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HSE IN WALES – DELIVERING THE STRATEGY			

Purpose of the paper

1. This paper reports on activities to implement the HSE strategy in Wales, and the changing context in which we are operating with stakeholders

Background

2. The Board last discussed HSE work in Wales at its meeting in London in May 2009. This paper further reports on work in Wales, particularly to implement the strategy since that time, and coincides with the board meeting in Cardiff.

Argument

3. Significant changes are likely to occur in Wales in 2011 with a referendum on further powers for the National Assembly of Wales and elections to the Assembly, as well as impacts from the Comprehensive Spending Review.
4. The engagement with stakeholders in Wales is through informal and flexible working relationships with appropriate groups forming to work together on common issues (e.g. ministerial or WAG task and finish groups etc). There are no formal set 'pieces' or 'strategy' committees for reporting or engagement.
5. There is strong Welsh Assembly Government (WAG) support for the work of HSE and willingness to engage, exemplified, by the First Minister's (Rhodri Morgan) commitment on behalf of WAG to the HSE Strategy.

Action

6. The Board is asked to note the changing context of HSE's work in Wales, and recent and current activity to deliver the strategy (Annex 1).

Paper clearance

7. This paper was cleared by the Senior Management Team on 3 November 2010.

Annex 1

HSE Activities in Wales – Delivering the Strategy

The Welsh Context

WORKPLACES

1. Wales, particularly South Wales, has had a long history of heavy industry dominated by coal mining and iron and steel production. About half the population (1.44m out of 2.99m) live in South Wales which was the main centre for these industries. The rest consists of many coastal, national park and countryside areas where tourism and agriculture are important. The steel industry (Tata Steel formerly CORUS) has recently announced significant new investment to replace a Blast Furnace at Port Talbot. Open Cast and drift mining continue and show signs of new development.
2. Developments in and around Milford Haven, the third largest port in the UK, now handle 25% of Britain's fuel oil imports, and has the capability to deal with a third of all LPG imports following the opening of a deep water terminal and two storage and gasification plants in 2009. New gas fired power stations (e.g. Uskmouth) have or are being constructed in South Wales. High moorland and prevailing winds are leading to extensive wind farm developments. The largest off-shore wind farm is being built well off the North Wales Coast. Large and small biomass plants are also being built. Feasibility studies are taking place into the 'carbon storage' facilities under Swansea Bay. The Welsh Assembly Government has made a significant commitment to 'sustainability' throughout its policy making and support for these developments. In addition to the above developments, Wylfa nuclear power station continues in operation and is a site identified for further development.
3. One of the largest manufacturing plants in GB is Airbus at Broughton in North Wales, where wings are constructed for the Airbus range including the new A380.
4. Employment in manufacturing (11.8%) and agriculture (2.9%) remains higher than GB (9.1% and 1.6% respectively) but services, especially public sector employment (27.5%), are now also very important. Long term unemployment is a major concern in many areas but notably the valleys of South Wales.

HEALTH & SAFETY STATISTICS

Injury Rates

5. Injury rates are consistently higher in Wales than in GB as a whole (2008/9; 618 per 100,000 employees compared to 496) but they have fallen year on year over the last five years. It is important to remember that employment patterns have a strong effect on the rates, (Note higher numbers in manufacturing and agriculture above) and the rate in Wales is similar to the North East of England which has a similar employment history and pattern.

6. The number of worker fatalities in Wales has been much lower in the last two years at 5 (08/09) and 7 (09/10) compared with an average of 15 per year in the preceding 4 years, and are setting new lows.

III Health

7. Ill health incident and prevalence rates are generally lower in Wales than in Great Britain and have also fallen over the last five years. The Incident rate from the Labour Force Survey in 2008/9 (p) gives the rate at 1340 (per 100,000 people employed) compared to GB at 1810.

WELSH ASSEMBLY GOVERNMENT

8. Carwyn Jones succeeded Rhodri Morgan as First Minister in December 2009. There will be an election for assembly membership in May 2011. In early March 2011 there will also be a referendum in Wales about further law-making powers. These powers will only be in those areas already devolved to Wales under the current arrangements and so will not include Health and Safety legislation. However given the broad range of areas where further powers could be attained (e.g. Health, Agriculture, Environment, and Education) there will be impacts on HSE interests. A recent example of this arising has been the WAG consultation in relation to collection and disposal of domestic waste.
9. It will be important to refresh and build on current good relationships with WAG following the election and as any new powers are developed into actions. Building and maintaining stronger links especially on policy issues of mutual interest are particularly important.
10. Since February 2010, HSE has had a secondee from Welsh Assembly Government, and his role is to help HSE staff in Wales and policy divisions to understand better the organisation of the Welsh Assembly Government, and facilitate connections between us in order to have early warning of issues of mutual interest and influence. An important recent achievement has been forming linkages with the Welsh Assembly Government's Strategic Policy Unit and inclusion of HSE as a consultee in WAG's Policy development guidance. HSE Wales is also exploring possibilities of joint training events with WAG for policy advisors, and informing WAG staff more about HSE's interests.
11. HSE Wales has recently joined a new Wales Regulators Forum. This brings together GB and Wales only regulators and is developing a joint work programme to lead, encourage and support economic development in Wales and appropriately protect all citizens (e.g. service users, consumers, employees).

ACTIVITIES DELIVERING THE STRATEGY

Creating Healthier, Safer Workplaces

12. HSE's activities in Wales are very strongly influenced by the agreed HSE programmes for Great Britain. The paragraphs below describe how some of these programmes are adapted for delivery in Wales, involving stakeholders in Wales, so that we make most joint impact.

Working with Local Authorities

13. FOD Wales, with the assistance from the Local Authority Unit, contributed evidence to the LBRO work to develop national enforcement priorities for Local Authorities in Wales. This has led to ensuring that work related ill-health and injury is specifically included under the priority for local authorities of 'protecting individuals from harm and promoting health improvement'.

14. All 22 local authorities in Wales have committed to partnership working through joint planning with FOD and production of an intervention plan. This approach has been built on past services (e.g. aerial and satellite installers) and has continued with the 'Take Away' project (addressing slips and trips and dermatitis in catering), and a 'Care Homes' project - 339 visits resulting in 56 Improvement Notices mostly in Legionella control and asbestos duty to manage. This year sees the start of 2 year programme addressing workplace violence and aggression in LA enforced premises (pub, clubs, betting shops, local stores). The project will use the HSE violence tool kit, CSAG supporting the evaluation, and FOD Wales staff from Partnership Team in support planning and briefing LA offices. This project will also build closer relationships with Police Liaison Officers.

15. All local authorities are carrying out LPG visits and are continuing the campaign to raise standards in relation to asbestos management. (duty to manage and licensing issues).

16. All local authorities are on target to comply with s18 standards by the end of March 2011. S.E Wales local authorities took part in the pilot. Wales Local authorities are facing spending cuts and are critically looking at all non-mandatory/ discretionary activity as we plan ahead with them for future years.

Agriculture

17. The Royal Welsh Show continues to provide an important contact point with stakeholders, and with the farming community in Wales, and many farmers and their families were interested or signed up to the Make the Promise campaign. HSE also sponsored a prize in the World Sheep Shearing Competition held during the Show. The Show also provided an opportunity for Sandy Blair and HSE Sector to meet representatives of Farming Connect and Hybu Cig Cymru, who were both keen to seek ways to contribute to and embed the Campaign, and promote health and safety improvement. This has been followed up by Farming Connect appointing their North Wales regional manager as their lead contact, and the Sector will develop a formal plan.

18. There has been Safety and Health Awareness Days (SHADs) in 2010 at the Royal Welsh Showground at Builth Wells, and at Welshpool Livestock Market. 513 farmers attended the two events. Health and Safety Awareness Officers in the Division are carrying out follow-up visits as well as those to 'visit farms' where e-coli controls are needed.
19. Connections have been made with WAG Rural Affairs Department and some joint visits are planned involving local rural inspectors and HSAOs to raise awareness of each others work, and encourage flow of information between the organisations.

Quarrying

20. The slate industry in North West Wales employs over 300 people and sees a sustainable future. HSE has established links with the Welsh Slate Quarries Association (WSQA) to work with them on identify priorities, demonstrate improvements and develop best industry practice (where necessary). This year's topic is 'Extraction by wire sawing'.

Construction

21. Construction division in Wales follows the GB programme of work with priorities of asbestos, refurbishment and small sites .Inspection of Refurbishment projects in student areas during the summer months has found a low level of compliance. Some significant asbestos investigations are being progressed with AM or MP interest. Large power stations are the most significant new build activity.
22. Both the North and the South Wales Working Well Together Partnerships are very active and deliver events and awareness training to many thousands of construction workers through SHAD's, Designer Awareness days, college seminars and white van tours.

Health Care

23. Health is a devolved matter and central approaches in Wales have to be developed and maintained separately and differently to England. HSE sector and operations staff fully recognise the differences in the way they go about their work. There has been a major organisational change in the structures of NHS Wales in the last year which has formed a reduced number of Health Boards to provide services across Wales , all reporting to the Minister through a central organisation- NHS Wales. NHS staff in Wales are employees of the individual Health Boards not of NHS Wales. New approaches (see below under leadership) are being made with the new organisation.
24. Managing the risks associated with Violence and Aggression within NHS Wales has been a priority for WAG for many years and HSE has contributed to Ministerial Task Forces, and in setting up training 'passports'. In 2010 HSE Wales undertook audits across all the Boards in Wales, reporting results to the Boards, to NHS Wales and their lead advisor. Further recommendations

have been made but enforcement action was not needed given the improvements found.

25. HSE Sector staff have contributed to work commissioned by WAG to produce draft national minimum standards for Community Equipment Services to ensure safe and effective provision. Consultation started on 6 August 2010. HSE Wales has contributed to new guidance for the Protection of Vulnerable Adults in Wales. Work with other health care regulators in Wales (CSSIW and HIW) needs updating and further development and HSE Wales is working with Sector to get some consistency in role for HSE across GB
26. HSE Director Wales is part of a Ministerial Task and Finish Group working on better provision of Occupational Health Services within NHS both for staff but also potentially to the wider community.

Avoiding Catastrophe

27. HSE in Wales continues to work closely with Environment Agency Wales in relation to COMAH activity and new developments around Milford Haven, and with Pembrokeshire CC and other local authorities with responsibilities for emergency planning. In late 2009 Pembrokeshire CC received a planning application for a wind farm very close to 2 top tier COMAH sites and a major pipeline. HSE was not a statutory consultee but was asked for advice, and subsequently an independent peer review of the siting risks was arranged with other parties. This was a good example of the regulatory bodies, the planning authority, the developer and consultants in dealing with renewable energy and major hazard activities.
28. In May 2009 an EU reportable major accident occurred when a crack appeared in a blast furnace downcomer at a steelworks and a significant quantity of flammable and toxic gas was released. Closure of the furnace would have had very severe economic impact. HID Inspectors identified failings in the integrity management system and an Improvement Notice served to ensure on going risks were addressed whilst still being able to operate the furnace with two brief maintenance stops to carry out structural repair.

Investigations and Securing Justice

29. HSE has a small team of Inspectors and Support staff working with Gwent Police, and based with them, on a large and complex joint investigation (Operation Jasmine). HSE has been involved for nearly three years but an end is in sight for the investigative phase.
30. The Recorder of Cardiff has made criticisms to Police, CPS and HSE of delays at bringing cases involving work related deaths to Court and made recommendations about how prosecution decisions by CPS and HSE might be brought better together. These comments are being taken on board nationally as well as in local investigations such as that with Gwent Police mentioned above, and with CPS.

31. Recent notable prosecutions in Wales have included:

- An HGV driver, who was opening the rear doors on his trailer, was killed by a metal bale which fell from a mound of scrap at a recycling yard. A crane driver at the yard was charged with manslaughter but found not guilty. The yard operator (Sims Metal Group UK) pleaded guilty under s 3(1) of the Health & Work Act and fined £200,000 with £57,500 costs.
- HSE worked with the Police to achieve a conviction of a gas fitter for manslaughter (2 counts) and HSWA s3 (6 counts). He was sentenced to 3 years in prison.
- An unregistered gas fitter was convicted of not complying with a Prohibition Notice (not to carry out gas work) and two Gas Safety (Installation and Use) Regulation charges. He was sentenced to 6 months imprisonment for breaching the Prohibition Notice.
- A Berkshire based water treatment company was convicted of carrying out inadequate surveys of legionella risks in nursing homes in Blaenau Gwent and Powys. They were fined £24,000 with £17,276 costs.

The need for Strong Leadership

32. The reorganisation of NHS Wales has offered a unique opportunity to discuss governance arrangements for Health and Safety with NHS Wales, and develop reporting arrangements whereby NHS Wales can provide leadership and account for the Health and Safety performance. This work is continuing as well as strategic interventions with all the Boards at senior level to develop a longer term risk based intervention plan for each new organisation. An event aimed at CEO's and Health Board members is being planned, and will use current issues of estates management including asbestos to review leadership, worker involvement and performance indicators within their health and safety arrangements.

33. A similar approach is being adopted towards local authorities as large employers and commissioners of works and services with intervention plans being agreed with each authority. WLGA are supporting this approach and we are working together to get consistency.

Involving the workforce

34. HSE supported the first all Wales Conference for Safety Representatives organised by TUC Cymru. This was very well attended and is the foundation for a representative's network for sharing issues and best practice.

35. HSE is also contributing significantly to WAG's initiatives related to migrant workers through the Migrants Forum under Ministerial leadership.

Building Competence

36. There has been decline in mining qualifications and skills over the last decade as those with practical experience have left the Wales workforce since major pit closures occurred, and also with the loss of traditional college and university courses. This is recognised by the mining companies (open cast and underground), potential local purchasers of Welsh coal, education establishments and WAG. A coalition of skills and competence providers as well as mining apprenticeships are being developed, and HSE Mines Inspectorate are contributing to the processes to ensure that skills and competences necessary to manage and maintain mine safety are available should the Industry redevelop in S Wales.

Customising support for SMEs

37. Healthy Working Wales has developed from Workplace Connect and related initiatives in Wales to provide information, support and advice to businesses in Wales. This is now funded entirely by WAG but its development has been supported by HSE in Wales. For example, recently retired HSE staff have been providing training to newly appointed advisors. The service provides a range of advice and support through telephone lines and site visits to engage with businesses, and a range of health improvement initiatives such as Stop Smoking Wales and Mental Health First Aid. Access to information is provided to health professionals to help them better support their patients with health at work issues. There is further commitment to develop support provided to businesses through Healthy Working Wales in the WAG paper 'Economic Renewal: a new direction' (July 2010). HSE Wales also continues to actively support WAG's Corporate Health Standard award scheme which is now adapted and extended to improve small business access.

Taking a Wider Perspective

38. HSE has a good working relationship with the Welsh Language Board which is going through changes in its governance and reporting arrangements. HSE, like other public bodies in Wales has already a Welsh Language policy but will need to report annually on practical delivery of that policy starting with the year 2010/11. The HSE website in Welsh is a major element in meeting the needs to communicate with the public in Welsh. It is important that other HSE services and transactions (e.g. complaint handling) continue to be provided and developed in Welsh.

39. HSE Director Wales is a member of the Wales Resilience Forum (chaired by the First minister) and other staff, mainly from HID, contribute to the Local Resilience Fora based on the 4 Police Force Areas in Wales.