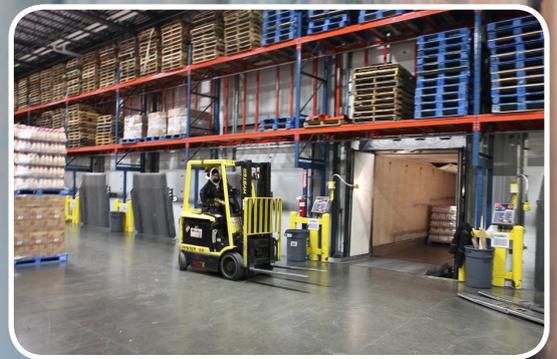


KEEP IT SAFE

BFFF QUARTERLY HEALTH & SAFETY NEWSLETTER

JANUARY 2016



SPONSORED BY:



British Frozen Food Federation

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FOREWORD

Happy New Year and welcome to the January edition of Keep It Safe.

2015 was another busy productive year providing technical support for our membership. Over the past 18 months we have been reviewing the industry guidance for working at height in coldstores. We are delighted that the review is now complete and the reviewed assured guidance was launched to the industry in November. The full details are included within this edition.

Our Health and Safety expert group have continued to support the members through their invaluable contributions to the industry level queries we receive, developing industry guidance and producing our Seminars. We would like to take this opportunity to thank all of our expert group members for their fantastic contributions.

So we do hope that you enjoy this edition of Keep it Safe which will bring you up to date with our health and safety work on behalf of the members, legislative changes and new guidance. This issues' safety focus is on Manual Handling Injuries and the Fire Safety Advice is on Fire Compartments and Considerations.

If there are any topics that you would like to see covered in future issues of Keep It Safe, please contact joannahancock@bff.co.uk

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

Expert Group Update

A major area of work for the group during 2015 has been producing guidance on 'Working at Height on refrigerated vehicles'. This relates mainly to the servicing of mobile refrigeration equipment and affects predominately our members within the foodservice and retail sectors.

There was no guidance on the safe systems of work in this area. As a result the expert group decided to develop guidance on behalf of the industry through the formation of a comprehensive working party representing all the relevant sectors to contribute to the guidance. We are delighted that after three years work, the guidance is now reaching the final stages and we hope to be able to release the final version within the next few months.

During the course of 2015 our expert group have responded to 51 queries from members on health and safety/ Fire Safety matters. Our expert group are able to provide industry feedback on health and safety/ fire safety issues so please do feel free to use this service available to all members. All queries are kept confidential within the BFFF offices and the guidance themes help to shape our industry work. So we shall look forward to hearing from you next year.

The next Health & Safety Expert group is scheduled for 27th January, and we will be welcoming two new members to the group; Chris Moore, Director from Compass and Michelle Walker, Technical Manager from 3 Oceans will join us in the new year and we look forward to their contributions.

Revised HSE common strategy

BFFF is part of the HSE Food and Drink Manufacture Safety forum comprising of representatives from HSE's Food Section key food/drink trade associations and the main food industry trade unions.

One of the key areas of work for this forum in 2015 has been the revision of the common strategy for improving health and safety in the Food and Drink Manufacturing industries. It recognises and builds upon previous work by supporting organisations and aims to further improve the sector's health and safety performance.

The strategy is still currently at the draft stage and currently under consultation with the forum members. However we are able to provide members with outline details of the proposed objectives for members to start considering within their own businesses.

The draft strategy includes 4 specific objectives, which focus on the key causes of ill health and injury and promotes effective occupational health management. The four objectives include an injury rate reduction target, managing Musculoskeletal Disorders (MSD) including Manual Handling and Upper Limb disorders, Slips and Trips and Managing Occupational Health within their organisations.

Once the full consultation period is complete we will provide all members with the full details and how we see this affecting our industry. So please do keep on the lookout for updates.



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BFFF HEALTH AND SAFETY INITIATIVES

SENTENCING GUIDELINES SEMINAR

BFFF are holding a 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 come into force in the courts on the 1st February 2016.



The most notable feature of the Guidelines 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.

Our seminar, aimed at Managing Directors, Financial Directors, Board Directors, Health and Safety Specialists and Senior Managers of our members' businesses will provide 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

Delegates will have the opportunity to question legal specialists, prepare for the effects of the guidelines, and learn how to best protect businesses and employees for the future.

If you would like to attend the event, please email crystalholmes@bff.co.uk for a booking form.



BFFF LAUNCH WORKING AT HEIGHT IN COLD STORES GUIDANCE

We are delighted to report that the industry guidance on the selection of appropriate work equipment for working at height in cold stores has now been reviewed and assured by our Primary Authority, Wakefield Metropolitan District Council. The Health and Safety Executive (HSE) approved the original version of this guidance in 2007 and they have been involved throughout the review process.

BFFF worked with the FSDF and developed the original guidance in 2007 after full consultation with HSE which provided our industry with special dispensation for the use of non-integrated working platforms (e.g. cages) in certain circumstances. BFFF and FSDF members were consulted as part of the review process to understand the current working practises in operation within cold storage businesses, and we would like to thank all our members for their input.

The latest version continues to allow a specific dispensation for the use of non-integrated working platforms (cages) within the cold store environment in specific circumstances. However this update version also includes a technical requirement of the isolation of specific controls on the lift truck when the integrated working platform is in use.

The guidance also contains information on:

- A hierarchy for selecting work at height equipment within a cold store environment
- Areas for consideration within a safe system of work for using a non-integrated working platform
- Guidance on documentation and records

As this guidance is now 'assured' by Wakefield, it is legally backed and if you are a member of our Primary Authority with Wakefield, and follow the advice, another Local Authority cannot ask you to do anything different. Our Primary Authority with Wakefield is free to join and is available for all our members that are regulated by the local authority so please contact Crystal Holmes for more details crystalholmes@bfff.co.uk.

The latest version of this guidance is available [here](#). Please do not hesitate to contact Joanna Hancock with any queries joannahancock@bfff.co.uk.

BENCHMARKING STATISTICS

In January we will begin to collate our members' health and safety statistics for 2015. Please do look out for the statistics e mail from Emma and we shall look forward to confidentially receiving your information.

Last year we had 29 Food Manufacturers, 22 Wholesalers and 6 Logistics Service Providers all confidentially sharing their health and safety information with the BFFF for collation. This data input continues to provide an excellent benchmarking tool for our industry. Furthermore, each member contributing their health and safety statistics has an opportunity for BFFF to provide a detailed comparison for their company. Feedback from members has shown that they have found the comparisons a very valuable health and safety management tool within their businesses.

We would like to once again thank all of our members that contributed last year and hope that this years' results will be just as useful for your businesses.

To get involved, or for more information contact emmacranidge@bfff.co.uk

FIRE SAFETY – FROM LINCOLNSHIRE FIRE & RESCUE

FIRE COMPARTMENTS AND CONSIDERATIONS

Every building must be designed and constructed in such a way that in the event of an outbreak of fire within the building, fire and smoke are inhibited from spreading beyond the compartment of origin until any occupants have had the time to leave that compartment and any fire containment measures have been initiated. The object is twofold:

- To prevent rapid fire spread which could trap occupants of the building; and
- To reduce the chance of fires becoming large, on the basis that large fires are more dangerous, not only to occupants and fire service personnel, but also to those in the vicinity of the building.

As a by-product compartmentation will also reduce the chances of structural collapse and minimise fire losses. The most common identified cause of death from a fire incident is being overcome by smoke or toxic fumes. This amounts to around 53% of all fire fatalities. Annually fire costs industry in excess of £6 billion and results in approximately 18,000 injuries and 350 fire deaths.

Fire compartmentation is a vital part of any fire safety design and is often referred to in a number of different ways: fire walls (and floors); fire separation; protected corridors / stairs; firefighting shafts etc. all carry the same meaning. Compartmentation is basically the division of a building into cells, using construction materials that will prevent the passage of fire from one cell to another for a given period of time.

Compartment walls and floors should be provided in the following circumstances:

- A wall common to two or more buildings;
- Parts of a building occupied for different uses – this would apply to a cold store with office space attached;
- Places of special fire hazard – boiler rooms, electrical switchgear cupboards etc.
- Every wall used to sub-divide a building to observe the size limits on compartments;
- Every floor if the building has a floor height more than 30m above ground.

Over a period of time premises are frequently modified and adapted to keep up with business requirements and legislation changes. It is vital to ensure that any work which has an impact on any compartment wall or floor does not reduce the integrity of the structure. The main causes of this are the addition of pipes, services and ductwork. Where holes are made for these to pass through it is vital that suitable fire stopping is employed. As can be seen below this is not always carried out. In the event of a fire smoke can easily pass from one compartment to another endangering people. This is also a route for fire spread. Hot gasses and flames will easily ignite combustible items in the adjoining compartment therefore assisting with a rapid spread of fire.



In areas where insulated composite panels are located it is particularly important to ensure that suitable fire stopping is employed to prevent ignition. Where works are identified as impacting on compartment walls or floors the making good to the appropriate fire resistance should be specified at the design stage. All works should be closely monitored and subjected to rigorous inspection regimes on completion.

In specifying the fire resistance of compartments there are three possible modes of failure of the partitions which comprise:

- (1) Ceiling above
- (2) Floor below
- (3) Walls/doors which form the compartment

When exposed to fire they should maintain:

- Stability (i.e. not collapse);
- Integrity (i.e. not be holed, cracked, or otherwise perforated);
- Fire stopping (i.e. prevent the passage of fire by conduction, convection or radiation).

The ability of a compartment to maintain these features giving effective compartmentation is measured in minutes. It is essential that for the component parts to work as they should in compartmentation, i.e. fire doors, then they must perform to the specified time required – given their location in a building and the building structure.

All openings in compartment walls and floors will have a specified fire resistance (usually 30 or 60 minutes). This applies to items such as doors, windows and roller shutters which will be constructed to meet this standard and should be properly maintained.

As a compartmented area forms part of a firefighting area, then damaged or inadequate compartmentation could hinder or affect the fire service response and in the worst instance give rise to serious risks for fire fighters. This could result in enforcement action being taken against the Responsible Person under Article 38 of the Regulatory Reform (Fire Safety) Order 2005 – ‘Maintenance of measures provided for protection of fire fighters.’



These photos show the results of a break down in the compartmentation of a cold store. The fire was caused by an electrical fault which rapidly spread through the sandwich panel construction. The external compartment wall to the rear of the building was breached by the fire which spread to the adjoining building resulting in the loss of the whole structure. Cold stores and food processing centres pose a unique problem in that they are frequently constructed from highly combustible materials. Many older designs also incorporate other hazards such as asbestos all of which can hinder firefighting operations and contribute to the loss of the building.

By maintaining your compartmentation to the correct standards you can reduce the severity and impact of any fire both in terms of business disruption and life safety risk. It is strongly advised that an inspection of all compartments is undertaken and remedial action carried out. Compartmentation is one of the most overlooked of all fire safety measures yet on a pound for pound basis can have the most positive impact on a successful outcome.





As energy costs rise, solar power is becoming a fast growing energy source. Roof tops and walls of large industrial and commercial buildings are an ideal location for the installation of photovoltaic (PV) power generation. This not only makes economic sense but is also an ideal way to demonstrate your commitment to improving the environment.

If you are thinking of installing solar panels on your premises then there are a number of Fire Safety issues to consider:

The Regulatory Reform (Fire Safety) Order 2005 requires a risk assessment to be reviewed any time there has been a significant change in the premises that has affected the fire precautions. The installation of a large photovoltaic array has a number of known fire safety hazards which should trigger a full review of the Fire Safety Risk Assessment.

Considerations

Upon arrival at a burning building one of the primary considerations for firefighters is to disconnect or isolate the utilities to the structure (including electrics). However, this is not possible with solar systems since the panels themselves will continue to produce power as long as the sun is shining. Isolating switches will be fitted to systems but these only isolate from the switch onwards. Depending on the location of isolation switches all electric systems from the panel to the isolator will still be live. There are remote operated isolation switches which can be fitted on the roof close to the panels and be operated from the ground. Wherever possible these should be fitted. Even with these, panels will remain live along with any cabling before the isolator. There may also be capacitors and battery storage systems which will remain live even after operation of isolation switches.

Tests have shown that solar panels continue to produce electricity even when exposed to low light sources such as:

- Artificial light from scene lighting during a night time incident
- Artificial light from street lighting
- Light from exposure to fire
- Light from a low ambient source, such as a full moon.

The use of tarpaulins or fabric covers to block light has been considered but in reality are not practical solutions. Whilst these can be effective at blocking light and therefore isolating panels from producing current there are a number of issues with their use:

- Dependent upon the size of the array there may be a significant number of covers required
- Storage of the covers - will there be space and a suitable facility to store them at roof level?
- Deployment of the covers - the main issues being weather conditions at the time and operating on the roof above a fire situation
- Flammability - covers compromised by fire will assist with fire spread but also allows panels to start producing electric current
- Conductivity - covers becoming wet either through weather or firefighting operations may conduct electricity.

Many solar arrays operate at high Direct Current (DC) in many cases up to 1000 V DC. From a firefighting perspective DC current is a significant hazard over Alternating Current (AC) as DC causes muscles to contract sufficient to create a "lock-on" hazard. During a fire DC cable insulation may melt causing a DC flash arc. These DC arcs are an ignition source themselves but may also conduct electric current to any steel cladding on the roof or the building framework posing a further hazard to firefighters.

Solar arrays on sloping roofs also pose additional hazards:

- Damage to the mounting mechanism can lead to solar panels falling from a roof;
- The air gap between the panel and the roof can act as a flue. This accelerates the flame front and will promote rapid fire spread .

The additional weight of solar panels may also lead to earlier collapse of a roof if the integrity of the structure becomes compromised by a fire.

Solar panel arrays are exposed to all extremes of the climate so are required to be extremely durable. Certain types of material which traditionally perform well in this regard (certain types of plastics) do not necessarily have good fire resistance characteristics. Whilst the solar panels themselves contain limited amounts of plastics it is the frames, mounting systems, cabling and boxes that can add to the combustible loading of an installation. This should be taken into consideration as it can affect the combustibility of the whole roof.

Firefighters are unlikely to access a roof containing solar panels due to the inherent electric shock risks so are likely to employ stand-off methods of firefighting. This will often involve the application of water using "Fog" branches as water jets have been known to conduct electricity. These fog branches do not have the throw that a water jet would have so the use of aerial appliances will be required in order to apply water to the roof. The use of these aerial appliances brings with it access and water supply considerations. Solar panels will also act as a barrier, preventing water applied from above reaching the seat of the fire.

All of the above factors should be taken into consideration when reviewing the Fire Risk Assessment. It is strongly advised that you liaise with your local Fire Service at the planning stage in order to address any local operational issues. You should draw up Emergency Plans in conjunction with the Fire Service and include contact details of (24 Hour available) qualified electricians who are familiar with the installation and are able to disconnect the system. Finally local crews should be familiarised with the installation and made aware of all isolating points. If you operate a premises information box or grab pack system to provide information to the fire service then details of the solar installation should be included within this.

SAFETY FOCUS

MANUAL HANDLING INJURIES: FOOD INDUSTRY AMONG MOST AT RISK

Provided by Mentor Training Ltd.

Whether its agriculture, processing, preparation, picking lines, distribution or even point of sale, there's no denying that the food industry is, by nature, a hands-on, labour intensive industry. Though it provides a vital service to the UK population, not to mention the economy – the food industry was recently cited as contributing £96.1bn per year to the UK economy - we need to be mindful that the associated physical exertions don't come at a cost to those carrying them out.

With the manual nature of many tasks (repetition, bending, lifting, moving and the like) those working in the food industry are definitely some of the most at risk when it comes to sustaining manual handling injuries, and, as a HSE Category B industry, has their second highest risk rating to prove it. As a result, at the latest BFFF Health and Safety Seminar, the HSE pinpointed manual handling in the food and drink industry as a specific target area for improvement over the next five years.



The facts

To provide some context, according to the HSE, 30 per cent of reported food and drink injuries are manual handling injuries, which equates to roughly 1700 acute injuries per year. The BFFF's own members' health and safety statistics from 2014 confirm the severity of the problem within the frozen food industry. Based on the reported accident rate, not only was manual handling was in the top three reportable accident categories among Wholesalers and Logistics Service Providers, but it had the highest accident rate of any category among Food Producers.

More than just lifting

Whilst 60% of manual handling injuries within the food industries involve lifting heavy objects, it's important to remember that this means the remaining 40% don't. There's a common misconception that manual handling just refers to lifting and carrying but we need to be aware of all types of manual handling as all have the potential for injury.

Actions such as pushing, pulling and twisting must not be neglected and, don't forget, as well as one-off traumatic injuries, the repetition of 'light' tasks can lead to cumulative injuries developed over time. Each manual handling activity has a unique set of hazards and warrants its own risk assessment, and, wherever possible, it's beneficial for them to be replicated in training, too.

Ensuring training is relevant to your staff

Without a doubt, we need to move away from generic courses that teach every delegate how to safely lift and set down a box of printer paper, if we want to make sure delegates truly benefit from manual handling training, and include relevant scenarios instead.

In our experience, training is most effective and engaging when content is as tailored as possible to the delegates attending. It needs to be relevant and applicable to the industry and, more specifically, the job roles of those taking part. We've found that training scenarios that use real tasks, loads and working environments really help delegates to apply what they've learned once training is over. And if delegates are at high risk of sustaining a manual handling injury, they need a course that is sufficiently detailed to ensure they are fully aware of the potential pitfalls.

What's more, it's not enough to simply familiarise delegates with examples of good and bad practice. To ensure best practice is engrained, we target their behaviour and the attitudes at the root of any bad practice. At the end of the day, cutting corners, complacency and ignorance of the dangers are no defence against sustaining a potentially life-altering injury; these need to be tackled now to maintain positive change in the long term.

Learning from each other

When putting what has been learned into practice, the HSE have produced a collection of case studies from across the industry which provide some useful guidance. Containing 100 case studies from companies who have overcome issues with manual handling, each explains the task and the problem it created, as well as the solutions devised and end results. 'Moving food and drink: Manual handling solutions for the food and drink industries' is well worth a read and can be downloaded for free from <http://www.hse.gov.uk/pubns/books/hsg196.htm>

For further guidance on how to reduce the risk of injury and enjoy the benefits of safe manual handling within your business, please call Mentor Training on 01246 555222.



LEGISLATION UPDATE

NEW SENTENCING GUIDELINES

The Sentencing Council's 'Health and Safety Offences, Corporate Manslaughter and Food Safety and Hygiene Offences – Definitive Guideline' has been published and aims to ensure a consistent, fair and proportionate approach to sentencing organisations or individuals convicted of corporate manslaughter, health and safety and food safety and hygiene offences.

Sentencing Council

They have been produced by the independent Sentencing Council for England and Wales, and will come into force in courts on 1 February 2016, although offences before this date will be sentenced according to this guideline. The guidelines are available at www.sentencingcouncil.org.uk.

The Guideline was 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.

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 may become the norm.

The level of fines imposed will be tied to turnover. Large businesses are classed as those with a turnover of £50 million or above, Medium between £10m and £50m, Small between £2m and £10m and Micro less than £2m. BFFF responded to the consultation on the draft guidelines and expressed concern that businesses in our industry can have high turnovers but relatively low profits; and we are happy to see that this has been reflected in the published guidelines. They now state that when finalising a sentence: "The profitability of an organisation will be relevant. If an organisation has a small profit margin relative to its turnover, downward adjustment may be needed."

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 legislation.

It has been noted that a reduction in culpability may be obtained if the business can prove their attempts at compliance. This could be through using industry level guidance, training regimes or even through being actively involved in a Primary Authority Scheme.

For more information on how to join the BFFF's Primary Authority Scheme, which covers Health & Safety, Fire Safety, Food Safety, Labelling & Composition, Weights & Measures and Fair Trading, contact crystalholmes@bfff.co.uk

SMOKING IN VEHICLES

Following the law change in 1st October 2015, it is now illegal to smoke in a car (or other vehicle) with anyone under 18. The law changed to protect children and young people from the dangers of second hand smoke.

Both the driver and the smoker could be fined £50. The law applies to every driver in England and Wales, including those aged 17 and those with a provisional driving licence.



The law applies:

- to any private vehicle that is enclosed wholly or partly by a roof
- when people have the windows or sunroof open, or the air conditioning on
- when someone sits smoking in the open doorway of a vehicle

The law does not apply to:

- e-cigarettes (vaping)
- a driver who is 17 years old if they are on their own in the car
- a convertible car with the roof completely down

For more information, see guidance on new rules about tobacco, e-cigarettes and smoking: <https://www.gov.uk/government/publications/new-rules-about-tobacco-e-cigarettes-and-smoking-1-october-2015>

EXEMPTION FOR TURBAN-WEARING SIKHS EXTENDED

The Health and Safety Executive (HSE) has confirmed that the exemption for turban-wearing Sikhs to wear head protection in the workplace has been extended and now applies to all workplaces, not just the construction sector.

In terms of ss. 11 and 12 of the Employment Act 1989, as now amended by s.6 of the Deregulation Act 2015, turban-wearing Sikhs are exempted from any legal requirement to wear head protection at a workplace.

A workplace is defined broadly and means any place where work is undertaken including any private dwelling, vehicle, aircraft, installation or moveable structure, including construction sites.

The HSE says there is a limited exception for particularly dangerous and hazardous tasks performed by individuals working in occupations which involve providing an urgent response to an emergency where a risk assessment has identified that head protection is essential for the protection of the individual, e.g. such as a firefighter entering a burning building or dealing with hazardous materials.

The exemption applies only to head protection and Sikhs are required to wear all other necessary personal protective equipment (PPE) required under the Personal Protective Equipment Regulations 1992 (PPE Regulations).

It should also be noted that the exemption does not differentiate between employees and other turban-wearing Sikhs that may be in the workplace, e.g. visitors. However, it applies solely to members of the Sikh religion and only those Sikhs that wear a turban.

Employers are still required to take all necessary actions to avoid injury from falling objects, by putting in place such safe systems of work, control measures and engineering solutions, e.g. restricting access to areas where this may be an issue.

Where a turban-wearing Sikh chooses not to wear the head protection provided, the exemption includes a limitation on the liability of the duty-holder should an incident occur.

BETTER CASE MANAGEMENT

Better Case Management (BCM) links certain key complementary initiatives, which together should improve the way cases are processed through the system, for the benefit of all concerned within the criminal justice system (CJS). BCM will evolve given the considerable changes that are currently taking place within criminal justice.

BCM forms part of the implementation of Sir Brian Leveson's report Review of Efficiency in Criminal Proceedings; indeed, it is based on the overarching principles or themes of the Review:

- Getting it Right First Time
- Case Ownership
- Duty of Direct Engagement
- Consistent judicial case management

The overarching aims of BCM are:

- Robust case management
- Reduced number of hearings
- Maximum participation and engagement from every participant within the system
- Efficient compliance with the Criminal Procedure Rules; Practice and Court Directions.

BCM introduces two major case management initiatives:

1. A uniform national Early Guilty Plea scheme (EGP); and
2. Crown Court Disclosure in document-heavy cases.

6 Early Adopter Crown Courts in the UK have trialled the scheme since October 2015. The Judicial Leads are now working to ensure that the other Crown Courts are ready for implementation of BCM on 5 January 2016. More information is available in the Better Case Management Information Pack: <http://tinyurl.com/hvq7cy7>

Q&A'S

KEEPING HEALTH RECORDS

Q. As part of our health surveillance system, we wish to ensure that we keep appropriate health records. Are there any specific requirements in relation to the keeping of such records?

A. Health records differ to clinical health records in that they do not contain confidential clinical details. As such health records may be kept securely with other confidential personnel records whereas clinical records must be held in confidence by an occupational health professional and can only be released with the written consent of the individual that they relate to.

As a general rule, individual health records should be retained for as long as the employee is under health surveillance but it is good practice to retain copies during the whole of the employment period. Some regulations (such as COSHH) require employers to keep health records for at least 40 years. It is also good practice to offer individual employees a copy of their health records when they leave the organisation.

Health records may be kept in any format, (paper or electronically). Where records are kept electronically, employers should ensure that they have a suitable back-up system that allows access to copies of the records in the event of a serious computer system failure.

It should also be borne in mind that health records should be kept in accordance with any requirements relating to the Data Protection Act 1998. In particular, employers should inform those on whom records are held that a record is being kept, what the purpose of keeping it is and that they have a right to see the information and correct it if necessary.

Q. As a client under the Construction (Design and Management) Regulations 2015, I am aware that I must “make suitable arrangements for managing the project”. Could you outline what these arrangements are?

A. Under the Construction (Design and Management) Regulations 2015 (CDM), the client has overall responsibility for the successful management of the construction project and is required to “make suitable arrangements for managing a project”.

Regulation 4 of CDM further states that arrangements will be suitable if they ensure that the construction work can be carried out, so far as is reasonably practicable, without risks to the health or safety of any person affected by the project, and that facilities in Schedule 2 of CDM on minimum welfare facilities are provided.

In addition, a client must ensure that these arrangements are maintained and reviewed throughout the project.

The welfare facilities relate to adequate sanitary conveniences, washing and rest facilities, drinking water and changing facilities and are fully detailed in Schedule 2.

In terms of the former requirement, the arrangements should be proportionate to the project and be given consideration during the planning, design and construction phases and will include:

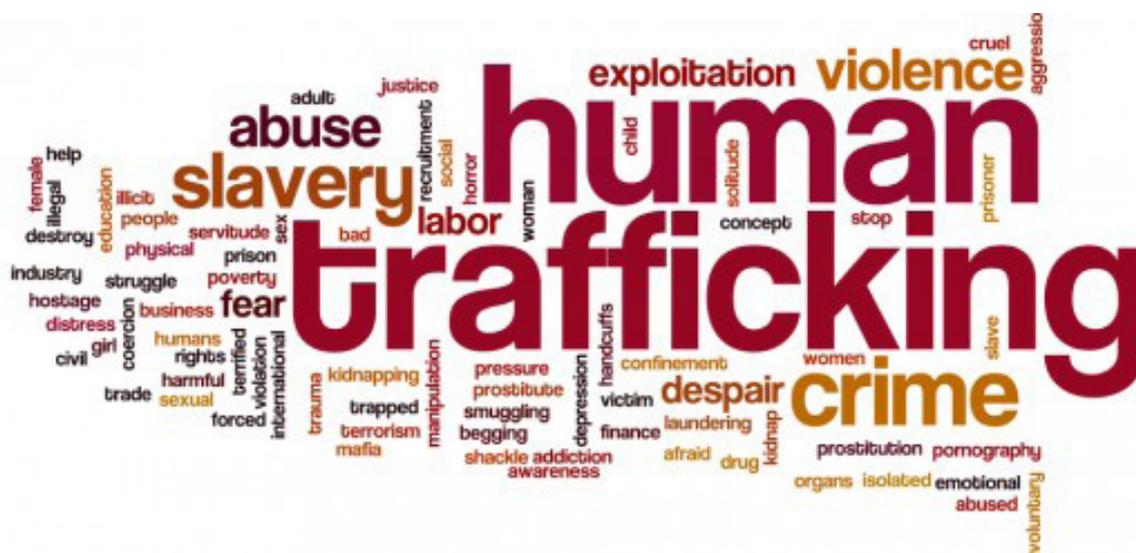
- how the project team is to be assembled including the appointment of designers and contractors
- ensuring that roles, functions and responsibilities of the project team are clear to all
- what steps the client will take to ensure appointees are complying with their duties under CDM
- ensuring that sufficient time and resources are allocated to each stage of the project
- ensuring that welfare facilities are in place before construction work commences
- having in place arrangements for all parties to communicate, cooperate and coordinate activities.

For more complex projects the arrangements may have to address what is expected of the design team in terms of “designing in” safety both for construction work and when the building is put into use. They may also include the arrangements for commissioning the new building and the required handover procedure to the building user.



GUIDANCE

ANTI-SLAVERY TRANSPARENCY IN SUPPLY CHAINS



The Home Office has published a new guide 'Transparency in Supply Chains: A Practical Guide' following the Modern Slavery Act 2015 receiving royal assent in March.

The Act requires businesses with a turnover of £36 million or more to produce an annual slavery and human trafficking statement and the guide provides information and support on how to do this. If an organisation has taken no steps to do this, their statement should say so.

The measure is designed to create a level playing field between those businesses, whose turnover is over a certain threshold, which act responsibly and those that need to change their policies and practices. However, the Government wants to encourage businesses to do more, not just because they are legally obliged to, but also because they recognise it is the right thing to do.

One key purpose of this measure is to prevent modern slavery in organisations and their supply chains. A means to achieve this is to increase transparency by ensuring the public, consumers, employees and investors know what steps an organisation is taking to tackle modern slavery.

Those organisations already taking action can quickly and simply articulate the work already underway and planned. Organisations will need to build on what they are doing year on year. Their first statements may show how they are starting to act on the issue and their planned actions to investigate or collaborate with others to effect change.

A focus on tackling modern slavery not only protects vulnerable workers and helps prevent and remedy severe human rights violations, it can bring a number of business benefits too. These could include:

- protecting and enhancing an organisation's reputation and brand;
- protecting and growing the organisation's customer base as more consumers seek out businesses with higher ethical standards;
- improved investor confidence;
- greater staff retention and loyalty based on values and respect; and
- developing more responsive, stable and innovative supply chains

The guidance can be accessed at www.gov.uk/government/publications.

MODERN SLAVERY TRAINING FOR SUPERVISORS AND RECRUITERS

Newly released online training courses for front line supervisors and recruiters expand support to business to tackle modern slavery.

Stronger Together was launched in 2013 as a collaborative business led initiative to equip UK employers and recruiters with the practical knowledge and resources to tackle modern slavery by providing free good practice guidance and tools through www.stronger2gether.org and so support industry to combat forced labour, labour trafficking and other hidden worker exploitation in their business and supply chains

Stronger Together, with Eukleia Training, has launched two online “Tackling Modern Slavery” training modules, one for front line recruiters working in recruitment businesses and the other for first line supervisors in any at risk employment sector.

Organisations may request a free trial of these online “Tackling Modern Slavery” modules for recruiters and supervisors at <http://stronger2gether.org/training>. For those that decide to take the modules, there is a small charge per trainee to cover development and delivery costs.

The Stronger Together development partners, the Association of Labour Providers, Gangmasters Licensing Authority and Migrant Help have worked with the retail project sponsors on these online modules and so further expand the range of training solutions available to support business in tackling modern slavery.

The newly released online training modules supplement the core Stronger Together training workshop, “Tackling Modern Slavery in UK Businesses and Supply Chains” which so far has helped over 900 delegates from 600 manufacturing businesses and recruitment companies understand their responsibilities and the best practice in tackling modern slavery in the UK.



THE ASSESSMENT OF REPETITIVE TASKS (ART) TOOL

The assessment of repetitive tasks (ART) tool is designed to help business risk assess tasks that require repetitive moving of the upper limbs (arms and hands). It helps assess some of the common risk factors in repetitive work that contribute to the development of upper limb disorders (ULDs).

The tool is aimed at those responsible for designing, assessing, managing and inspecting repetitive work. It can help identify those tasks that involve significant risks and where to focus risk-reduction measures. It will be useful to employers, safety representatives, health and safety practitioners, consultants and ergonomists.

ART is most suited for tasks that:

- involve actions of the upper limbs;
- repeat every few minutes, or even more frequently; and
- occur for at least 1–2 hours per day or shift.

The tasks are typically found in assembly, production, processing, packaging, packing and sorting work, as well as work involving the regular use of hand tools. ART is not intended for display screen equipment (DSE) assessments.

It includes an assessment guide, a flow chart, a task description form and a score sheet. Further information on ART, including online training on how to use the tool is also available here: <http://www.hse.gov.uk/msd/uld/art/index.htm>

HSE has completed a review of three publications dealing with fire and explosion hazards associated with flammable liquids.

The reviewed publications are:

- HSG176 – The storage of flammable liquids in tanks;
- HSG51 – The storage of flammable liquids in containers; and
- HSG140 – Safe use and handling of flammable liquids.

HSG176 – The storage of flammable liquids in tanks

This guidance applies to above and below ground fixed bulk storage tanks. It applies to premises where flammable liquids are stored in individual tanks or groups of tanks. It may also be applied to portable or skid-mounted vessels with capacities in excess of 1000 litres.

It also gives guidance on the design, construction, operation and maintenance of installation used for the storage of flammable liquids in fixed and transportable tanks operating at or near atmospheric pressure.

It will help you assess the risks arising from the use of flammable liquids and decide how to control those risks.

It can be accessed here: <http://www.hse.gov.uk/pubns/books/hsg176.htm>

HSG51 – The storage of flammable liquids in containers

This guidance is for those responsible for the safe storage of flammable liquids in containers at the workplace. It applies to storage of flammable liquids in containers up to 1000 litres capacity.

It explains the fire and explosion hazards associated with flammable liquids and will help you determine how to control the risks in your workplace.

In recognition of the diversity of premises in which flammable liquids are stored and/or used, the guidance now contains discrete topic areas which outline the potential risks and recommended control measures for a number of different types of business.

It can be accessed here: <http://www.hse.gov.uk/pubns/books/hsg51.htm>

HSG140 – Safe use and handling of flammable liquids

This guidance is for those responsible for the safe use and handling of flammable liquids in all general work activities, small-scale chemical processing and spraying processes.

It explains the fire and explosion hazards associated with flammable liquids and will help you determine how to control the risks in your workplace.

It can be accessed here: <http://www.hse.gov.uk/pubns/books/hsg140.htm>

UPDATED GUIDE TO LOCAL EXHAUST VENTILATION

HSE have updated their guidance on 'Controlling airborne contaminants at work: A guide to local exhaust ventilation (LEV)'.

This guidance describes the principles and good practice of deciding on, designing, commissioning and testing cost-effective LEV.

It is written for suppliers of LEV goods and services, but will also be helpful for employers and managers in medium-sized businesses, and trade union and employee safety representatives. All of these groups need to work together to provide, maintain and use effective LEV and to reduce exposure from inhalation of hazardous substances.

The guidance contains information about: the roles and legal responsibilities of suppliers, and of their clients as employers; competence; principles of good design practice for LEV hoods and their classification; ducts, air movers, air cleaners; and system documentation.

This new edition updates the guidance based on reader feedback and can be found here: <http://www.hse.gov.uk/pubns/books/hsg258.htm>

MANAGING RISKS FROM SKIN EXPOSURE AT WORK

HSE has refreshed its guidance on Managing risks of skin exposure at work – HSG262.

Many materials used at work can affect the skin or can pass through the skin and cause diseases elsewhere in the body. If you are an employer, health and safety adviser, trainer or safety representative, the publication provides guidance to help you prevent these disabling diseases.

It covers the protective role of the skin, ill health arising from skin exposure, recognising potential skin exposure in your workplace, and managing skin exposure to prevent disease.

There is guidance on assessing and managing risks, reducing contact with harmful materials, choosing the right protective equipment and skin care products, and checking for early signs of skin disease.

The document also contains a series of case studies drawn from a wide range of industries.

The guidance in this edition has been refreshed and references updated, and can be accessed here: <http://www.hse.gov.uk/pubns/books/hsg262.htm?eban=govdel-publications&cr=17-Nov-2015>

HSE HEALTH & SAFETY STATISTICS 2014/15 PUBLISHED

HSE have published their Health & Safety statistics for 2014 to 2015.

They have highlighted their Key figures for Great Britain:

- 1.2 million working people suffering from a work-related illness
- 2,538 mesothelioma deaths due to past asbestos exposures (2013)
- 142 workers killed at work
- 76,000 other injuries to employees reported under RIDDOR
- 611,000 injuries occurred at work according to the Labour Force Survey
- 27.3 million working days lost due to work-related illness and workplace injury
- £14.3 billion estimated cost of injuries and ill health from current working conditions (2013/14)

The full statistics report can be found here: <http://www.hse.gov.uk/statistics/overall/hssh1415.pdf>

FIT FOR WORK SCHEME UPDATE

Fit for Work, the new, independent health and work assessment and advisory service, was introduced on a phased basis mid-2015. The scheme, aimed at getting long-term absent employees (those off sick for four weeks or more) off sickness benefit and back to work, gives employers of all sizes support to help them manage long-term sickness absence, thus reducing costs.

A telephone helpline and online support is available to both employers and employees which provides advice on sickness absence and/or work-related health matters in respect of long-term absent employees.

The scheme also provides state-funded occupational health assessments. For employees referred for assessment, the aim is to devise a return to work plan with recommendations (as appropriate) for workplace adjustments to help them return to work.

Employees are normally referred to the service by their GPs, although in certain circumstances the employer may refer an employee itself. Referral needs the employee's consent, however, ie employees cannot be compelled to attend an assessment and the scheme is not mandatory. An individual employee can only be referred once every 12 months, although an employer can refer as many employees as it wishes.

Trade Unions have raised a number of concerns that employers need to manage correctly. Here are some tips to ensure that Fit for Work is used sensibly and fairly:

- a) Avoid pressurising employees to return to work if they don't feel well enough. Fit for Work is for helping employees return to work when they are fit to do so.
- b) Be sure to follow through on the recommendations of the Return to Work Plan. This will help to demonstrate that you are serious about the employee's welfare and will assist in dispensing your duty of care to the employee.
- c) Continue to use your own occupation health services if you have them in place as Fit for Work is not intended to replace existing arrangements.
- d) If you don't have occupational health services then Fit for Work is a good way to start down the path of providing this valuable benefit to employees.

Employers can access health and work advice at any time through the Fit for Work as shown below:

England & Wales	Scotland
Web: http://fitforwork.org/	Web: http://www.fitforworkscotland.scot/
Freephone Tel: 0800 032 6235 (English) or 0800 032 6233 (Cymraeg)	Freephone Tel: 0800 019 2211

Fit for Work

KEEPING ELECTRICAL SWITCHGEAR SAFE

The HSE has published a new second edition of its guidance on keeping electrical switchgear safe. In an electric power system, switchgear has been described as the combination of electrical disconnect switches, fuses or circuit breakers used to control, protect and isolate electrical equipment.

Switchgear is used both to de-energise equipment to allow work to be done and to clear faults downstream.

The HSE warns that failure of electrical switchgear can cause death, serious injury and major damage.

The newly revised guidance, HSG230 Keeping Electrical Switchgear Safe (<http://www.hse.gov.uk/pubns/books/hsg230.htm>) is aimed at owners and operators of electrical switchgear in industrial and commercial organisations, with the intention of helping managers, engineers and others to understand their responsibilities and duties in the selection, use, operation and maintenance of high-voltage switchgear.

The HSE points out that some knowledge of electrical switchgear and distribution systems is necessary to gain most benefit from the new guidance document.

CONCERN OVER “HI-VIZ” SAFETY VESTS

The British Safety Industry Federation (BSIF) has expressed concern about the selling and use of non-compliant “hi-viz” vests, warning companies to only buy personal protective equipment (PPE) from registered suppliers.

The comments from the BSIF follow a recent prosecution against the retailer Poundworld by Hertfordshire County Council Trading Standards.

BSIF says the retailer was fined £63,000 for selling “non-compliant non-performing” vests that were misleadingly described as hi-viz.

The case was brought after a Trading Standards officer purchased a particular hi-viz safety vest for £1 from Poundworld in Watford. The vest was subsequently tested to measure its visibility in low-light conditions and the results were described as “amongst the worst results ever recorded” by the testing company.

Following this, Poundworld agreed to withdraw the product from sale on 5 June 2014 but stated that they had never received any complaints about the vests and therefore believed the test failures could be attributable to a batch problem.

The vest was then tested for visibility in daytime light conditions and again failed. As a result, Poundworld conducted a national recall of the products on 16 January 2015.

It was submitted that this was an uncharacteristic breach and that Poundworld had relied on their suppliers and had been misled.

Commenting on the issue, BSIF said it continued to publicise and encourage PPE users to source products from registered safety suppliers who commit to ensuring that they will only supply regulated compliant products.

The BSIF operates the Registered Safety Supplier Scheme where members have binding commitments to only supply products which meet the relevant standards. Further information on this scheme can be accessed at www.bsif.co.uk.



A new Research Report has been published by HSE looking at their Leadership and Worker Involvement Toolkit (LWIT) which was originally launched in June 2011 and updated several times since.

LWIT is intended to help contractors and managers learn how to make health and safety improvements in their businesses by learning from the “best in the construction industry”. Although aimed at the construction industry, the Toolkit is designed so that other industries can benefit.

HSE’s research aimed to “explore how the LWIT is applied in practice by construction SMEs, and to capture the potential benefits and challenges from following the advice and using the tools in the form of a case study” and entailed following five companies as they applied the LWIT over a minimum period of 12 months.



Individual findings for each company were summarised into case studies, from which the main findings were:

- a) That the experience of using the LWIT was positive, with each company considering it to be a valuable resource.
- b) The toolkit brought about benefits including improved H&S culture and quick wins such as increased confidence and competence of supervisors and increased risk awareness.
- c) Minor challenges to the rollout of LWIT, especially buy-in of employees
- d) The mentoring provided by HSE was valued.

Key learning for companies from the Research included:

- The importance of training leaders at all levels in worker involvement techniques
- The need to establish communication mechanisms between offices and sites to enable H&S improvements
- The importance of assessing (and re-assessing) H&S culture to prioritise improvement areas
- The need for champions to drive forwards LWI initiatives.

There was also key learning for HSE and industry, primarily:

- Implementing LWI initiatives helped each company to make H&S improvements on site
- Encouragement from a supply chain mentor was crucial in prompting companies to use the LWIT.
- ‘Risk profiling’ provides a useful basis for involving the workforce in workplace risks

You can find the report at <http://www.hse.gov.uk/research/rrhtm/rr1067.htm>.

ENFORCEMENT



SOUP COMPANY SENTENCED FOR LIFE CHANGING INJURIES

One of the UK's most well-known food manufacturers was today sentenced after a worker suffered severe injuries while working on one of its production lines.

The company appeared at Elgin Sheriff Court after a Health and Safety Executive (HSE) investigation found safety failings related to the incident.

The court heard that a short term contract worker climbed onto the conveyor belt to clear potatoes into the auger in-feed, but slipped from the belt into the collecting hopper.

The workers' body was pulled into the auger and he was trapped for an hour while orthopaedic surgeons and other emergency services battled to free him. Once freed, he was flown by air ambulance for emergency treatment.

His right foot was partially amputated and he underwent a number of operations including the insertion of a metal plate and screws. However, his left foot could not be saved and he underwent a below the knee amputation of his left leg. He now wears a prosthetic leg.

The Sheriff was told that on the line, the various different types of vegetables needed to be kept separate. To move the last few vegetables of the batch, operators used a ladder to access the conveyor belt and then used a squeegee to push the vegetables over the end of the conveyor into the auger.

On that day, as the batch of potatoes came to an end, Mr Cormack put the squeegee over the edge of the hopper and once he'd stopped the conveyor belt climbed onto it to retrieve the squeegee to push the remaining potatoes off the conveyor belt and into the auger.

The court heard that the company had failed to make a suitable and sufficient assessment of the risks to which workers were exposed when they were engaged in the task of clearing vegetables from the conveyor belt. It also failed to reasonably provide and maintain plant and a system of work for the task that was safe, and failed to provide such information, instruction, training and supervision as was necessary to ensure, the health and safety at work of employees carrying out that the task.

The court also heard that the company was recently prosecuted for a previous accident in which a worker received hand injuries when his fingers were drawn between the rollers of a conveyor.

The business admitted breaching Section 2(1) and Section 33(1) (a) of the Health and Safety at Work etc. Act 1974 at and was fined £60,000.

LOGISTICS COMPANY FINED AFTER MAN INJURED AT WORK

A logistics company has been fined £20,000 after a worker was hit by a fork-lift truck in a busy yard and suffered head injuries.

The Health and Safety Executive (HSE) investigated and prosecuted the company over its failure to segregate vehicles and people in a yard where the danger of such an incident happening was entirely foreseeable.

CCTV footage from the site showed fork-lift trucks loading and unloading vans, with pedestrians routinely weaving between them.

Redhill Magistrates' Court heard that the employee was hit by a reversing fork-lift truck and sustained head injuries that continue to have an effect on him to this day.

The company told HSE the yard had been resurfaced a few years earlier and no markings were put in place to segregate vehicles and people. The business pleaded guilty to breaching the Workplace (Health, Safety and Welfare) Regulations 1992 – specifically Regulations 17(1). It was fined £20,000 and ordered to pay HSE costs of £942.40.

FORKLIFT COLLISION INJURES WORKER

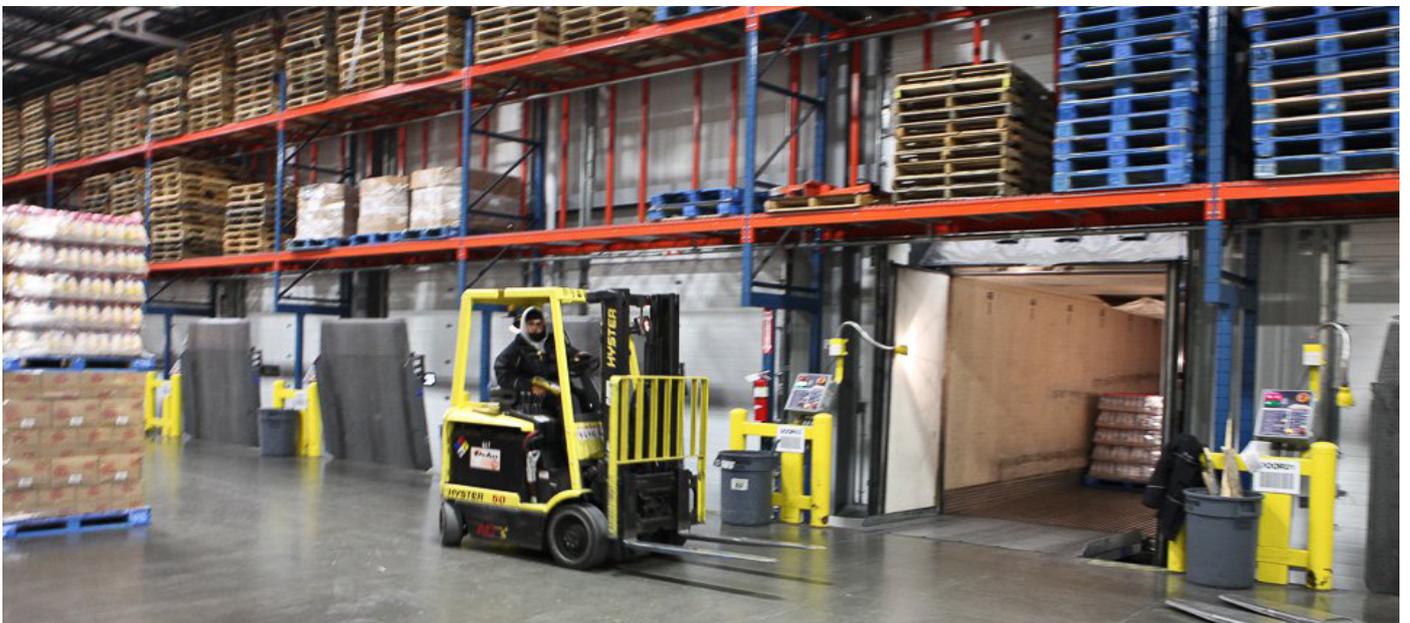
A haulage firm has been fined after an employee was struck by a forklift truck (FLT) driven by an untrained operative.

Chelmsford Magistrates' Court heard that an employee was working at the company's warehouse in Rayleigh. While he was standing taking parcels from a cage, he was struck by a load carried by a FLT driven by another employee. He sustained a broken hip and has been unable to return to full time work since the incident.

Health and Safety Executive (HSE) investigations revealed that the person operating the FLT had received no relevant suitable training. The defendant's management was aware that he was operating the FLT from time to time before the incident.

The company admitted breaching Regulation 9(1) of the Provision and Use of Work Equipment Regulations (PUWER) 1998. The company was fined £18,000, and HSE was awarded full prosecution costs of £1,302.

The court heard from HSE that extensive published guidance on forklift truck training has long been freely available, to assist duty holders.



LOGISTICS COMPANY FINED AFTER DRIVER STRUCK BY FALLING PALLET

A logistics company has been fined for safety failings after a driver was injured when he was hit by a pallet that fell from a fork lift truck.

Basildon Crown Court heard how an employee of a transport services firm was making a delivery in a lorry. The delivery consisted of a shrink-wrapped pallet of a number of boxes containing castor wheels sitting on top of a wooden case.

A forklift driver employed by the customer was offloading the delivery from the lorry's trailer. Having reversed clear of the trailer, the pallet fell to the side of the forklift truck, striking the delivery driver as he was standing to the side of the cab watching the operation.

The employee suffered significant, life threatening injuries as a result of the impact and was airlifted to hospital where he stayed for three weeks. The incident has had profound and long-term effects on him and he will be unable to return to work as a HGV driver.

Although a risk assessment for the activity had been undertaken, it did not specifically detail a risk to visiting drivers, although it did indicate that the driver should return to his cab, or to stand a 'safe distance' away from the operation.

The Health and Safety Executive (HSE) investigation revealed it was common for visiting drivers to stand next to their cabs or in the vicinity of the forklift truck. The risk assessment identified the risk, but it was not being robustly or consistently implemented.

The company to which the pallet was being delivered was fined a total of £22,000 and ordered to pay £4,639 in costs after pleading guilty to an offence under Section 3(1) of the Health and Safety at Work etc. Act 1974.

REPORT ON GLASGOW BIN LORRY CRASH

The Scottish Judiciary has published a report detailing the results of a fatal accident inquiry (FAI) into the Glasgow bin lorry crash of 22 December 2014, with key implications for drivers at work and their employers.

The inquiry focused on the death of six people, and the injury of fifteen others, when a council bin lorry collided with pedestrians in the city centre of Glasgow.

Harry Clarke, the driver of the lorry, had fainted out at the wheel, and during the inquiry, was accused of telling lies on job applications and other forms in order to keep his large goods vehicle (LGV) licence and job.

The case raised important questions about the ease with which drivers might conceal any medical history as well as concerns as to how local authority and other employers assess the fitness of employees to drive at work.

In the new FAI report, Sheriff John Beckett QC found that Mr Clarke "repeatedly lied in order to gain and retain jobs and licences".

The Sheriff identified a total of eight reasonable precautions whereby the accident might have been avoided. The report also made a number of recommendations for doctors and employers, such as councils, which employ drivers.

In addition, the Sheriff suggested the Driver and Vehicle Licensing Agency (DVLA) should clarify its guidance on the subject of fitness to drive and improve this guidance for doctors, potentially by means of a flowchart.

In his written determination, Sheriff Beckett said, "It may well be that the single most useful outcome of this Inquiry would be to raise awareness of the dangers involved in driving if subject to a medical condition which could cause the driver to lose control of a vehicle."

SAVE THE DATE



**Health & Safety Seminar
Wednesday 6th July 2016
Ricoh Arena, Coventry CV6 6GE**

SENTENCING GUIDELINES SEMINAR

Tuesday 9th February 2016
Ricoh Arena, Coventry CV6 6GE
9.30am - 12.30pm



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

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

The most notable feature of the Guidelines 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.

In partnership with:



Our morning seminar, aimed at Managing Directors, Financial Directors, Board Directors, Health and Safety Specialists and Senior Managers of our members' businesses will provide 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

Delegates will have the opportunity to question legal specialists, prepare for the effects of the guidelines, and learn how to best protect businesses and employees for the future.

BOOKING FORM

I / We would like to attend the BFFF Sentencing Guidelines Seminar on Tuesday 9th February 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: crystalholmes@bfff.co.uk

Payment can be made by cheque, BACS, Credit Card (Fee applies)

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