

CHIEF EXECUTIVE'S REPORT TO THE HSC

JULY 2006

1. Buncefield

The third Progress Report on the Investigation was published on 9 May and attracted great media interest with largely accurate reporting. Following a residential meeting in Buxton, the Investigation Board is now preparing its Initial Report under Terms of Reference 6. This will be presented to the Commission on 11 July and the Environment Agency Board on 12 July before publication on 13 July.

2. The Energy Review

HSE's contribution to the Government's energy review was published on Wednesday 28 June, and a press briefing was held. Commissioners have been provided with copies of the document and the associated press release.

3. Sellafield

The first hearing of the prosecution case against British Nuclear Group Sellafield Ltd (BNGSL) took place in Whitehaven Magistrates Court on Thursday 8 June. BNGSL entered guilty pleas against each of three charges of breaches of Nuclear Site Licence Conditions. These related to events associated with the discovery in April 2005 of a large leak of highly radioactive liquor from primary containment inside the accountancy cell of the Thermal Oxide Reprocessing Plant (THORP). In view of the limited fines (maximum £5000 per offence) that the Magistrates Court could impose for these breaches, HSE requested that the case be referred to the Crown Court for sentencing and BNGSL did not oppose this. The Bench agreed and the sentencing hearing will now be held in Carlisle Crown Court on Thursday 24 August. Once these proceedings have concluded, HSE will make a report of its investigation findings publicly available.

In the light of this and a number of other recent events at Sellafield, HSE is setting up a Site Wide Review to assess and influence key elements of BNGSL's safety culture and management of safety. This review, which is a key part of NSD's integrated interventions strategy, will comprise a number of interlinked projects and will start in September. An important part of the review will be to learn lessons from previous regulatory interventions and identify any potential improvements in the way that NSD interacts with the site.

4. Brent Bravo

HSE is still awaiting the determination of the fatal accident enquiry into the two deaths that occurred in Sept. 03. In advance of that determination there has been a degree of media interest into Shell's Health and Safety performance, stimulated by an ex-employee of Shell. A "Frontline" piece on Scottish TV was very critical of Shell, and also criticised HSE's regulation of Shell. This has been followed up by articles in the national newspapers. We continue to wait for the Sheriff's report.

5. Billingham Explosion

Good progress is being made with the on site investigation at Terra Nitrogen (UK) Ltd following the explosion. In particular the section of synthesis gas pipework which failed has been removed for examination at HSL laboratories. Key valves are also being removed and dismantled in the presence of HSE/HSL specialists. It is not yet possible to specify the root causes of the incident.

6. House of Commons, Science and Technology Select Committee Report on Magnetic Resonance Imaging

Commissioners have received a copy of this report, published on 29 June. The report is very critical of all the bodies involved in the handling of the relevant European Directive, including HSE. In particular, clear failures are identified in our interaction with relevant stakeholders. The report, and the need to learn the lessons from it, has been drawn to the attention of all HSE staff. Jonathan Rees is preparing a note on how to avoid a reoccurrence of this situation, which will also be widely circulated.

7. DWP Select Committee

Bill Callaghan and I gave evidence on a range of HSE issues to DWP Select Committee on 24 May. The Select Committee were particularly interested in issues relating to the balance between advice and enforcement. A full copy of the uncorrected transcript is available on the Select Committee website at <http://www.publications.parliament.uk/pa/cm200506/cmselect/cmworpen/uc1143/uc114302.htm>

8. Workplace Health Connect

All Pathfinders continue to report an excellent response to the service from customers. Adviceline satisfaction ratings remain high around 94% very satisfied or satisfied. Up until 15 June there had been 1,666 calls to the Adviceline and 623 referrals for workplace visits. The ratio of employers to employees calling the Adviceline is 2:1. Following a slow start we are now on track to deliver the numbers of referrals for workplace visits. Calls to the Adviceline are lower than was expected (currently about 25% of designed capacity). As a result we have refocused our marketing on the National Adviceline service.

The HSE Board has decided not to go ahead with a sixth Pathfinder in the South East. HSE has therefore stopped the Expressions of Interest Process it started on the 24 May 2006. The existing Pathfinders will continue until February 2008 as planned, and will be evaluated. Preparations for rolling out a service with national coverage will continue. Such a roll out will, however, require new resources.

9. HSE Website - Publication of prosecutions

HSE has received a number of complaints from stakeholders that data on successful prosecutions is removed after five years. As this action was based on legal advice, we have had this reviewed. The review has left us free to continue to make the information available. A new archive of this data is being created on the HSE Website and we hope it will be ready by the end of July.

GEOFFREY PODGER
JULY 2006

ANNEX 1

ANNEX TO CHIEF EXECUTIVE'S REPORT: JULY 2006

Key Developments

Management

The latest staffing figures are attached at Annex 3. Since 1 April and the transfer of rail functions, the overall staffing position in HSE/HSL has remained relatively stable. Staff in post fell by 27 full time equivalents of which 15 were agency staff. The number of inspectors has increased as a result of an internal trainee inspector vacancy filling exercise and a targeted recruitment of inspectors. A further 18 trainee inspectors are scheduled to take up post in October.

The HSC Annual Report and HSC/E Statement of Accounts for 05/06 was published on 30 June.

Strategic Programmes

On 27 June HSE initiated a series of 27 stress workshops aimed at central government, local government, health, education and financial sectors. The workshops will run through to 2007. Lord Hunt is endorsing this programme.

HSE's Corporate Health and Safety performance Index (CHaSPI) was launched in 2005. It is a web-based tool to assist large organisations to get a measure of the effectiveness of their internal controls over health and safety and benchmark their performance. The first 25 companies to complete the CHaSPI received an award from Lord Hunt at a House of Lords event on 28 June.

Communications

The continuing response to inaccurate articles in the press included a letter published in the Edinburgh Evening News and a letter to the Glasgow Herald.

Operations

6 fatalities were reported to HSE in May and 15 in June. Brief details are given in Annex 2.

Successful prosecutions included

John Doyle Construction Limited and Exterior International Plc were fined a total of £350 000 following the investigation into a fatal incident on a building site in 2002 at Battersea.

Paul Clarke, a landlord in Portsmouth, was fined £42 000, with additional prosecution costs of £18 000 for breaches of gas safety legislation which led to a fatal carbon monoxide poisoning in 2003.

The Produce Connection Ltd, Cambridge were fined £30 000 and costs of £24 000, following the death of an employee in a car crash while driving home. He (and others) had worked in excess of 100 hours a week.

Consultations

Current consultations

Managing workplace transport risk: proposals for a route map to provide an easy to understand and readily accessible framework of current legislation, guidance and good practice – for response by 22 September 2006

Improving worker involvement – ends 8 September 2006

National Association of Professional Inspectors and Testers (NAPIT) Consultation – Application to set up Registration Scheme under the Gas Safety (Installation and Use) Regulations - ends 5 July 2006

Closed consultations

Consultation on HSE's Safety Assessment Principles closed 31 May

Campaigns

Child Safety Week 19-25 June – HSE issued a news release to support the week aimed at the construction industry and launched a child safety microsite on its WebPages.

European Week for Safety and Health in October 2006 – this was trailed with key media contacts. The focus will be young people.

Parliamentary business

15 Parliamentary questions were answered in May and 7 in June.

A 10 minute debate was held in the House of Lords on 20 June prompted by a PQ about HSE's inspection and enforcement activity. In response Lord Hunt made a strong case for HSC/E's role in protecting British workers.

The House of Lords Economic Affairs select Committee issued its report on 7 June on 'The Government's Policy on the Management of Risk'.

The Science and Technology Committee issued its report on its inquiry into the background to the development of the EMF Directive 29 June.

FATALITIES REPORTED TO HSE DURING MAY

| AGE | INDUSTRY SECTOR | DESCRIPTION |
|------------|---------------------------|---|
| 47 | Agriculture | DP unexpectedly charged by cow, knocking him over, striking his head |
| 66 | LA refuse collection | DP (Member of Public) struck by reversing refuse collection vehicle |
| 45 | Leisure and amenities | DP (Member of Public) mountain bike rider lost control at purpose built mountain bike ride |
| 70 | Agriculture | DP found trapped by his chest under all-terrain vehicle |
| 43 | Window cleaning | DP fell from ladder |
| Not stated | Amusement park | DP decapitated when standing up on miniature railway |
| 26 | Housing new build | DP knocked to floor by wall panel and struck head on end of timber batten |
| 42 | Demolition/roofwork | DP fell from height |
| 50 | Surveying/building | DP stepped on board covering trapdoor and fell through |
| 18 | Not stated | DP fell from ladder onto concrete ground below |
| 96 | Health services | DP fell from bed not provided with cot sides |
| 48 | Road transport | DP fell from forks of fork lift truck |
| 40 | Local authority | Vehicle he was working under rolled over DP causing fatal crush injuries |
| 23 | Domestic waste collection | DP hit by passing car |
| Not stated | Government department | DP fell down stairs leaving work, fracturing ankle. Subsequently died of pulmonary embolism |
| 3 | Agricultural contracting | DP tripped and fell under trailer wheels |

FATALITIES REPORTED TO HSE DURING JUNE

| AGE | INDUSTRY SECTOR | DESCRIPTION |
|------------|---------------------------------------|--|
| 93 | Healthcare / nursing home | DP scalded by a radiator |
| 81 | Agriculture | DP struck by reversing harvester |
| 50 | Crane servicing | DP fell off forks of fork lift truck |
| 35 | Maintenance and repair of MVR | DP rushed under press brake |
| 40 | Not stated | DP fell from overhead power supply line pole, possible electric shock |
| 34 | Construction – refurbishment | 0.75t metal plate fell onto DP |
| 79 | Nursing home | DP asphyxiated from vomiting |
| 47 | Refurbishment of lifts | DP fell from eight floors high |
| 25 | Civil engineering utilities | DP killed by exploding water pump |
| 15 | Not stated | DP (Member of public) drowned attempting to swim across reservoir |
| Not stated | Utilities / telecoms | DP working in manhole on edge of road was hit by a van |
| 42 | Charity | DP fell down staircase in common parts of hostel, allegedly under influence of alcohol |
| 58 | Transport depot | DP climbed on top of transit van to change flashing beacon, fell and hit head |
| 24 | Not stated | DP fell in pond whilst doing grounds maintenance in cemetery |
| 49 | Maintenance – painting and decorating | DP fell from tower scaffold sustaining fatal head injuries |
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