

Health and Safety Commission Minutes**HSC/04/M10****Meeting Date:** 12 October 2004**Open Gov. Status:**

Fully Open

Type of Paper: Above the line**Paper File Ref:****Exemptions:****Health and Safety Commission****Minutes of the open meeting of the Health and Safety Commission, held on 12 October 2004, Mermaid Conference Centre.****Present**

Bill Callaghan – Chair
Margaret Burns
Abdul Chowdry
Judith Donovan
Joyce Edmond-Smith
John Longworth
Hugh Robertson
Elizabeth Snape
Danny Carrigan

Officials Present

Timothy Walker
 Justin McCracken
 Jonathan Rees
 Alex Brett-Holt
 Vivienne Dews
 Susan Mawer
 Paul Baldwin

Apologies

Judith Hackitt

1 Minutes of the meeting held on 07 September 2004 (HSC/M09/2004)

1.1 The minutes were agreed

2 Urgent business not covered by items on the agenda

2.1 No urgent business taken.

3 Introductions

3.1 The Chair thanked the Minister for her address and welcomed the audience to the Commission's first open meeting. He formally welcomed Danny Carrigan, the new Commissioner with responsibility for Construction, to his first meeting and thanked George Brumwell, who retired from the Commission on the 1 October, for all his effort and exemplary work.

4 A strategy for workplace health and safety in Great Britain to 2010 and beyond - an update on implementation (HSC/04/120)

4.1 Brian Etheridge introduced the paper, which invited the Commission to note progress made with implementing the strategy. The paper reported generally good progress, six of the early deliverables have been delivered and three are on target. HSE highlighted the perception held by some stakeholders that HSC/E is actively withdrawing from enforcement. HSE explained that this is not the case; the development of new approaches will not be at the expense of existing ones.

<p>4.2</p>	<p>The Commission welcomed this paper and held a broad discussion. They felt more still needed to be done to communicate the message that HSC/E is about sensible health and safety and sensible management of risks and that the Commission was not abandoning enforcement. The Commission felt that the strategy was about taking the next steps, working with and encouraging others to do better. The UK has an excellent health and safety record and the strategy should be seen in this context.</p> <p>The Commission recognised the risks associated with having no clear boundaries. HSC/E should not be drawn into debates about issues, which are inappropriate for them, for example the debate around conkers, and should focus resources over the next decade on what really matters.</p> <p>The Commission noted the progress made by HSE in developing closer partnerships and highlighted, in particular, the work going on with Local Authorities and the recent launch of the ‘Local Authorities and HSE working together’ statement of intent.</p> <p>The Commission felt that HSE could have done more to publicise the launch of the statement and asked HSE to consult sooner with LAs and LACORS, particularly with key documents such as the Strategy.</p> <p>The Commission asked for a report back from HSE’s Communication Directorate on the progress it has made in implementing its communication strategy. The Commission would be interested to see what evidence there is that HSE’s material; particular its web-based information is being read.</p>
<p>4.3</p>	<p>The Chair thanked the presenter.</p> <p>The Chair highlighted the big communication challenge that still faced HSE; he agreed the Communications Directorate should be invited to report back to the Commission. The Chair felt the Commission and HSE need to communicate clearly what risks it will tolerate because of the existence of adequate control measures. He felt that other players in the health and safety system must help in getting the right message across.</p> <p>The Chair noted progress made so far and the position with the early deliverables, he asked for a further paper on evaluation of the strategy and next tranche of deliverables for the Commission’s consideration.</p>
<p>5</p>	<p>Working at Height Regulations (HSC/04/110)</p>
<p>5.1</p>	<p>Elizabeth Gibby, aided by a PowerPoint presentation, introduced the paper, which included a revised version of the draft Regulations. The revised Regulations reflected the discussion and decisions taken by the Commission in July. The Commission were specifically invited to comment on draft regulation 13 about pre use checks, the standards that should be set for toe boards and on whether the “2 metre rule” should be re-introduced for Construction or the goal setting approach</p>

	<p>should apply to all sectors.</p> <p>Copy of the presentation is attached at annex 1</p>
<p>5.2</p>	<p>The Commission held a broad and frank discussion around the issues. They recognised HSE have been working for a numbers of years on the implementation of Temporary Work at Height Directive and were well aware of the challenging issues arising from the consultation exercise. The Commission agreed with the comment in the paper that the regulations must be fit for purpose, even if this meant missing the EU designated implementation date.</p> <p>The Commission felt the Chair should take up the offer to meet with Alistair Burt MP and adventure activity sector representatives. This is a further opportunity to clarify HSC's views on the scope of the draft regulations and to further demonstrate that HSC/E understands the complexities and risks associated with the Adventure Activities sector. The Commission's view was that it was not right for workers in the sector to be exempted from the regulations – but further dialogue was needed on the detail of the regulations and how the sector could develop and promulgate their own standards.</p> <p>The Commission commented on HSE's specific questions.</p> <p>Regulation 13 – the Commission discussed the impact of changing the original term “inspect” to “check”. They also explored the usefulness of such a requirement given the possible difficulties with enforcing such a regulation if the “check” did not need to be recorded. However, the Commission did recognise that if an incident occurred and a pre-use check was not carried out, Regulation 13 would allow the enforcing authority to take action, even if a general risk assessment under the Management regulations had been undertaken.</p> <p>The Commission noted that this requirement was not currently required by the Directive and could be seen by some as gold plating. They discussed the advantages and disadvantages of having a specific regulation or dealing with the issue in guidance.</p> <p>Toe boards – The Commission felt a ‘suitable and sufficient’ approach to this regulation was preferable to one involving specific metrics.</p> <p>2 Metre rule – The Commission felt that their previous agreement on guardrails to maintain specific construction standards within a goal setting framework to these regulations could include the 2 metre rule.</p> <p>The Commission were sympathetic to the concerns of the construction industry over this issue and felt if the industry felt strongly, they had the support of the workforce and the unions, the Commission should accommodate them. However, the Commission were keen to see all risks of falls from height assessed and adequate control measures introduced regardless of whether the “workplace” is higher or lower</p>

	<p>than 2m.</p> <p>In discussion the Commission asked HSE to consider further how it might present and summarize in a consistent way the results from consultation exercises.</p>
5.3	<p>The Chair thanked the presenter. The Chair agreed the 2 metre rule was a difficult issue and was keen not to lose the Commission's essential message about goal setting; or introduce an inflexible rule that did not address all the risks associated with working at height regardless on whether the work was above or below 2M.</p> <p>He asked for urgent advice on what additional consultation may need to be carried out in light of the Commission's discussion.</p> <p>He agreed the "suitable and sufficient" approach should be adopted for toe-boards.</p> <p>He asked HSE to come back to the Commission again so the Commission can debate further the issue of Regulation 13, in the context of the overall package.</p> <p>He agreed the package met the Commission's regulatory objectives, implemented the Directive and fairly reflected the views expressed in the consultation exercise.</p>
6	The Hampton Review Oral update
6.1	Brian Etheridge provided the update. Brian highlighted the contacts that had taken place since the previous report to the Commission and set out what the next steps in the process are likely to be before the recommendations are finalised around next spring. HSE offered to report back to Commission once the interim Hampton report was available.
6.2	The Commission noted the report back.
6.3	The Chair thanked the presenter. He is interested to see what recommendation will be included in the interim and report and agreed HSE should report back when the interim report is available.
7	HSC Science Strategy 2005-2008 (HSC/04/118)
7.1	<p>Paul Davies, aided by a PowerPoint presentation, introduced the paper. The Strategy is deliberately a broad high level document, supporting the Commission's strategy for workplace health and safety to 2010 and beyond. The key issues for the Commission's consideration were; was the Commission content with the overall purpose, structure and style of the document, were there any significant gaps in its content and was the Commission content for HSE to consult externally.</p> <p>Presentation attached at annex 3</p>
7.2	The Commission, in general, felt this was a very good piece of work and welcomed the opportunity to discuss the strategy. However, as there is a scientist on the Commission, they should have been consulted earlier in process.

	<p>The Commission, in general, felt that good science underpinned the work of HSC/E and helped informed the Commission's decisions on risk management. The paper highlighted the breadth of issues and emerging work streams the Commission have to manage.</p> <p>The Commission reminded HSE for the need to keep expertise in the Nuclear field, given there is likely to be long period of installation decommissioning. The Commission confirmed the policy that consultation should be done by hard copy as well as electronically.</p> <p>The Commission were informed that HSE is part of the Cross Government forum on Energy which was already acting to maintain the necessary levels of skills and competences in the nuclear industry.</p>
7.3	<p>The Chair thanked the presenter. He felt that HSE's reputation depended on having a sound evidence base. The Commission is devoting a big sum of money in this area and it is important to get it right.</p> <p>The Chair agreed that HSE could consult externally.</p>
8	<p>The Chair before closed the meeting.</p>