to select only the more serious incidents and complaints for investigation. To identify poor performers, HSE will use a range of intelligence sources: RIDDOR reports, complaints, claims (from accidents not notified to HSE), previous HSE intelligence, intelligence from other regulators about serious failures to comply with their legislation, which may indicate wider failures.

### **Statistics 2010/11 –what do they tell us**

(See handout for figures)

### **Accidents and ill health**

Fatal accidents rose but the rate is still below the five-year average. There is a downward trend in ill health and +3 day accidents and the number of days lost due to injury and ill health was two million less than last year. The number of deaths from mesothelioma continued to rise. The majority of these were people who had worked with asbestos in the past (before control measures were introduced). Rosi pointed out



that there are some very moving personal case stories on the HSE website about tradesmen suffering from or who have died as a result of asbestos-related diseases which may help those providing asbestos awareness briefings ([bhsea.org.uk/whatsnew2011.htm#77](http://bhsea.org.uk/whatsnew2011.htm#77)).

### **Prosecutions and Notices**

9% more cases were prosecuted and 13% more notices were issued by the HSE compared to last year. This is not an indication that things are getting worse but the HSE were targeting their resources better.

### **What the HSE did 2011/12 and priorities 2012/13**

(See handout)

#### **2011/12**

One area the HSE was keen on was worker involvement. For little outlay significant improvements can be made. The waste industry was also a target for the HSE as there have been some nasty incidents and there is exposure to unusual health risks. It is a new and emerging industry with a variety of potentially dangerous plant and machinery which people have to work with. Another area is vulnerable workers in farming and food processing where, through working with other agencies including the Gangmaster Licensing Authority, HSE were able to target pockets of very poor compliance and very poor working conditions.

In February/March 2012 the HSE will be carrying out an intensive inspection campaign on refurbishment of buildings.

#### **2012/13**

The HSE wants to make cost recovery work in a fair and open way. It will continue to focus on promoting leadership and will focus on this during inspections. HSE will continue to focus on construction, asbestos, the waste and food processing industries and the higher risk parts of manufacturing industry.

After a vigorous “Question Time” the Chairman closed the meeting by asking members to thank Rosi for a very well-received and enjoyable presentation.

*Welcome*  
*to Our New Members*

- Gerald Peel, Consultant, Betterware Ltd.
- James Stapleton, FM Health, Safety & Risk Manager, Loughborough University
- Victoria Bullock, Director, R & E Presswork Ltd.
- Colin Hailing, Group HSEQ & IMS Manager, Parkstone Group Ltd.
- Cheryl Caladine, Health and Safety Officer

# ***SGUK Awards at the House of Lords***

As we announced before Christmas, BHSEA won a Silver Award in the new-style Alan Butler Awards from Safety Groups UK. Competition entries are judged against the following key performance questions: -

1. How does your group communicate with your members, other health and safety organisations and the wider community?
2. What topics and speakers were included in your Group's annual programme and / or seminar and why?
3. How does your group support the HSE and its strategy?
4. How does your group encourage retention and recruitment of members?
5. What single achievement is your group most proud of in the last 12 months and why?

BHSEA Vice-President and BHSEA representative to SGUK, Mark Hoare are shown receiving the award from SGUK Chairman, Kerry Ross



L to R: Kerry Ross, Ed Friend and Mark Hoare

## ***Date of the next Meeting***

**2.00 pm on Monday 13<sup>th</sup> February 2012  
at the Birmingham Medical Institute**

## ***Default Retirement Age and Agency Workers***

***Jane Byford, Partner and Head of Employment Group  
SGH Martineau LLP***

***Jane is reprising her appearance in February last year with equally novel legislation, this time on two topics that are likely to give Health and Safety professionals extended challenges. These two, recently introduced pieces of legislation have tended to 'sneak in' under our radar but, fortunately, we have intercepted them in time!***

***Don't forget the buffet lunch at 1.15 pm!***