

<b>Meeting Date:</b>	6 February 2007	<b>Open Gov. Status:</b>	Partially closed
<b>Type of Paper:</b>	Above the line	<b>Paper File Ref:</b>	
<b>Exemptions:</b>			

**Minutes of a meeting of the Health and Safety Commission held on 6 February 2007 in the Hope Room, Rose Court London**

<p><b>Present</b></p> <p><b>Bill Callaghan – Chair</b>  <b>Sandy Blair</b>  <b>Danny Carrigan</b>  <b>Judith Donovan</b>  <b>Sayeed Khan</b>  <b>Hugh Robertson</b>  <b>Elizabeth Snape</b>  <b>Margaret Burns</b></p> <p><b>Apologies: John Longworth, John Spanswick</b></p>	<p><b>Officials Present</b></p> <p>Geoffrey Podger  Justin McCracken  Jonathan Rees  Alex Brett-Holt  Vivienne Dews  Colin Douglas  Neal Stone  Trevor Cain  Ann Marie Farmer</p> <p>Stuart Clark – Item 4  Kevin Myers – Item 5</p>
	<p><b>Welcome/Introduction</b></p> <p>The Chair welcomed everyone to the meeting.</p> <p>The Chair announced that the below the line paper ‘HSC Stakeholder Conference March 2008 (HSC/07/24)’ would be brought above the line for discussion at a later date.</p>
<b>1</b>	<b>Minutes of the meeting held on 9 January 2006 (HSC/M01/2007)</b>
<b>1.1</b>	There was one amendment to para 4.2, the first paragraph to be changed to reflect that target 10% reduction in domestic gas fatalities set by the HSC in 2000/1 had been achieved, and fatalities halved over the last ten years. Subject to this the minutes were agreed.
<b>2</b>	<b>Urgent Business</b>
<b>2.1</b>	None.
<b>3</b>	<b>Chief Executive’s Report</b>
<b>3.1</b>	<p>Presenting his report Geoffrey Podger highlighted the following issues:</p> <p>The bird flu outbreak in East Anglia – the Government departments in the lead were DEFRA and the Health Protection Agency. HSE had been in touch from the outset and had advised on the type of personal protective equipment that would be needed by the contractors. HSE remained in contact and had two specialist inspectors trained in this field available if called upon. Inspectors had been instructed not to visit poultry farms or food-processing plants in the region until clearance has been given.</p> <p>Falcon Cranes – following the collapse of two cranes one in Battersea and the other in Liverpool, both resulting in fatalities, HSE had served a prohibition notice on Falcon Cranes. This had required the company to take out of service all of the tower cranes in their fleet which had not been</p>

	<p>examined by an independent competent person. This was considered essential by HSE to ensure safety. The examination of the fleet of cranes by the competent person was nearing completion.</p> <p>Daw Mill Mines – there had been three fatalities at the mine since June 2006, each had occurred in very different circumstances and involved different factors. Investigation of all three fatalities was ongoing and there had been a significant degree of intervention with the mines management and trade unions. HSE had received a complaint from the president of the Union of Democratic Mineworkers about HSE’s regulation of Daw Mill. This was being treated in accordance with the complaints tracking procedures and Kevin Myers, Director of HSE’s Hazardous Installations Directorate, and an independent colleague was involved in investigating the complaint.</p> <p>Management Issues – A note had been circulated to staff about “How and where we work”. There was a significant disparity in the ways HSE accommodated its workforce. Finance was not the only driver and the starting point would be to look at a wide range of options to enable HSE to deliver its Business Plan efficiently and effectively. The TU side had been briefed as the work moved forward. It was important that staff were kept fully informed of developments and had the opportunity to raise issues of concern in order to allay any anxieties they had.</p> <p>Financial issues – The figures for January’s expenditure were not yet complete but HSE was on course to deliver a slight underspend and manage to stay within budget. This had taken a lot of effort across HSE which was appreciated. It was important to note that the likely out-turn for 2006/7 did not in any way reduce the need to adhere to the Staff Plan for 2007/8.</p>
3.3	<p>The Commission expressed concern about the number of accidents and fatalities that there had been in the Daw Mills mine over the last year. The Commission were assured concerning the thoroughness and independence of the arrangements that had been put in place and resources deployed for the investigation of the recent fatalities and complaint concerning HSE’s regulation of Daw Mill mine.</p>
3.4	<p>The Commission thanked Mr Podger for the report.</p>
4	<p><b>Delivering the PSA: Summary Performance Report for Quarter 3 (2006/07) (HSC/07/26)</b></p>
4.1	<p>Jonathan Rees introduced the paper which covered the period October to December 2006. This would be the first report for the new Minister, Lord McKenzie. The HSE Board would discuss the paper the following day.</p> <p>Overall the programmes were on track to deliver the PSA targets for occupational health and safety and major hazards. However the PSA targets did not cover all of HSE’s work and major challenges lay ahead. There were concerns that the offshore performance indicator continued to move away from target but it (and major hazards as a whole) was still broadly amber/green.</p>

	<p>Over the last couple of years HSE had developed in year monitoring and predictive tools to assist performance management. These had indicated an essentially flatline for slips and trips and a potential increase in the number of injuries in one or two industries and steps would be taken to address this. The Strategic enabling programmes were coming to an end and there was a below the line paper 'Business Involvement Programme– Review and Forward Look' tabled at this meeting and there would be a paper on the Worker Involvement programme tabled at the March meeting.</p>
<p><b>4.2</b></p>	<p>The Commission noted the considerable progress that HSE colleagues had made towards the achievement of the targets, which represented a huge effort. However the Commission questioned whether the overall performance rating for reduction in injuries was a little optimistic given the rising injury rates in the services sector.</p> <p>Concerns too were raised about the progress of the Major Hazards Strategic Programme and the Commission felt that the overall summary was too sanguine and did not spell out the challenges ahead. In particular the health and safety performance of the offshore industry, where HSE had been criticised, was of concern. The HSC/E meeting with the offshore industry in Aberdeen in March would be a further opportunity to demonstrate that HSC/E did take those concerns seriously and would provide the opportunity to communicate this.</p> <p>There were problems concerning the recruitment and retention of staff in the Nuclear Safety Directorate (NSD) and in the Offshore Division of HID. It was noted that HSE had approached Treasury for additional funds to improve the salary ranges in NSD in order to recruit and retain the specialists with the relevant expertise that were needed. The Commission asked if all the work in the directorate required that level of expertise and whether the requisite skills already existed elsewhere within the organisation and could be transferred to NSD.</p> <p>The LA and HSE Working Together enabling programme was being wound up and the other enabling programmes, Business Involvement and Worker involvement, were also due to complete their work shortly. The Commission wanted to be re-assured that HSE would continue to pursue the important objectives in these areas after the programmes were wound up.</p> <p>Paragraph ten stated that HSE was currently exploring opportunities to supplement its resources through the extension of charging. This work would raise major policy issues on which the Commission would need to be fully involved.</p> <p>The Commission felt that the tone of the report was too optimistic; it gave the impression that all was well and did not provide all the facts. It needed to warn against complacency and give an indication of the problems ahead. Although the figures for Quarter 3 had been generally very good there were indications that performance in some industries had plateaued, fatalities in the construction industry for example, and may, possibly, increase. These types of issues and risks needed to be spelt out more fully in the report.</p>

4.3	<p>The Executive responded to the issues raised:</p> <p>It assured the Commission that it was not complacent and the areas of concern about slips and trips and accidents in the services sector had already been highlighted. HSE had undertaken considerable work to kick-start the Fit3 programme and good progress had been made with all three components of the PSA conventional health and safety target currently met well ahead of schedule. Nonetheless it agreed that considerable challenges remained particularly the prospect of reducing resources.</p> <p>The work on charging was ongoing and the Executive would return to the Commission on this directly with firm proposals for consideration.</p> <p>The four enabling programmes, which were time limited, had resulted in a step change but there was more to do. Outcomes and lessons learnt, including the work to achieve behavioural change, would become part of HSE's mainstream work.</p> <p>On staffing and resources it was important to get the right balance of process technical specialists and regulatory specialists. HSE was making use of staff expertise across the organisation to help meet the staffing needs of NSD and OSD for example. However for some specialist posts you could not attract the right calibre of people on the current salary levels and had to pay standard premia. But there is also a price to be paid for moving staff from FOD and HID for example to NSD. There is a balance that has to be struck between getting people with the right skills and managing tight resources and competing needs.</p>
4.4	<p>The Commission agreed that staff should be congratulated on their efforts and that subject to some narrative changes in line with the discussion the report for Quarter 3 should be submitted to the Minister. The report would need to warn against complacency and flag up the significant challenges ahead.</p>
5	<p><b>Operational Update on Major Hazards Strategic Programme (Oral update no paper)</b></p>
5.1	<p>Justin McCracken presented the update on the Major Hazards programme, its work to achieve the PSA targets and the challenges ahead.</p> <p>It covered HSE's work on Nuclear, Offshore, Onshore Chemicals, mines and gas pipelines – a substantial part of HSE's work accounting for 1/4 of HSE's resources a considerable part of which is recovered through industry charging. These industries were likely to have low probability but high consequence events that had off-site risks which impacted on the general public. Security issues in these industries had come to the fore over the last three years.</p> <p>Recent major events had included:</p> <ol style="list-style-type: none"> <li>1. BP Texas City refinery – in March 2005 an incident had resulted in 15 fatalities;</li> <li>2. THORP where a loss of primary containment had resulted in a radioactive leak;</li> <li>3. The fire and explosion at the Buncefield petrol storage depot in</li> </ol>

	<p>December 2005, where the major accident investigation was ongoing.</p> <p>Following the Texas City incident the operator, BP, had set up a Refineries Independent Safety Review Panel (separate to the investigation being conducted by the US Chemical Safety and Hazard Investigation Board inquiry), under the chairmanship of former US Secretary of State James Baker, which had produced a comprehensive report on BP's safety culture, safety management systems and corporate oversight. HSE was still considering the implications of the 10 recommendations contained in the report which it would follow up with BP and industry and share with the Commission.</p> <p>There were parallels between the incidents at THORP and BP Texas City and the lessons to be learnt. These included the importance of openness, knowledge and experience, effective change control and that person safety performance was not a reliable indicator of process safety.</p> <p>This linked to HSE's work on:</p> <ul style="list-style-type: none"> <li>• Safety performance indicators. HSE's work to develop process safety indicators for the chemical and major hazard industries – including the recently published guidance produced in conjunction with the CIA – has attracted considerable interest;</li> <li>• Safety culture work/human factors – codifying what is important in a developing a comprehensive safety culture, safety culture audits, proposed guidance for inspectors and the organisation of a cross-industry conference on safety culture;</li> <li>• Influencing models – the right interventions at the right level.</li> </ul> <p>The challenges for the next 12 months are likely to be :</p> <ul style="list-style-type: none"> <li>• The full implications of the Buncefield incident are not yet clear but are likely to include; high standard containment, tougher advice to planning authorities, including societal risk in land use planning and resources for the chemical industry. The importance of community engagement.</li> <li>• Nuclear new build and recruiting and retaining staff;</li> <li>• Extending and improving process safety indicators;</li> <li>• Influencing the corporate culture of organisations conducting high hazard activities.</li> </ul>
<p><b>5.2</b></p>	<p>The Commission felt that it was important to get the maximum value out of the Baker Report. It illustrated the consequences of failures in safety culture and the clear need for worker involvement in an open and trusting environment. While there was nothing new in terms of the report's recommendations it was clear that the top level of BP did not appear to have absorbed the lessons of the Grangemouth refinery accident. The Baker report shows that BP managers were not clear about what the top level expected of them on safety management.</p> <p>Process safety was of great importance and provided HSE the opportunity to set out clear requirements and expectations. Process safety although a generic issue was worthy of consideration for inclusion in HSE's PSA targets.</p>

	<p>There were expectations that HSE could use knowledge and expertise more widely and in a joined up way. Our chemicals industries have a tradition of active trade union involvement not replicated in other major hazard industries as offshore. Human factors needed to be considered and managed as well as systems and processes. The Worker Involvement programme, for example, could have meshed more closely into the offshore element of HSE's Major Hazards Strategic Programme including around contracting.</p> <p>The Commission enquired about the contingency plans of Major Hazards operators in the event of flu pandemic. How would they cope with safety critical work if they lost 20% of the workforce?</p>
5.3	<p>Mr McCracken and Mr Myers responded:</p> <ol style="list-style-type: none"> <li>1. The executive agreed that the Baker Report was an important opportunity and could be used to drive improvements.</li> <li>2. He would find out what the inspection procedures were in place for checking pandemic contingency plans;</li> <li>3. The Major Hazards and other strategic and enabling programmes were joined up. We would reiterate the importance of Inspectors working closely with safety reps and ensure that the guidance to staff in the Major Hazards industries reflected this;</li> <li>4. HSE seeks to work closely with other major hazard regulators across the globe including, for example, the US's CSHA. But it is not straightforward to get this cooperation into operation. We do need to look top level leaders in the eye whether operating solely in the UK or globally. But important not to underestimate the difficulties and complexities of engaging with global undertakings given that there is not one single controlling mind;</li> <li>5. Important to make clear that profit and safety do not conflict but rather complement one another;</li> <li>6. In getting process safety right it is very likely that you will have the necessary systems in place to ensure that health and safety more broadly is properly managed.</li> </ol>
5.4	<p>The Commission thanked Mr McCracken for a very stimulating presentation. Colleagues should be proud of their achievements and their reputation across the globe.</p>
	<p><b>Below the Line</b></p>
6	<p><b>Business Involvement Programme – Review and Forward Look (HSC/07/03)</b></p>
6.1	<p>The Commission noted the achievements to date, endorsed the prioritisation for future work and noted the future governance arrangements for the work streams.</p>
7	<p><b>Integrating CDM2007 into the Planning and Building Control Regimes (HSC/07/23)</b></p>
7.1	<p>The Commission noted the progress that had been made.</p>

<b>8</b>	<b>Report by the United Kingdom on the first five years of practical implementation of the Chemical Agents Directive (HSC/07/20)</b>
<b>8.1</b>	The Commission noted the draft report and agreed it should be submitted.
<b>9</b>	<b>HSC Stakeholder Conference March 2008 (HSC/07/24)</b>
<b>9.1</b>	To be brought above the line for discussion – April 2007 Commission meeting.
<b>10</b>	<b>Communications Update (HSC/07/25)</b>
<b>10.1</b>	The Commission noted the developments in the third quarter of 2006.
<b>→11</b>	
<b>11.1</b>	<b>←</b>
	<b>MISC Papers</b>
<b>12</b>	<b>The EU's Occupational Safety and Health strategy 2007-2012 Progress report and next steps (MISC/07/02)</b>
<b>12.1</b>	The Commission noted the progress and the next steps in the development of the strategy.
<b>→13</b>	
<b>13.1</b>	
<b>14</b>	
<b>14.1</b>	
<b>15</b>	
<b>15.1</b>	<b>←</b>