

## **CHIEF EXECUTIVE'S REPORT TO HSC**

**7 November 06**

### **Barrow in Furness, Public Hearings**

1. The two public meetings on the Barrow Legionella outbreak will be held on 4th and 11th December 2006 at the Abbey House Hotel in Barrow-in-Furness from 9.30am until 12.30pm. Mr Colin Pickthall, a former Labour MP, will chair the meetings.
2. The meeting on 4 December will examine the circumstances, the causes of and responses to the outbreak. The following meeting will consider and identify lessons to prevent further comparable tragedies, both in Barrow and elsewhere. A public announcement of the meetings was made on Tuesday 31 October. Tom Campbell, the Chief Executive of Barrow Borough Council will be present at the meetings and representatives from the Crown Prosecution Service and Health Protection Agency have also agreed to attend in order to answer people's questions.

### **Launch of Welsh Backs Campaign**

3. The Welsh Assembly Government's (WAG) Welsh Backs scheme was launched on 23 Oct, by Dr Brian Gibbons, Assembly Member for Health and Social Services, with speeches from Dame Carol Black and Prof. Mansel Aylward and myself. The event was attended by Sandy Blair, Terry Rose and other HSE staff. Welsh Backs is a public health message campaign with the strap line "Don't take back pain lying down" and is directed at the public, health professionals and GPs (through a desk aid) and uses TV ads. HSE's contribution is to engage with employers. As part of this, HSE hosted the first of 6 events on 2 November in North Wales and attracted 70 participants. First impressions are that employers welcome the wider approach because they believe others had a role to play, as not all back pain is work related. The initial reaction to the TV ads has been positive. An interactive version of the GP desk aid has been commissioned from the Wales Centre for Health and its launch is planned for March 2007.
4. While in Wales I took the opportunity to sign, jointly with the Welsh Language Board, the revised HSC/E Welsh Language Policy document.

### **Nuclear Issues**

5. On 16 October 2006, British Nuclear Group Sellafield Limited (BNGSL) was fined £500,000 plus costs of around £68,000 after pleading guilty to breaching health and safety law. HSE brought the prosecution following the discovery in April 2005 of a large leak of highly radioactive liquid within Sellafield's Thermal Oxide Reprocessing Plant (THORP).

6. The judge, the Honourable Mr Justice Openshaw, in his summing up accepted the HSE's prosecution conclusion "that these were serious offences, the breaches amount to a significant departure from the relevant safety standards over a prolonged period of time and a failure to comply with important conditions concerned with safety attached to a licence to operate the most hazardous nuclear undertaking in the United Kingdom", and that the fine must balance the gravity of offence against the means of the company, it must mark public disquiet at the offence, and ensure that health and safety issues are driven up the boardroom agenda.

### **Buncefield Investigation Board**

7. Since the Board published its Initial Report in mid July, it has been developing its thinking on its three broad workstreams, namely Design and Operations; Emergency Preparedness; and Land Use Planning. We understand that its business is now focused on reaching draft conclusions and recommendations for future action, though legal considerations may limit the extent to which these recommendations, once agreed, can be made public. We are told that part of their process is to embark on a round of consultative meetings with key stakeholders, such as Ministers, senior LA officials, and local business. These meetings have now started and will continue through to mid December.

### **Board Visits to HSE Offices**

8. During the last two weeks of October, HSE Board members gave presentations to around 900 of our staff in 28 offices in order to explain where we are on a range of issues including the financial position, COIN (an IT system designed to record contacts with dutyholders), the Fundamental Review, the need to review how we implement the Commission's strategy, and the need to look at our accommodation requirements. Feedback indicated that these meetings were well received. Staff were positive about the clarity of the information given to them and the opportunity to ask questions and receive frank answers. As we expected, there was much concern about our financial position and current difficulties with COIN. There is also a need for us to make clear to staff how the actions that will now flow from the Fundamental Review will affect the way they work.

### **Publication of National Statistics, Thursday 2 November 2006**

9. HSE's annual national statistics of injuries and ill health and enforcement action for 2005/2006 were published at a press briefing on 2 November. The statistics show that there has been a 25% reduction in working days lost since 2000/2002, and a 6% drop in injuries in the last reporting year. There is therefore progress on all three targets, albeit the target for fatal and major injuries, despite this improvement, is not on track overall. Prosecutions were down by 23% and enforcement notices down by 25% in the year 2005/06; however, initial figures for the first half of 2006/2007 show a 20% rise in enforcement. There was good attendance from the media at the press briefing, with coverage in the Financial

Times, Sun and Daily Telegraph. The FT focused on the increase in recent enforcement activity while the Times's angle was the rise in incidents in the waste and recycling industry. GNN issued news releases across GB to regional and local media outlets with relevant statistics. .

**GEOFFREY PODGER**

## **Annex to Chief Executive's Report November 2006**

### **Management**

- The latest staffing figures are attached at Annex 1. The overall staffing position (HSE &HSL) fell by 40 since September 1<sup>st</sup>. Of the 40, 17 were on HSE's payroll and 23 were agency staff. 17 agency staff remained in post; this figure is expected to fall further in line with the Boards policy. The total number of inspectors and, below that the number of operational inspectors, has been relatively stable over the 6 months from 1 April (ex. inspectors transferred to ORR). This could change over the second half of the year dependent on the rate of inspector leavers and decisions by the Recruitment Review Panel.
- The HSE Board met on the 4<sup>th</sup> October – It reviewed the financial and staffing situation; agreed proposals on a HSE incident reporting policy and to how to reduce the risks of slip and trip accidents; received a presentation on the Major Hazards Programme; discussed a paper on how and where we work; agreed the next steps on the Resource Management System; and agreed a replacement for the current Rewarding Innovation scheme.

### **Nuclear industry safety standards**

- HSE stresses importance of nuclear industry safety standards following Sellafield sentencing. HSE brought the prosecution following the discovery in April 2005 of a large leak of highly radioactive liquid.

### **Black and Minority Ethnic Staff Career Progression Study**

- Human Resource Division is carrying out a survey into the career progression of black and minority ethnic (BME) staff in HSE.

### **Better Backs advertising campaign gets people talking**

- The campaign has also sparked a media debate on the issue of backpain and how it is promoted.

### **Board visits to HSE offices**

- Board members are visiting HSE offices across the country discussing HSE's financial position and the Fundamental Review.

### **European Week for Safety and Health 2006, Monday 23 October 2006**

- This year's theme is 'Safe Start' and is dedicated to young people to ensure a safe and healthy start to their working lives.

## **HSE issues winter warning - the dangers of carbon monoxide**

- HSE is urging homeowners and landlords to ensure that their gas appliances are safe to use

## **Lords Science and Technology Committee's Inquiry into Allergy**

- The Government (Department of Health lead) has submitted evidence to the Lords Science and Technology Committee's Inquiry into Allergy. HSE contributed on the work related aspects of allergy. HSE's Chief Scientist, Patrick McDonald and other officials are due to give oral evidence to the Committee on 22 November.

## **Putting Record Straight**

- Geoffrey Podger responded to an article by Neil Collins in The Evening Standard, regarding HSE's Better Backs campaign
- Geoffrey Podger responded to an article in The Daily Telegraph Business "HSE admits rules are too costly and promises to cut bill by £200m"
- HSC Biocides Unit responded to an article in The Sunday Telegraph on the legal status of the use of Citronella.

## **Operations**

- 22 fatalities were reported to HSE during October. Brief details are given in Annex 2.
- Successful prosecutions include:
  - British Nuclear Group Sellafield Ltd (BNGSL) was fined £500,000 plus just short of £68,000 costs after pleading guilty to breaches of conditions attached to the Sellafield site licence granted under the Nuclear Installations Act 1965. HSE.
  - Cementation Ltd was fined £100,000 and ordered to pay costs of £32,607 by Warwick Court after pleading guilty to a breach of S2 of the HSW Act. HSE brought the case following its investigation into the death of Mr David Clark, a banksman, who was fatally crushed when a piling rig collapsed onto him in October 2002
  - Nightfreight Ltd was fined £150,000 and ordered to pay costs of £91,000 by Wolverhampton Crown Court after pleading guilty to a breach of S3 of the HSW Act. The case followed an HSE investigation into the death of lorry driver Mr Neil Prestage, who was fatally crushed by a reversing lorry in February 2002.

## Events and Campaigns

- HSE launched a helpdesk to support UK business in the run-up to the Registration, Evaluation and Authorisation of Chemicals (REACH) regulations coming into force.

## Publications

- *Preventing slip and trip incidents in the education sector: HSE information sheet* - Aimed at head teachers and school managers. It defines slips and trips in education and provides guidance on the implementation of effective control measures
- *Stone dust and you* - This leaflet explains what you should do to protect yourself and your employees from health problems caused by stone dust.
- *The significance of stress redistribution effects on structural reliability of deepwater jackets* - study highlights the possibility that ignoring the effects of stress redistribution due to member failure in jackets could result in an optimistic method for predicting platform reliability.
- *Noise in agriculture* - Providing details of the responsibilities of employers, employees and the self-employed. It includes information on noise action and limit values.
- *Further development of health and safety performance management index* - report outlines the process undertaken in 2005 to further develop a web-based reporting tool on occupational health and safety

## Parliamentary business

- Ten Parliamentary questions were answered in the month of October.

<sup>1</sup> Table 1a: Total Staff Numbers: 1 April 1999 to 1 December 2005										
	Staff in Post									
	1 Apr 99	1 Apr 00	1 Apr 01	1 Apr 02	1 Apr 03	1 Apr 04		1 Apr 05	1 Aug 05	1 Dec 05
<sup>2</sup> Total Staff (HSE & HSL)	3,880	3,937	4,081	4,282	4,162	4,019		3,903	3,972	4,015
<sup>3</sup> Total Visiting Staff	1,269	1,306	1,335	1,458	1,508	1,551		1,517	1,583	1,566
Total Inspectors	1,497	1,507	1,534	1,625	1,651	1,605		1,530	1,581	1,565
Other										
Professional/Specialist Staff	1,244	1,311	1,333	1,461	1,481	1,359	<sup>4</sup>	1,372	1,388	1,439
Other Staff	1,139	1,119	1,214	1,196	1,030	987		889	904	885

<sup>1</sup> Table 1b: Total Staff Numbers 2006/07								
	Staff in Post							
	1 Apr 06			1 Jun 06	1 Jul 06	1 Aug 06	1 Sep 06	1 Oct 06
	(Includes staff transferred to ORR on 1 Apr – (For comparison only)	(Excludes staff transferred to ORR on 1 Apr						
<sup>2</sup> Total Staff (HSE & HSL)	3,991	3,811		3,784	3,793	3,755	3,735	3,695
<sup>3</sup> Total Visiting Staff	1,543	1,442		1,437	1,438	1,434	1,431	1,426
Total Inspectors	1,543	1,444		1,455	1,459	1,450	1,447	1,446
Other								
Professional/Specialist Staff	1,470	1,429		1,427	1,426	1,429	1,422	1,419
Other Staff	856	824		797	801	768	759	726

**Notes:**

- All figures are to full-time equivalents, rounded to the nearest whole, and from 2001 include agency, temporary staff and inward secondees.
- Figures are as presented in HSC Annual Reports 1.4.99 to 1.4.06.
- Total visiting staff includes operational inspectors and, from 1 April 2004, other visiting staff that support delivery of key health & safety messages (see table 2).
- From 1.04.05 onwards, Other Professional / Specialist Staff figures have been reduced by the Total Visiting Administrative staff, as follows: 68 for 1.4.04, 113 for 1.4.05, 128 for 1.8.05, 126 for 1.12.05, 122 for shaded 1.04.06, 114 for unshaded 1.04.06, 105 for 1.6.06, 107 for 1.7.06, 108 for 1.8.06, 107 in 1.9.06, 104 in 1.10.06. These staff are already included in the Total Visiting Staff line.
- Figures at 1.04.06 include staff who transferred to the Office of Rail Regulation (ORR) on that date - when responsibility for rail regulation health and safety matters transferred from HSE to ORR. Inclusion will enable direct comparison with previous years' figures.

<sup>1</sup> **Table 2: Front Line Staff 1999 to December 2005**  
**Staff in Post**

	1.4.99	1.4.00	1.4.01	1.4.02	1.4.03	1.4.04	1.4.05	1.8.05	1.12.05
<b>Total Inspectors</b>	1,497	1,507	1,534	1,625	1,651	1,605	1,530	1,581	1,565
<b>Of which are Operational Inspectors</b>									
FOD Insp (Bands 2,3,and 4)	782	810	801	902	896	826	803	777	765
HID Insp (Bands 2,3 and 4)	323	317	322	313	352	391	354	349	352
NSD Insp (Bands 2,3 and 4)	119	126	129	139	159	165	154	156	152 <sup>4</sup>
RI Insp (Bands 2,3 and 4)	45	53	83	104	101	101	93	93	93
Policy Group								80 <sup>3</sup>	78
<b>Total Operational Inspector Figures</b>	<b>1,269</b>	<b>1,306</b>	<b>1,335</b>	<b>1,458</b>	<b>1,508</b>	<b>1,483</b>	<b>1,404</b>	<b>1,455</b>	<b>1,440</b>
<b>Visiting Administrative Staff</b>									
FOD HSAOs (Band 5)	0	0	0	0	0	57	98	110	107
RI RICOs (Band 5)	0	0	0	0	0	8	7	8	8
HID RCOs (Band 5)	0	0	0	0	0	3	8	10	11
<b>Total Visiting Admin Staff</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>68</b>	<b>113</b>	<b>128</b>	<b>126</b>
<b>Total Front Line Staff</b>	<b>1,269</b>	<b>1,306</b>	<b>1,335</b>	<b>1,458</b>	<b>1,508</b>	<b>1,551</b>	<b>1,517</b>	<b>1,583</b>	<b>1,566</b>

<sup>1</sup> **Table 2: Front Line Staff 2006/07**  
**Staff in Post**

	<sup>4</sup> 1.4.06	1.6.06	1.7.06	1.8.06	1.9.06	1.10.06
	(Includes staff transferred to ORR on 1 Apr – (For comparison only)	(Excludes staff transferred to ORR on 1 Apr				
<b>Total Inspectors</b>	1,543	1,444	1,455	1,459	1,450	1,447
<b>Of which are Operational Inspectors</b>						
FOD Insp (Bands 2,3,and 4)	756	756	758	757	749	744
HID Insp (Bands 2,3 and 4)	350	350	351	352	355	358
NSD Insp (Bands 2,3 and 4)	144	144	145	145	145	147
RI Insp (Bands 2,3 and 4)	93 <sup>5</sup>	0	0	0	0	0
Policy Group	78	78	78	77	77	76
<b>Total Operational Inspector Figures</b>	<b>1,421</b>	<b>1,328</b>	<b>1,332</b>	<b>1,331</b>	<b>1,326</b>	<b>1,322</b>
<b>Visiting Administrative Staff</b>						
FOD HSAOs (Band 5)	103	103	94	96	97	96
RI RICOs (Band 5)	8	0	0	0	0	0



HID RCOs (Band 5)	11	11	11	11	11	11	11
<b>Total Visiting Admin Staff</b>	<b>122</b>	<b>114</b>	<b>105</b>	<b>107</b>	<b>108</b>	<b>107</b>	<b>104</b>
<b>Total Front Line Staff</b>	<b>1,543</b>	<b>1,442</b>	<b>1,437</b>	<b>1,438</b>	<b>1,434</b>	<b>1,431</b>	<b>1,426</b>

Notes TABLE 2

1. Figures are expressed as full time equivalent staff; and rounded to the nearest whole number.

2 Criteria for Identifying Operational Inspectors:

- Inspectors at Bands 1 and 0, or working in other Directorates/Divisions should be excluded,

In FOD, RI, HID and NSD, as far as possible, inspector staff's undertaking more generalised HQ functions are excluded from the figures.

The figures also exclude non-inspectorial specialist staff - e.g. scientists

- Inspector staff includes Discipline, Medical and Occupational Health Inspectors.

3. Policy Group: count at 1.8.05 comprised 'operational staff' B2 - B4 transferred as part of FOD Sectors Construction & Asbestos Licensing Unit.

4. Figures at 1.04.06 include staff who transferred to the Office of Rail Regulation (ORR) on that date. - when responsibility for rail regulation health & safety matters transferred from H  
Inclusion enables direct comparison with previous years' figures

5. Figures confined with ORR

1 Table 3: Breakdown of Other Professional/Specialist and Other Staff																				
	1 April 05		1 August 05		1 December 05		5 1 April 06				1 June 06		1 July 06		1 August 06		1 September 06		1 October 06	
	2 Other Professional/Specialist Staff	3 Other Staff	Other Professional/Specialist Staff	Other Staff	Other Professional/Specialist Staff	Other Staff	Other Professional/Specialist Staff	Other Staff	Other Professional/Specialist Staff	Other Staff	Other Professional/Specialist Staff	Other Staff	Other Professional/Specialist Staff	Other Staff	Other Professional/Specialist Staff	Other Staff	Other Professional/Specialist Staff	Other Staff	Other Professional/Specialist Staff	Other Staff
							(Inc staff transferred to ORR on 1.4.06 – for comparison only)	(Excludes staff transferred to ORR on 1.4.06)												
Legal Advisers Office (LAO)	33	6	32	5	32	5	31	3	31	3	28	4	28	4	29	3	28	3	31	3
Resources and Planning Directorate (RPD)	265	154	261	152	257	145	275	132	276	132	285	131	285	143	290	138	286	132	288	124
Communications Directorate (COMMS)	22	2	22	3	23	3	26	3	26	3	24	2	25	2	24	2	27	1	25	1
Strategy Division	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Policy Group	230	30	261	32	267	36	281	36	267	35	258	33	257	32	253	30	253	28	246	27
Operational Policy & Support Division (OPSD)	38	27	55	36	62	23	33	12	33	12	32	10	32	11	29	10	29	10	28	10
Field Operations Directorate (FOD)	411	394	372	404	393	391	397	392	397	392	394	383	392	378	394	361	391	354	393	343
HM Railway Inspectorate (RI)	33	36	37	38	38	42	35	37	0	6	0	0	0	0	0	0	0	0	0	0
Hazardous Installations Directorate (HID)	70	119	69	116	65	114	66	116	66	116	67	114	71	113	72	111	72	114	69	108
Nuclear Safety Directorate (NSD)	35	52	37	44	38	43	38	42	38	42	40	41	43	40	45	39	43	45	43	44
Local Authority Unit (LAU)	0	0	0	0	0	0	6 12	2	12	2	12	2	11	2	12	1	12	1	12	1
Corporate Science & Analytical Services Directorate (CoSAS)	55	14	59	14	59	23	59	22	59	22	60	16	59	16	60	15	62	15	62	10
<b>TOTAL HSE</b>	<b>1,078</b>	<b>835</b>	<b>1,077</b>	<b>844</b>	<b>1,107</b>	<b>824</b>	<b>1,133</b>	<b>797</b>	<b>1,092</b>	<b>765</b>	<b>1,095</b>	<b>736</b>	<b>1,096</b>	<b>741</b>	<b>1,100</b>	<b>710</b>	<b>1,096</b>	<b>703</b>	<b>1,092</b>	<b>671</b>
HSL	294	54	311	60	332	61	337	58	337	58	332	61	330	60	329	58	326	56	327	55
<b>TOT STAFF</b>	<b>1,372</b>	<b>889</b>	<b>1,388</b>	<b>904</b>	<b>1,439</b>	<b>885</b>	<b>1,470</b>	<b>856</b>	<b>1,429</b>	<b>824</b>	<b>1,427</b>	<b>797</b>	<b>1,426</b>	<b>801</b>	<b>1,429</b>	<b>768</b>	<b>1,422</b>	<b>759</b>	<b>1,419</b>	<b>726</b>
Of which <b>AGENCY</b>		<b>100</b>		<b>105</b>		<b>105</b>		<b>88</b>		<b>88</b>		<b>73</b>		<b>65</b>		<b>46</b>		<b>40</b>		<b>17</b>

**Notes: TABLE 3**

1. Figures are full time equivalents rounded to the nearest whole number.
2. Other Professional/Specialist Staff' figures cover all non-inspectorial disciplines (including admin') at band 5 & above except visiting administrative staff (see note 4)
3. 'Other Staff'' figures comprise Band 6 and agency staff.
4. From 1.04.05 onwards, Other Professional / Specialist Staff figures have been reduced by the Total Visiting Administrative staff, as follows: 68 for 1.4.04, 113 for 1.4.05, 128 for 1.8.05, 26 for 1.12.05, 122 for shaded 1.4.06, 114 for unshaded 1.4.06, 105 for 1.6.06, 107 for 1.7.06; 108 on 1.8.06, 107 on 1.9.06, 104 1.10.06 These staff are already included in the Total Visiting Staff line in Table 1.
5. Figures at 1.04.06 include staff who transferred to the Office of Rail Regulation (ORR) on that date - when responsibility for rail regulation health and safety matters transferred from HSE to ORR. Inclusion will enable direct comparison with previous years' figures.
6. From 1.4.06 Local Authority Unit's staffing position is shown separately.

**FATALITIES REPORTED TO HSE DURING SEPTEMBER**

AGE	INDUSTRY SECTOR	DESCRIPTION
21	Paint stripping	DP found dead over tank containing Di chloro methane
75	Agriculture	Found trampled on by a cow
32	Docks	DP struck by large fork lift truck
42	New build – commercial	DP was driving excavator when an adjacent tipper lorry overturned crushing the excavator
N/A	Construction	Roof fell in trapping the deceased
54	Sheep farming (crofting)	DP fell from crags and died from head and chest injuries
40	Construction	DP fell from scaffold
59	Services	Found trapped in an adjacent compactor used for plastic
64	Construction	DP fell from ladder
60	Services	DP fell from his wheel chair resulting in head injury
56	Repairs/Domestic/ Painting	DP fell approx 3.5m from unsecured ladder
41	Scaffolding	DP fell approx 4 metres while dismantling a temporary roof
86	Agriculture	DP fell from tractor which gone out of control
N/A	Roadworks	DP was passenger in a car. Car struck truck in closed land
50	Manufacturing – Shotblasting	A metal floor panel fell on top of DP
49	N/A	DP suffered a cardiac arrest
24	Refurbishment – Domestic	DP was struck by RSJ
59	Woodworking	DP found by a tank containing liquid labelled dichloromethane
62	Waste disposal	DP struck by bucket of Liebherr shovel loader in the raised position
29	Demolition	A timber framed name panel and some masonry fell unto DP
34	Agriculture	DP was electrocuted