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Health and Safety Commission

Minutes of a meeting of the Health and Safety Commission, held on 8 March 2005 in the Globe Room, 2 Southwark Bridge, London, SE1 9HS.

Present

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

Apologies

Judith Hackitt

Officials Present

Timothy Walker
Jonathan Rees
Justin McCracken
Alex Brett-Holt
Colin Douglas
Vivienne Dews
Susan Mawer
Paul Kloss
Paul Nicholson

Observers:

Russell Adfield

Introduction

1. The Chair reported that this was Abdul Chowdry's last meeting as a Commissioner and on behalf of the Commission and Executive thanked him for all his support and contributions over the last 6 years.
2. **Minutes of the meeting held on 8 February 2005 (HSC/M02/2005)**
 - 2.1 The minutes were agreed subject to minor amendments:
Item 7.2. The Commission felt this did not reflect their wish to be involved in the development of the conference. It was agreed that Judith Donovan would sit on any steering Committee and officials would keep the Commission informed.
3. **Urgent business not covered by items on the agenda**
 - 3.1 Margaret Burns gave an update on the recent conference taking forward the Health and Safety Committee for Scotland which had been a very positive event. The Commission formally appointed Margaret Burns as chair of the committee.
4. **Update on the Public Services Programme(formerly GSE Programme) (HSC/05/10).**
Peter Brown updated the Commission on the programme, which was now in the delivery phase. The Minister had agreed the delivery plan. Sickness absence was already on the agenda for the Permanent Secretaries 6 monthly meetings with the Head of the Civil Service.

The programme faced two big challenges:
 - moving into the Local Authority and Health Services sectors which were more complex ; and

4.1	<ul style="list-style-type: none"> • keeping up the momentum of the programme. <p>A recent success was the Public Services Forum agreeing to set up a working group to help with communications and spreading good practice.</p> <p>The Commission were invited to:</p> <ul style="list-style-type: none"> • Note progress • Consider how they want to be more closely involved • Comment on the proposal to run an HSC sponsored symposium at the end of the year.
4.2	<p>The Commission welcomed the paper and the cohesive programme, which would enable progress to be made.</p> <p>In general they supported the idea of a symposium. It should have clear aims and the Commission's involvement, including in its development, should be realistically set out. The Public Sector Trade Unions should also be involved. Costs should be kept to an appropriate level.</p> <p>Procurement was an essential element of the programme and contracting out should also be referred to.</p> <p>They also thought it important to ensure that the relationship with the Local Authority Forum was coherent and didn't overlap, and that the Scottish and Welsh arrangements were included.</p> <p>There was some concern about the sickness absence targets: there was a need to move to a wider agenda and prevent sickness happening in the first place.</p> <p>In response HSE said that public procurement was on the agenda, but the initial focus was on sickness absence. They would be meeting the LA Forum and were building on their work. The Minister had written to the Welsh and Scottish authorities to ask them to join the Task Force.</p> <p>Responding to a question on how they were going to deliver on the programme, HSE said it was a combination of top level pressure supported by lower level specific interventions.</p>
4.3	<p>The Chair thanked the presenters. The Commission noted and welcomed the programme. They agreed the proposal for a high level symposium and wanted to be closely associated. Liz Snape would play a role. They would consider with officials the best way of involving Commissioners in the programme.</p>
5 - 7	<p>Items 5 to 7</p>
5	<p>Jonathan Rees provided an overview of items 5-- 7 The aim was to make HSC/E's corporate documents strategic, joined up, accessible and with a consistent message. All had internal and external audiences and clarity was needed on who were the key audiences for each document.</p>
5.1	<p>HSC/E Corporate Information (HSC/05/05)</p>
5.2	<p>Vic Coleman introduced the paper .The aim was to take a more</p>

	<p>strategic approach to corporate publications, although there were timing constraints with some documents. The Annual Report had always been a document of record but HSE now wished to move to a sharper presentation, with further detail available on the Internet.</p> <p>He invited the Commission to consider whether they were happy with the approach set out in the paper.</p>
5.3	<p>The Commission welcomed the paper. Whilst recognising the need for a sharper approach, and that the Annual Report will never be a ready made vehicle for promotional treatment, they were concerned to ensure that the information provided in the Annual Report remained accessible and clear. Quantitative information, including milestones and targets, was important and should be readily available in one form or another. More generally HSE should identify promotional opportunities and then focus on what the appropriate format and content should be.</p>
5.4	<p>The Chair thanked the presenter. The Commission agreed:</p> <ul style="list-style-type: none"> • the more strategic approach; • that HSE should look for opportunities for getting publicity ; and • that the Annual Report was in a transition mode going from a very long report to a shorter version next year in line with the more succinct treatment of the plan for 2005-08.
6	First Year Report on HSC's Workplace Strategy. (HSC/05/36)
6.1	<p>Phil Kemball introduced the paper. The idea of the strategy report originated from the Minister's office and was seen as a useful idea, especially as the strategy had been widely welcomed and brought credit to the Commission.</p> <p>Drafting the report had required a compromise between content and length. The aim had been to give a balanced view of progress made. It was not proposed to seek extensive publicity but a different approach might be taken next year.</p>
6.2	<p>The Commission thought this was a good and highly readable report, although some felt it was too long. It should say more about the challenges that lay ahead such as culture changes needed and also the progress that had already been made. At times it was too defensive. Some drafting changes were suggested,</p> <p>The Commission felt the document was marketable and it should be distributed amongst stakeholders.</p>
6.3	<p>The Chair thanked the presenters. The Commission thought this was a useful document , which would help to get our messages across. They agreed:</p> <ul style="list-style-type: none"> • some redrafting was required, including more on the challenges faced. These would be discussed and cleared with the Chair; • The length was about right, although further work was needed on the summary; • The final report should be given a wider dissemination, possibly via the specialist press.
7	HSC/E Business Plan 2005/6- 2007/8 (HSE/05/48)
7.1	<p>Vic Coleman introduced the paper. An outline of the plan had been</p>

	presented at an earlier meeting of the Commission (HSC/05/27) and it was fully in line with taking forward the strategy. The plan was shorter and sharper than any plan produced in earlier years. The two key audiences were Ministers and internal staff. HSE staff needed a clear focus on the priorities for the next financial year. The final allocation was still awaited but this did not materially affect the plan.
7.2	<p>The Commission felt that the plan did not say enough positive things about HSE staff. A key corporate message should be that HSE staff are very good and of a high quality.</p> <p>They made a number of drafting points:</p> <ul style="list-style-type: none"> • Clarity on HSC's role in governance • The Small Firms Forum was an enabling mechanism; more reference to small firms was needed • an explanation that the PSA targets came from the revitalising targets was needed. • Paragraph 27 should read 'working with' rather than 'influencing' local authorities • Paragraph 31- 'including through intervention' should be added after 'programme'
7.3	The Chair thanked the presenters. The Commission agreed that there was general support for the report and for the need to get it out quickly. The plan should include the value of HSE staff, and say more about small firms. All the comments made should be looked at although it would not be possible to include everything.
8	Communications Update including communications' objectives HSC/05/29 and Stakeholder engagement. (HSC/05/42)
8.1	Colin Douglas introduced papers updating the Commission on implementation of its Communications Strategy, and the development of a stakeholder engagement strategy. A new chief Press officer had been appointed from 4 April. There had been an increase in the number of visits to the website(with the prospect of 1 visit every second not being far off) and a thousand priced publications are being transferred onto it. We are being more proactive in relations with the media. The percentage of MPs who view us as effective has improved substantially, but we still have much more to do. The Commission were asked whether they found the weekly press briefings useful.
8.2	<p>Steve Pointer presented paper (HSC/05/42). Although there were good examples of stakeholder engagement they were not joined up. 3 levels of stakeholder engagement had been identified: Corporate, Strategic Programme and Geographic. The paper deals only with Corporate stakeholders.</p> <p>An update was provided on the announcement about compensation culture that the Lord Chancellor, Lord Faulkner, wanted to make on a HSE/C platform on 22 March. This was a recognition of the Strategy message on sensible health and safety.</p>
8.3	The Commission welcomed the update. They were pleased to see that HSE were improving their grip on communications. The weekly press briefings were welcome with a suggestion for how to improve them. It was good to see the website was being used more and the Commission enquired about how it compared to other websites in

	<p>terms of numbers of people using it and how accessible it was- it compares favourably in both respects. The Commissioners wanted to know how Communications Directorate expected them to be involved in stakeholder engagement work.</p> <p>They welcomed the advertising campaign being run by HSE around the business benefits of health and safety and congratulated officials involved in the development of the campaign.</p>
8.4	<p>The Commission thought it a good idea to develop a list of key stakeholders although they felt that further work needed to be done. They questioned how the arrangements would work and what their role was. They wondered whether HSC/E was too defensive and needed to be more confident about selling the message that it was a high quality organisation. They made a number of detailed points about the Annex.</p> <p>In response it was explained that the relationship with each stakeholder would be different. Engagement plans would be developed and it would be helpful to know from Commissioners which ones they were interested in.</p>
8.5	<p>The Chair thanked the presenters. The Commission:</p> <ul style="list-style-type: none"> • Agreed the Communications strategy objectives • Welcomed the developments set out in the Communications report • Welcomed the weekly press briefings • Wanted to see further development of the stakeholder plan, with more detail on how it would work • Would let Communications know which stakeholders they were interested in.
9	RIDDOR Review. (HSC/05/35)
9.1	<p>Jonathan Rees introduced the paper. He had chaired a public forum in January at which there was a general acceptance of a need for change and support for a review. But there was no consensus on what should be done.</p> <p>Jonathan Russell said a fundamental and radical review was proposed. The document offered four proposals for possible change and when views had been obtained and analysed, a further consultation document with fully costed proposals would probably be issued.</p>
9.2	<p>The Commission welcomed the proposed review but in discussion expressed a range of views:</p> <ul style="list-style-type: none"> • Whilst some felt that there was too much emphasis on removing bureaucratic burdens and insufficient on the positive aspects of the existing regulations, others saw the review as an opportunity to reduce bureaucracy • There should be more detailed proposals • More context should be given so that it can be seen where RIDDOR fits with other sources of information gathering • The “No change” option should be included as it would not corrupt the statistical record • The review should also look at other forms of record keeping by employers such as the accident book • Getting RIDDOR to meet ILO standards would be very

	<p>welcome.</p> <ul style="list-style-type: none"> • The threat of prosecution often puts employers off from reporting under RIDDOR
9.3	<p>The Chair thanked the presenters. A review had been promised for some time and it was important to get on with it. The Commission agreed that:</p> <ul style="list-style-type: none"> • the document should enable people to express a no change view or to provide other options • Some minor changes should be made to reflect the discussion and cleared with the Chair prior to publication • it should be called a discussion document
10	<p>Agreement to Railways and other guided transport systems (safety) regulations 2005 (HSC/05/03)</p>
10.1	<p>Robin Foster presented the paper, which was the culmination of a three year project to modernise rail safety legislation. The Commission were asked to agree:</p> <ol style="list-style-type: none"> 1. The proposed new regulations, (ROGTSS) 2. The new ACoP on management safety risks from fatigue in safety critical workers and 3. The draft letter and memorandum to the Secretary of State for Transport. <p>The key aspects of the new regulations included: replacing 3 existing sets of regulations with one; an integrated approach across mainline railway and other guided transport systems; proportionality to risk; implementing the safety management requirements of the Railway Safety Directive; and wrapping up the safety management recommendations from Lord Cullen's Ladbroke Grove inquiry.</p>
10.2	<p>The Commission welcomed the paper and paid tribute to the huge amount of work that had been done by HSE staff and the rail industry. Paragraph 9 should be amended to include 'employees'. The Commission noted the views of stakeholders, including suppliers.</p>
10.3	<p>The Chair also thanked all those involved for their work. The Commission agreed that the Chair should write to the Secretary of State for Transport enclosing the draft regulations and seeking his agreement that the letter be made public.</p>
11	<p>Proposed consultation on the Revision of the Construction(Design and Management) Regulations 1994 and the Construction(Health Safety and Welfare) Regulations 1996 (HSC/05/02)</p>
11.1	<p>Stephen Wright presented the paper. The proposals fitted into the wider approach of the Commission strategy. The proposals had been developed as a result of close working with CONIAC with input from the Strategic Forum for Construction.</p> <p>Too often the culture of the industry was one of minimal compliance. A culture change was needed and changing the regulations alone could not achieve this. Communicating the message effectively and integrating it with our other initiatives was crucial, if we were to move from paper focussed compliance to seizing the benefits of good management of health and safety. The proposed strap line was 'less is more,' eg <i>Less risk tolerance, more risk management.</i></p>

11.2	<p>The Commission welcomed the presentation. The proposals succeeded in making the regulations more readable. They agreed that changing the regulations alone would not bring about the desired cultural change and that it would be a challenge to prevent the industry from implementing them in a bureaucratic way. They stressed that the consultation effort should not detract from other construction priorities.</p> <p>They felt the proposed strap line could be misinterpreted to give the impression that the aim was less regulation of the industry. It was important that the consultation was thorough and trade unions' views properly taken into account.</p> <p>There was discussion as to whether the draft Consultation Document suggested that HSC opposed an ACoP. Some Commissioners thought the existing ACoP should be included in the package.</p>
11.3	<p>The Chair thanked the presenters. The Commission agreed:</p> <ul style="list-style-type: none"> • The drafting of the Consultation Document should be revised to ensure that pros and cons of having an ACoP were framed neutrally • The strap line should be re-examined • Subject to the above the Consultation Document should be published
12	<p>Open Meetings-proposals for closed papers and sessions (HSC/05/40)</p>
12.1	<p>Susan Mawer introduced this paper setting out proposals for how closed papers should be handled.</p>
12.2	<p>The Commission wanted to be sure that papers and agendas would be available on the web site before meetings. They also asked about the number of Freedom of Information requests HSE had received.</p>
12.3	<p>The Chair thanked the presenter. The Commission agreed the proposals in the paper and asked for a report at a future meeting on Freedom of Information requests.</p>
13	<p>Below the line Papers</p>
13.1	<p>Application by the Independent Training Standards scheme and Register (ITSSAR) to become an accrediting body for lift truck training (HSC/05/24)</p>
13.2	<p>The Commission agreed that ITSSAR's application for an accrediting body for operator training of rider operated lift trucks be agreed.</p>
14	<p>Preventing Workplace Transport Accidents- A proposal to introduce Management Standards for Drivers/Operators (HSC/05/07)</p>
14.1	<p>The Commission supported, in principle, the development of a set of management standards to help tackle workplace transport accidents.</p>
15	<p>Proposals for the Control of Major Accident Hazards(Amendment) Regulations (HSC/05/26)</p>
15.1	<p>The Commission agreed to the proposals and their submission to the Minister</p>
16	<p>Revision of the Code of Practice for the Safe use of Pesticides on Farms and Holdings (HSC/05/41)</p>
16.1	<p>The Commission agreed to the letter being sent to the Minister of State to approve the relevant parts of the code set out in the Notice of Approval on numbered page 10, so that it can be approved by Defra Ministers and published.</p>

17	Channel Tunnel Safety Authority (CTSA) Appointment (HSC/05/50)
17.1	The Commission approved the appointment of Dr Derek Hill, from the Railway Inspectorate, to the UK delegation of the CTSA, as successor to Dr Robert Smallwood, who retires at the end of March 2005.