

Health and Safety Commission Minutes		HSC/MO1/2004	
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Health and Safety Commission

Minutes of a meeting of the Health and Safety Commission held on 13 January in the Globe Room, 2 Southwark Bridge, London SE1 9HS

Present

Bill Callaghan – Chair
 Abdul Chowdry
 Joyce Edmond-Smith
 John Longworth
 Judith Hackitt
 Owen Tudor
 Judith Donovan
 Margaret Burns
 Elizabeth Snape

Apologies

George Brumwell

Officials Present

Timothy Walker
 Justin McCracken
 Vivienne Dews
 Julian Shellard
 Colin Douglas
 Mark Dempsey
 Paul Kloss
 Ashley Salandy
 Paul Denman

Presenters

Item 3 – Vivienne Dews, Tony Mulhall, Mike Lacaille
 Item 4 – Laurence Williams, Jim Furness, Andy Hall, Denis Tunnicliffe, Dipesh Shah, John Croft
 Item 5 – Neal Stone, Matthew Holder, Elizabeth Gyngell

1	Minutes of the meeting held on 12 December 2003
1.1	The minutes were agreed.
2	Urgent business not covered by items on the agenda
2.1	<p>The Commission was updated on two rail related issues:</p> <ul style="list-style-type: none"> I. Timothy Walker, Bill Callaghan and Allan Sefton had met Alastair Darling and Kim Howells to discuss risk aversion and the role of standards. Most of the standards under discussion were, in fact, the industry's own standards. Bill Callaghan would send a letter to the Secretary of State to set out HSC/E's position.. II. HSE had given evidence to the Transport Select Committee. HSE would follow up the points raised and submit a further written note. During the hearing, Alan Osbourne had given evidence and been asked about examples of "gold-plating" within HSE. He had not been able to do so at the time and was asked to submit a further note. In the light of ill informed criticisms that could threaten HSE's credibility within and beyond the rail industry, it was important that other organisations found opportunities to explain the direction and benefits of the HSC/E approach. HSE would propose some communication strategies to the Commission as a matter of urgency.
3	SR2004 – The Draft Submission to DWP (HSC/04/21)
3.1-3.5	(Closed) →←

4	UKAEA & NSD Presentations – Dounreay:
4.1	<p>Laurence Williams introduced staff from NSD and UKAEA. It was now five and a half years since the Dounreay safety audit. This audit had raised concerns about:</p> <ul style="list-style-type: none"> • the material conditions of the site; • staffing; • the use and management of contractors. <p>There were also major concerns about:</p> <ul style="list-style-type: none"> • safety performance (it was going in the wrong direction); • mixed goals (there was no clear vision); • low staff moral. <p>Since then, there had been considerable progress and there was now far less public concern about safety. This was a credit to the staff and management teams at Dounreay and also to HSE’s regulatory strategy and partnership based approach.</p>
4.2	<p>Denis Tunnicliffe gave UKAEA’s analysis of the position. UKAEA had been in operation since 1954 when its principle mission involved research and development, primarily around the nuclear weapons programme. The role had expanded since then. BNFL, Amersham International and AEA Technology had been “spun off” and now the principal activity was “clean-up” or restoring the environment. This was a big challenge, but good progress had been made with 23 out of 25 reactors now having been defuelled. Dounreay had to be seen within this wider picture, but an examination of the issues faced in 1998 showed:</p> <ul style="list-style-type: none"> • the lack of a clear mission; • a loss of skills (through privatisation); • a move into contract management; • that people underestimated the difficulties involved in decommissioning.
4.3	<p>Nowadays, new plants had been started. These included operations at both a new low level liquid effluent treatment plant (LLLETP) and a PFR sodium disposal plant. There was now a Dounreay Cementation Plant (DCP) which solidified the reprocessing liquor and the supercompaction of low-level waste drums in WRACS. The liquors were a big risk but were now being dealt with in a controlled way. Old buildings had been demolished including the:</p> <ul style="list-style-type: none"> • DFR seawater pumphouse; • DFR Ancillary Building (D111) • DMTR Ancillary Buildings.
4.4	<p>New techniques had been developed, including a means to deal with alkali metal coolants by treating with a mixture of water vapour and nitrogen. Particle emissions were being controlled and examples of this were through the monitoring of the Sandside Bay and by a diver survey. Active consultation with the community was taking place in the four areas of:</p> <ul style="list-style-type: none"> • active solvents and oils; • long term management of Solid Low Level Waste; • end state of decommissioning the shaft; • particles.

4.5	<p>The new direction involved:</p> <ul style="list-style-type: none"> • focus and innovation; • better management of the private sector; • introducing enough skill and control; • agreeing common objectives with the NII; • learning to work better with the Regulator. <p>In summing up, the 1998 audit and re-direction had been beneficial. It had allowed UKAEA to rethink and move forward. Good work had taken place with NII and UKAEA looked forward to the lifting of the Direction.</p>
4.6	<p>Jim Furness gave NSD's perspective. After an electrical power failure in the Fuel Cycle Area, action had to be taken. The Fuel Cycle Area (FCA) was directed to shut down in 1998. Since then NSD had progressively issued Consents for a number of facilities to restart operation:</p> <ul style="list-style-type: none"> • Solid ILW plants (D2001, D9867 & D9875), July 01; • MTR Fuel Element Protection (D1202), Oct 01; • WRACS (D8570), July 01 & Dec 02; • DCP (D2700), June 03; • HAL Store (D1208), Aug 03.
4.7	<p>The key findings of the HSE/SEPA Audit of June 1998 were that:</p> <ul style="list-style-type: none"> • organisational changes had weakened the management and technical base; • there was an over-dependence on contractors; • there was the lack of a comprehensive strategy for dealing with radioactive waste; • there was a lack of progress with decommissioning. <p>One lesson for NII was that the regulatory oversight of Dounreay needed increasing.</p>
4.8	<p>The HSE/SEPA Safety Audit was published in June 1998, with 143 recommendations. By the time of the HSE/SEPA Safety Audit Final Report of January 2002:</p> <ul style="list-style-type: none"> • 89 recommendations had been closed out; • 27 recommendations dealing with strategic matters were within the DSRP; • 27 recommendations were put on a Medium Term Recommendation programme to Autumn 2004 – (1 had been submitted to NII for close out, 12 were close to submission and 14 are expected to be closed on time). <p>The timescales for some key DSRP projects were displayed and it was essential that the prominence of decommissioning was raised.</p>
4.9	<p>In the clean up period, the objectives were to reduce hazards. The DCP to solidify liquid wastes from D1208 was shown. Engineering improvements, upgrades to safety, preparations and cleaning up laboratories and work areas were all positive steps forward. In the five years of development at Dounreay:</p> <ul style="list-style-type: none"> • management organisation and the technical base had improved; • the dependence on management contractors had been reduced and the intelligent customer role improved; • a strategy for dealing with radwaste was in place; • there had been welcome progress with decommissioning.

4.10	<p>Looking to the future, goals included:</p> <ul style="list-style-type: none"> • the continued regulatory oversight of progressive reduction of hazard in a proportionate way; • the return to a more normal regulatory regime following the lifting of the Direction to shut down.; • monitoring progress with recommendations from the audit; • continued discussions to enable modern standards safety cases and a site wide periodic safety report; • DSRP links to LCBL and NTWP; • NDA (to be formed) and prioritisation.
4.11	<p>In discussion, the Commission asked what lessons could be learned from Dounreay and whether or not the Regulator could have acted earlier. It was explained that in 1998 the whole of the nuclear industry was changing. At that time, the right safety culture was not in place at Dounreay, for many reasons. Nowadays, there was a focus on partnership between UKAEA and the Regulator. Safety has now risen to the top of the agenda. HSE's strict intervention in 1998 did however make for rapid changes. The Commission was assured that permissioning regimes were still a good system of regulation.</p>
4.12	<p>The Chair thanked the presenters. Here was a success story that needed to be widely known. The messages about culture and partnership were crucial. The lessons from Dounreay, particularly about the management of contractors had relevance to other industries and could be disseminated. UKAEA would look to continue with the good progress.</p>
5	<p>Draft statement of principle on Worker Involvement and Consultation on occupational health and safety (HSC/03/151):</p>
5.1	<p>Matthew Holder introduced the paper. The paper sought agreement for the draft statement setting out the principles and measures considered vital to help HSC/E achieve the goal of securing greater worker involvement and consultation on occupational health and safety. The approach in the statement is one that is appropriate to meet the needs of all workers. When agreed, the statement would then serve as a core document for a number of stakeholders to sign and make public their support.</p>
5.2	<p>The Commission was broadly content with the approach in this paper. There was a balance in the statement between the effectiveness of the current arrangements for worker involvement in the unionised and non-unionised industries which was welcome. However, a small number of stakeholders had concerns about the goals set out in the statement and the intended benefits such an approach would bring. The Commission did not share this view and was content to publicly endorse and promote the statement. The commitment to the statement had to be supported by a determination by all stakeholders including HSC/E to make it happen. This approach should be publicised and those stakeholders in favour of it could then commit to the principles that it set out and work with HSC/E to take forward the measures within it. A number of the measures set out in the statement are already being taken forward including the Workers' Safety Adviser Challenge Fund. The Commission would now report on progress to the Minister.</p>

5.3	<p>The Chair thanked the presenters. Firm timescales would now need to be developed for the next steps as this work represented an early deliverable of the new strategy. HSC/E should be prepared to launch the statement very soon. There was considerable external interest in measures to promote greater worker involvement in health and safety and these needed to be handled sensitively. The approach set out in the statement needs to be reflected by HSC/E in their work on all major policy and regulatory initiatives. Subject to some minor drafting points, the paper was agreed. Summing up, the Commission:</p> <ul style="list-style-type: none"> • agreed that the statement should form the basis of a declaration by key stakeholders to achieve the goal of greater worker involvement and consultation on occupational health and safety; • agreed the statement as the basis of advice to Ministers on the way forward on worker involvement; • noted the importance of a sound evidence base for worker involvement and consultation and case studies demonstrating the health and safety and business benefits that effective and inclusive worker involvement brings.
	Below the Line Items:
6	HSE's Relationship with Economic Regulators (HSC/03/134):
6.1	The Commission noted the current Ofgem projects and initiatives that have implications for both health and safety and resources within HSE and agreed that the Chair write to the new Chairman of Ofgem along the lines of the draft. The Commission supported HSE's view that earlier and more effective consideration of safety matters by Ofgem was required.
7	Consultation on the proposals for the control of inhalable dust in coal mines (HSC/04/03):
7.1	The Commission approved the issue of the attached CD on the proposed package for formal public consultation over a three-month period.
8	Proposal to change the memorandum of agreement between HSE and the Coal Authority (HSC/04/08):
8.1	The Commission approved the revised MoA attached at Annex 1.
9	Pilot Study of Management Standards on Work Related Stress – Proposals for Consultation (HSC/04/04):
9.1	That the Commission noted the excellent progress and successful engagement of key stakeholders in developing the Management Standards and supported the development of proposals for wider public consultation and discussion at the April meeting.
	MISC Papers circulated:
10	Railway Safety Regulations 1999: HSE grants TPWS exemption to Network Rail (MISC/04/01):
10.1	The Commission noted the contents of the paper.

**Commission Secretary
January 2004**