

# KEEP IT SAFE

BFFF QUARTERLY HEALTH & SAFETY NEWSLETTER

OCTOBER 2016



SPONSORED BY:



**British Frozen Food Federation**

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## FOREWORD FROM JO

### Welcome to the October edition of Keep It Safe

I am very pleased to report that we have now increased resource within our health & safety and fire safety services for members with Crystal Holmes now working for the team full time. Crystal has been working for BFFF since October 2013 with her time shared between the health & safety and food safety services for members. However since September, Crystal is now full time on the health and safety/fire safety technical area and we are very much looking forward to working together on our future projects.

Over the past few months we have continued to work on the guidance 'Preventing falls whilst working on mobile refrigeration units'. We are currently working with our primary authority and also the FSDF and their respective primary authority to produce an agreed version of the guidance for HSE review. We are planning on producing this latest version within the next couple of months and please feel free to contact Joanna Hancock for more details.

Our expert group continue to offer the service of providing feedback to the industry queries we receive. We are very happy to welcome Sonia Dean of The Authentic Food Co, and Lee Deeble of Kent Frozen Foods, onto the group. This service helps to shape our work on the health and safety side so please do not hesitate to contact us for support. More details on our Expert Group are provided on page 22.

During our last Expert group meeting, the group provided feedback on the latest initiatives from the Regulatory Delivery Department within Government which is looking to shape a new Primary Authority scheme going forward. BFFF will stay heavily involved in the process of proposed changes to keep members informed of what is likely to happen and how it will change the system that is already in place.

A number of our members stated that they would find it useful within their business to be able to benchmark the amount of speeding fines their delivery fleet receive on a monthly basis. Vehicle operators are constantly questioned on their performance and we wanted to support members and provide a tool that could be used to show how they are performing in this area.

We asked members with delivery fleets to submit this data for us to collate, anonymously, and now we would like to invite more members to get involved so we can provide a more comprehensive tool which compares businesses with similar operations. If you are interested in getting involved please contact Crystal.

Please feel free to contact [joannahancock@bff.co.uk](mailto:joannahancock@bff.co.uk) or [crystalholmes@bff.co.uk](mailto:crystalholmes@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 or primary authority schemes.

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.**



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# BFFF HEALTH AND SAFETY INITIATIVES

## BFFF HEALTH & SAFETY SEMINAR

The 2016 H&S seminar was another great success with almost 90 delegates in attendance. The seminar was packed with a variety of speakers and topics including; HSE priorities and target areas for 2016/17, sentencing guidelines case studies, fire safety example significant findings, managing MSD's, fleet management, training impact case study, influencing supervisor behaviours, safety culture case study update from BFFF on guidance, statistics and primary authority. We also introduced a real life story into this years' event with Paul Mahoney who gave all the delegates food for thought on an incident he was personally involved in.

Our Primary Authority Partner, Lincolnshire Fire & Rescue, gave all delegates information on BFFF's newest guidance 'Example of Possible Significant Findings following a Fire Risk Assessment for Food Processing and Cold Storage Premises'. The guidance was explained, and delegates were informed on how best to use it to ensure that their businesses are compliant. The guidance is available on our website here: <http://bfff.co.uk/health-safety/guidance/> and for more information on the Primary Authority Scheme and how your company can work with our partner Lincolnshire Fire and Rescue please contact [crystalholmes@bfff.co.uk](mailto:crystalholmes@bfff.co.uk)

The presentations from this years' seminar are all available on the BFFF website at [bfff.co.uk/health-safety/seminar/](http://bfff.co.uk/health-safety/seminar/)

Some of the comments from the delegates included;

***“Very informative with a good blend of strategic elements and practical solutions to real things that affect the industry.”***

***“Very informative. Gave us lots of food for thought, and gave us an incentive to put some of the valued information into our company.”***

***“Excellent course content, an unmissable day!”***

We would like to thank once again our sponsor, JLT Specialty for their continuous support.

Next year's seminar is on **5 July** at **Belton Woods Hotel, Grantham** so please save the date.



# FIRE SAFETY – FROM LINCOLNSHIRE FIRE & RESCUE

## DISABLED REFUGES

The Regulatory Reform Order 2005 (RRO) requires a company to assess their Fire Safety systems on a regular basis to make sure they comply with the CURRENT standards and regulations. The risk assessment of a building must be carried out to “current standards” not those when building systems were implemented.

Current Building Regulations require that all new non-domestic buildings with more than one storey provide ‘Refuge’ areas – relatively safe places where people who cannot easily use fire escapes and evacuation lifts may call for assistance and wait until help arrives. Despite what many think, the provision of a refuge is not covered by the Equality Act 2010, formerly the Disability Discrimination Act (DDA). However, those designing such facilities should remember that the Equality Act is an important piece of legislation, and whilst not specifying the requirements of refuges, the Act must be adhered to to ensure that, where practical, disabled persons are not subject to discrimination on account of their condition.

A Disabled Refuge is a relatively safe area within a building or exit staircase where mobility impaired occupants can be placed (not just wheelchair users) while the main building occupancy is evacuated, allowing designated members of staff to safely assist these people from the building when stairwell crowding has eased. Mobility impairment is defined as not being able to walk 200 m continuously without aid, and includes arthritis sufferers, people with leg and back injuries and women over 6 months term pregnancy.

A refuge should be provided for each protected stairway affording egress from each storey of the building. They do not have to be located within the stairway but should enable direct access to the stairs. They should be sited in locations where there is adequate space and where a wheelchair or stationary individual will not impede the means of escape of other persons during an emergency evacuation.

People should not be left in a refuge to await the Fire & Rescue Service as any emergency plan should allow for the evacuation of all relevant persons irrespective of any disability. A refuge may be used as a safe resting place or even to wait until the need for a full evacuation is established. Refuges dimensions are usually specified to accommodate one wheelchair. This should not be a problem where there is more than one wheelchair user provided that there is a suitable evacuation strategy in place. As one person progresses on their journey the next person will take their place in the refuge.

A refuge area should be clearly identified by appropriate fire safety signs complying with British Standard 5499 or EN 7010. Where a refuge is in a lobby or stairway the sign should be accompanied by a blue mandatory sign worded “Refuge – Keep Clear”. In many cases the signs may be combined.

To facilitate the effective evacuation of people from refuges an Emergency Voice Communication (EVC) system should be provided. It is essential that the occupants of each refuge are able to alert other people that they are in need of assistance and for them to be reassured that this assistance will be forthcoming. The EVC should comply with BS 5839-9 and consist of outstations located in each refuge which communicate with a master station located either in the buildings main control room or adjacent to the fire alarm panel. The 2011 revision to BS 5839-9 also requires disabled toilet call systems to be linked to the EVC system.

Emergency plans should also include an evacuation plan for disabled persons and should be based around the use of a refuge area and evacuation from there. Your emergency plan should not rely on the Fire & Rescue Service to evacuate disabled persons from refuges; this still remains your responsibility. All disabled staff should have a Personal Emergency Evacuation Plan (PEEP) completing at the earliest opportunity. It is important that you consult with each individual and explain to them the purpose of the refuge areas and the evacuation procedure and identify any assistance which they may need. This may take the form of direct assistance from designated and trained staff or specialist evacuation equipment. In many cases disabled persons may not need assistance and be able to self-evacuate with the correct facilities in place. Visitors to the site should go through a booking in procedure whereby any mobility impairment can be identified and evacuation procedures implemented around their specific needs.

# SAFETY FOCUS

## WHAT DOES BREXIT MEAN FOR BUSINESS?

Provided by Croner Consulting Ltd.

Since the UK electorate voted to leave the EU, businesses have been concerned about the short and long term impact on their organisation. What will happen to those who employ foreign workers? Will red tape and legislation be simpler?

This briefing considers the impact on employment and health & safety law and offer advice to those businesses which currently employ foreign workers.

### What will happen to the foreign workers I employ?

The most significant effects on the UK workforce are likely to be in terms of jobs won or lost. It is estimated that around two million EU Nationals work in the UK. Indeed, we are already receiving calls from industries where they have a high percentage of EU and EEA workers, such as the agriculture, care and service sectors.

The UK Government will now be able to control borders with a view to reducing immigration. However, work arrangements will have to be re-negotiated with the EU and its Member States although it is doubtful if the new arrangements would simply replicate the present freedom of movement. If policies restrict the UK labour supply or the services provided by that labour, it will present problems to a considerable number of employers. UK employers will need to consider what their future workforce will look like if work arrangements significantly reduce the number of workers available to them.

### Will UK law be simpler?

Now the UK has voted to leave the EU then the Government will need to negotiate a new trading agreement with Europe. If we have a similar trade agreement to that of Norway, which is viewed as a best practice example, we would have to adhere to much of the EU regulation, which is how Norway operates as per the terms of their agreement. However, with no voting power over EU employment directives, although we are expected to comply with them, we are likely to have less control over them.

### What will happen to existing EU employment laws such as maternity entitlement, equality, equal pay and working time?

It is likely that any attempt to repeal these rights would be met with fierce opposition by workers and trade unions. At the very least there would be several years of legislative confusion as domestic and EU law is untangled, leaving employers in a very vulnerable position. It is essential that during this period of uncertainty that employers comply with all current legislation, and that their policies and procedures remain up-to-date.

Not all UK statutory employment rights derive from Europe. For example, pay and deduction of wages, the right not to be unfairly dismissed and the right to a redundancy payment are all products of UK National law. This legislation can be amended at any time.

Those European laws that have been incorporated into UK law by primary legislation - by Act of Parliament, such as the Equality Act 2010 — will remain in force unless they are expressly repealed by Parliament. Other European law that has been brought into UK law by secondary legislation such as parts of the Working Time Regulations, could fall away once this legislative framework (the ECA) was removed.

Therefore the courts and tribunals would no longer be bound by the Working Time Regulations but instead by the Data Protection Act and the Equality Act, unless they were repealed by Parliament.

## The impact on courts and case law

Judges in the UK will no longer have to interpret UK law in accordance with the decisions of the Court of Justice of the European Union (CJEU) and will therefore have more flexibility to interpret domestic legislation, although it must be remembered that the UK are still signatories to the European Convention on Human Rights.

However UK case law works on the principle of precedent and it may take some years before new decisions reach the appellate courts and tribunals and have to be followed. In the meantime, the CJEU decisions could continue to have a strong “persuasive” influence.



## What might Brexit mean for H&S?

Roughly two thirds of our Health and Safety laws originate from EU legislation, the requirements of which are implemented through UK-specific Regulations. Reports such as 2010's Government-commissioned report “Common Sense, Common Safety” and the subsequent Löfstedt review in 2011 have shown that UK H&S law is broadly fit for purpose and therefore it is unlikely that the majority of our laws will be significantly changed.

## What health & safety changes could we see?

Realistically any immediate changes will focus on eliminating contentious ‘regulatory burdens’ where employers feel that they are disadvantaged compared to other countries or the cost of compliance is too great compared to the risks. Possible areas of focus include:

- The Working Time Regulations 1998, which are estimated by the Open Europe think tank to cost the economy £4.4bn each year
- Directive 2006/25/EC - artificial optical radiation, the requirements of which the UK has struggled to implement
- The Construction, Design and Management Regulations 2015 which were amended to include temporary structures and private households within the scope of ‘construction work’ in order to comply with EU Directives
- The requirement for Employers to meet the cost of eye and eyesight tests for Display Screen Equipment work
- The Agency Workers Regulations 2010.

Surveys have shown that employees are concerned about the effect on their employment status, with many workers believing that they need to up-skill in order to remain competitive in the job market. Furthermore there are concerns that there may be a ‘brain drain’ in the H&S sector, with top professionals and leaders seeking employment in the EU or further afield.

## What should I be doing now?

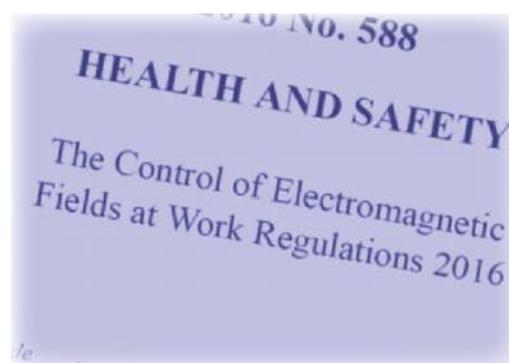
The pace of change is unknown, but it is likely to take two years at the very least and possibly longer, to uncouple UK and EU legislation. Those businesses that currently employ foreign workers should ensure that they have the right to work in the UK and have all the necessary visas and checks in place for non-EU Nationals. All businesses should also take this opportunity to make sure all their policies and procedures are up-to-date and that documentation such as employment contracts and risk assessments are robust to help future-proof their organisation.

## LEGISLATION UPDATE

### CONTROL OF ELECTROMAGNETIC FIELDS AT WORK REGULATIONS 2016

These regulations came into force on 1st July and implement in Great Britain the EU's Electromagnetic Fields Directive.

These regulations implement, with regard to Great Britain, EU Directive 2013/35/EU on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (electromagnetic fields) (the 20th individual Directive within the meaning of Article 16(1) of the Framework Directive 89/391/EEC). All EU Member States are required to implement the Electromagnetic Fields Directive in national law by 1 July 2016.



Part 2 of the UK implementing regulations sets out the main duties placed on employers while Part 3 sets out supplementary duties and gives the Health and Safety Executive (HSE) limited powers to exempt employers from specific duties. The schedule to the regulations provides more specific details on how employers are to comply with their duties.

These include that all employers must ensure that, except in circumstances set out or where permitted under an exemption issued by the HSE, employees are not exposed to electromagnetic field levels in excess of the prescribed exposure limits contained in Part 2 of the schedule. All employers must assess the levels of electromagnetic fields to which their employees may be exposed and must make and implement an action plan to reduce exposure levels. Where necessary, employers must ensure that health surveillance and medical examinations are provided.

### DRAFT PROCUREMENT STANDARD ON SUPPLY CHAINS

A draft standard covering health and safety within supply chains has reached an important milestone, with a health and safety professional body emphasising the importance of the health and safety of people who help deliver goods and services in an increasingly global economy.

The standard, ISO 20400 Sustainable Procurement. Guidance, has reached the second draft international standard stage.

The guidelines will cover the integration of sustainability considerations, including social issues, into corporate procurement strategy and supply chain management.

The document can also assist companies in the reporting process by fostering the disclosure of clear, useful and comparable performance information.

The Institution of Occupational Safety and Health (IOSH) previously responded to an earlier draft of the standard, recommending inclusion of the need to improve traceability and measures to tackle unauthorised subcontracting and poor health and safety.

The IOSH response also stressed the need for purchasers to avoid making late changes to orders or setting unrealistic deadlines, which could encourage risks to be taken.

Commenting on the issue, Richard Jones, Head of Policy and Public Affairs at IOSH, said, "With increased globalisation and complex supply chains, it's vital that organisations fully consider and support the health and safety of those who help deliver their goods and services. New guidance from ISO will need to help them ensure their procurement aligns with socially responsible business practice and safe, healthy and sustainable standards."

## Q&A'S

### REVIEWING LEGIONELLA ASSESSMENT

**Q. We had a legionella risk assessment completed two years ago by a competent third party. A safety representative has stated that she wishes this to be reviewed as required by the Approved Code of Practice but our contractor has said this is not necessary. Could you clarify the situation?**

A. Guidance, contained in the Approved Code of Practice L8 Legionnaires' Disease. The Control of Legionella Bacteria in Water Systems used to state that "the assessment should be reviewed regularly (at least every two years) and, whenever there is reason to suspect that it is no longer valid".

However, this publication was reviewed and republished in 2013. Both the Approved Code of Practice and guidance state that the risk assessment should be kept under review in case anything has changed. The suggested two-year period is no longer detailed in the publication.

HSG247 states that "the assessment of risk is an ongoing process and not merely a paper exercise. Duty-holders should arrange to review the assessment regularly and specifically when there is reason to suspect it is no longer valid". Factors that may influence the decision to review the assessment include:

- a change to the water system or its use
- a change to the use of the building where the system is installed
- a change to the use of the building where the system is installed
- the results of checks indicating that control measures are no longer effective
- changes to key personnel
- a case of Legionnaires' disease/legionellosis associated with the system.

As such, the duty-holder and/or the competent responsible person appointed by the duty holder should be monitoring processes, procedures and control measures to identify any changes as detailed above that may indicate the risk assessment is reviewed.

The review process will be driven by the particular change that has been identified but BS8580 Water Quality. Risk Assessments for Legionella Control. Code of Practice, suggests that when reviewing a current risk assessment to determine whether it remains valid, the risk assessor should consider the following:

- the key risks identified and how these are changing over time
- the monitoring data for the controls in place
- whether key risks are being managed so far as is reasonably practicable
- resources and how they are prioritised
- escalation of risk management issues.

The same British Standard also suggests the review should take into account any on-going training of the duty holder and responsible person, changes to suppliers and an audit trail of documentation, as well as the factors considered in the original assessment.



**Q. We have recently implemented an online software system for accident recording. Can we now get rid of our hard copy accident books?**

A. The short answer is that electronic is permissible providing the records cover the same details as the hard copy B1510 Accident Book.

To get a bit more technical, the requirement comes from the Social Security (Claims and Payments) Regulations 1979, which require employers to whom the Factories Act 1961 (and certain other Regs) applied to:

“keep readily accessible a means (whether in a book or books or by electronic means), in a form approved by the Secretary of State, by which person employed by the employer or some other person acting on his behalf may record the appropriate particulars (as defined in regulation 24) of any accident causing personal injury to that person.”

The text of the Regulations has been amended since 1979 to cover electronic means. The B1510 Accident Book is the one “approved by the Secretary of State” therefore any online system seeking to replace the hard copy should record the same data if it wants to meet the requirements of the Regulations.

Existing accident records should be retained for at least three years, the period in which individuals can make a claim under the Social Security (Claims and Payments) Regulations. Although not required by law, it may still be sensible to retain old records indefinitely by scanning and saving electronically.

## GUIDANCE

### IOSH LAUNCH ONLINE TOOL TO HELP COMPANIES' MEASURE SAFETY

The Institute of Occupational Safety and Health (IOSH) has launched an online system that will allow individuals and businesses to assess their safety management competency.

IOSH recognises that health and safety management should embrace – in a holistic way – the interactions between the working environment, equipment, systems and procedures. The tool aims to encourage professionals to apply current thinking in a practical way to achieve healthier and safer working environments. It will be available to all free of charge in 2017.

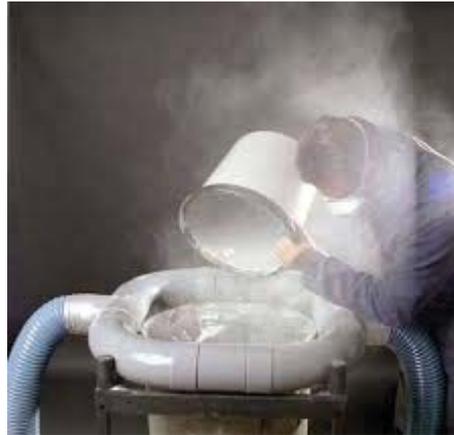
The tool includes a gap analysis that will evaluate how practitioners can improve their expertise, and enable businesses to understand the safety competence of non-safety staff.

The tool works by testing practitioners' knowledge and skills against four key criteria:

1. Strategy and planning – covering issues such as projects and performance
2. Engagement and influencing – considering the company's approach to culture, communication and change
3. Suitable business – covering values, ethics and risk management
4. Technical capability – assessing core health and safety skills such as investigating accidents and incidents.

Practitioners will also be able to use the tool to access an online bank of skills training to help them improve on areas which were identified in the gap analysis mentioned earlier.

A link to the IOSH website can be found here: <https://www.iosh.co.uk/>



HSE have published their Manufacturing Sector Work plan for 2016-17. The sectors covered are;

- food manufacturing;
- woodworking;
- metal fabricators; and
- molten metals.

The purpose of this inspection programme is to target sectors where carcinogens and/or asthmagens are regularly used, produced or process generated to ensure the risks are properly managed and to reduce the incidence of serious health effects from exposure.

In food manufacturing the inspection focus is going to be on astmagens including flour dust and enzymes in improvers.

Tasks where exposure to flour dust and/or enzymes may occur are:

- Filling mixers from bags
- Bag disposal
- Weighing
- Mixing
- Adding ingredients by hand to hoppers containing flour
- Hand dusting at tables
- Using dough brake roll machines
- Maintenance activities

Cleaning the workplace Flour dust and enzymes can cause:

- irritation to the eyes (conjunctivitis) resulting in watering, painful eyes;
- irritation to the nose (rhinitis), resulting in a runny nose;
- occupational dermatitis, resulting in redness, itching and blistering of the skin;
- asthma if a worker becomes sensitised, resulting in breathlessness, tightness in the chest, wheezing and bronchitis.

Premises of all sizes are included in the inspection plan but, due to their generally weaker standards, priority will be given to SMEs. Lower priority will also be given to sites that are part of large national companies.

Visits to food businesses are scheduled to take place in quarter 3 of 2016 and be concluded by the end of December.

The full work plan, which has been published for use by inspectors, is available here: <http://www.hse.gov.uk/foi/internalops/og/og-00067.htm?ebul=gd-engineering&cr=5/Aug16>

## PLAN FOR SAFETY CULTURE CHANGE IN FOOD AND DRINK INDUSTRY

The Institution of Occupational Safety and Health (IOSH) has launched a new plan to promote safety culture change in the UK's food and drink sector.

The campaign has been backed by a number of leading names in the UK food and drink manufacturing industry.

Allied Bakeries and Molson Coors are among the first companies to agree to share its health and safety culture change journey with IOSH's Food and Drink Industries Group, in a series of site-based workshops around the country.

IOSH says it intends to use the site-based workshops to provide a platform for companies to share their experience of culture change, offering insights into best practice and a benchmark for their culture change activities.

Jak Thomas, National Health and Safety Manager at Allied Milling and Baking, said his company's health and safety journey started in 2005 with the introduction of its "Safety First" initiative along with a related mission and vision.

As a result of efforts over more than a decade to improve the workplace and engage employees in health and safety, the company has experienced a dramatic reduction in the number of accidents and reports under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR) at its sites across the UK.

The company has achieved a 40% reduction in total accidents, a 75% drop in RIDDOR cases and an 80% decrease in lost-time injury accidents in that time.

Jak Thomas said, "We've refreshed Safety First now and are working towards creating a zero-harm culture. Health, safety and wellbeing are of equal importance and, while keeping our eye on the big safety risks, we are aiming to eliminate risk of harm to people from whatever source. By sharing our safety culture change journey with others we hope to enable others to benchmark against us to see where they are on their own journey."

## NEW EDITION OF L23 MANUAL HANDLING: GUIDANCE ON REGULATIONS

The Health & Safety Executive have published the new fourth edition of L23 guidance on manual handling, available here: <http://www.hse.gov.uk/pubns/books/l23.htm>

This revised and updated guidance on the Manual Handling Operations Regulations 1992 explains how to avoid, assess and reduce the risk of injury from manual handling and will help employers comply with the regulations.

The publication has been restructured into four colour-coded parts, with the regulations and brief guidance in Part 1 and more detailed guidance to help carry out risk assessments and control risks in Parts 2-4.

The appendix contains advice on three levels of assessment. They are:

- simple risk filters which help to identify those tasks that do not require a detailed assessment
- how to use HSE's assessment tools (MAC and RAPP) as part of the risk assessment process
- full risk assessment

The full risk assessment checklists are now online only and do not appear in the book; they can be accessed here: <http://www.hse.gov.uk/pubns/ck5.pdf?ebul=gd-msd&cr=5/Sept2016>



## FREE GUIDANCE ON SAFE TRAILER COUPLING AND UNCOUPLING

The Freight Transport Association (FTA) has been instrumental in the drafting of new guidance on the safe coupling, uncoupling and parking of commercial vehicles and trailers, which has not been published.

The 'Safe coupling and uncoupling guide' is intended to assist employers, those who control sites where coupling and uncoupling is undertaken by users of large goods vehicles, managers, self-employed drivers and driver training bodies. It has been developed by industry as a good practice guide with the aim of reducing the likelihood of a runaway or rollaway incident.

The guide has been produced by an industry working group made up of members of the Transportation and Logistics Forum, which is chaired by the Health & Safety Executive (HSE). FTA was instrumental in the drafting of the guidance and has worked closely with HSE and other industry bodies during the drafting process.

In her introduction to the guide, Sarah Bell, the Traffic Commissioner representative on the Transportation and Logistics Forum, says: "Tragically, each year there are a number of fatalities or serious injuries due to vehicle runaways or trailer rollaways. The cause is often because the individual in charge mistakenly believes that all brakes are engaged when they are not. This should not happen if simple procedures are followed."

The guide includes practical information on how truck and trailer parking brake systems operate and step by step photographic sequences for the coupling and uncoupling procedures which should be adopted by drivers.

Andy Mair concluded: "Research by the Health and Safety Laboratory suggests that many drivers do not understand how truck and trailer parking brakes operate, which is a key requirement in the coupling and uncoupling procedure. The guide aims to address some of the common misunderstandings, includes a clear and understandable explanation, and shows that in most cases drivers incorrectly believe that disconnecting the coupling air lines applies the trailer parking brake."

The 'Safe coupling and uncoupling guide' is available free of charge from the FTA website at [www.fta.co.uk/safe-coupling-guide](http://www.fta.co.uk/safe-coupling-guide)



## NEW RISK ASSESSMENT OF PUSHING AND PULLING (RAPP) TOOL

HSE have published their Risk Assessment of Pushing and Pulling (RAPP) Tool. This new simple tool is designed to help businesses identify high-risk manual pushing and pulling operations and check the effectiveness of any risk-reduction measures.

The RAPP Tool is aimed at those responsible for health and safety in workplaces – employers, managers and safety representatives. It uses colour coding and numerical scoring like the MAC Tool.

There are two types of pushing and pulling operations you can assess using this tool:

- moving loads on wheeled equipment, such as hand trolleys, pump trucks, wheelbarrows and carts;
- moving loads without wheels which might involve actions such as rolling, sliding, churning (pivoting and rolling) and dragging.

Free copies of the tool can be downloaded for free or printed copies are also available, in priced packs of 5, on , here: <http://www.hse.gov.uk/pubns/indg478.htm?ebul=gd-msd&cr=2/Sept2016>

## CAMPAIGN TO PROMOTE SUSTAINABLE WORK AND HEALTHY AGEING

The European Commission and the European Agency for Safety and Health at Work (EU-OSHA) in cooperation with the Netherlands EU Presidency launched a two-year Europe-wide campaign: Healthy Workplaces for All Ages. Focusing on sustainable work and workplace safety and health in the context of the ageing workforce, the campaign provides a timely reminder that the younger workers of today are the older workers of tomorrow. We need to start now to cater for the needs of Europe's future workplaces and workers. Workplaces that address the health challenges of an ageing workforce gain in productivity. This is good for workers and good for business.

The campaign focuses on Europe's enterprises (both private and public) and the need to promote sustainable work and healthy ageing from the beginning of working life. By doing so, they will be protecting their workers' health up to and beyond retirement age and their organisations' productivity.

Commissioner Thyssen highlighted the timeliness of this campaign topic: 'At a time when there are important discussions going on about the future landscape of occupational safety and health in the EU, this campaign is extremely relevant. We need to start now to cater for the needs of Europe's future workplaces and workers. Workplaces that address the health challenges of an ageing workforce gain in productivity. This is good for workers and good for business.'

This campaign's objectives are four-fold:

- to promote sustainable work and healthy ageing from the beginning of working life;
- to highlight the importance of risk prevention throughout working life;
- to assist employers and workers (including in small and medium-sized enterprises) by providing information and tools for managing occupational safety and health in the context of an ageing workforce;
- to facilitate information and good practice exchange.

This campaign topic is based on a European Parliament project conducted by EU-OSHA, 'Safer and healthier work at any age', along with various other EU-OSHA reports on safety and health in the context of the ageing workforce. As part of this new campaign, EU-OSHA is also releasing an e-guide on managing safety and health for an ageing workforce, which can be found here: <http://eguides.osha.europa.eu/>

## HSE REVEALS FFI COSTS MORE TO RUN THAN IT GENERATES IN INCOME

The HSE's Fee for Intervention (FFI) cost recovery scheme, which came into effect on 1 October 2012, puts a duty on the HSE to recover its costs for carrying out its regulatory functions from those found to be in material breach of health and safety law.

HSE's annual report and accounts reveal that total income increased from £80.9 million in 2014/15 to £89.7 million in 2015/16, mainly through fees and charges.

FFI income increased by £4.6 million through consistent levels of proactive inspection and increased incident investigation activity in accordance with HSE's enforcement decision-making frameworks.

However, the staff and operating costs of the scheme have also increased, totalling £17.5m compared to £11.9m the previous year.

A link to the HSE report can be found here: <http://www.hse.gov.uk/aboutus/reports/ara-2015-16.pdf>



## FOOD CONFERENCE TO HIGHLIGHT BUSINESS BENEFITS OF WORK-RELATED HEALTH

IOSH intends to raise further awareness of the food and drink sector plan at its National Food and Drink Manufacturing Health and Safety Conference 2016.

The two-day event has been organised by IOSH's Food and Drink Industries Group in conjunction with the Food and Drink Manufacture Health and Safety Forum, a trilateral body set up in 2004 and comprising representatives from the Health and Safety Executive (HSE), the Food and Drink Federation (FDF), other key food and drink trade associations and the main food industry trade unions.

More than 20 speakers are lined up to speak at the conference, including representatives from Marks and Spencer, 2 Sisters Food Group and the Bakers, Food and Allied Workers Union (BFAWU). The keynote address is to be given by Philip White, Head of the HSE's Operational Strategy Division.

Delegates at the conference will hear how some of the leading names in the food and drink industry have reduced sickness absence, improved productivity and created more resilient workforces through promoting staff health and wellbeing.

Experts will also deliver the latest insights into combating fatigue in shift workers, catering for the safety and health requirements of an ageing workforce, preventing musculoskeletal disorders (MSDs) and developing safety leadership throughout a business whatever its size.

The winner of IOSH's annual International Food and Drink Health and Safety Awards will also be announced during the conference, which will be held at Forest Pines Hotel & Golf Resort in Broughton, North Lincolnshire, on 4 to 5 October 2016.

## TACKLING APPRENTICESHIP SAFETY

Attention in recent months has been on how to pay for their training but a leading health and safety body has told employers that they must also focus on teaching apprentices about hazard, risk and control in the workplace.

In order to do so, the Royal Society for the Prevention of Accidents (RoSPA) said, companies need to understand that many apprentices do not match the stereotype of being male, aged 24 or under, and working in a manual trade such as construction, engineering or manufacturing.

An investigation by the RoSPA into health and safety arrangements for apprentices has found a dearth of safety information for companies, due to a lack of data, coupled with misunderstandings of the "typical apprentice".

More appropriate advice and information is therefore needed to help employers ensure the health and safety of their apprentices, RoSPA argues.

Too much safety advice still based on the stereotypical image of the young male apprentice while recent evidence shows that the typical apprentice is in fact more likely to be female, aged at least 25 and working in the service sector.

RoSPA is concerned that information, advice, and injury and ill-health statistics too often conflate apprentices and young workers.

It suggests that there is a need to compile injury and ill-health numbers and rates for apprentices, by age, across a range of industries, as opposed to statistics for young workers.

Guidance issued by the HSE is limited and mainly covers young people and those on work experience, rather than apprentices specifically. This can be confusing, RoSPA suggests.

Launching the results of the investigation, Dr Karen McDonnell said that it is essential that employees at every stage of their working life are targeted with the right information at the right time.

## ROW OVER COMPANY RECORD KEEPING

The TUC has expressed concern at proposed changes to how long company records will be kept in future, claiming that the plans could have a major impact on workers suffering from long latency diseases that manifest only years after exposure to hazards at work.

Companies House, the registrar of companies, maintains a database on every firm incorporated in the UK, providing access to their accounts and listing all directors and shareholders.

However, according to reports in The Guardian, the Government agency is facing “mounting pressure” from businesses and reportedly from members of Parliament to reduce the amount of time the records of dissolved companies are retained, from 20 years to 6.

It is estimated that if the rules are changed, more than 2.5 million records could be lost. Campaigners are warning that such a move would be a major step back in the global fight against corruption.

However, Hugh Robertson, Senior Policy Officer for Health and Safety at the TUC, has warned that the changes would also have implications for workers who develop long latency occupational diseases, pointing out, for example, that many cancers caused by work take decades to develop after a person is exposed.

To claim compensation, it is necessary to trace the company and, through that, the insurer. Lawyers currently use Companies House records to find out the registered name and company number and if the company is no longer trading, they can use a tracing scheme to find out who the insurer was at the time. However, without accurate information on who the employer was, Hugh Robertson points out that searches can be “very difficult or impossible”.

Over the years thousands of workers have been denied compensation because they cannot trace a former employer or their insurer.

Hugh Robertson said, “If the Government allows Companies House to shred all records after six years then the problem will be far worse.”

## EVENT: HELPING YOUR BUSINESS TO REDUCE MSKS IN THE WORKPLACE

The Health and Safety Executive (HSE) has recommended that all companies in the food and drink sector have a plan in place to reduce injury due to musculoskeletal (MSK) disorders in the workplace. For this purpose Jobson James Insurance Brokers are holding an event which has been devised especially for companies in the food and drink industry, to obtain valuable information which will assist in the preparation of a plan to address MSKs.

The event will look at how you can go beyond the recommendation by considering preventative measures that can be implemented in the workplace, as well as the rehabilitation and early intervention support that is available, as well as treatment and ongoing maintenance options that can help to prevent reoccurrence. A further discussion topic will cover cost savings that can be achieved in relation to insurance premiums and also reduced staff absence.

With speakers from Nuffield Health, Aviva, The Chiropractors, Chubb, Six Pump Court barristers' chambers and Jobson James, this event will give all the information and insider knowledge a business needs to successfully navigate these guidelines and draw up your ideal plan.

The event will take place on 19th October 2016 at the Laurent Perrier Champagne Bar, Marco Pierre White Restaurant in Birmingham. Places are £55 per person with a maximum of 2 places per company, with additional places available by request. BFFF members can claim a discounted rate by quoting 'BFFF'.

Contact [dean.smith@jobson-james.co.uk](mailto:dean.smith@jobson-james.co.uk) or [angela.jones@jobson-james.co.uk](mailto:angela.jones@jobson-james.co.uk) for more information, or to book your place.

## AFTER-HOURS EMAIL CAN CAUSE BURNOUT

New research has identified organisational expectations around out-of-hours email as a job stressor, along with already established factors such as high workload, interpersonal conflicts, the physical environment and time pressures, warning that failing to switch off from modern workplace technologies can cause burnout and harm employee wellbeing.

The issue of employers' expectations around after-hours emails has been under the spotlight recently with France passing a labour reform agreement banning email checking on weekends early in 2016.

Now a new research study, by academics from Lehigh University in Pennsylvania, Virginia Tech and Colorado State University, based on data collected from 297 working adults, has found organisational expectations regarding "off" hour emailing can negatively impact employee emotional states, leading to "burnout" and diminished work-family balance.

The study — described in an article entitled *Exhausted, but Unable to Disconnect: The Impact of Email-related Organisational Expectations on Work-family Balance* — is the first to identify email-related expectations as a job stressor along with already established factors such as high workload, interpersonal conflicts, physical environment or time pressure.

According to the study, the expectation does not have to be explicit or conveyed through a formal company policy. It can be set by normative standards for behaviour in the organisation.

Previous research has shown that in order to restore resources used during the day at work, employees must be able to detach both mentally and physically from work.

In a joint statement, the authors said, "Email is notoriously known to be the impediment of the recovery process. Its accessibility contributes to experience of work overload since it allows employees to engage in work as if they never left the workspace, and at the same time, inhibits their ability to psychologically detach from work-related issues via continuous connectivity.

## FURTHER WARNING ON FINANCIAL IMPLICATIONS OF SENTENCING GUIDELINES

The Institute of Occupational Medicine (IOM) has issued a warning on the financial implications of the new sentencing guidelines for health and safety offences, warning that fines that previously would have been set at about £20,000 may now be around the £1 million mark.

The charity, which has its origins in occupational health research, highlighted the important changes to the guidelines which were introduced on 1 February 2016.

At the time of their introduction, one law firm described the new guidelines as "the most significant development in health and safety law for over 40 years, since the Health and Safety at Work Act came into force in 1974" and predicted they will "dramatically increase fines for companies" and "lower the threshold for custody for individuals".

Commenting in July 2016, five months after the introduction of the changes, the IOM said of the new sentencing climate, "The financial penalties are now significantly higher, reinforcing the need for particular stringency in the implementation of health and safety at work. Fines that would have been about £20,000 may now be about £1 million."

The IOM says one of the factors the courts will take into consideration is the level of the risk of harm, and noted that this can take the fine category down by several hundred thousand pounds (from harm category 1 to harm category 2 or 3).

The Institute also notes that the level of fines will depend on the size (turnover) of the business. The IOM source said, "This appears to be a new incentive for businesses to ensure that they do not fail in their duties to manage health at work, asbestos, food hygiene and workplace exposures properly."

## LAUNCH OF STANDARD FOR EMPLOYEE WELLBEING AND SAFETY

A new British and International Standard which sets employees and their wellbeing and safety at the centre of organisations has recently been launched.

BS ISO 27500 The Human-centred Organisation is aimed at corporate board members and was recently unveiled at an event in London organised by the Chartered Institute of Ergonomics and Human Factors (CIEHF) and the British Standards Institution (BSI).

The standard explains the values and beliefs that make an organisation human-centred, as well as the significant business and operational benefits that such an approach can achieve, and the policies that need to be put in place to achieve these results.

BS ISO 27500 identifies seven principles which characterise a human-centred organisation:

1. Capitalising on individual differences as an organisational strength.
2. Making usability and accessibility strategic business objectives.
3. Adopting a total system approach, where people are recognised as part of a wider system.
4. Ensuring health, safety, and wellbeing are business priorities.
5. Valuing employees and creating a meaningful work environment.
6. Being open and trustworthy.
7. Acting in socially responsible ways.

Commenting on the standard, Tom Stewart, Co-author of the standard and Chair of the BSI Applied Ergonomics Committee, said, "Human wellbeing is now widely recognised as an important economic measure to complement traditional measures of national output. Increasingly, organisations are not just expected to make a profit but also to take their responsibility to society very seriously. The two go hand-in-hand and companies that take social responsibility and strive to achieve this new Standard will motivate employees, maximising their potential. As a result businesses will benefit from reduced staff turnover and increased customer focus."

## CBI CALL FOR TIME TO GET APPRENTICESHIP LEVY RIGHT

The Confederation of British Industry's (CBI) has responded to the government's launch of the Apprenticeship Levy funding consultation. Carolyn Fairbairn, CBI Director-General, said:

"We welcome the Government's focus on growing investment in apprenticeships, and business stands ready to step up and increase its own commitment. However, the Apprenticeship Levy in its current form risks turning the clock back on recent progress through poor design and rushed timescales.

"Without a radical rethink it could damage not raise training quality. This really matters because of the crucial importance of closing the skills gap to improving the UK's lagging productivity. The Government must take time to get this right, and listen properly to the concerns and ideas of the businesses who will be doing their best to make it work.

"The Government's announcement provides business with much needed information which shows some progress, including support for smaller firms, but fundamental problems remain. The Levy is too narrowly defined. It covers only one type of training and employers can only reclaim off-the-job costs. As a result, valuable forms of training risk being cut back, with quantity put ahead of quality.

"The April 2017 start date will not give firms sufficient time to prepare, so we urge the Government to delay implementation. Though business understands the fiscal challenges, it would be a great mistake to rush ahead before a viable scheme is ready.

"We urge the new Secretary of State to take a step back from the political timetable and consider what is best for building the skills of our young people, to enable the UK to become a high-skilled, high-productivity economy. Business stands ready to work with Government to build a system that delivers for the future and from the outset."

## ANNUAL WORKPLACE FATALITY STATISTICS PUBLISHED

HSE have released provisional annual data for work-related fatal accidents in Great Britain's workplaces. The long term trend has seen the rate of fatalities more than halve over the last 20 years. However, provisional figures indicate that 144 people were killed while at work in 2015/16 – up from 142 in 2014/15. The Health and Safety Executive has called on all sectors to learn lessons to ensure workers return home safe from work.

Martin Temple, HSE Chair said:

“One death at work or life needlessly shortened, is one too many and behind every statistic lies a real story of loss and heartbreak and families left to grieve.

“Britain has one of the best health and safety systems in the world, but we should always be looking to improve and to prevent incidents that cost lives.

“This year HSE travelled the country asking industry representatives, employers, unions, workers and others what they could do to help GB work well. The response was hugely encouraging and I would like to ask people to deliver on the commitments made, that will help keep Britain's workers alive.”

The new figures show the rate of fatal injuries in key industrial sectors:

- Forty three workers died in construction, the same as the average for the previous five years.
- In agriculture there were 27 deaths (compared to the five-year average of 32).
- In manufacturing there were 27 deaths (compared to five-year average 22), but this figure includes three incidents that resulted in a total of eight deaths.
- There were six fatal injuries to workers in waste and recycling, compared to the five-year average of seven, but subject to considerable yearly fluctuation.

There were also 103 members of the public fatally injured in accidents connected to work in 2015/16, of which 36 (35 percent) related to incidents occurring on railways. The statistics can be accessed here: <http://www.hse.gov.uk/statistics/fatals.htm>

## NEW MINISTER FOR HEALTH & SAFETY



Penny Mordaunt MP has been appointed as Minister of State for Disabled People, Health and Work with responsibility for oversight of HSE.

This new title reflects the broader portfolio she is taking on, which will include all areas related to supporting disabled people and those with long-term health conditions.

The appointment follows the announcement of the Rt Hon Damian Green MP being appointed Secretary of State for Work and Pensions.

You can find out more about the new minister on here: <http://www.parliament.uk/biographies/commons/penny-mordaunt/4017>

Penny forms part of a DWP ministerial team which also includes Damien Hinds MP as Minister of State for Employment. Part of his remit includes EU and international affairs and support to the Secretary of State on devolution.

# ENFORCEMENT

## DEATH PROMPTS WARNING TO DIRECTORS

The HSE has reminded those in charge of companies that they are personally responsible for protecting the health and safety of their workers.

Commenting on the case of an employee who was crushed by a Mobile Elevated Working Platform (MEWP), the HSE said that the case “should act as a stark warning to all company directors”.

The employee, who was 51 years old, died in January 2014 when a remote controlled MEWP he was loading on to a truck fell from the ramps and crushed him. Manchester Crown Court was told that he had not received adequate training on the use of the ramps, the lorry or the MEWP.

The company for which he worked did not have a risk assessment in place and no safe system of work had been created for the equipment. Furthermore, the gradient of the ramps was greater than that specified by the manufacturer, and they were not secured to the lorry. As the MEWP was loaded onto the truck it toppled off the ramps on to the employee.

The business was charged under Section 2 of the Health and Safety at Work Act. The company — which is currently in administration — was fined £166,000 and ordered to pay £10,400 costs.

The company director was also charged under section 37 of the Act. He was sentenced to 12 months in prison, disqualified from being a company director for seven years, and ordered to pay costs of £4000. HSE Inspector Helen Jones said that the director had failed in his duty to protect his workers. It was up to him to ensure that the company provided their employee with the right equipment and training to carry out his job.



## FISH PROCESSING FIRM FINED AFTER MAN KILLED BY FALLING BOXES

A Plymouth company has been fined £500,000 after an employee suffered fatal injuries when a stack of boxes of frozen fish fell on him.

The 22 year old employee was helping to clear up a fallen stack of frozen fish boxes in one of the cold store areas when there was another fall of stock which struck him. He received multiple and severe injuries which proved fatal.

The business pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc Act 1974. At Plymouth Crown Court, it was fined £500,000 and ordered to pay costs of £24,800.

HSE inspector Emma O'Hara said after the hearing: “Safe stacking of stock is a cross-industry necessity and can often be overlooked when considering safe systems of work. Duty holders need to ensure that they are stacking safely and that they have a plan for dealing with any unforeseen circumstances such as a fall of stock.”

## SUCCESSFUL CLAIM AGAINST EMPLOYER FOR ALLOWING 'MODERN SLAVERY'

High Court claims brought by Lithuanian nationals for exploitation have succeeded against a Kent based chicken farming company. This is the first court ruling against a UK company for civil damages in relation to victims of trafficking and “modern slavery”. The claims found against the company included a failure to pay the agricultural minimum wage, failure to pay for time spent travelling between farms, unlawful withholding of wages and a failure to provide facilities to wash, rest, eat and drink.

As the defendant company was working in a supply chain which produced premium free range eggs for household brands including McDonald's, Tesco, Asda, Marks & Spencer and Sainsbury's, the case comes as a timely reminder to food businesses, following the introduction of the Modern Slavery Act 2015, to ensure they take steps to eradicate all forms of modern slavery from supply chains they are involved in.

The Modern Slavery Act 2015 brought in a requirement for businesses with an annual turnover of £36m to produce an annual statement of steps taken to eradicate modern slavery from their supply chains. The reporting requirement started to apply to relevant businesses from 31st March 2016

## MANUFACTURING FIRM FINED AFTER WORKER'S ARM INJURED IN ROLLER

A Wirral based company has been fined £170,000 after a worker's arm was injured in machinery.

Warwick Crown Court heard how an installation engineer suffered a broken arm when it was pulled into machinery at the site in Coventry, where he was commissioning a new conveyor belt system.

An investigation by the Health and Safety Executive (HSE) into the incident which occurred on 21 January 2015, found there was a lack of effective guarding and isolation procedures on the machinery.

The business was found guilty of breaching Section 2(1) of the Health and Safety at Work etc. Act 1974, and was fined £170,000 with £24,000 costs.

## COMPANY IN COURT OVER FORKLIFT INCIDENT

An engineering company in Knowsley has been fined after an employee was badly injured when he was struck by a metal structure during a lifting process.

The 46 year old worker sustained serious flesh wounds and a fractured arm in the incident on the 30th June 2014.

The company was prosecuted by the Health and Safety Executive (HSE) after an investigation found the company had failed to ensure that the lifting operation was suitably planned, supervised or carried out safely.

Liverpool Crown Court heard that the worker and a colleague were attempting to manoeuvre the structure out of the premises using a fork lift truck. Whilst trying to raise the structure from its supporting trestles it twisted, and swung towards the worker, entering the cab of the fork lift truck and striking him. The company had not carried out a risk assessment and no formal training had been provided for the employees.

The company pleaded guilty to a breach of Section 2(1) of the Health and Safety at Work etc. Act 1974. The company was fined £30,000 and ordered to pay costs of £7,670.

Speaking after the hearing HSE Inspector Imran Siddiqui said: “Had the company taken basic steps such as providing suitable training so those undertaking the lift were in a more informed position to assess and then adequately manage the risks, this incident would have been avoided.”

## MEET THE HEALTH & SAFETY EXPERT GROUP

The H&S Expert group consists of safety professionals representing all sectors of the frozen food supply chain and BFFF membership. The group meets three times per year and provides a confidential health & Safety and fire safety forum to focus on issues relevant to the industry, enabling the dissemination of pertinent H&S information to members. The Expert group informs and advises the BFFF board to assist with determining Federation policy in health & safety and fire safety legislative areas.

If you are interested in becoming more involved, or would like to confidentially raise an issue for discussion at the meetings please contact Joanna Hancock on 01400 283096 or [joannahancock@bfff.co.uk](mailto:joannahancock@bfff.co.uk)

### Members of the Group

Mark Lovett - Apetito Ltd.  
Jim Everest - Ardo UK Ltd.  
Matt Bown - Asda Stores Ltd.  
Kate Taylor - Bidvest Foodservice  
Paul Duncalf - Brakes  
Bryan Atkinson - Cargill Meats Europe  
Todd Hallam - Chalcroft Construction  
Paul Rhodes - Greggs Plc  
Neil Walker - Heron Foods Ltd.  
Stephen Dean - Iceland Foods Ltd.  
Lee Deeble - Kent Frozen Foods Ltd.  
Gary Weatherhead - Palmer & Harvey Ltd.  
Sonia Dean - The Authentic Food Company Ltd.  
Michelle Walker - Three Oceans Fish Co. Ltd.  
Adrian Cooper - XPO Logistics  
Paul Fenner - Young's Seafood Ltd.



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# MEMBER BENEFIT Primary Authority Scheme

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

## **Introducing Primary Authority**

BFFF now offers 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 Wakefield to offer Health & Safety advice and the Trading Standards and Environmental Health team in Cambridgeshire to deliver advice covering all aspects of Food Safety, Food Standards, Metrology and Fair Trading. Both of these Local Authorities specialise in Primary Authority and have expertise in the frozen food industry.

The scheme is free 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)**

**Metrology (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:*



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Food Safety  
Food Standards  
Metrology  
Fair Trading



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Health and Safety  
Fire Safety

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