

Meeting Date:	13 July 2004	Open Gov. Status:	Fully Open
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Exemptions:			

Health and Safety Commission

Minutes of a meeting of the Health and Safety Commission held on 13 July in the Hope Room, 2 Southwark Bridge, London SE1 9HS

Present

Bill Callaghan – Chair
 George Brumwell
 Margaret Burns
 Abdul Chowdry
 Joyce Edmond-Smith
 Judith Hackitt
 Hugh Robertson
 Judith Donovan
 Elizabeth Snape

Apologies

John Longworth

Officials Present

Timothy Walker
 Justin McCracken
 Kate Timms
 Vivienne Dews
 Alex Brett-Holt
 Colin Douglas
 Susan Mawer
 Wendy Beeston

Presenters

Item 2.1 – Vivienne Dews
 Item 3 – Kate Timms, with Nick Starling, Jane Willis, Jason Batt
 Item 4 – James Barrett, with Tim Galloway
 Item 5 – Ian Greenwood, with Jane Willis, Bill Gillan, Richard Hooker, Robert Vaughan
 Item 6 – Stephen Williams with Steve Ives
 Item 7 – Colin Douglas, with Shelagh Molloy
 Item 8 – Kate Timms with Susan Mawer

1	Minutes of the meeting held on 08 June 2004 (HSC/M06/2004)
1.1	The minutes were agreed.
2	Urgent business not covered by items on the agenda
2.1	The Spending Review announcement had been made on 12 July. The implications for HSC/E were not yet known but it was likely that HSC/E's administrative budget, which included staff costs, would be squeezed. A paper would be provided to the Commission for the next meeting and there would be a substantive discussion at the September meeting.
3	Priorities for the Legislative Programme (HSC/04/58)
3.1	Introducing the paper Kate Timms said that the proposals flowed from the Commission asking HSE to reprioritise resources in order to deliver on the strategy. Legislative work had now been categorised as: work that is to continue or commence as planned; work that is to stop; work where an alternative to a legislative output should be considered.

3.2	<p>The Commission welcomed the approach, and wondered whether it could have been more ruthless. They found it difficult, however, to make any comment on specific proposals when they had no information on resource savings or implications. They questioned what their role was as they were not being asked to make a decision; it was not clear at what stage HSC would be asked to take ownership. They wondered whether local authorities should have been consulted. It would be helpful to have a description of the process so that they could see what stage the work was at and what HSC's role was. Bill Callaghan indicated that at some stage HSC would need to pronounce on priorities and that there would be stakeholders who were unhappy about the decisions made.</p>
3.3	<p>The Chair thanked HSE for the work that had been done. He noted that HSE had rigorously prioritised its legislative work. More information was needed on next steps, processes and resources. The Spending Review background made the process more urgent. A future discussion was needed on the role of local authorities.</p>
4	<p>Manufacturing and non public services: Operational Report</p>
4.1	<p>(attached presentation)</p>
4.1	<p>The Commission commended the presentation. They asked about the experience of withdrawing from major involvement in sectors and were told that this required careful management of expectations but was working in areas such as shipbuilding where employers and workers were taking responsibility for developing their own programmes. In response to a question about the mechanism for working with local authorities the Commission were informed that at the moment the local authority forum was used and the model was that used for the post office initiative. The Commission felt that trade associations had an important role and asked about the strategy for approaching them and suggested going to the CBI trade forum.</p>
4.2	<p>The Chair thanked the presenters for a powerful presentation. He thought there was scope for a range of Commissioners to be involved in helping drive forward the programme.</p>
5	<p>Work at Height Regulations (HSC/04/82)</p>
5.1	<p>The presentation is at Annex B. Ian Greenwood asked the Commission for a steer on 5 key issues, which had arisen from the consultation exercise.</p>
5.2	<p>The Commission had a long and detailed discussion around the issues. <u>Issue 1</u> – step ladders. The Commission maintained their view that sensible health and safety was not about making a working practice – two handed working from a step ladder – that was widespread and low risk, illegal. They accepted that this meant there was a risk, although low, of infraction. <u>Issue 2</u> – apparent confusion over inspection provisions. The Commission understood the concerns: although these requirements were not new they were seen as such. After discussion of other options they felt that it was best to stick to the philosophy of ‘stand alone regulations’.</p>

5.3	<p><u>Issue 3</u> – construction. The existing prescriptive standards set by the construction regulations, which were high, were not acceptable to the rest of industry. Some of the construction industry felt that the proposed goal setting regulations would reduce standards in their industry. The Commission was adamant that the high standards set in construction must be supported and a way should be found to allow for the prescriptive construction standards to be included in the overall goal setting approach.</p> <p><u>Issue 4</u> – activity adventure sector. The Commission noted the recent meeting between the Minister and representatives of the industry. The minister has asked HSE to consider options for exempting the industry. The Commission did not consider that the sector should be exempted. There was insufficient evidence to support this. Other sectors had good records but were working to ensure they could cope with the regulations rather than asking to be excluded.</p>
5.4	<p><u>Issue 5</u> – Guidance. The Commission did not want to see a large complex Guidance document which was meant to cover all sectors but inevitably failed to meet their needs. They supported the idea of a short ‘plain English’ interpretation of the regulations, with sectors then producing their own specific guidance. The Commission said HSE should be prepared to endorse sector guidance if both sides of industry had signed up to it and HSE’s short guide should offer this.</p>
5.5	<p>The Chair thanked the presenters. The Commission agreed:</p> <ul style="list-style-type: none"> • two handed working from step ladders • that inspection should be handled within the ‘stand alone’ regulations philosophy • Construction should be allowed to keep its prescriptive standards • their objective was to include the activity adventure sector within the scope of the regulations • and that a panel of Commissioners – Judith Hackitt, Margaret Burns and Hugh Robertson – would look at the detail of the proposed regulations.
6	<p>Rail Review (HSC/04/90)</p>
6.1	<p>Stephen Williams introduced a paper updating the Commission on the Department for Transport’s view, to be included in the white paper resulting from the Rail Review, that railway safety regulation could move from HSE to the Office of Rail Regulation.</p>
6.2	<p>Bill Callaghan had met with the Secretary of State for Transport and subsequently written to him. He had said that the Commission was naturally disappointed, but had assured the Secretary of State that HSC/E would do everything it could to make any transition from HSC/E to ORR work smoothly.</p>
6.3	<p>The Commission were concerned about the impact on HSE staff. They also wanted to know whether HSC/E would remain responsible for the legislative package. If this was taken away it was unlikely it would be completed on time; and any interim period would be very difficult to manage.</p>
6.4	<p>The Chair thanked the presenters for preparing the paper at short notice. The Commission agreed the lines it set out. It was important to have facts and figures on what had been achieved on rail. Safety has improved over the period of HSC/E’s stewardship.</p>
7	<p>HSC’s 30th Anniversary (HSC/04/80)</p>
7.1	<p>The paper, introduced by Colin Douglas, proposed that the 30th anniversary of HSC be marked by a short pamphlet on 30 years of health and safety and an event for key stakeholders.</p>

7.2	The Commission thought the event should be combined with the Open Meeting (see item 8). Whilst there was a lot to be proud about, it was important not be self congratulatory. There was still a lot to be done on health and safety including on health issues. The event should not be too costly.
7.2	They discussed the proposed pamphlet and questioned whether another format such as CD or web site would be better. A well informed article, reaching outside the normal audience would be valuable. It was important that it was forward looking as well as setting out what had been achieved.
7.3	The Chair thanked the presenters. A lot of money should not be spent on this. The event should be combined with the Open Meeting. There was scope for gathering material on achievements, setting out key messages. It should not be self congratulatory but look forward.
8	HSC Open Meeting 2004 (HSC/04/84)
8.1	The Commission agreed the proposal and said it should be extended to a full day and involve workshops. It should be linked with HSC's 30 th anniversary. Future open meetings should be held outside London. Invitees should include elected local government members and representatives of local authorities.
	Below the Line Items:
9	Race Equality Scheme – Second Annual Review (HSC/04/65)
9.1	The Commission noted progress on the action plan and agreed a review of the Race Equality Scheme, the results of which would be reported to the Commission in six months.□
10	Evaluation of R2P2 (HSC/04/69)
10.1	The Commission noted the main findings of the evaluation and the work to be undertaken to produce a summary of the principles of HSC/E's decision-making framework.
11	Social Inclusion: Recent Developments (HSC/04/77)
11.1	The Commission noted the potential implications for HSC/E of the draft Disability Bill and proposals in the White Paper "Fairness for All: A New Commission for Equality and Human Rights".
12	Channel Tunnel – appointment of Stephen Williams (HSC/04/79)
12.1	The Commission approved the appointment of Stephen Williams to the UK Delegation of the Channel Tunnel Safety Authority.
13	Spending Review – SR 2004, 2005/6 – 2007/08 planning process (HSC/04/85)
13.1	The Commission noted the way forward following the Chancellor's announcement of the Spending Review 2004 Settlement.
	Miscellaneous Papers
14	Aligning HSWA section 28 with the Freedom of Information Act 2000 (FOIA) (Misc/04/16)
14.1	That the Commission note the progress towards removing unnecessary barriers to openness in HSWA section 28 in line with FOIA.
15	High level strategic programme plans (Misc/04/19)
15.1	That the Commission note the development of the high level plans and their content

16	Party Conferences 2004 (Misc/04/20)
16.1	That the Commission note plans and broad themes for Commission events at party conferences in September and October 2004

Presentation on Work at Height Regulations

Work at Height Regulations

Commission regulatory objectives:

- Underpin major safety hazard
- One set bringing together all existing regulations
- Maintain existing standards
- Covering all workers
- Goal setting approach
- Implement TWAHD

Work at Height Regulations

- These objectives are achievable but:
- Consultation raised issues that need a strategic steer from the whole Commission
- Some compromises or tough decisions are necessary

WAHR Issue 1

Two handed working off stepladders

- It happens
- The Commission has accepted this publicly in the CD
- It is less than the standard in the Directive
- There is a (small) risk of infraction proceedings
- Are you content to proceed?

WAHR Issue 2

- Regulation 12 on 'Inspection of work equipment' largely copies out other, existing, provisions
- Strong evidence from consultation that respondents are confused and see this as a new regulatory burden.
- Stick with the one stop shop approach or not?

WAHR Issue 3

- Existing regulations, especially in construction, are in some cases prescriptive
- Height of guard rails
- Inspection frequencies for work equip.
- A goal setting approach appears to reduce standards.
- Does the Commission want entirely goal setting Regulations?

WAHR Issue 4

- The adventure activity sector wants exemption from the Regulations
- There is no additional safety benefit from these Regulation in this sector
- We believe we already have a way forward
- Exclusion would mean we aren't implementing the TWAHD
- Exempt or not?

WAHR Issue 5

- We consulted on Regulations and supporting generic Guidance

- The evidence is that generic details confuse and what industry wants is sector specific guidance
- Guidance or just a commentary on the Regulations?

Process

- Nominate members to a group to clear the detail
- That group or the Chair submits the proposals to the Minister