

Health and Safety Executive Board		Paper No: HSE/09/49	
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<b>HSE'S WORK IN WALES</b>			

**A paper by Terry Rose**

**Cleared by David Ashton**

**Purpose of the paper**

1. To update the Executive Board on HSE's work in Wales.

**Background**

2. The HSC discussed a paper at its meeting in February 2008 'HSE's work in Wales'. That paper noted the range of partnership activity in progress; the strengthening of this by secondment of a senior HSE Wales staff working on a part time basis for the Welsh Assembly Government (WAG); and discussed how the forthcoming meeting in Cardiff might be used to engage better with key stakeholders in Wales. The Commission also suggested that we should develop a HSE Wales website.
3. This paper updates the Executive about actions and developments since Feb 2008. See Annex 1.

**Action**

4. The Board might wish to discuss further engagement or strengthening of HSE's relationships with the devolved administration.

**Paper clearance**

5. Cleared by SMT on 7 May 2009.

## HSE's WORK IN WALES

### The Context

1. There have been no changes in the composition of the Labour/Plaid Government or significant Ministerial changes in the last year.
2. Dame Gillian Morgan has succeeded Sir John Shortridge as Permanent Secretary of the Welsh Assembly Government. There have been some structural changes in WAG Directorates in recent months.
3. An 'All Wales Convention' has been set up under the Chairmanship of Sir Emyr Parry-Jones to consider what further law making powers might be sought by Wales and to make recommendations relating to a future referendum. The Convention has held various public meetings across Wales in support of written evidence previously provided.
4. There are two such open events scheduled in Cardiff for June 2009. It is not clear how the Convention will take or seek views of Government agencies etc, but HSE may wish to volunteer its views in relation to Health and Safety legislation.
5. A significant change in NHS Wales's management and commissioning arrangements will occur in October 2009 when the 22 Local Health Boards are reduced in number to 5.

### Activity with Assembly Members and Senior Officials

6. The Chair, Chief Executive and Terry Rose met with Edwina Hart, Minister of Health and Social Services prior to the evening event which she hosted for the Executive in the Senedd in September 2008. Also present was Professor Mansel Aylward, current Director of Wales Centre for Health and formerly CMO DWP.
7. The Senedd evening event had a good attendance from Assembly Members, WAG officials and representatives of large organisations and Trade Unions. The Executive might want to consider the frequency or alternatives to such events to maintain contact with Stakeholders in Wales.
8. The Chair and Terry Rose met the Permanent Secretary the day after the evening event.
9. Sandy Blair, Councillor Keith Evans and Terry Rose launched the new Strategy in Cardiff simultaneously with the London and Edinburgh events in December. The attendance was small but quite lively. The Consultation event was on 22<sup>nd</sup> January 2009. There were problems with the instructions and directions for the out of town location, but none the less the event was worthwhile.
10. Terry Rose continues to meet other Ministers from time to time in various ways (eg as a member of the Wales Resilience Forum; chaired by the First Minister, and Jane Hutt, Minister of Children, Education, Lifelong Learning and Skills (m/cells) at the launch of the All Wales Guidance for Educational Visits and Outdoor Learning event in May 2008). (See later paragraph).

## HSE working with stakeholders

### With the Assembly Government

11. Dr Steve Coppel has been working on a part time basis for the Health Promotion Division of WAG for 18 months. The secondment came to an end formally at the end of April 2009. During that time he has worked on:
  - a. Workboost Wales The original trial for 13 months jointly funded and as a formal partnership between HSE and WAG, has now ended with targets met. WAG are funding Workboost Wales for a further 3 years, and HSE is now working with WAG and the National Public Health Service to develop a long term delivery model.
  - b. Health, Work and Wellbeing We have provided significant contributions to the action plan for improving the health and well being of people of working age in Wales.
12. HSE has continued to actively support WAG Corporate Health Standard. This was further expanded in March 2009 by a version more suitable for attainment by small firms.
13. A Physiotherapy project operated by the Welsh Assembly Government, supported by HSE on the management board, has now ended. The project which operated in 3 sites across Wales resulted in a number of private and public employers receiving free access to a physiotherapy service. The service provided telephone advice, consultations and on-site ergonomic assessments (training provided to physiotherapists by HSE). The project is currently under evaluation to determine whether its aim of reducing sickness absence caused by musculoskeletal disorders has been achieved. This is a project under the Welsh Backs campaign.
14. The 'One Wales' document which underpins the Labour/Plaid Coalition has a commitment to 'Explore opportunities to place occupational health services on a statutory basis in Wales'. A task and finish group was set up by the Minister for Health to report on this matter. Dr Mansel Aylward was appointed as Chair, Terry Rose and Steve Coppel contributed. The report went to the Minister at the end of March 2009; the response is not expected until mid May 2009.
15. A joint paper with EA Wales, re: Buncefield outcomes and follow up was presented to the Wales Resilience Forum in January 2009.
16. Discussions have taken place between ND and Jane Davidson, Minister for Sustainability in relation to Decommissioning and Planning arrangements in Wales.
17. John Osman, Steve Coldrick and Steve Lewis (FOD Wales) represented HSE at an evening seminar at the Senedd building about Asbestos in schools in March 2009.
18. The Welsh Assembly Government, Health and Safety Executive and Outdoor Education Adviser' Panel (Wales) have worked in partnership to produce guidance to ensure safety on educational visits. This guidance sets out a common framework for the management of educational visits to be used across all Local Authorities in

Wales. In Wales, this guidance incorporates and supersedes previous guidance Health and Safety of Pupils on Educational Visits (HASPEV) and the subsequent supplements to HASPEV. With input from all sectors, it reflects good practice in all types of educational visit – no matter who is doing the providing or who the learning. This will be launched by Jane Hutt, WAG Minister in early May 2009.

19. Links between HSE and Welsh Assembly Government are beginning to strengthen within D CELLS, with regular meetings and correspondence to try and ensure any guidance produced by the Welsh Assembly is compatible with the application of health and safety legislation and guidance. Recently this has included school transport at educational sites and first aid.

### **With the wider Public Sector**

#### NHS Wales:

20. Mrs Edwina Hart established a task and finish group on violence and aggression, to which HSE contributed and recommendations have been accepted. A violence and aggression 'mapping' exercise has been set up to track what happens following an incident and again HSE has been contributing.
21. NHS Wales have now written to all Trusts and Local Health boards (LHBs) confirming that Electric Profiling Beds should be provided where patients need to be nursed in bed, by July 2010. This follows HSE working with some Trusts in Wales to establish the value of these devices for patients and staff.

### **With Local Authorities as Regulators**

22. HSE has a Partnership Liaison Officer seconded from Wrexham CBC. This supports the work of the existing partnership team. A report of LA activity as regulators for 2008/9 and a plan of work for all health and safety regulators (22 LAs and HSE) are currently being collated.
23. Recent successes of partnership working includes a joint initiative to inspect drinks deliveries at licensed premises, which was undertaken across Wales. The North Wales Local Authorities in partnership with HSE, Wrexham won second prize in the national HELA awards for their joint initiative with a satellite/aerial installer project. South East Wales worked in partnership with Local Authorities on Moving Goods Safely 3 on a programme of inspections and a SHAD attended by over 300 delegates. All 22 Local Authorities signed up to inspections of the catering industry and to reduce slip/trip accidents and incidents of work-related dermatitis, this work is still ongoing. A joint initiative including SHADs and inspections is currently ongoing within the Care Industry to ensure consistency and to support the work of HSE Services team and joint working with other regulatory bodies in Wales, eg CSSIW.
24. HSE Wales in association with the Local Authorities are producing a newsletter to engage with members and senior managers within the Local Authorities to promote health and safety regulation.

## **The Construction Industry**

25. Inspection of the Construction Industry in Wales has followed the Construction Division Workplan including Refurbishment Inspection, Working Well events throughout Wales, mini SHADs, corporate manslaughter events and the IOD guidance, and a Design Awareness Day, attended by 120 delegates.
26. Prosecutions have included a case against Taylor Woodrow plc, in relation to a fatal accident during the construction of the Senedd building, and an individual manslaughter case against a small builder following the death of a 17 year old in his first week of work.

## **The Agriculture Industry**

27. We refreshed with Sector support, our engagement strategy with agricultural stakeholders in Wales (NFU, FUW, YFC, Lantra, workers unions) in 2008 and that was presented at the AgIAC visit in November 2008. All were keen to promote agricultural safety within their membership and several articles were carried by their newsletters etc.
28. Welsh Assembly Government's agricultural advisory branch has incorporated HSE into their systems planning. This will impact on Wales' 40,000 farmers. Their magazine, Gwlad carried a front page picture of the North Wales SHAD, this goes to all Welsh farmers monthly. We have agreed a schedule of relevant articles for 2009/10, at no cash cost to HSE.
29. Innovatively we now partner Environment Agency and delivered 5 half day mini-SHADs. These are organised by EA, and have attracted over 300 farmers. HSE funds 3 Lantra demos highlighting sheep and manual handling, tick/lice pesticide handling. Cash cost to HSE is £700 per event representing is very good value to us. EA have programmes for more in 2009/10 with 4 Lantra demos this time.
30. We will again have a presence at the Royal Welsh Show, and have a series of SHADs planned, including Arboriculture and one at a National Sheep Association event.

## **With TUC Cymru**

31. We have met with the new General Secretary of TUC Cymru – Martin Mansfield, and have supported their first Worker's Memorial Day event in Wales at Bridgend College.
32. We have offered to meet the TUC general council to discuss the new strategy and describe our work in Wales, and will be seeking their help to secure better links to particular Unions in Wales to improve communication on matters most relevant to them. TUC Cymru are planning a first all Wales conference for safety representatives in the autumn of 2009.

## **With Health and Safety Professionals**

33. We continue to be involved actively with ROSPA/IOSH/BOHS and other local groups of professionals. Many of these groups join together for an annual meeting

addressed by Terry Rose. Audiences of over 100 regularly attend that, and the annual day seminars run by the Swansea Group.

34. Every opportunity is being taken to promote and discuss the new Strategy with fellow Health and Safety professionals, particularly on competencies and training.
35. HSE Wales has been prosecuting cases against organisations carrying out asbestos surveys, and will continue to take an active interest in these 'consultants'.

### **With other Inspectorates**

#### Healthcare Inspectorate Wales

36. We are signatories to the Concordat on regulating in the Health and Social Care sector. HIW lead on this issue and we contribute to relevant working groups. We have organised workshops with them to discuss joint working in a number of areas, including Healthcare Associated Infections and they have contributed (with WAG and other organisations) to training provided for inspectors. A Memorandum of Understanding with HIW is currently in the final draft form.

#### Care and Social Services Inspectorate Wales (CSSIW)

37. We are currently working on a Memorandum of Understanding with CSSIW and work together on a range of issues, and in particular on investigations. We have run training courses for their inspectors on a range of issues, including bedrail safety, Legionella and manual handling. We have also contributed to a series of workshops run by CSSIW aimed at those who provide domiciliary care and who provide equipment for Care Homes.
38. We set up a group of 'interested parties' in the Care Home sector, to run a series of health and safety awareness days. Participating members include CSSIW, Care Forum Wales, the Association of Social Services Directors Wales, Environmental Health officers and others. The awareness days were extremely well received. The group is now working on the preparation of guidance for areas of particular concern to the Care Sector – including the prevention of Legionnaire's disease and pressure ulcers. A key task will be the delivery of the awareness days referred to above.
39. We visited a number of nursing homes in 08/09 and found poor compliance with standards. 28 homes were visited and 31 improvement notices issued. In view of this and a number of deaths that had occurred in nursing homes in Wales, we agreed that a joint letter should be sent to all care homes in Wales, setting out the issues, their responsibilities and pointing them to key guidance. The letter, jointly signed by HSE, CSSIW, and the Welsh Local Government Association has now been sent out. The Public Services Sector team contributed strongly to this, and are working on similar action in other parts of Great Britain.
40. We are currently working on a similar letter to be sent to those who contract or commission care to remind them of their duties under Section 3 of the HSWA, although we have worked extensively with those who have duties (particularly LHBs) to ensure that standards improve.

### Estyn (Wales Inspectorate of Educational Establishment)

41. We have prepared guidance for their inspectors on Health and Safety issues, relevant to schools and pupil safety. We are working with them and others in a WAG taskforce relating to E Coli spread in schools, following the Pennington report.

### Wales Audit Office

42. We liaised closely with the WAO on the production of their report into Violence and Aggression in the NHS and also worked with them on their recently released update report. We have also liaised on other topics including sickness absence and stress (they spoke at the 3 workshops we organised in Wales) and Hospital Associated Infections.

### **Other matters**

#### HSE Wales Website

43. The HSE Wales Website went live on 11<sup>th</sup> November 2008. The site provides a focus for the work done by HSE and its partners in delivering higher standards of workplace health and safety in Wales. It is a platform for our events held in Wales and over 1000 people have subscribed to receive the e-bulletin emails. These include members of the public, stakeholders and partners. It show HSE's commitments to its Welsh Language Policy and provides a home for our Welsh Language Scheme. It has received praise and support, including from the Welsh Language Board, who enforce the Welsh Language Act in Wales. Future plans for the website include further raising its profile and expanding the events section.

#### Operation Jasmine

44. Operation Jasmine is a very significant, but confidential investigation, being led by Gwent Police into many deaths. HSE is contributing in line with the Work Related Death Protocol. Our support is one part time Band 2 lead investigator, 2 part time Band 3s and 2 Band 5s, all based during the investigation at the HQ of the Police Investigation. This investigation is likely to continue for at least one more year and possibly longer.

### **With Nuclear Industry**

#### Trawsfynydd

45. Decommissioning, waste retrieval and conditioning activities covering both solid and liquid intermediate level waste continue to progress. Civil engineering enabling work continues on the North fuel element debris (FED) project. The Licensee is currently commissioning a facility for processing FED from the South vaults. This plant was recently inspected and a Licence Instrument issued to permission further active commissioning of the facility.

#### Wylfa

46. Both Wylfa reactors continue to operate at nominal full power other than for short periods where operational issues have led to power reductions. The planned date

for cessation of power generation at Wylfa was 31<sup>st</sup> December 2010. However the licensee is considering extending the operational life of the power station beyond this date. We are currently engaging with the licensee on the safety justification needed to support extended operation.

### **With the Chemicals & Downstream Oil Industry**

47. A significant amount of HID CI work involves working jointly with the Environment Agency Wales, as the COMAH Competent Authority. Recent examples of such work include the investigation of incidents at Seaport Environmental, Cardiff Dock, Chevron Terminal, Cardiff Dock, and SemLogistics at Pembroke.
48. An example of stakeholder engagement is PMAP, the Pembrokeshire Mutual Aid Partnership, which was set up following one of the Buncefield MIIB Report recommendations. A COMAH seminar in March, targeted at fuel storage sites, was attended by representatives from all the COMAH sites in Pembrokeshire and others, emergency planners, emergency services and the Competent Authority.
49. We also attend meetings of the Marine Terminal Safety Group (MaTSaG) which is chaired by the Milford Haven Port Authority and includes the MCA, Chamber of Shipping and fuel manufacturing and storage sites amongst its members.
50. We have a targeted inspection programme at fuel storage terminals and refinery sites under the Buncefield follow up programme aimed at verifying the measures in place for preventing overfilling of large scale gasoline storage tanks, and for detecting and containing any releases from such storage tanks. Further inspections are planned throughout 2009
51. We attend meetings of the Chester and North Wales CIA responsible care cell and supporting the work of Local Resilience Forums including the Industrial Hazards Group in North Wales
52. A research report was recently published by Birmingham University, suggesting that there has been an increased prevalence of cancers related to work with MBT at Flexys Rubber Company in Cefn Mawr, Ruabon. HID CI sought advice on the report from CSAG and PG who advised that weight of evidence in the report was weak and should be treated with caution. We have liaised with the HPA, EA and Local Authorities to ensure that balanced and proportionate information is given to the public and that appropriate measures are taken to remediate the site. The site is now closed.

### **With the Gas Industry**

53. The commissioning of the South Hook LNG terminal in late March 2009 has led to significant inspection and enforcement activity against a high profile background and much local public interest. The commissioning of the terminal included engagement with authorities who have roles under Civil Contingencies; the Welsh Assembly Government and DECC. The safety issues from the ship to shore interface required engagement and meetings with WAG, MCA, Local Planning Authorities and the Welsh Assembly Government.