

KEEP IT SAFE

BFFF QUARTERLY HEALTH & SAFETY NEWSLETTER

APRIL 2016



BFFF

BFFF H&S Seminar
6 July 2016

Ricoh Arena, Coventry CV6 6GE



BFFF

SPONSORED BY:



British Frozen Food Federation

Registered Office: Warwick House, Unit 7, Long Bennington Business Park, Main Road, Long Bennington, Newark, Nottinghamshire NG23 5JR

Tel: 01400 283090 Fax: 01400 283098 Websites: www.bfff.co.uk www.coolcookery.co.uk

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FOREWORD

Welcome to the April edition of Keep It Safe

It has been a busy start to the year with the introduction of the new Sentencing Guidelines for Environmental, Health and Safety, Corporate Manslaughter and Food Safety offences. The drivers for this change have been what have been perceived as low fines in the past for major disasters and the lack of consistency between sentencing courts across the country.

Although the new guidelines will address these issues, the implications are significant for all businesses with resulting fines for offences potentially rising significantly. Our legislation section looks at this in more detail.

As we updated within the last edition of Keep it Safe, the food and drink industry, through the work of the Food and Drink Manufacturing forum, has spent the last year reviewing the common strategy for improving health and safety within the industry. The new strategy has clear objectives for the industry for the next five years and is set to be launched within the next few months. BFFF has taken an active part in this review and our expert group has been involved throughout the process. Once the strategy is finalised we will be reviewing our pledge for members to incorporate the keys areas so please look out for the updates.

Our Health and Safety Expert group continues to work proactively and openly for the benefit of all members and the industry. The group met in January when discussions took place around Occupational Health provisions for the industry and our new Fire Safety guidance on 'Significant findings following a fire risk assessment' was finalised. Please see the Fire Safety section of this newsletter for more information. We were also joined by Warren Pennington who is our new contact within HSE and he presented to the group on the feedback so far on the food and drink sector visits.

Over the last 7 years we have provided members with the ability to benchmark their health and safety accidents for both 'all accidents' and 'all RIDDOR reportable accidents'. This service has proved popular with members with 29 Producers, 18 Wholesalers and 6 Logistics Service Providers all sharing their data with us for 2014. We have started to collate the information for 2015 and we have already received information from 65 of our members, so thank you to all of you that have taken part. We hope to collate and present the data during April.

During 2015, we started to trial a more detailed benchmarking exercise looking at both health and safety accidents and vehicle accident rates. 3 Producers and 3 Wholesalers took part throughout the year. The resulting information has enabled the group to discuss trends and benchmark their performance in great detail. They have reported that it is an extremely powerful management tool for their businesses and has provided the mechanism to develop industry level case studies for BFFF. We have now offered this service to more BFFF members and we hope to increase the number of businesses taking part to provide even stronger data for the industry.

Please feel free to contact joannahancock@bff.co.uk for more information on our expert group's work or indeed any of our fire safety work, or if you wish to get involved in the new benchmarking statistics.

If you would like to get involved with any of our Primary Authority schemes contact crystalholmes@bff.co.uk

In the meantime we hope that you enjoy this latest edition.

Please contact BFFF if you would like to receive additional / back copies of this newsletter

We do hope that you find Keep It Safe a valuable read.



Crystal Holmes
Technical Assistant
crystalholmes@bff.co.uk



Joanna Hancock
Health, Safety & Projects Manager
joannahancock@bff.co.uk

BFFF HEALTH AND SAFETY INITIATIVES

SENTENCING GUIDELINES SEMINAR SUCCESS

BFFF held a sold-out seminar on 9th February 2016, at the Ricoh Arena in Coventry to inform businesses how the new guidelines will affect them.

New sentencing guidelines for Health and Safety, Corporate Manslaughter, Food Safety and Hygiene and Environmental Offences have now been published and came into force in the courts on the 1st February 2016.



Our seminar, aimed at Managing Directors, Financial Directors, Board Directors, Health and Safety and Technical Specialists and Senior Managers of our members' businesses, provided awareness of:

- The new sentencing process, responsibilities and applicable fines
- Case study examples of the new fine structure applied to previous cases
- How to mitigate the risks within your business

DLA Piper, legal specialists in this area, provided the content for the event and have kindly offered to share it for use by BFFF members. The presentations can be found on our website, here: <http://bfff.co.uk/health-safety/bfff-sentencing-guidelines-seminar/>

More information on the details of the guidelines and the impact it could have on your business can be found in the Legislation Update section.

Testimonials from the Seminar:

"An informative event with really good speakers who gave an excellent run through the changes to the sentencing guidelines - time well spent"- *Youngs Seafoods*

"Health and Safety in the workplace is and will continue to be a fundamental aspect of everyone's business so to be able to glean information and guidance in these seminars is invaluable." – *Reed Boardall Cold Storage*

"Further supports the need for safe, robust, relevant and communicated systems not only with our own staff but also with contractors and visitors." – *Grocontinental Ltd.*

If you would like any more information, please contact joannahancock@bfff.co.uk

BFFF HEALTH & SAFETY SEMINAR 2016

Bookings are now being taken for BFFF's annual Health & Safety Seminar. The seminar is to be held on 6th July at the Ricoh Arena in Coventry, and will be CPD accredited.

This years' topics include:

- HSE Priorities 2016/17, HSE
- New supervisor training impact case study, Mentor Training
- Sentencing Guidelines Update, DLA Piper
- Guidance and Projects Update, BFFF
- Fire Risk Assessment Significant Findings, Lincolnshire Fire & Rescue
- Manual Handling Case Study
- Preventing Falls Whilst Working on Mobile Refrigeration Units, Brakes
- Safety Culture Case Study, Chalcroft Construction
- Influencing Supervisor Behaviours Case Study
- Paul Mahoney: Real Life Story



The booking form for the event can be found inside the back cover of this newsletter. For more information, or to book, please contact hazelcranidge@bfff.co.uk

FIRE SAFETY – FROM LINCOLNSHIRE FIRE & RESCUE



WHAT ARE 'SIGNIFICANT FINDINGS'?

George Orwell said “Myths, which are believed in, tend to become true”. If George Orwell was right, this article should dispel one of them. That myth being, what are the significant findings in relation to your fire risk assessment?

The Regulatory Reform (Fire Safety) Order 2005 clearly states in Article 9(6) that as soon as practicable after the assessment is made or reviewed the responsible person must record certain information and in particular the ‘significant findings’. Many people wrongly assume that the term ‘significant findings’ relates solely to the content of the ‘action plan’, however, this is not the case.

In the context of fire safety legislation these are significant hazards and risks to persons that were found by the assessment; precautions already in place to protect persons from fire; and preventative and protective measures (i.e. general fire precautions) that will be taken to address the hazards and risks identified by the risk assessment.

Whilst ‘significant findings’ may well feature in a fire risk assessment action plan, they will also feature within the main body of a suitable and sufficient fire risk assessment and some may not feature within the action plan at all. A significant finding may indeed be significant, but does not always automatically require action, however, should indicate measures taken and measures that will need to be taken for compliance with the legislation.

Usually, basic information on such factors can be considered as significant findings of the fire risk assessment and accordingly, such information needs to be recorded. Such factors include, but are not limited to: the height of the premises, the construction of the premises, the activities and processes carried out on the premises, the complexity of the premises, the approximate floor area, the approximate number of occupants of the premises, the maximum number of members of the public likely to be present, the occupancy profile of the premises, the familiarity of the occupants with the premises, the state (or likely state) of the occupants (e.g. awake or asleep, alert or under influence of alcohol or drugs), the history of fires on the premises and the influence of arson and vandalism in the surrounding areas.

Although the above factors cannot, (or cannot readily), be changed, their effect on fire risk, (primarily as a result of their effect on the consequences of a fire), needs to be taken into account in the fire risk assessment and therefore is a significant finding.

Moreover, the analysis of the risk undertaken as part of the assessment process may well have cause to justify certain non-compliance situations and the accompanying commentary will be critical to understand the thought process undertaken at the time of the inspection, albeit right or wrong, these considerations will not appear in the action plan.

It is worth keeping in mind that the information annotated in the fire risk assessment could be construed as a ‘contemporaneous notes’ if referred to in legal proceedings, that occur post fire audit.

NEW INDUSTRY GUIDANCE: EXAMPLE OF POSSIBLE SIGNIFICANT FINDINGS FOLLOWING A FIRE RISK ASSESSMENT FOR FOOD PROCESSING & COLD STORAGE PREMISES



BFFF is delighted to launch new guidance for the industry to support their Fire risk assessment process. Our new guidance shows examples of possible significant findings following a fire risk assessment for food process and cold store premises. Our guidance is a useful tool for all our members as an aid to ensure that you have suitable and sufficient fire risk assessments that have considered the common significant findings relevant to our sector.

It is important to note this example risk assessment shows some of the specific significant findings which may be found within a cold store or food processing environment. It is only a guide and may identify some of the hazards found in your premises and the steps needed to control some of the risks. You may need additional information, especially if you have large or complex premises. It should not be used on its own as it will not satisfy the requirements of the Regulatory Reform (Fire Safety) Order 2005.

Conducting a Risk Assessment

You should familiarise yourself with the guidance in “5 steps to risk assessment” https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/14899/fsra-5-step-checklist.pdf

The Regulatory Reform (Fire Safety) Order 2005 requires the responsible person to carry out a Fire Safety Risk Assessment which must focus on the safety in case of fire of all “relevant persons”. It should pay particular attention to those at special risk, such as disabled people, those who are known to have special needs and young persons, and must include consideration of any dangerous substances liable to be on the premises. Your fire risk assessment will help you identify risks that can be removed or reduced and to decide the nature and extent of the general fire precautions you need to take.

The UK Government also provide free guides to carrying out fire safety risk assessments which can be downloaded from: <https://www.gov.uk/workplace-fire-safety-your-responsibilities/fire-risk-assessments>

Although fire risk assessments for non-domestic premises are required by law, unsuitable fire risk assessments are still common place. Many of these have led to serious or multiple fatalities and criminal prosecutions.

PAS 79 – Fire risk assessment guidance and a recommended methodology - is a well-respected document which has already made a positive contribution to enhancing fire safety and protecting and minimising risk to the occupants of buildings. The standard provides a structured approach to fire risk assessment and is an essential document for fire risk assessors.

Whilst you are not required to adopt PAS 79 as a risk assessment template, it is widely accepted as best practice, so at the very least ensure that your chosen template reflects the areas covered by PAS 79. The example significant findings in this document have numbers in brackets which relate to the relevant section of PAS 79.

Copies of PAS 79 can be purchased through the BSI at the following link: <http://shop.bsigroup.com/Product/Detail/?pid=00000000030251919>

Once your fire risk assessment is complete, our example significant findings is a useful tool for our industry to ensure all the common hazards have been considered. The guidance can be found on our web site under ‘Fire Safety’, here: <http://bfff.co.uk/wp-content/uploads/2016/03/Cold-Storage-and-Food-Processing-Examples-of-Significant-Findings-from-Fire-Risk-Assessments.xlsx>

Feel free to contact us with any questions you may have on this new guidance.

How can you improve your organisation's safety culture?

Below are some of the key areas that you should concentrate on to ensure that safety is embedded into your organisation.

Securing management commitment

Without the proper resources, you cannot implement a health and safety strategy effectively. You need to demonstrate that health and safety will give your organisation a return on investment and that it fits with your organisation's strategic objectives to get top level buy-in. There are a number of tools that can help to achieve this, including benchmarking with organisations.

Worker involvement

How much worker participation and involvement is there in safety initiatives, risk assessment and processes? Consult with employees and involve them in decision-making and developing your processes. The more that you can do to involve employees, the more they will take ownership. By giving people the confidence, resources and competence to take ownership, you can help to give them the belief that the problem can be solved and trust them to get on with it.

Communication

Think about how you communicate about health and safety. Be clear about what the message is that you are trying to get across. Consider its significance to the employees, managers, other stakeholders. If you need to change the behaviour of your managers or workers then specify what the behaviour change is and why so that everyone understands and can see the benefit of putting in the effort to get it right.

Learning from losses and measuring performance

Measure your health and safety performance against agreed standards to determine whether it is properly managed, and, if not, to identify what needs to be improved. Use active monitoring — before things go wrong. This monitors whether plans are being achieved and how well the organisation complies with legal and other standards. It checks whether management controls are working. It measures success and reinforces positive achievement by rewarding good work, rather than penalising failure after the event.

Use reactive monitoring — after things go wrong

This involves learning from mistakes and is based on monitoring and investigating injuries, illnesses, property damage and near misses, to identify why performance was deficient. The intention is to find out how to improve health and safety culture and risk controls to ensure that the same incidents do not happen again. It is important to not use blame when doing this; if you are just, fair and objective, you can gain trust with your workers.

Competence

Health and safety is a complex area where, if risks are not managed effectively, people can be injured or made ill. You need to ensure that your workers and managers are able to make the right decisions about safety because they understand what the effects may be if they make the wrong decisions. Make sure that you choose the right management system and have a competent health and safety person on hand to help. People who have health and safety as part of their job need to be competent to do the work they carry out. Competence is a mixture of experience, skills, knowledge and qualifications in the sector and area you are working.

Conclusion

The practical suggestions are only a small part of what you can do to make a difference with your health and safety culture. Developing an effective safety culture goes way beyond compliance to something that is deeply embedded into the DNA of your organisation. The difference between just complying and continually improving could give your organisation the edge in an increasingly competitive and complex marketplace.

NEW MENTOR FORKLIFT TRAINING COURSE TARGETS UNSAFE WORKING BEHAVIOURS

An innovative, new safety awareness course from Mentor Training, focuses on the dangers presented by forklifts in the workplace – not just for operators – but for all those working alongside them.

Specially developed by Mentor – provider of materials handling and workplace transport training – Safely Working with Lift Trucks is a high-impact, cost-effective training course which promotes a safe working environment amongst operators and pedestrians alike, by targeting the behaviour at the root of bad practice.



At just two hours in duration, the course is hard-hitting, but concise, meaning up to 30 delegates in one day can benefit and at minimal cost to businesses.

The course targets anyone on site who works on or around forklift trucks – be they operators, supervisors or staff working in close proximity.

When it comes to accidents involving heavy duty pieces of equipment like forklift trucks, the consequences for those involved are often life-changing and according to HSE figures, pedestrians are just as at risk as operators, if not more so. Mentor Managing Director Stuart Taylor explains: “Almost sixty per cent of those injured by forklift trucks were ‘on foot’ at the time of impact. Unlike operators, many working alongside forklifts are unaware of the risks they pose and, more importantly, how to reduce them.”

This lack of awareness and a complacent attitude towards safety are at the basis of Mentor’s new course. Whilst acknowledging that many of the duties undertaken by workers on and around forklifts can be highly repetitive, it draws attention to the danger of allowing bad habits and complacency to become the norm, and reminds delegates of the potentially dire consequences for themselves, their colleagues and their company if they allow it to continue.

Stuart explains: “Whether working at a factory or warehouse, builders’ merchants or recycling facility, many of the duties undertaken by workers on and around forklifts are highly repetitive. These types of tasks can result in lapses in attention and a disregard for proper working procedures.

“Worse still, if left unchecked, these bad habits can quickly spread through a workforce, creating an environment where dangerous behaviour becomes accepted. So it is imperative, for the good of the workforce and the site, that a safe, positive working culture is cultivated and maintained.

He continues: “To maintain a safe working culture, the whole workforce must be part of your training plan. If everyone is on the same page, and has the same positive attitude towards creating a safe environment – be they pedestrian worker, forklift operator, manager or company director – you will see lasting results; to morale, safety and productivity.”

For further information contact Mentor Training on 01246 555222 or visit www.mentortraining.co.uk



LEGISLATION UPDATE

NEW SENTENCING GUIDELINES NOW IN ACTION

Content provided by DLA Piper

On 3 November 2015 the Sentencing Council published the long awaited Definitive Guideline for the Sentencing of Health and Safety, Corporate Manslaughter and Food Safety and Hygiene offences. For the first time, courts in England and Wales will have comprehensive sentencing guidelines covering the most common regulatory offences.

The Guideline continues the recent trend of significant increases in the level of fines being imposed by the courts. For large organisations turning over £50 million or more, the new guideline penalties for health and safety offences envisage fines of up to £10 million and up to £20 million for those convicted of Corporate Manslaughter. For very large organisations, the Guideline suggests increasing these amounts even further.

Purpose of the Guideline

The intention of the Guideline is clear - to ensure a transparent and consistent approach in the sentencing of these types of offence.

Prompted by repeated concerns that the criminal courts lacked consistency in their sentencing approach, often resulting in fines that were disproportionate to the financial resources of offenders and/or undermining the seriousness of offences, the new Guideline seeks to give a clear framework to courts.

The Guideline sets out sentencing ranges that seek to reflect the very different levels of harm and culpability which may arise in these types of offences and sends a stark message that non-compliance will be met with very stiff financial penalties. Whilst the Guideline may be highly unpopular, it is likely to provide a greater degree of predictability that has been lacking for decades.

Summary of the Guideline

The most notable feature of the Guideline is that fines are now intrinsically linked to the turnover of the defendant company. For larger companies, fines may rocket from hundreds of thousands into the millions of pounds and fines measured in the millions will become the norm.

From 1 February 2016, when the court embarked on its consideration of the appropriate financial penalty, it is required to consider a number of separate steps including:

- the seriousness of the offence by determining the risk of harm (low, medium or high) and culpability of an offender;
- the appropriate starting point and category range for an offence, based on a company's turnover, using tables provided in the Guideline. There are five categories of organisation ranging from micro (where turnover is not more than £2 million) to "very large" (where the offending organisation's turnover very greatly exceeds the threshold for large organisations, namely £50 million and over).
- a range of factual elements providing the context of the offence to establish if further adjustment of the fine within the category range is required (the aggravating and mitigating features).
- whether the proposed fine fulfils the objectives of sentencing these types of offences (i.e. reflecting the seriousness of the offence and the financial circumstances of the offender). The court may adjust the fine upwards or downwards, including outside the range, by looking at factors such as profitability and the impact of the fine on the ability of the offender to improve conditions in the organisation.
- any factors which indicate a reduction, such as assistance to the prosecution and a reduction for guilty pleas.

Courts will expect full financial accounts to be served and will consider wider financial information such as details of director remuneration, assets, loans etc. to establish a clear picture of the company's financial resources. The Guideline is clear - the fine must be sufficiently substantial to have a real economic impact and bring home to management and shareholders the need to comply with health and safety legislation.

What to do next?

The new Guideline came into effect on 1 February 2016 and is applied regardless of the date the offence was committed.

Where concerns are identified, an increase in compliance and assurance, consideration of behavioural safety initiatives or culture change programmes, re-investment and re-education in health and safety policies, procedures and training will all be vital to try and ensure that the worst-case scenario is avoided or it if can't be avoided, that at least the company will be able to significantly mitigate the impact of an otherwise eye-watering fine.

APPRENTICESHIP LEVY LEGISLATION PUBLISHED IN DRAFT

The Government has published draft legislation on the introduction of the apprenticeship levy.

The draft confirms that from April 2017, employers with a wage bill of more than £3 million will have to pay a 0.5% levy to fund apprenticeships.

The Government announced its proposals in last year's Autumn Statement with the hope it will help create three million more apprenticeships during the rest of this parliament.

The legislation will be introduced in Finance Bill 2016, and the apprenticeship levy will be payable through Pay As You Earn (PAYE), alongside income tax and National Insurance.

The calculation of the tax will be based on the same total employee earnings figure as the one that is used for class 1 national insurance contributions.

Employers will receive a £15,000 allowance to offset the payment of the levy, which will be paid in vouchers. There will also be a connected persons' rule, similar to the employment allowance connected persons rule, so employers who operate multiple payrolls will only be able to claim one allowance.

The Government estimates that the apprenticeship levy will be paid by less than 2% of UK employers. In its policy paper introducing the draft legislation, it said: "For employers paying the levy, the measure is expected to have some impact on administration costs and the impact will vary by employer, depending on the size of their payroll."

It added that there is likely to be a "near-term impact in reducing earnings growth", but that increased productivity brought about by apprenticeship training will ultimately lead to increased profitability for businesses, and increased wages in the long term.

It's hoped the levy will raise around £3 billion for the Exchequer to spend on boosting the quantity and quality of apprenticeships.

The draft legislation can be found here: <http://tinyurl.com/zjbj8n>



APPRENTICESHIPS LEVY

Q&A'S

PERSONAL EMERGENCY EVACUATION PLANS

Q. We often have visitors to our property to attend meetings. The question has arisen as to what we are required to do to ensure a visitor with mobility difficulties can safely evacuate the premises in the event of a fire. Could you outline what we should be doing?

A. Under the Regulatory Reform (Fire Safety) Order 2005, the responsible person is required to identify and record any group of persons identified by the assessment as being especially at risk. This would include those with limiting disabilities and those who may be unfamiliar with the premises.

Best practice suggests that the fire risk assessment should identify the premises' occupancy profile and therefore the potential for persons with disabilities to attend meetings, etc. The assessment should then determine any significant risks and what measures may be needed to reduce the risk to a tolerable level.

This could include, for example, the use of temporary refuges, communications equipment, equipment to aid evacuation and identification of employees to implement the procedures, any training required, etc.

The responsible person can then develop what are known as "generic personal emergency evacuation plans" (PEEPs). The PEEP should provide a wide range of guidance for differing disabilities and be adapted for the individual premises so that they can be used as options for disabled people to choose from when attending the premises. Such plans should include the:

- disabled person's movements within the building
- operational procedures within the building
- types of escape that can be made available
- building systems, e.g. the fire alarm
- existing egress plan.



The use of generic PEEPs will only be effective if the process for identifying their need is robust. Government guidance states that generic PEEPs are "an extension of the process of signing into a building and being given a visitor badge with the escape procedures on the back of it".

Plans should therefore be held at the reception points within the building and advertised in an appropriate way so that the person requiring assisted escape is offered options for their assistance and is given suitable instructions.

**PERSONAL EMERGENCY
EVACUATION PLAN
(P.E.E.P.)**



HOW TO PRESENT RISK PROFILING

Q. I have been asked to develop a report to our senior management team detailing the organisation's "risk profile". Could you outline what this should include and how I can present the information to the management team?

A. HSG65 Managing for Health and Safety, when referring to risk profiles states that "effective leaders and line managers know the risks their organisations face, rank them in order of importance and take action to control them". The risk profile should cover the following:

- The nature and level of the risks faced by the organisation.
- The likelihood of adverse effects occurring and the level of disruption.
- The costs associated with each type of risk.
- The effectiveness of the controls in place to manage those risks.

HSG65 suggests that the outcome of risk profiling will be that the right risks have been identified and prioritised for action, and minor risks will not have been given too much priority. It also informs decisions about what risk control measures are needed.

Certainly in organisations with numerous health and safety related risks there is the potential for the "risk communication message" to be ineffective, with the focus not being on the most significant risks when presented to senior management.

To prevent this, a health and safety risk register can be developed which provides senior managers with an overview of the risk profile. It enables the identification of the highest priority risks first and ensures that risk control is focused where needed most. As well as focussing resources on the most significant risks first, risk registers can be of benefit by providing:

- information on the person responsible and accountable for particular health and safety risks
- documented evidence for arguments of the reasonable practicability test
- a focus and tool for communicating with others health and safety risks
- a means by which suggestions for improvement can be recorded
- an audit trail of the review and monitoring of health and safety risks
- evidence of how effectively health and safety risks are being managed.

As well as internal assurance, the register can be used to demonstrate to external stakeholders (eg HSE inspectors or insurance inspectors) that the organisation approaches the management of health and safety risks in a structured and disciplined manner.

There are no set requirements as to what information should be included in the register but may include the following:

- Details of the relevant risk assessment (activities covered, review date, etc.).
- Nature of the risk and potential impacts.
- Risk rating and risk control measures.
- Ownership of the risk and control measures.
- Any outstanding actions necessary.



GUIDANCE

HSE LAUNCHES NEW STRATEGY

HSE has launched its new strategy 'Helping Great Britain work well', the key points of which are that Great Britain has a health and safety record to be proud of, everyone in the health and safety 'system' has their part to play and there are six strategic themes that we all need to engage with.

The Six Themes

1. Acting together

The first strategic theme is about broader ownership of risk management. Often a single employee or team is given the task of 'doing' health and safety for an organisation; in order to evolve and improve that organisation's (and by extension Great Britain's) standards of health and safety, that responsibility should instead be an integral part of everyone's role from the top, down.

The focus on increased ownership down through the management chain is a strategy that not only HSE are promoting but other stakeholders such as the British Standards Institution (BSI) through their imminent ISO 45001 (expected to be released in October 2016) standard for H&S Management Systems along with other key business standards such as ISO 9001:2015 Quality Management and ISO 14001:2015 Environment Management standards. Getting behind this theme is a great way to help build good risk management into your organisation.

We all need to play our part in helping colleagues, suppliers, customers and others who are less engaged to embrace health and safety.

2. Tackling ill health

The 'health' in health and safety is often overlooked. Sudden injuries are more dramatic, emotional and even newsworthy - compare the coverage of the Alton Towers Smiler accident in 2015 against the ongoing burden of ill health encountered every day in Great Britain; most of us know somebody who has been made ill, or a condition worsened, through work.

With this theme HSE is promoting long-term and co-ordinated action on ill health across all sectors, focusing directly on early prevention and thereby negating the greater costs associated with persons suffering serious illness. HSE recognise that in order to stimulate change a substantial behaviour change and awareness programmes are required, with additional partners such as the National Health Service (NHS) playing a part.

3. Managing risk well

The business benefits from implementing sensible and proportionate risk management strategies are well known: reduced sickness absence, increased efficiency, improved morale, good business reputation, more successful tendering and lower costs.

Promoting these benefits is essential to improving standards. This can be achieved by sharing examples of good practice so that everyone knows what sensible risk management 'looks like'. This should be backed up by targeted, relevant advice and information. Getting this right builds trust with stakeholders; that health and safety improves business rather than burdens it.

4. Supporting small employers

This theme is about organisations helping micro and small businesses to work smarter. There is already a lot of free information and guidance for SMEs but they may not be seeking it out or implementing it.

Larger organisations should do more to help small employers along by working with and supporting them through the supply chain and other working relationships. Key influencers for SMEs should be identified and relationships grown which raise awareness and help compliance with key health and safety issues.

5. Keeping pace with change

Social, economic and technological change commonly present new health and safety challenges and Great Britain's extensive knowledge and expertise allows it to play a leading role in managing those challenges. HSE envisions that we must anticipate the workplace challenges of tomorrow and resolve them in ways that enable innovation and the use of new technologies. The work of the Health and Safety Laboratory (HSL), an agency of the HSE, demonstrates that Great Britain can lead the world in horizon-scanning research on risk management issues.

Organisations involved with emerging technologies such as the use of nanomaterials need to share their health and safety learning stories for the benefit of all.

6. Sharing our success

Finally, the last theme focuses on sharing Great Britain's health and safety innovation and successes with the world, influencing H&S systems worldwide and making it easier for British organisations to do businesses overseas.

To illustrate this HSE hold up the construction projects for the London 2012 Olympic and Paralympic Games as examples of how Great Britain gets it right, with no fatal incidents (a first for an Olympic build) and a very low number of injuries considering the 66 million hours of work involved.

Conclusion

With its new strategy, HSE has very much placed the responsibility for improving health and safety standards back on to 'the system'; everyone involved including government, employers, employees, educational institutions, industry bodies, supply chains, insurers, enforcement bodies, regulators and others.

HSE will continue to provide both enforcement and guidance but, to see real change for the better, it is the duty of every stakeholder in the system to actively implement and promote sensible, pragmatic and business-focused risk management.

HSE GUIDANCE UPDATES

HSE have recently launched two updated Guidance documents.

L25 – Personal protective equipment at work: Guidance on Regulations.

This is the Third edition of the Guidance, the significant changes of which are:

- Clarification of requirements after the repeal of the Construction (Head Protection) Regulations 1989
- Update to the provisions for head protection for turban wearing Sikhs following an amendment to the Employment Act 1989
- Updates due to an amendment to Section 3(2) of the Health and Safety at Work etc Act 1974 relating to self-employed persons



HSG263 – Involving your workforce in health and safety: Guidance for all workplaces.

This Guidance is aimed at medium to large employers and is intended to help them in their legal duty to consult and involve their employees on health and safety matters. It centres around four main themes: Getting started: Prepare, Getting organised: Plan, Getting it done: Consult and involve and finally Getting it right: Keep improving.

This version has been updated to clarify examples of how to comply with the Regulations and to update links and references to other guidance.

GUIDANCE ON CONTROL OF LEGIONELLA IN DRY/WET COOLING SYSTEMS

In recent years there has been increasing use of dry/wet cooling systems which are described in HSG274 Legionella Technical Guidance Part 1, paragraphs 1.18-1.21.

These are designed to operate both in dry air cooled mode and wet evaporative cooling mode. There are different types of dry/wet cooling systems, sometimes referred to as “hybrid” or “adiabatic” coolers, and these can have a wide range of risk profiles.

The Water Management Society, endorsed by HSE, has published a document which supplements HSG274 Part 1 with more detailed information to help evaluate between different designs and risk profiles of dry/wet cooling equipment.

The guidance is to help duty holders, which includes employers, those in control of premises and those with health and safety responsibilities for others, to comply with their legal duties and gives practical guidance on how to assess and control the risks due to legionella bacteria in dry/wet cooling systems.

This guidance is freely available to download from the Water Management Society here: <http://www.wmsoc.org.uk/publications/81>

EMERGING HEALTH AND SAFETY RISKS

The European Agency for Safety and Health at Work (EU-OSHA) has highlighted a number of new and emerging risks, featured in an article which is currently trending on its OSHwiki website, set up by the Agency to enable the sharing of health and safety knowledge.

The Agency says that working environments are constantly changing due to new technologies, processes, and substances, as well as developments in the labour market and new forms of employment. Drivers of this change can include globalisation, innovation and evolving demographics such as ageing.

The trending article breaks new and emerging risks into three main categories as follows;

- Physical risks: These include the risks relating to physical inactivity such as sitting in front of a computer screen all day which, when coupled with an inactive lifestyle, can lead to obesity. The article warns that physical risks can also combine with psychosocial risks, for example noting the “considerable body of research” linking psychosocial risks with work-related musculoskeletal disorders.
- Psychosocial risks: Pressures such as job insecurity, work intensification and violence or harassment at work are key drivers of psychosocial risks. The importance of a good work-life balance is also emphasised.
- Dangerous substances: New risks in this category include engineered nanomaterials and other emerging chemical substances for example diesel exhaust and isocyanates. Emerging biological risks such as those relating to Ebola are also mentioned, as is the combination of exposure to more than one dangerous substance, e.g. asbestos and tobacco due to smoking.

Commenting on the subject, a source at EU-OSHA said, “Emerging risks in workplaces can be identified, evaluated and ranked by criteria such as amount of exposure and prevalence. New and emerging risks can be complex, but management of them is possible.”

The Agency’s OSHwiki website can be accessed at <https://oshwiki.eu>



DRUGWIPE SCREENING SYSTEM HIGHLIGHTS A REAL ISSUE

It has long been illegal to drive whilst unfit, through drink or drugs as covered in Section 4 of the Road Traffic Act 1988. On Monday the 2nd March 2015, a new law was introduced to make it illegal to drive with a drug in your system, at a level above that specified and so remove the need for an officer to prove that a driver was impaired.

UK Government believes around 200 lives are lost every year through drug driving. The need to prove impairment under Section 4 was too cumbersome for the police and judicial system to work with. The bureaucratic nature added a time delay during the process of arrest and charge which means the drug wears off before a blood sample can be taken and prosecutions cannot be completed.

In removing these unnecessary delays, the new law allows an officer, having seen bad driving or attending a road traffic collision, to breathalyse and drug screen the drivers straightaway at the roadside and not need to prove impairment. The Drugwipe screening system is now being used by the majority of police forces across England and Wales. Being just the size of a couple of bios they can be stored in all traffic cars and in most operational police vehicles alongside the breathalysers.

Experience from other countries that implemented DrugWipe roadside screening in the past show the number of prosecutions increased drastically.

Drug screening helps take the dangerous and irresponsible drug drivers off the road, which will assist in reducing the many accidents and fatalities. Secondly, this effective enforcement will create a significant deterrent to anyone thinking of driving after having taken drugs.

The Department for Transport has also increased the awareness through their very successful THINK! Campaign, with the message, "Don't take drugs and drive!"

From a workplace perspective:

D.Tec International have developed the Drugwipe screening system and offers to train managers and implement the DrugWipe screening system into companies. UK Sales Manager for workplace testing, Gareth Salisbury, explains:

"DrugWipe has been proven to be an effective means of detecting drug drivers at the roadside and the statistics tell us of the very real issue that exists. From the results that we see within the workplaces that we do supply, we can also confidently say that there is a very real issue amongst many safety critical industries including passenger transport / logistics / warehousing. D.Tec can help guide companies through every step of implementing a workplace Drugs & Alcohol policy and testing programme. Our testing methods are an effective deterrent against employee drug or alcohol misuse, using credible onsite screening drug and alcohol testing solutions including DrugWipe, the polices choice!"

If you would like any further information, please visit www.dteciinternational.com or contact Gareth Salisbury, UK Sales Manager of D.Tec International, at gareth.salisbury@dteciinternational.com



WARNING OVER 'RISING TIDE' OF LONG-TERM CONDITIONS

A new report from the Work Foundation, the think-tank affiliated to Lancaster University, has warned that a "rising tide" of long-term illnesses could "overwhelm Britain's economy" unless employers better support workers and make reasonable workplace adjustments to reverse this trend.

The report, *The Impact of Long Term Conditions on Employment and the Wider UK Economy*, examines the economic implications in the UK of six long-term conditions, namely psoriasis, diabetic macular oedema, asthma, schizophrenia, heart failure and multiple sclerosis.

Focusing specifically on the effects on employment for those of working age, the report highlights the direct and indirect costs to the UK society and projects the likely impact the condition will have in the future.

The Work Foundation says that sickness absence costs the UK economy around £22 billion a year with individuals losing out on a collective £4 billion in lost earnings as a result of illness. Mental illness alone was responsible for the loss of 70 million working days in 2007, and days lost to stress, depression and anxiety have risen by 24% since 2009.

To resolve the crisis, the Work Foundation is calling on the Government to consider the use of tax rebates and financial incentives to employers who help support people with long-term conditions to remain in work. In the report, employers are called on to do their bit by ensuring their workplaces are open and supportive environments and that reasonable adjustments are made to help workers with long-term and fluctuating conditions.

Dr Zofia Bajorek, report author and researcher at The Work Foundation, said, "Unless immediate action is taken the pressure on the economy and the NHS will become unbearable in the future."

USING REACH FOR CHEMICAL INFORMATION

The European Chemicals Agency (ECHA) has launched a multi-level approach to finding information on the 120,000 chemicals used in Europe today, formally making available three sources of the Registration, Evaluation and Authorisation of Chemicals (REACH) regime.

In a recent statement, ECHA pointed out that information is now available in "three layers of complexity," as follows:

- the simple infocard
- the more detailed brief profile
- the full source data.

The infocard gives a summary of the key information on a chemical substance in plain English. Users can read about the chemicals they are exposed to, where they are commonly used, whether they are hazardous and the precautions that they might need to take.

The brief profile goes deeper into the environmental, human health and physico-chemical properties of the chemical. It provides a user-friendly overview of the information collected for each substance under the different chemical regulations. ECHA says this will be most useful for employers, workers, academics and regulators.

The third level, source data, includes the raw data submitted by companies to ECHA in REACH registration dossiers and notifications to the classification and labelling inventory.

Commenting on the issue, Geert Dancet, Executive Director at ECHA, said, "ECHA is moving from collecting information to making much better use of it for the general public as well as for regulators throughout the world. This launch is an important step towards safer chemicals by 2020 and a great contribution from the EU to the goals of the United Nations' World Summit on Sustainable Development set in 2002."

Further information on chemicals can be accessed at <http://echa.europa.eu>

The Food and Drink Manufacturing Health and Safety Awards are sponsored by the IOSH Food and Drink Group. The awards recognise innovative industry projects that have produced a practical solution to, and made a positive impact on, a health and safety problem in the food or drink manufacturing industry.

This year the awards are going international and are keen to receive entries from countries other than the UK.

Entry is open to anyone working in the food or drink manufacturing industry and individual or team entries can be submitted. Projects submitted will need to be original and unpublished but previous entries may also be resubmitted.

Entries should be examples of tackling a proven occupational safety and health need in the workplace. The entry must explain what the problem was, what the business did to tackle the problem, and how the intervention worked and the effect it had in the workplace. The judges will be particularly interested in innovations which have a long-term sustainable effect or which can be readily transferred to other workplaces.

The awards will be presented at the UK National Food and Drink Manufacturing Health and Safety Conference on 4-5 October 2016.

IOSH offer a representative from the winning teams a free conference place, a ticket to the awards dinner, up to two nights of accommodation and up to £500 worth of travel expenses. The award winners and runners-up will be offered the opportunity to give a brief presentation on their project at the start of day two of the conference.

There are generous prizes on offer including a cheque for £750 for the winner and £250 for runners-up, trophies and certificates.

For more information, or to submit an entry, further details can be found here: <http://tinyurl.com/zfvttqp>
The deadline for entries is Friday 03 June 2016.



ENFORCEMENT

OPERATOR INJURED RETHREADING SHRINK WRAP MACHINE

A company who produce household cleaning products have been fined after an employee suffered serious burns when rethreading a shrink wrap machine.

Derby Magistrates' Court heard how the operator of the shrink wrap machine had removed the guard at the rear of the machine to get access to rethread the film. The sealing bar triggered and came down on the operators' hand causing full thickness burns to the palm and wrist of his right hand.

An investigation by the Health and Safety Executive into the incident found that it was common practice for operators to remove a guard to allow access while rethreading the shrink wrap. This allowed access to the sealing bar while the machine was still running.

The business pleaded guilty to breaching Regulation 11(1) of the Provision and Use of Work Equipment Regulations 1998 (PUWER), and was fined £6,000 and ordered to pay costs of £1,075.



SAFETY IS EMPLOYER'S RESPONSIBILITY WHEREVER STAFF WORK

Two companies have been heavily fined following the death of two workers in what a HSE inspector described as possibly the most horrific case he had ever had to deal with.

The two young men, from different companies, were both killed when carrying out maintenance work on a conveyor belt at a Merseyside factory.

During work on the conveyor, it suddenly and unexpectedly started to operate, dragging both men into the machinery and causing catastrophic fatal injuries.

The HSE told Liverpool Crown Court that it had found multiple failings by both companies to properly assess the risks associated with the work.

The factory had not properly assessed the risks associated with the work on the conveyor and did not have in place a proper process for managing contractors nor a procedure for isolating dangerous machinery. In addition, it had failed to train or check the competence of workers.

The employer of the young men had not ensured that the site its workers were visiting had sufficient risk assessments and processes in place and had failed to ensure its workers and contractors had adequate training for the tasks to be carried out.

The factory business was fined £220,000, with costs of £107,000. The employer of the men was fined £190,000, with costs of £107,000.

Following the case, HSE's Principal Inspector Mike Sebastian said: "Carrying out straightforward risk assessments is about protecting workers from serious harm, suffering life-changing injuries or, in this tragic case, death. If both companies had put in place the simple steps to protect their workers' safety, these two young men would still be with us today."

FIRMS FINED AFTER COLD STORE COLLAPSE

Two companies were fined for safety failings that led to two workers being seriously injured at a construction site when a cold store collapsed under them.

A Hertfordshire company was appointed as principal contractor for fitting out a new distribution warehouse in Motherwell, and a Birkenhead company was subcontracted to design and construct the cold store structure.

Hamilton Sheriff Court heard how two workers were seriously injured when the roof lids of the partly constructed cold store collapsed whilst they were working on them.

One employee suffered serious fractures to his thigh bones and his right kneecap; the second suffered two fractures to his right arm requiring a metal plate, and a number of fractures to his foot.

The Hertfordshire company was found guilty of an offence under Section 3(1) of the Health and Safety at Work etc. Act 1974 and fined £64,000.

The Birkenhead business was found guilty of an offence under Section 3(1) of the Health and Safety at Work etc. Act 1974 and fined £71,000.



FOOD PACKAGING COMPANY FINED AFTER INJURY TO OPERATOR

A food packaging company has been fined by Basingstoke Magistrates' Court after an employee lost the tips of two fingers in a bagging machine in April 2015.

The court heard how the operator of the bagging machine had reached under the guard to pull film through the machine. The heat sealing and cutting jaws of the machine closed on his fingers, amputating the tips of his left middle and ring fingers.

HSE's investigation into the incident found that the machine had a hole cut in the interlocked guards to allow larger bags of salad out of the machine on a conveyor, resulting in access to the heat sealing and cutting jaws.

The employer pleaded guilty to breaching Regulation 11(1) of the Provision and Use of Work Equipment Regulations 1998 (PUWER), was fined £60,000 and ordered to pay costs of £1,088.

HSE inspector Kate Clark said after the hearing: "Cutting a hole in the guards led to access to dangerous parts being possible. The company had not properly considered the risks from making this alteration."

CHEMICAL BURNS LEAD TO FINE

A food manufacturing company in Bradford has been fined after an employee suffered chemical burns following an accident at work.

The employee was working at a plant when a hose carrying a caustic substance spilt, spraying him with the solution. He suffered chemical burns to the left side of his face and arms and was also temporarily blinded during the incident.

A subsequent investigation by the HSE found that there was no evidence of preventative measures taken by the company before the incident. The company has been fined £13,000 with £1,323 costs for breaching Section 2(1) of the Health and Safety at Work Act 1974.





MEMBER BENEFIT

Primary Authority Scheme

BFFF is delighted to be able to offer Primary Authority Schemes exclusively for members

Introducing Primary Authority

BFFF can now offer agreed industry advice for members under the Primary Authority Scheme. The advice is 'assured' which means it is legally backed. If the advice is followed, another Local Authority cannot ask you to do anything different.

BFFF has partnered with the Environmental Health team in Wakefield and the Trading Standards team in Cambridgeshire to deliver this service. Both of these Local Authorities specialise in Primary Authority and have expertise in the frozen food industry.

The scheme is free for members to join and will help support members to stay on the right side of regulation.

BFFF have also launched a Fire Safety Primary Authority Scheme in partnership with Lincolnshire Fire & Rescue. This innovative scheme allows members to join to receive industry level advice on all aspects of Fire Safety, but also have a dedicated fire safety contact to provide bespoke advice to businesses. The fire scheme has flexible membership options.

To take part Members can choose to sign up to any combination of the regulatory categories below:

Fair Trading

Food Safety

Health and Safety

Fire Safety

Food Standards (Labelling & Composition)

Weights and Measures

Key benefits for signed up members include:

- Advice and guidance has Regulatory backing, if you follow it, you cannot be asked to do something different.
- Access to the advice of dedicated Environmental Health and Trading Standards Professionals who are experts in the Frozen Food Sector and know how enforcement works!
- It is free to join the scheme and the key benefits of assured advice and guidance with legal backing are also free. Support through any enforcement action or business specific queries do attract a modest 'at cost' charge.



If you have any queries about the scheme please contact:



Martin Forsyth
Tel: 01400 283094
Email: martinforsyth@bfff.co.uk
Food Safety
Food Standards (labelling & composition)
Weights and Measures
Fair Trading



Crystal Holmes
Tel: 01400 283090
Email: crystalholmes@bfff.co.uk
General Enquiries



Joanna Hancock
Tel: 01400 283096
Email: joannahancock@bfff.co.uk
Health and Safety
Fire Safety

HEALTH & SAFETY SEMINAR

Wednesday 6th July 2016
 Ricoh Arena, Coventry CV6 6GE
 9.30am - 3.30pm



PRICE: £99 + VAT per member delegate
£125 + VAT per non-member delegate

Event Sponsored by:



Now in it's seventh successful year, join leading industry experts to discuss a wealth of topics affecting our industry.

Hear from:

- HSE - HSE Priorities 2016/17
- DLA Piper - Sentencing Guidelines Update
- Brakes - Preventing falls whilst working on mobile refrigeration units - NEW Guidance
- Lincolnshire Fire & Rescue - Fire Risk Assessment significant findings
- Mentor Training - Forklift Operator Observation Process
- BFFF - Guidance and Projects Update
- Manual Handling Case Study
- Paul Mahoney: Real Life Story / Behavioural Safety
- Chalcraft Construction: Safety Culture Case Study
- Influencing Supervisor Behaviours Case Study

and more to be announced...



To Book Your Exhibitor Space
 Contact katemiller@bfff.co.uk

Feedback from the 2015 Seminar:

- Once again the BFFF H&S seminar has been informative as well as entertaining. It's definitely a 'must attend' event in my calendar for next year. **Paul Duncalf, Brakes Group**
- Usual high level of interest from me & my company. I look forward to this event every year as a chance to set the stage for the next 12 months. **David Helme, Kerry Foods**

BOOKING FORM

I / We would like to attend the BFFF Health & Safety Seminar on Wednesday 6th July 2016 at the Ricoh Arena, Coventry CV6 6GE

Company _____

Address _____

Postcode _____

Telephone _____ Fax _____

Email _____ Website _____

DELEGATE NAME	JOB TITLE	EMAIL ADDRESS	MOBILE No.

Booked by _____ Signature _____

Please Fax your completed booking form to 01400 283098 or Email: hazelcranidge@bfff.co.uk

Payment can be made by cheque, BACS, Credit Card

For further information or to download a copy of this newsletter, please visit www.bfff.co.uk.

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For more information please visit: www.seventelematics.co.uk



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