

CHIEF EXECUTIVE'S REPORT TO THE HSC

17TH October 2007

Barrow in Furness Legionella Outbreak

1. HSE will be holding two public hearings on this outbreak in Barrow following the recent conclusion of criminal proceedings. The object is to enable public discussion on how the outbreak, in which 7 people died and another 170 were affected, occurred and in particular to record the lessons for the future. There has been a very welcome willingness by the authorities involved to participate. The precise dates and location will be announced once an independent chair is appointed. HSE will produce a report following the hearings.

Launch of 2006 Backs Campaign

2. The national campaign was launched on 9 October. The campaign and its attendant publicity has attracted considerable media interest. The microsite, featuring the campaign's trademark rock group, 'Baackpain' received 3,000 hits in the first four days and has stimulated much publicity, including some criticism. There is however no doubt that its design has significantly contributed to raising awareness of the campaign.

Cadman Case

3. The ECJ judgment, issued on 3 October, about the Cadman case supports the general principle that rewarding experience remains a legitimate pay policy. This means that employers do not have to objectively justify differences in the pay of women that arise from pay scales based on length of pay.
4. The ECJ does provide a qualification and says there may be some cases where someone could provide evidence "capable of giving rise to serious doubts" as to whether a particular pay system really does, in the circumstances, appropriately reward useful experience. In such a case the employer will need to justify its pay system by showing that it rewards experience that leads to better performance of the job. The impact of this qualification will not be known until the courts and tribunals begin to apply it. The next stage is for the Court of Appeal to consider the ECJ judgment and it therefore remains sub judice.

HSE Implementation of HSC Strategy: Fine Tuning Review

5. We shall be undertaking an internal review of how we implement the Commission's strategy to take full account of the successes and learning to date. Issues to be looked at include the targeting of interventions, opportunities for local discretion and accountability for supporting activity, reduction in associated programme management and better evaluation of outcomes. It is hoped to conclude the review in February. The Board will

be acting as the steering group for the study, inviting local authority participation and also will consult with trade union colleagues.

Board Visits to HSE Offices

6. Board members will be visiting HSE offices between 16 and 27 October to discuss a range of issues including in particular our financial position and the implications for the staff.

Forthcoming Statistics Launch

7. HSE's Health and Safety statistics will be launched by the Chair of HSC at a press conference on 2 November. The publication will summarise the latest statistics on workplace fatalities, injuries (major/over 3 day), working days lost and work related ill health in Great Britain. Also included will be summary information on dangerous occurrences, gas safety and enforcement action.

Annex to Chief Executive's Report October 2006

Management

- The latest staffing figures are attached at Annex 1.
- The HSE board met on 5 September. The Board discussed the current financial situation and the way forward in light of that situation; reviewed HSE performance in the first quarter using the balanced scorecard; had an update on progress on corporate governance; and discussed the proposed merger with the Gangmaster Licensing Authority.

Health and Safety Enforcement

- Geoffrey Podger, recently addressed a major conference of health and safety directors and managers on Health and Safety Enforcement. Setting out our position as a firm but fair regulator, Geoffrey spoke about how HSE strikes the right balance between the use of enforcement and other means of securing compliance and improving health and safety standards.

Gas Safety

- HSE hosted a second stakeholder conference as part of its gas safety review, which began in February 2006. This event was opened by Lord Hunt and attended by over 100 stakeholders. The forum identified preferred options for change on issues such as registration, the legislative framework and standards and installer competence.
- A written statement was tabled by Ministers in Parliament on the 10th October, flagging up the risks of CO poisoning arising from faulty appliances. It called on gas safety stakeholders to work with HSE on the review of consumer gas safety, for the industry to increase public knowledge of the dangers of the unsafe use of gas and confirmed the Ministers intention to meet with ministerial colleagues and the industry to review progress

Product Safety Teams

- A new system based on virtual Product Safety Teams has been developed to deal with potential product safety issues. This will ensure that HSE influences manufacturers to build-in safety, suppliers to import and supply only "safe" equipment, and, where necessary, enforcing to achieve these objectives.

DTI Engineering Inspectorate transferred to HSE

- In October four people of the DTI Engineering Inspectorate are transferring to HSE. This means that HSE is now responsible for public safety issues associated with the electricity supply industry.

Operations

- 34 fatalities were reported to HSE during September. Brief details are given in Annex 2.
 - These are fatalities reported to the Field Operations Directorate. They have not been validated to check that they are reportable under RIDDOR and so may not all be included in HSE's fatality statistics for 2006/07. Following the review into the way we handle the information on fatalities, a system will be set up to ensure that validated, complete and up to date information is provided on a monthly basis.
- Successful prosecutions include:
 - Aggregate Industries UK Limited and Tripod Crest Planing Limited were both fined £25,000 each. The case followed an investigation into the crushing of an employee's leg by a reversing lorry.
 - BUPA Care Homes Ltd was fined £90,000 and ordered to pay £19,247 in costs. The case followed an investigation into the death of a 95 year old lady in their care.
 - Photo-Me International plc was fined £100,000 and ordered to pay costs of £30,000. The case followed the investigation into employees suffering from painful allergic dermatitis over a four year period.

Events and Campaigns

- Disease Reduction Programme launched new look Hela Extranet site.
- The Electrical Contractors Association and The Heating and Ventilation Contractors Association launch their health and safety initiative to help member contractors meet health and safety competences.

Publications

- *Waste and recycling vehicles in street collection* – Launched by Bill Callaghan.

- *Working together on firework displays* - updated to include the significant changes in the law relating to the supply, possession, transport, keeping and use of fireworks.
- *Giving your own fire display* - For people running firework displays that set off the fireworks themselves but have no specialist knowledge.
- *Charity and voluntary workers* - Basic health and safety advice and information to charity and voluntary organisations.
- *A new guide on managing shift work* - It will help tackle issues such as risk assessments, shift-work schedules, and advice on controlling, managing and monitoring the risks of shift work.
- *Keep it moving: do it safely* - Aimed at employers, managers and supervisors to reduce workplace transport accidents.

Consultations

Current Consultations

- Equality Schemes Framework: Disability Equality Scheme, Gender Equality Scheme
Consultation ends: 18 October 2006
- European Commission draft Regulation on Classification and Labelling of Substances and Mixtures based on the UN Globally Harmonised System(GHS)
Consultation ends: 21 October 2006
- Consultation on the Work at Height (Amendment) Regulations
Their application to those paid to lead or teach others in climbing or caving activities.
Consultation ends: 31 October 2006

Parliamentary business

- Three Parliamentary questions were answered in the month of September.
- October 10th – Lord Hunt dealt with a House of Lords oral PQ from Lord Harrison on what further actions would be taken to reduce accidents and details in the waste and recycling industry.

ANNEX 1

¹ Table 1a: Total Staff Numbers: 1 April 1999 to 1 December 2005										
	Staff in Post									
	1 Apr 99	1 Apr 00	1 Apr 01	1 Apr 02	1 Apr 03	1 Apr 04		1 Apr 05	1 Aug 05	1 Dec 05
² Total Staff (HSE & HSL)	3,880	3,937	4,081	4,282	4,162	4,019		3,903	3,972	4,015
³ Total Visiting Staff	1,269	1,306	1,335	1,458	1,508	1,551		1,517	1,583	1,566
Total Inspectors	1,497	1,507	1,534	1,625	1,651	1,605		1,530	1,581	1,565
Other										
Professional/Specialist Staff	1,244	1,311	1,333	1,461	1,481	1,359	⁴	1,372	1,388	1,439
Other Staff	1,139	1,119	1,214	1,196	1,030	987		889	904	885

¹ Table 1b: Total Staff Numbers 2006/07							
	Staff in Post						
	1 Apr 06		1 Jun 06	1 Jul 06	1 Aug 06	1 Sep 06	
	(Includes staff transferred to ORR on 1 Apr – (For comparison only))	(Excludes staff transferred to ORR on 1 Apr)					
² Total Staff (HSE & HSL)		3,991	3,811	3,784	3,793	3,755	3735
³ Total Visiting Staff		1,543	1,442	1,437	1,438	1,434	1431
Total Inspectors		1,543	1,444	1,455	1,459	1,450	1447
Other							
Professional/Specialist Staff		1,470	1,429	1,427	1,426	1,429	1422
Other Staff		856	824	797	801	768	759

Notes:

1. All figures are to full-time equivalents, rounded to the nearest whole, and from 2001 include agency, temporary staff and inward secondees.
2. Figures are as presented in HSC Annual Reports 1.4.99 to 1.4.06.
3. Total visiting staff includes operational inspectors and, from 1 April 2004, other visiting staff that support delivery of key health & safety messages (see table 2).
4. From 1.04.05 onwards, Other Professional / Specialist Staff figures have been reduced by the Total Visiting Administrative staff, as follows: 68 for 1.4.04, 113 for 1.4.05, 128 for 1.8.05, 126 for 1.12.05, 122 for shaded 1.04.06, 114 for unshaded 1.04.06, 105 for 1.6.06, 107 for 1.7.06, 108 for 1.8.06, 107 in 1.9.06. These staff are already included in the Total Visiting Staff line.
- 5 Figures at 1.04.06 include staff who transferred to the Office of Rail Regulation (ORR) on that date - when responsibility for rail regulation health and safety matters transferred from HSE to ORR. Inclusion will enable direct comparison with previous years' figures.

¹ **Table 2: Front Line Staff 1999 to December 2005**
Staff in Post

	1.4.99	1.4.00	1.4.01	1.4.02	1.4.03	1.4.04	1.4.05	1.8.05	1.12.05
Total Inspectors	1,497	1,507	1,534	1,625	1,651	1,605	1,530	1,581	1,565
² Of which are Operational Inspectors									
FOD Insp (Bands 2,3,and 4)	782	810	801	902	896	826	803	777	765
HID Insp (Bands 2,3 and 4)	323	317	322	313	352	391	354	349	352
NSD Insp (Bands 2,3 and 4)	119	126	129	139	159	165	154	156	152 ⁴
RI Insp (Bands 2,3 and 4)	45	53	83	104	101	101	93	93	93
³ Policy Group								80 ³	78
Total Operational Inspector Figures	1,269	1,306	1,335	1,458	1,508	1,483	1,404	1,455	1,440
Visiting Administrative Staff									
FOD HSAOs (Band 5)	0	0	0	0	0	57	98	110	107
RI RICOs (Band 5)	0	0	0	0	0	8	7	8	8
HID RCOs (Band 5)	0	0	0	0	0	3	8	10	11
Total Visiting Admin Staff	0	0	0	0	0	68	113	128	126
Total Front Line Staff	1,269	1,306	1,335	1,458	1,508	1,551	1,517	1,583	1,566

¹ **Table 2: Front Line Staff 2006/07**
Staff in Post

	⁴ 1.4.06	1.6.06	1.7.06	1.8.06	1.9.06	
	(Includes staff transferred to ORR on 1 Apr – (For comparison only)	(Excludes staff transferred to ORR on 1 Apr				
Total Inspectors	1,543	1,444	1,455	1,459	1,450	1447
² Of which are Operational Inspectors						
FOD Insp (Bands 2,3,and 4)	756	756	758	757	749	744
HID Insp (Bands 2,3 and 4)	350	350	351	352	355	358
NSD Insp (Bands 2,3 and 4)	144	144	145	145	145	145
RI Insp (Bands 2,3 and 4)	⁵ 93	0	0	0	0	
³ Policy Group	78	78	78	77	77	77
Total Operational Inspector Figures	1,421	1,328	1,332	1,331	1,326	1324
Visiting Administrative Staff						
FOD HSAOs (Band 5)	103	103	94	96	97	96
RI RICOs (Band 5)	8	0	0	0	0	0
HID RCOs (Band 5)	11	11	11	11	11	11
Total Visiting Admin Staff	122	114	105	107	108	107
Total Front Line Staff	1,543	1,442	1,437	1,438	1,434	1431

Notes TABLE 2

1. Figures are expressed as full time equivalent staff; and rounded to the nearest whole number.

2 Criteria for Identifying Operational Inspectors:

- Inspectors at Bands 1 and 0, or working in other Directorates/Divisions should be excluded,

In FOD, RI, HID and NSD, as far as possible, inspector staff's undertaking more generalised HQ functions are excluded from the figures.

The figures also exclude non-inspectorial specialist staff - e.g. scientists

- Inspector staff includes Discipline, Medical and Occupational Health Inspectors.

3. Policy Group: count at 1.8.05 comprised 'operational staff' B2 - B4 transferred as part of FOD Sectors Construction & Asbestos Licensing Unit.

4. Figures at 1.04.06 include staff who transferred to the Office of Rail Regulation (ORR) on that date. - when responsibility for rail regulation health & safety matters transferred
Inclusion enables direct comparison with previous years' figures

5. Figures confined with ORR

1 Table 3: Breakdown of Other Professional/Specialist and Other Staff																		
	1 April 05		1 August 05		1 December 05		5 1 April 06				1 June 06		1 July 06		1 August 06		1 September 06	
	2 Other Professional/Specialist Staff	3 Other Staff	Other Professional/Specialist Staff	Other Staff	Other Professional/Specialist Staff	Other Staff	Other Professional/Specialist Staff	Other Staff	Other Professional/Specialist Staff	Other Staff	Other Professional/Specialist Staff	Other Staff	Other Professional/Specialist Staff	Other Staff	Other Professional/Specialist Staff	Other Staff	Other Professional/Specialist Staff	Other Staff
							(Inc staff transferred to ORR on 1.4.06 – for comparison only)	(Excludes staff transferred to ORR on 1.4.06)										
Legal Advisers Office (LAO)	33	6	32	5	32	5	31	3	31	3	28	4	28	4	29	3	28	3
Resources and Planning Directorate (RPD)	265	154	261	152	257	145	275	132	276	132	285	131	285	143	290	138	286	132
Communications Directorate (COMMS)	22	2	22	3	23	3	26	3	26	3	24	2	25	2	24	2	27	1
Strategy Division	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Policy Group	230	30	261	32	267	36	281	36	267	35	258	33	257	32	253	30	253	28
Operational Policy & Support Division (OPSD)	38	27	55	36	62	23	33	12	33	12	32	10	32	11	29	10	29	10
Field Operations Directorate (FOD)	411	394	372	404	393	391	397	392	397	392	394	383	392	378	394	361	391	354
HM Railway Inspectorate (RI)	33	36	37	38	38	42	35	37	0	6	0	0	0	0	0	0	0	0
Hazardous Installations Directorate (HID)	70	119	69	116	65	114	66	116	66	116	67	114	71	113	72	111	72	114
Nuclear Safety Directorate (NSD)	35	52	37	44	38	43	38	42	38	42	40	41	43	40	45	39	43	45
Local Authority Unit (LAU)	0	0	0	0	0	0	6 12	2	12	2	12	2	11	2	12	1	12	1
Corporate Science & Analytical Services Directorate (CoSAS)	55	14	59	14	59	23	59	22	59	22	60	16	59	16	60	15	62	15
TOTAL HSE	1,078 ⁴	835	1,077	844	1,107	824	1,133	797	1,092	765	1,095	736	1,096	741	1,100	710	1,096	703
HSL	294	54	311	60	332	61	337	58	337	58	332	61	330	60	329	58	326	56
TOT STAFF	1,372	889	1,388	904	1,439	885	1,470	856	1,429	824	1,427	797	1,426	801	1,429	768	1,422	759
Of which AGENCY		100		105		105		88		88		73		65		46		40

Notes: TABLE 3

1. Figures are full time equivalents rounded to the nearest whole number.
2. Other Professional/Specialist Staff figures cover all non-inspectorial disciplines (including admin') at band 5 & above except visiting administrative staff (see note 4)
3. 'Other Staff' figures comprise Band 6 and agency staff.
4. From 1.04.05 onwards, Other Professional / Specialist Staff figures have been reduced by the Total Visiting Administrative staff, as follows: 68 for 1.4.04, 113 for 1.4.05, 128 for 1.8.05, 26 for 1.12.05, 122 for shaded 1.4.06, 114 for unshaded 1.4.06, 105 for 1.6.06, 107 for 1.7.06; 108 on 1.8.06, 107 on 1.9.06. These staff are already included in the Total Visiting Staff line in Table 1.
5. Figures at 1.04.06 include staff who transferred to the Office of Rail Regulation (ORR) on that date - when responsibility for rail regulation health and safety matters transferred from HSE to ORR. Inclusion will enable direct comparison with previous years' figures.
6. From 1.4.06 Local Authority Unit's staffing position is shown separately.

FATALITIES REPORTED TO HSE DURING SEPTEMBER

AGE	INDUSTRY SECTOR	DESCRIPTION
17	Fairgrounds	DP crushed between the cage and the ride
13	Agriculture	DP fell through roof light
48	Education	DP drowned while swimming
62	Transport	DP was crushed between two buses
44	Refurbishment – domestic	DP was inside scissor lift when it overturned
57	National Post Activities	DP trapped between lorry tractor and rigid semi-trailer
42	Construction	Material collapsed onto DP whilst at the bottom of 2.5m excavation
55	Carton manufacture	DP suffered fatal head injuries from a box-making machine.
30	Roadwork's/Traffic management	DP was struck by car on the eastbound carriageway
N/A	N/A	DP fell approx 4 metres
46	Food processing	DP entered a rice silo with his left leg trapped in a screw auger
43	Excavator manufacture	DP trapped between the slewing boom and the retracted stabiliser
63	Services	A member of the public reversed their car at speed onto DP
30s	Boat repairs	DP drowned
37	Transport	Load of steel fell onto DP
24	Scaffold	DP was electrocuted
38	Stone mine	DP fell from mine roof
75	Services	DP drowned in the bath
49	Quarries	DP fell from sheeting gantry
67	Social Care	DP fell off tail lift
21	Exhibition Services	A load fell from the fork lift onto the DP
19	MoD	DP was crushed under an hydraulically operated flat bed
62	Waste & Recycling	A lump of concrete fell off a skip and hit DP on the side of the head
7	Agriculture	Cultivator fell on DP while helping uncle replace tips on spring-tynes
27	Defence Fire & Police Unit	DP fell while descending from an helicopter
73	Construction	DP fell into an excavation (1m X 1.5m X 1m deep)
85	Roadwork's	DP found in road with fatal head injuries
58	Road haulage	DP fell from a road going tanker
73	Agriculture	DP was butted and trampled on by cow
31	Services	DP asphyxiated on vinyl glove
47	Manufacturing	DP was struck by skip container lorry
81	Services	DP died from bronchial pneumonia and the fall
37 N/A	New build	DPs died when a crane collapsed