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# In Brief

October 2012

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Compliance – the focus of this edition of our regular newsletter - has become an increasingly important topic for FMs in recent years. It's a big subject that impacts on organisations in many different areas: just within the facilities management arena, that includes health & safety, utilities, waste, the environment and more.

We start our look at this important subject with the results of our latest 30-second survey. It's clear from this that compliance is a top priority for most FM teams – but at the same time, most would like to see change in policy, process and guidance.

Our coverage then turns to advice on legislative changes that are set to affect air conditioning systems, insights into the business costs of waste and new approaches to some old challenges. And there's a positive report from an experienced practitioner confirming the weight that client-side organisations now place on an effective health & safety culture.

As always, the articles and commentary we have assembled for this edition of In Brief offer advice and insights from some of the leading companies in the business.

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# Seasonal Opportunities



*New European efficiency legislation for air conditioning systems coming into force next year may present opportunities for facilities managers, says Graham Wright, Legislation Specialist at Daikin UK.*

The European Union's response to the Kyoto Protocol was to set 2020 targets of a 20% cut in greenhouse gas emissions compared with 1990 levels, a 20% increase in the share of renewables in the energy mix and a 20% reduction in energy consumption. This resulted in a raft of new legislation to help member countries meet targets.

One of the most significant pieces of legislation to affect the air conditioning sector is the Energy Related Products Directive (ErP), which lays out new EcoDesign requirements that will come into effect on 1 January 2013.

Unlike the voluntary Eco-label programme, this legal framework, which has already transformed the residential lighting sector and is now having the same effect with consumer electronics, sets new minimum energy efficiency requirements for air conditioning systems below 12kW – those typically used for light commercial applications.

Anyone supplying or installing light commercial air conditioning products must be ready for this new legislation and know exactly which products can still be used from 2013 onwards. Manufacturers will have to ensure their products meet the minimum energy efficiency standards and phase out older, less efficient products without delay.

Facilities managers need to be aware of what the new ErP regime means, because it will affect which systems they can specify in the future. Understanding new energy labelling is crucial, so that good and bad energy performance can be assessed accurately.

At the heart of the new legislation are changes to the way in which energy efficiency is measured. The existing nominal ratings, Energy Efficiency Ratio (EER) for cooling and Coefficient of Performance (COP) for heating, are being replaced with two new measures: the Seasonal Energy Efficiency Ratio (SEER) and the Seasonal Coefficient of Performance (SCOP).

Designed to better reflect real operating conditions and true energy consumption, they consider a number of factors including:

energy performance in different climate zones, energy consumption in auxiliary modes and different load requirements through the seasons.

The nominal ratings reflect how products perform at temperatures of 35°C and 7°C, which is not applicable to the typical climates experienced in the UK and northern Europe. From January, products will be rated according to where they are being used. Each of the three European climatic zones has its own realistic temperature range and, although this throws up a number of anomalies, it is a significant improvement on the existing system.

It is worth noting the EER and COP ratings do not relate to the SEER and SCOP ratings and are not comparable. Manufacturers will have to recalculate their products' energy efficiency ratings according to the new parameters.

In typical northern European climates, air conditioning equipment runs at partial capacity for 70% of the time, rather than being on full power throughout the year. So the nominal EER and COP ratings are not ideal for judging performance.

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Until now, air conditioning systems have been designed typically to reflect the best performance at nominal temperatures and are at their most efficient when operating at full load, not in more realistic conditions. To achieve optimum performance based on the new seasonal efficiency ratings, significant redesign of some air conditioning products will be required.

The new measures also factor in the energy consumption of products in auxiliary modes such as standby or off mode, or when the thermostat is off. While these factors reduce the apparent energy efficiency of the product, as a result the SEER and SCOP ratings are a more accurate reflection of real-life energy performance than the previous nominal system.

These changes are reflected in the

redesigned energy labels. Previously, labels only had to show cooling EER and energy consumption, while now they must show SEER, SCOP and energy consumption in both heating and cooling modes.

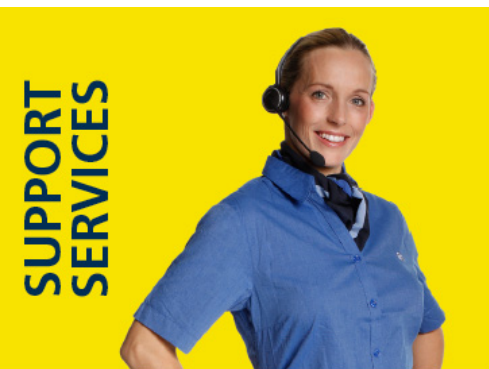
For manufacturers of inverter-controlled air conditioning equipment, the new regime is a positive move. Daikin's seasonally efficient Sky Air range, for example, has already been redesigned to ensure it runs most efficiently at partial loads, so it is optimised to perform at its best in real-life conditions. The SEER reflects the inverter's lower energy consumption as it only needs the power necessary to match the load, resulting in reduced energy consumption and operation costs.

There is no doubt that achieving targets to reduce emissions and

energy consumption will be an enormous challenge for government and industry, but legislation such as the ErP will help.

And while the new legislation will initially only affect smaller or light commercial systems under 12kW, consultation is already underway about setting new minimum energy efficiency requirements for more powerful systems. And with energy efficiency thresholds tightening further in 2014, even more products are likely to be affected in the future.

It is therefore clear that forward-thinking facilities managers should stay ahead of the trend and select seasonally efficient air conditioning systems - not only to meet forthcoming legislation, but also to reduce energy consumption and running costs.



## WHAT WE DO...

Different businesses have different needs – and this principle also applies to facility management (FM). Some businesses want to outsource their entire range of facility services, whilst others choose a single service line.

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## Is Compliance Finally Getting the Recognition it Deserves?

*Rob Greenfield, Group SHEQ Director at GSH, finds perceptions are changing for both clients and service providers.*

At parties, when people ask me what I do for a living, I am always tempted to invent something sexier than 'compliance and health & safety' - which actually is just about anything. And it's not just the lack of sexiness that is the issue: there has also traditionally been a lack of recognition of the absolute importance of this area.

However, for a number of reasons this is starting to change. When I first started in the sector clients put much less emphasis on health & safety for tenders. Quite often we were only required to submit about half a page and it was virtually never

heard of for the safety team to be required to present to a potential client. Nowadays, this has changed and tenders regularly require at least 8 or 9 pages and we recently completed one that filled over 40 pages; and we are now almost always required to present our safety management systems.

This requirement has increased steadily since legislation such as the Corporate Manslaughter and Corporate Homicide Act 2007 and the Health & Safety Offences Act were introduced and made customers much more focused. Increasingly, we are finding that customers need to be shown at an early tender stage that we have robust systems and procedures and that we promote a safety culture.

Quite often they want five years worth of records, and poor results could preclude us immediately from the tender process.

In essence, what they are trying to do is reduce the risk to their organisation as they are only too well aware that any accident they have can have a huge impact on their business, causing a lack of production, a requirement for back fill, investigation costs, poor morale and possible fines. In the current economic climate where margins are tight this is the kind of expense that can be extremely damaging.

In fact, at GSH we have seen a number of recent tenders, both in the UK and the US, where health & safety has played a vital role - and in

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one successful bid we were told that it was our safety culture and record that had finally swung it as our accident/incident rate is well below the industry average. I expect this to continue as the importance of safety heads towards the very top of everyone's agenda.

What does this mean for FM companies? Well, for a start they need to invest time and resources into ensuring that it is a key strength and one that can be used to differentiate themselves in the marketplace. It is important to remember that health & safety is part of everybody's job, not just from a legal standpoint but morally as well. The culture needs to be firmly embedded.

At GSH we are continuing to recognise the increasing importance of H&S both externally and internally. Our SHEQ team, supported by the Board, is implementing a series of measures to further enhance our health & safety systems. It is about making the current system we have more accountable and measurable. For example, we will be formalising minimum professional standards of competency and ensure there is sufficient SHEQ resource across all teams. We are currently going through a process of harmonisation which will standardise this across all our contracts, as well as our GSH operating centres across the globe.

Ultimately, the welfare of staff, clients and members of the public is of paramount importance.

Any breach of procedure can result in a serious incident and, boring as it may seem, it is only by creating, implementing and adhering to robust policies and procedures that we can ensure we minimise all such risk.

In conclusion, I believe that no one should get hurt or suffer ill health while at work, and therefore companies mustn't be complacent and really need to embrace this culture.

What could be more important than that?



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# Hiding Behind the Bins



*Peter Watts, Principal Environmental Consultant at Workplace Law, offers some practical advice on waste management compliance.*

Commercial waste management is one area of FM practice in which there is some confusion about the best solution – one which minimises environmental damage whilst ensuring value to the organisation.

The Waste Hierarchy, which has been around for many years but recently applied as a legal requirement in the Waste Regulations 2011, sets out the logical steps for dealing with resources and waste – that is to reduce, reuse, recycle, recover (through incineration or composting) and finally disposal to landfill as a last resort.

As well as being a hierarchy to reduce environmental impact, applying this approach in practice usually results in the greatest cost savings to business. Surely preventing waste from occurring in the first place through simple low-cost resource efficiency measures is better than paying for waste

disposal – even if that waste disposal method involves recycling all of the waste.

Comparing our performance with that of our European neighbours, the UK fares quite badly against certain countries. For commercial waste, we recycle around 50%, landfill around 24% - with the remainder mainly treated through incineration (with energy recovery, eg for power or district heating).

This sector fares better than domestic waste, with still the largest proportion going into landfill. And the quantities are far larger: for every tonne of household waste, commercial, industrial and construction produces 6 tonnes (according to Defra).

Predictable environmental achievers Germany, the Netherlands and Sweden show far higher recycling rates – up to 80%, with some energy recovery and only a tiny proportion going to landfill. The reasons for this are manifold: the cultural differences between our countries, the way in which recycling has been part of mainstream thinking for far longer in

those countries, the logistics of the waste collection system and, most importantly, the legislative environment. But this is something in which the UK is catching up fast.

The main push to divert material from landfill comes from Landfill Tax, which must be paid on every tonne of waste to landfill. This currently is £64 per tonne, but is set to increase by £8 a year so that by 2014 it will be a 'floor rate' of £80 per tonne – with increases likely to continue.

Waste management costs vary widely depending on the location, type of business and waste streams, but a waste stream consisting of dry mixed recyclables (DRM) costs typically 20% less per tonne to dispose of compared to general (landfill waste) - and this gap is set to increase. One of the main purposes of landfill tax is to make alternatives to landfill more economically attractive. At the 2012 landfill tax rate, businesses that produce 500 tonnes of waste a year will see an increase of £4,000 a year in their waste management costs if they do not seek to reuse and recycle. In fact,

even the very small businesses that fill one or two wheelie bins a week could see an increase in their fees of £15-30 per month.

## Reducing costs

With regards to the typical workflow of a facilities manager, it is often convenient to assume waste disposal as a fixed cost. However, the true costs of waste are huge – up to 10-15 times the direct costs of the waste contract when the costs of purchasing inputs and indirect factors are included. This can add up to 5% of overall business turnover. The implementation of improved waste management practices could significantly reduce these costs.

A pragmatic approach to improving waste management at source could be to consider:

- The original purchase costs of your materials
- Lost revenue from over-ordering
- Handling and processing costs
- Time taken by staff
- Any potential liabilities that could increase your costs.

These hidden costs, when added to the obvious costs, give a more realistic figure of what you really spend on managing your waste. From reducing waste at source, savings on collection and disposal costs can then be offset against the cost of initiating further waste minimisation and management programmes which may have originally incurred capital costs that were previously not viable.

Waste law in the UK is based around the EU Waste Framework Directive which has recently been revised to state that businesses will be need to achieve 50% recycling by 2020.

However, as we have shown, recycling should be a lower priority than waste minimisation - so let's finish with some pointers on waste management:

| Better Waste Management for FMs  |   |
|--|---|
| ... Through following the Waste Hierarchy...   |   |
| Business benefits  | Environmental benefits  |
| Complying with legislation – and not incurring fines   | Reducing waste to landfill – reduces emissions of greenhouse gases from the degradation of waste in landfill – also to reduce the possibility of land and water pollution from landfill as well as the visual intrusion |
| Procurement – minimising waste at source or getting more for buying less engenders cost savings (for example with less packaging) which will reduce waste disposal costs later | Reducing the quantity of waste transported – reduces emissions of greenhouse gases and contribution towards air pollution   |
| Waste disposal direct costs – reduce fees for waste disposal – minimise waste quantities – particularly that which is landfilled   | Reduced consumption of virgin resources through the need to consume new products  |
| Stakeholder perception – business image and reputation among stakeholders such as customers, employees, the public, regulatory authorities, insurers and investors.            | Reducing the risk of pollution incidents from incorrect handling, disposal and burning of waste   |

*Above is an at-a-glance guide to better waste management for FMs.*

## Lucky 7 pointers on waste management for FMs

- 1) Start with a full review of waste management practices in your organisation: is waste minimisation being applied as the premier principle? Be proactive rather than passive – undertake a structured review and do this on a periodic basis.
- 2) Look at current waste contracts – compare prices and see if you are getting the best deal.
- 3) Build resource efficiency into procurement specifications.
- 4) Look at collaboration with nearby organisations and synergies with waste management practices for economies of scale.
- 5) Use effective workplace behaviour change strategies to encourage colleagues to improve their waste management practices.

6) Don't underestimate legal obligations – have a process in place to identify legislative changes.

7) Collect the right sort of data and use it wisely.





## Compliance Gets Top Priority

*Compliance is unquestionably an important subject in facilities management, demanding significant time and resource – and often demanding specialist support too. And, inevitably, FMs are not short on ideas for how it could be better handled.*

To get a quick picture of how organisations rate the importance of compliance and how they deliver the service where it's needed, we used an i-FM 30-second survey to ask for views and experiences.

First, we asked about that question of importance – and the results are clear. Two-thirds of our respondents said that compliance is rated a top priority for their FM team. The remaining third saw it as only slightly lower down the agenda, describing it as one of many important activities at their organisation.

And how do they deliver the required expertise?

More than two-fifths of the group (44%) have the necessary specialists in-house. 8% use independent external specialists, and just 4% rely on their FM providers for the expertise. But a significant number

(44% again) find that a mix of in-house and external resources works best for them.

Not surprisingly, most of our respondents report that the time and money they devote to compliance has gone up over the past two years. That's the case for nearly three-quarters of the group (74%). And over half (57%) think the demands will continue rising over the coming two years.

Interestingly, almost 40% of the group don't expect to see any change in the resource requirement over the near-term – and, perhaps hoping against hope, a handful (4%) expect to spend less time and money on compliance over the next two years.

So which areas of obligation require the most resources? Far and away, the main focus of compliance activity is health & safety. 80% of our respondents said this demands the most time at their organisations.

Significantly fewer organisations are primarily focused on utilities (12%) or the environment (8%). Also singled out as compliance issues,

though in small numbers only, were PPM regimes, asbestos and water quality.

Finally, we asked our respondents to consider this: if they could propose one change in compliance requirements or practices, what would it be? What we got back was a long and varied list. A number of consistent themes run through this, including:

- Better communication
- Better process documentation
- Better thought out policies
- Clearer guidance
- Consistent application
- Greater standardisation
- Increased awareness.

The picture that emerges is of a team of specialists working within FM in a critical role made more difficult by frequent change in legislation, policy and practice. The 'holy grail' of compliance appears to lie in that time-honoured advice, keep it simple – as long as there is no sacrifice in effectiveness.



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## Recently on i-FM...

**Over the past couple of months, we've interviewed the chief executives of the two leading organisations in FM and provided a platform for debate on some serious issues, including some of the biggest in facilities management today.**

**The extracts here will give you some of the flavour in each case. You'll find the full articles on [www.i-fm.net](http://www.i-fm.net)**

### **FMA on the brink**

*Elliott Chase interviews Chris Hoar, Chief Executive of the Facilities Management Association*

Talking about the launch of the FMA members-only MBA programme, Hoar says: "We kicked off this concept a year ago, and I was really excited about it. Talking to Brian Atkin and then Sheffield Hallam University, it was clear we wouldn't be treading on anyone's toes and there was a real opportunity to do something different.

"We really think that there is a need for this in the industry. Our challenge now is to find the right people and get them on the course as quickly as possible. I'll give you an example – I had a call from someone: he's over 40, has been working in the FM area for 20 years and has vast experience, but he hasn't had the time to do any formal qualifications. He fits the profile perfectly: this is the sort of candidate we're after.

"Talking to people in the industry over the past three years, it became clear to me that there are people out there that we could help in this way. That's why we did this – it's a member benefit."

### **Changing times**

*David Emanuel talks to BIFM CEO Gareth Tancred*

Reflecting on a period of rapid change, Tancred explains: "We knew that this year there would be some changes coming to the Board – each Board member has a two-year term, so you can work within that timeframe. When Ian [Fielder] went it prompted us to have a bit of a rethink, a bit of a fresh start in terms of what we were doing. I saw that as an opportunity – I sat down with Ian Broadbent [Chairman at the time] to talk about what we would like to do, what does work, what doesn't work etc. I devised a 90-day plan, and the Board was happy that we were getting on with bringing things under control.

"What I couldn't say then but what I can say now is that it was a plan that would get us back on track – not just financially but also back on track in terms of growth and development aspirations. Part of that was doing some executive and management team restructuring. I could see some opportunities to become more dynamic as an organisation."

### **Doing the right thing**

*In the midst of a hugely successful Paralympic Games, Elliott Chase reflects on the work and workplace challenges facing disabled people*

Despite the weight of law, there are still some very significant issues around equality in the workplace that are highly relevant to FM in both its in-house and outsourced forms.

In fact, in many ways FM is central to this subject, sitting as it does at the heart of workplace service delivery and management, as well as more general business operation.

If we are to achieve real equality of opportunity, FM is going to have to play a key role.

## Energy management 101

*Mark Hobbins offers a quick guide to developing a strategy to improve efficiency and cut costs.*

Energy management has achieved greater prominence in recent years because of legislative drivers such as the CRC Energy Efficiency Scheme and the Energy Performance of Buildings Directive. Energy is now on the agenda at boardroom level and it is no longer just seen as an overhead. As well as a desire to cut carbon emissions, many organisations are realising the opportunity energy management provides to significantly cut costs.

A haphazard approach will no longer allow managers to achieve ongoing savings, as much of the 'low hanging fruit' measures have already been implemented. To achieve real results in the future, a much more strategic approach will be required, with significant investment and resource.

## Where is everybody?

*Jeremy Waud wonders why most FM companies seem to think bigger is better.*

The result of this continuing consolidation is that mid-market TFM companies with a turnover of anything from £10m to £50m are in short supply.

Don't get me wrong, I'm not complaining because quite simply at Incentive FM we have less competition in TFM, consultancy, security and cleaning as this trend continues - for us, this is generally good.

## No sector can afford to think it's better than others

*As the post-Olympics row about public sector outsourcing simmers on, Sodexo's Phil Hooper calls for balanced thinking.*

Public sector organisations and voluntary groups, as well as other businesses, look towards the private sector for many reasons including expertise, quality, value, innovation and efficiency, and success has been experienced on vast scales. Of course, this is not to say that any shortfalls from the sector should be simply accepted and forgotten; but nor should they be drawn out. If anything, we should be learning from temporary glitches and move forward - whatever happened to the old yet effective method of learning from past experiences?

## The living wage problem

*How do we find the right balance on wage rates in a highly competitive market and who is going to take the lead on this, asks Elliott Chase.*

Coordinated action across the industry, bringing together buyers, providers and trade organisations, might speed up progress – but who would pull such an initiative together and who would follow it through? More likely, the only route to application of a consistent living wage is indeed through some form of government action.

In the meantime, this issue will continue to rumble along in the background, erupting periodically into the public debate and adding to the negative view of outsourcing already held in some quarters.

**At i-FM, we publish important comment and features like these regularly. And, of course, we update our news pages five days a week. No one knows more about this market – which is why we say:**

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# Legislation

Legislation is defined as government, which are of to regulate, to proscribe, to sanction, to authorize, separation of powers.

**Change is the Name of the Game**

*This autumn new legislation affecting the facilities management sector is open to consultation or coming into force. Ian Goodliffe, HSQE Director at OCS Group UK, reviews the new laws and explains what facilities professionals need to know – and do.*

## **Fee for Intervention – recovering the costs of health and safety regulation.**

A new approach to the regulation of health and safety throughout Great Britain, originally due to come into force in April 2012, started in October. The new regime allows the regulator, the Health and Safety Executive, to recover the full cost of any intervention it makes following a material breach of health and safety law.

A 'fee for intervention', or FFI, will be applied if the duty-holder has breached health and safety law and a requirement to rectify the breach is formally made in writing. The new policy does not affect those who are

in technical (non-material) breach of the law.

Currently, cost recovery for such work is generally limited to specific major hazard industries and some licensed or approved activities - for example, a licence application under the Control of Asbestos Regulations or notification under the Notification of Conventional Tower Cranes Regulations.

The new Health and Safety (Fees) Regulations 2012 replace the Health and Safety (Fees) Regulations 2010 and reflect a policy shift. In March 2011, the government proposed a package of measures to change the culture of health and safety in Britain. It included a commitment to reduce the level of proactive health and safety inspections by approximately one third (ie 11,000 fewer inspections a year).

A reduction in HSE resources means that it will need to spend more time securing compliance

from high-risk businesses and poor performers.

As part of the new approach the government and the HSE board now require the HSE to recover its costs where duty-holders are found to be in material breach of health and safety law and providing the costs are reasonably incurred.

A material breach is when, in the opinion of the HSE inspector, there is or has been a contravention of health and safety law that requires them to issue notice in writing of that opinion to the duty-holder.

FFI applies to duty-holders where the HSE is the enforcing authority. This includes employers, self-employed people who put others (including their employees or members of the public) at risk and some individuals acting in a capacity other than as an employee, eg partners. It includes public and limited companies, general, limited and limited liability partnerships,

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and Crown and public bodies.

The charging clock starts ticking from the moment a communication (letter or email) recording the duty-holder's breach is sent.

Costs will be recovered from the start of the intervention up to and including the point where intervention has concluded. In addition to the initial intervention, the costs are anticipated to include any follow-up activity, such as phone calls or site visits, the provision of any specialist assistance needed, the costs of writing letters and reports and drafting and issuing improvement or prohibition notices.

The HSE will charge an average of £124 an hour for its work. If Health and Safety Laboratory or non-HSE specialist support is required to assist with the interventions, the duty-holder who is in material breach of the law would pay the actual costs of the specialist support.

It is difficult to predict the costs for any individual case but the HSE has provided estimates for different scenarios. Where an inspection results in a letter, the average cost recovery would be £750. If an enforcement notice is required, the cost rises to £1500 and; if investigations are required, then costs could run into several thousands or, in extreme cases, tens of thousands of pounds.

The new arrangements also see a change in the inspection regime. Comparatively high-risk activities such as construction, waste and recycling will continue to receive proactive health and safety inspections.

Joint initiatives with industry are likely to replace inspection in other sectors and, more generally, the emphasis will be on reactive work, including investigating incidents and following up complaints.

The HSE will ensure that duty-holders do not incur two sets of costs for the same regulatory activity. For example, the licensing of asbestos removal contractors includes a technical assessment of the application.

The existing licensing / approval / notification arrangements will continue, however, in situations where inspectors identify a material breach not covered by the technical assessment fee, in which case the fee for intervention will apply.

## **National minimum wage**

Every year the Low Pay Commission, an independent body set up to advise the government following the National Minimum Wage Act 1998, reviews the National Minimum Wage. From 1 October 2012, the NMW, the minimum amount per hour that most workers in the UK are entitled to be paid, will rise. The rate for workers aged 21 and over will increase by 11p from £6.08 an hour to £6.19; while the rate for apprentices will rise by 5p from £2.60 to £2.65.

There will be no change in the £4.98 per hour rate for 18-20 year olds, nor in the £3.68 per hour for workers above school leaving age but under 18.

Employers providing staff with accommodation can count some of its value towards the National Minimum Wage pay. This is called the 'accommodation offset' and from October, the maximum that employers can count towards NMW pay will be £4.82 - a rise of 9p from the previous 12 months.

## **Squatters' rights**

Last month (September) facilities professionals with residential properties in their remit were affected by new legislation on squatting, changing the offence from a civil to a criminal matter. This

means that squatters can be more easily evicted from houses – although commercial building owners and managers will still find it a lengthy process.

From 1 September, through Section 144 of the amended Legal Aid, Sentencing and Punishment of Offenders Act, squatting has been criminalised for residential buildings (including social housing properties). Under the act, a person commits an offence if they are in a residential building as a trespasser, having entered it as a trespasser; the person knows or ought to know that he is a trespasser; and the person is living in the building or intends to live there for any period. But the offence is not committed if the person is holding over after the end of a lease or licence (even if the person leaves and re-enters the building). People convicted under the act can be imprisoned for up to 51 weeks, or fined up to £5000, or both. The first arrests have already been made under the new act.

## **RIDDOR consultation**

Also this autumn, the HSE is seeking views on proposals to revise Britain's occupational accident and disease reporting requirements, under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 1995.

On 2 August the HSE announced a 12-week consultation, ending on 28 October, on proposals to simplify and clarify RIDDOR to make complying with the reporting requirements easier for businesses, employers and those in control of workplaces. Considerable confusion has arisen around what accidents, incidents and ill health should be reported, and so the HSE is attempting to address this and to reduce the bureaucracy around reporting requirements.

CD243 - Public consultation on proposals to simplify and clarify

RIDDOR reporting requirements is mainly a result of the recommendations in two government reports. The October 2010 report Common Sense, Common Safety recommended that the HSE re-examine RIDDOR's operation to determine whether it was the best approach to providing an accurate national picture of workplace accidents. And the 2011 Löfstedt report, Reclaiming health and safety for all: An independent review of health and safety legislation, recommended that RIDDOR and its associated guidance be amended to provide clarity for businesses on how to comply, by reducing ambiguity over reporting requirements for businesses, particularly in relation to incidents involving members of the public.

Under the proposals, businesses will no longer have a duty to report injuries or illness where the information is 'of little use' (ie it is not put to significant practical use by a regulator) or better obtained from other sources such as from the emergency services or from the police.

Reporting requirements will be removed in four specific instances:

- Cases of occupational disease, other than those resulting from a work-related exposure to a biological agent
- Non-fatal accidents to people not at work
- Dangerous occurrences outside of higher risk sectors or activities
- Reporting by self-employed people



of injuries or illness to themselves. It is proposed that reporting on the following work-related incidents, which are currently within the scope of the RIDDOR, be retained:

- All deaths to both workers and people not at work
- All major injuries (simplified list) to people at work
- Over-seven day injuries to people at work
- Dangerous occurrences that occur within major hazard industry sectors or within other specified higher risk sectors or activities such as construction
- Domestic gas events (simplified criteria to apply).

A record of the following should also be kept:

- All reportable incidents (other than gas events)
- Over-three day injuries to people at work.

A summary of the proposal and the questionnaire can be found at <http://www.hse.gov.uk/consult/condocs/cd243.htm>

Responses must be received by 28 October 2012.

### Asbestos regulations

New regulations follow the introduction, on 6 April 2012, of new laws governing work with asbestos. These do not change basic good practice, but have introduced some additional requirements.

The Control of Asbestos Regulations Act 2012 updates the previous regulations because the European Commission considered that the UK had not fully implemented the 2009 EU Directive on exposure to asbestos.

The new regulations do not change the basic principles of managing asbestos - if existing asbestos

containing materials are in good condition and are not likely to be damaged, they may be left in place, their condition monitored and managed to ensure they are not disturbed.

The 'duty to manage' remains and training is mandatory for anyone liable to be exposed to asbestos fibres at work. This includes maintenance workers and others who may come into contact with or disturb asbestos, for example, cable installers.

The requirements for licensed work have not changed but some types of non-licensed work with asbestos now have additional requirements. From 6 April employers have been required to notify work with asbestos to the relevant enforcing authority, to ensure medical examinations are carried out and to maintain registers of work (health records). The enforcing authorities are the HSE, local authorities and the Office of Rail Regulation.

By April 2015, all workers/self-employed persons doing notifiable non-licensed work with asbestos must be under health surveillance by a doctor.

For more information visit [www.hse.gov.uk/asbestos/index.htm](http://www.hse.gov.uk/asbestos/index.htm)

Detailed guidance has been published on the HSE's website setting out how the scheme will work in practice. It explains how FFI works and includes examples illustrating how it would be applied - see <http://www.hse.gov.uk/fee-for-intervention/index.htm>



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