

Health and Safety Commission Minutes		HSC/03/M04	
Meeting Date:	08/04/2003	Open Gov. Status:	Fully Open
Type of Paper:	Above the line	Paper File Ref:	
Exemptions:	None		

OPEN GOVERNMENT STATUS – Fully open	HSC/M04/2003
Health and Safety Commission	
Minutes of a meeting of the Health and Safety Commission held on 08 April in the Hope Room, 2 Southwark Bridge, London SE1 9HS	
Present Bill Callaghan – Chair Owen Tudor Margaret Burns Judith Hackitt John Longworth Abdul Chowdry Judith Donovan Apologies Maureen Rooney George Brumwell Joyce Edmond-Smith	Officials Present Timothy Walker Kate Timms Justin McCracken Vivienne Dews Robert Humm Mark Dempsey Shelagh Molloy Marion Cast Paul Denman Sian Lewis
Presenters Item 3 – Chris Rowe, Sandra Caldwell, Colin Mackay, Elizabeth Gyngell Items 4, 5, 6 – Peter Hornsby, Elizabeth Gibby, Tasha Judd, Jackie Germain Items 7 & 8 – Nigel Hammond, Bill Gillan Item 9 – Dan Mitchell	

1	Minutes of the meeting held on 11 March 2003
	The minutes were agreed.
2	Urgent business not covered by items on the agenda
	There was no urgent business.
3	Progress on the Stress Priority Programme and update on Management Standards (HSC/03/30):
3.1	Elizabeth Gyngell summarised the paper. It recommended that the Commission noted the progress made to date, offered views on the HSE approach to developing management standards to tackle work related stress and agreed to the next steps in the development of those standards. The effect would be to highlight what further action and support was necessary to maximise the contribution to the PSA targets.

3.2	<p>The aims of the stress priority programme were, to contribute to the targets to stop people being made ill and to get people back to work as quickly as possible. HSE was now in a position to run a Pilot exercise using the management standards. The would enable organisations to measure their performance in managing stress and make comparisons. The standards had been simplified and improved as a result of consultation and it was now proposed to pilot the with a range of organisations. The pilots would be supported by HSE guidance in the forms of a CD-Rom package and tools on the HSE website. Initial feedback had been encouraging, including that of OHAC. ACAS has agreed to help with the pilots by offering management advice to participating organisations.</p>
3.3	<p>On enforcement, it was proposed to carry out an experiment to inspect against risk assessments and the standards. Further consideration the need for an AcoP would be delayed until the pilots had been evaluated.</p>
3.4	<p>In discussion, the Commission welcomed the progress to date on a difficult issue, and the work to provide duty holders with achievable benchmarks for managing stress. The Commission noted that Trade Unions wished to be closely involved in the pilots which may be best achieved using a working group. Some of the language of the pilot support material was compliance related, and the use of “so far as is reasonably practicable” might be best avoided. In addition, the use of the material needed to be carefully managed as the mechanics may differ for smaller and medium enterprises. Although concerns were raised about the levels set for the standards, it was felt that the pilot should carry on as planned because one of its purposes would be to test these levels. .</p>
3.5	<p>The Commission felt that there were links to other agendas which might present opportunities. The work already started with Investors In People UK could be xplored further as a contribution to wider human resource management issues. A better understanding by GP’s of what is a case of stress related illness would also be important but this is a longer term issue. Elizabeth Gyngell confirmed that informal piloting was possible for those companies that did not yet want to put their heads above the parapet.</p>
3.6	<p>Summing up, the Chair welcomed the presentation. The Commission had:</p> <ul style="list-style-type: none"> • noted the progress made to date; • offered views on the HSE approach to developing management standards to tackle work related stress which HSE would take on board; • agreed to the next steps in the development of those standards. <p>The next key milestone would be Autumn 2003 and the Commission invited HSE to report back on the evaluation of the pilots at that stage.</p>
4	<p>Accreditation of Suppliers of Safety Critical Goods and Services (HSC/03/07); Review of railway (Safety Critical Work) Regulations 1994 (HSC/03/09); Licensing of Drivers and Signallers (HSC/03/08):</p>
4.1	<p>The above 3 papers were discussed together. Introducing the papers Liz Gibby summarised the issues for consideration. There were links to other railway related work on railway safety cases and approvals which could be treated as a single package for consultation. The Rail Safety and Standards Body (RSSB) had come into being on 1 April and a chair and Chief Executive had been appointed. RSSB had a possible role in the issues under consideration.</p>

4.2	On accreditation, the Commission was asked to consider: the importance of third party accreditation for the supply of safety critical products and services to the rail industry; the coverage of any such scheme; the impact of the Rail Safety and Standards Body (RSSB) and public perceptions of independence; the various policy options for accreditation and the features of an accreditation / certification system
4.3	On the Railway (Safety Critical Work) Regulations 1994, the Commission was asked to consider: i) whether the Regulations should be retained ii) if so, the specific issues that require attention iii) the alignment of the time-table for any amendments to the Safety Critical Work Regulations to the reviews of the safety case and approvals regimes
4.4	On licensing of drivers and signallers Commissioners were asked to consider: i) whether licensing of key safety critical workers (initially drivers and signallers) was a suitable method for providing reassurance to the public on competence ii) which parts of the rail industry should be covered iii) the potential role of RSSB iv) the importance of independent third party accreditation in any licensing scheme
4.5	The Commission noted the work to implement Cullen and that the industry was already heavily regulated.. A sense of co-operation was needed, with industry being persuaded that they needed to take ownership of risk. Any legislation needed to be risk based, including licensing, while recognising the need to give confidence to employees and to the public. To reduce rail network disruption, workers would continue to carry out certain works, i.e. rail repairs, during unsociable hours and some controls were needed. Assessing competence by a third party independent accreditation process could provide reassurance, HSC would like to see a set structure that covers all parts of the industry in the same way.
4.6	The Commission recognised that RSSB should play a significant role in certification but acknowledged that it was, at present, something of an unknown quantity. HSE needed to explore how RSSB saw its role and influence this early.
4.7	Third party accreditation was important but the focus should be on Network Rail. The standards picture was confusing. The industry needed ownership and accountability with the key responsibility on the duty holder. The Commission favoured the option of RSSB having a key role, with overall accreditation by United Kingdom Accreditation Service (UKAS). The role of UKAS would be to accredit the RSSB, rather than to undertake the work themselves. The Commission questioned whether there would be enough bodies capable of certifying suppliers of all safety critical goods and services used in the rail industry. .
4.8	The Railway (Safety Critical Work) Regulations 1994 should be retained but also updated and modernised. However, while this process was undertaken, the Commission wanted the current regulations enforced in the meantime
4.9	The Commission's general view was that for safety critical workers (especially drivers) licensing was key to providing public confidence. The Commission favoured national standards, managed in ways that did not impose an extra burden. HSE should consider exemptions, for example for heritage railways, based on risk so that the approach was proportionate.

4.10	<p>Summing up, the Chair noted that the Commission favoured bringing all this work together with the other major reviews of railway specific legislation. It was important to deliver this work so that HSC could consider a single package of legislative changes, within HSE budgetary constraints. HSC would support the progress. Specifically, the Commission:</p> <ul style="list-style-type: none"> i) supported the accreditation of suppliers, with a scheme covering the industry but focusing on Network Rail as set out in option C in the paper with overall accreditation by UKAS; ii) supported new arrangements on licensing for drivers, using independent third party accreditation, to build on the work that Train Operating Companies had done; iii) agreed to retain the Safety Critical Work Regulations but wanted the Regs updated.
5	The future of the Health and Safety Commission's Adventure Activities Industry Advisory Committee (AAIAC) (HSC/03/20), The second Triennial Review of the Adventure Activities Licensing Scheme (HSC/03/38):
5.1	<p>Nigel Hammond explained that the Adventure Activities Licensing Regulations 1996 had been introduced as a result of the Lyme Bay tragedy in 1993. The AAIAC was formed in Spring 1997 to advise the Commission on issues relating to the health and safety of workers and the public in the adventure activities sector. However, the AAIAC failed to satisfy all but one of the Commission's criteria developed in their review of Advisory/Standing Committees, the exception being the societal concern. The three options for the future of the AAIAC were: to retain the AAIAC in its current form; not to reconstitute; and to establish an Industry Liaison Committee as an alternative to the formal AAIAC.</p> <p>HSE also invited the Commission to agree the draft response to the Department for Education and Skills (DfES) consultation, as part of a triennial review of the licensing scheme.</p>
5.2	<p>The Commission noted the tight timescale for consultation, since the AAIAC was due to meet on 16 April. Commissioners also noted the difficulties in inspecting this industry and that AAIAC meetings were a useful way of keeping in touch. There remained some anxiety over school trips, and some level of public reassurance was needed given the importance of tourism to the economy. It was noted that proposals were being considered in Scotland which would create a non-statutory scheme, covering adventure activities.</p>
5.3	<p>Summing up, the Chair noted that the Commission favoured the option of the industry establishing an Industry Liaison Committee. Close working with local authorities was important in this growing sector. The Commission supported the advice on the triennial review. The Chair would write to the relevant minister with the Commission's views.</p>
6	Presentation to Commission on HID Land Division
6.1	<p>Dan Mitchell outlined the principal sectors of HID Land Division, with the Chemical and Oil Refining sectors being the largest. He summarised the staffing levels, commented on the experience profile and the planned increase of Inspector resource for 2003/4. The key tripartite committees were detailed and the steps being taken to improve the strategic relationship between Land Division and Industry.</p>

6.2	Accidents in the chemical sectors were 20% lower than for manufacturing as a whole, but there was the potential for major accidents. Current issues and initiatives were discussed. The principal legislation was the Control of Major Accident Hazard Regulations 1999 (COMAH), with the aim of protecting the public, environment and the workforce. COMAH had put more emphasis on ALARP and opened a continuing debate on off-site risk. Advisory work on Land Use Planning was resource intensive and a fundamental review was underway.
6.3	Dan Mitchell outlined the current major health and safety issues within the explosives, mines and gas distribution sectors. The various legal frameworks within the sectors were summarised. The mining legislative renewal programme was being confined to that essential to secure improvements in health and safety, principally the proposed Inhalable Coal Mine Dust Regulations.
6.4	In discussion, on the Larkhall Explosion corporate culpable homicide charge, HSE confirmed that there was currently an appeal against the High Court ruling on the competency of the charge. Commissioners felt that the case would have implications for mains replacement policy and needed to be watched closely.
6.5	The 37 tourist mines in the UK are part of a growing industry and the need to provide and suitably maintain at least two means of egress was noted. Storage mines are also a growth area where suitable sites can provide low cost, secure, constant temperature and humidity storage. Fire detection and control were the principal safety considerations.
6.6	Summing up, the chair thanked Dan Mitchell for the presentation. He stressed the need for improving strategic relationships. He recognised that land use planning would be resource intensive for the division as the pressure to build grows, raising the scope for tensions between developers.
	Below the line items
7	Approved Code of Practice of Unloading Petrol Tankers (HSC/03/41)
7.1	The Commission agreed to the Code of Practise being submitted
8	Dangerous Substances and Explosive Atmospheres Regulations 2003 – Approval of Codes of Practice (HSC/03/57)
8.1	The Commission agreed to the Codes of Practise being submitted
9	Control Of Substances hazardous to Heath Regulations 2002 – Consultation Document on Occupational exposure Limits (HSC/03/44)
9.1	The Commission approved the draft consultation document
10	Proposal to withdraw 15 “Unsafe” Occupational Exposure Standards (HSC/03/46)
10.1	The Commission approved the immediate withdrawal of the nine OES’s without first issuing a Consultative Document
11	Update on Work to Implement the Cableways Directive (HSC/03/47)
11.1	The Commission noted and agreed the paper
12	The Future of the Railway Safety Annual Report (HSC/03/61)
12.1	The Commission noted the paper
13	Merchant Shipping (Safety loading and unloading of bulk carriers) Regulations (HSC/03/60)
13.1	The Commission noted and agreed the paper
14	Miscellaneous Papers circulated since the last meeting
15	Amendments to the Railway (Safety Case) Regulations 2000 Update (MISC/03/05)

15.1	The Commission noted the paper
16	Establishment of Rail Accident Investigation Branch: Progress Update (MISC/03/03)
16.1	The Commission noted the paper
17	HSC to produce official DWP version of the accident book (HSC/03/08)
17.1	The Commission noted the paper
18	Publication of managing the accidental obstruction of the railway by road vehicles (MISC/03/10)
18.1	The Commission noted the paper

Commission Secretary
April 2003