

Health and Safety Executive Board Minutes		HSE/08/M02	
Meeting Date:	12 February 2008	FOI Status:	Partially Closed Items 7 - 9
Type of Paper:		Exemptions:	
Trim reference:			

<b>Health and Safety Commission</b>	
<b>Minutes of a meeting of the Health and Safety Commission held on 12 February 2008 in the Globe Room, Rose Court London.</b>	
<b>Present:</b>  <b>Judith Hackitt – Chair</b> <b>Danny Carrigan</b> <b>Judith Donovan</b> <b>Sayeed Khan</b> <b>Hugh Robertson</b> <b>Liz Snape</b> <b>John Spanswick</b> <b>Sandy Blair</b> <b>Robin Dahlberg</b>  <b>Apologies: John Longworth</b>	<b>Officials Present:</b>  Geoffrey Podger Justin McCracken Giles Denham Alex Brett-Holt Vivienne Dews Vivienne Carlton René McTaggart Lorraine Cassell Ann Marie Farmer Terry Rose – Item 3 Gerry Kasprzok – Item 4 Tim Harris – Item 6 Sarabjit Purewal & Mike Lacaille – Item 7
<b>1</b>	<b>Agenda Item One: Welcome/Introduction</b>
1.1	Judith Hackitt welcomed everyone to the meeting.
1.2	<u>Minutes of the closed meeting held on 15 January 2008 (HSC/M01/2008)</u> The minutes of the January meeting were agreed as drafted.
1.3	<u>Matters Arising</u> The Chair reported on the progress on the actions arising from the 15 January meeting, the highlights included: <ul style="list-style-type: none"> <li>a) An update paper on the waste recycling industry will be tabled at the April meeting.</li> <li>b) The Commission response to the Department for Business Enterprise and Regulatory Reform (BERR) consultation on the implementation of the Services Directive had been amended as requested by the Commission.</li> <li>c) The Commission's response to the consultation on sentencing for Corporate Manslaughter and health and safety offences involving death had been amended as requested and sent to the Sentencing Advisory Panel.</li> <li>d) The process of allocating roles and responsibility under the new governance arrangements was underway and a meeting was planned to discuss progress following the Commission meeting.</li> </ul>
1.4	<u>Urgent Business</u> There were no urgent business items.

<b>2</b>	<b>Chief Executive's Report</b>
2.1	<p>Geoffrey Podger highlighted the following issues:</p> <ol style="list-style-type: none"> <li>a. Construction initiatives – FOD's construction division would be undertaking a nationwide inspection initiative that targets refurbishment projects in February. The Commission would be provided with a report on the outcomes of the initiative.</li> <li>b. Emergency Services – Recent high profile events involving the emergency services had given rise to public debate on the need to balance health and safety requirements and operational duties. The Commission were informed that a meeting with emergency services had taken place on 28 January. The outcome being an agreement to produce guidance on the sensible application of health and safety legislation. Further discussions with stakeholders including trade unions are planned.</li> <li>c. DWP Select Committee - The Committee had held two evidence sessions with witnesses from the trade associations and trade unions. HSE are aware that further evidence sessions with IOSH are planned along with visits by the Committee to HSL and the Olympic construction site.</li> <li>d. Governance – The Legislative Reform Order had been withdrawn due to minor errors in the original draft. The Order was to be re-laid on 18 February which should still allow the planned time table to be met.</li> <li>e. Recruitment – The various campaigns were going well with: <ul style="list-style-type: none"> <li>• 270 candidates being selected for assessment to become trainee inspectors (from a large number of candidates).</li> <li>• 143 applications being received for the nuclear inspector posts.</li> <li>• 13 candidates being offered positions as policy advisors in Bootle.</li> </ul> </li> </ol>
2.2	<p>The Commission thanked Geoffrey for his report and raised the following issues:</p> <ol style="list-style-type: none"> <li>a. The Commission noted the inconsistency in the level of fines imposed by the courts referred to in Annex 1 to the report. The Commission also noted the only means of influence on the level of fines was through the sentencing guidelines and the efforts by the HSE to strengthen them.</li> <li>b. The Commission welcomed the construction blitz especially in light of the nine reported fatalities in January. The Commission also welcomed the aim of ensuring that the role of inspectors during the blitz would be to ensure that duty holders understand that it is their responsibility to manage health and safety.</li> <li>c. The Commission also noted that there had been three carbon monoxide related fatalities reported in January and asked for a report at a later meeting on HSE's approach to ensuring this risk is managed.</li> <li>d. The Commission welcomed the work with emergency services stakeholders and asked that all relevant unions be involved.</li> <li>e. The Commission raised concerns about the drain on HSE's resources from the large number of FoI requests it receives. That said they also recognised that despite the information made available on the internet there will still be large amounts of enquiries related to Civil Actions or campaigns where the information could not be made</li> </ol>

	<p>public because it was held for the purpose of a possible criminal investigation.</p> <p>f. The Commission welcomed the sign up by County Councils to the HSE Myths campaign and asked for details on the numbers/which organisations had signed up to the campaign.</p>
<b>Action</b>	<b>Geoffrey Podger to provide a report on the action being taken on Carbon Monoxide.</b>
<b>Action</b>	<b>Geoffrey Podger to provide details on the organisations that had signed up to the Myths campaign.</b>
<b>3</b>	<b>Agenda Item Three: HSE's Work in Wales(HSC/08/10)</b>
3.1	<p>Terry Rose introduced his paper and made the following points:</p> <ol style="list-style-type: none"> <li>a. The paper which was requested by the Commission in March 2007 following a discussion on the possible benefits of establishing a similar partnership in Wales to the partnership on health and safety in Scotland. The paper also updated the Commission on HSE's work in Wales.</li> <li>b. At the meeting an additional Annex was circulated that detailed the range of the work being undertaken, and the diversity of the partners involved, in Wales.</li> <li>c. The links to key stakeholders in Wales are strong, including to both the politicians and senior officials in the Welsh Assembly. As a result it is comparatively easier to start new initiatives in Wales than it is in England.</li> <li>d. Every effort is made to spread best practice to other parts of Great Britain – for example the work started in Wales on the use of Electric Profiling beds in the NHS – and to learn from work elsewhere.</li> <li>e. As Wales have moved away from large formal committees towards 'task and finish' groups there was no strong demand to establish a partnership committee in Wales along the lines of the Scottish model.</li> <li>f. The Commission was also asked to consider the opportunities presented by the new Governance arrangements to raise its profile in Wales.</li> </ol>
3.2	<p>The Commission made the following comments in response:</p> <ol style="list-style-type: none"> <li>a. The Commission commended Terry and his team for the excellent work being taken forward in Wales and supported the recommendation that, bearing in mind the activity already underway, that the Scottish model of a standing committee would not be appropriate for Wales.</li> <li>b. The Commission also agreed that there was a need for higher corporate visibility in Wales and national repositioning post merger.</li> <li>c. That said, the Commission also commented that the list of activities (as provided in the annex) showed that much good work was already being undertaken in Wales and that it should be publicised to help show the commitment to Wales. Consideration should be given to having HSE Wales web pages similar to HSE Scotland's.</li> <li>d. The Commission also agreed to explore the benefits of holding one meeting or event in Wales each year.</li> </ol>

3.3	The Chair thanked Terry for a very good paper and concluded the discussions by summarising that there was strong support for the continuation of working with partners (including Local authorities) and sharing good practice.
<b>Action</b>	<b>Terry Rose/Secretariat to organise an event in Wales in September.</b>
<b>Action</b>	<b>Terry Rose to assess the feasibility of setting up HSE Wales web pages.</b>
<b>4</b>	<b>Agenda Item Four: Agricultural Sector Oral Update from Judith Donovan</b>
4.1	<p>Judith provided an update on her findings following discussions with HSE officials. Her report included:</p> <ol style="list-style-type: none"> <li>a. Agriculture is a very dangerous sector that forms only 1.7% of the workforce but has some 20% of fatalities (at a rate of 8.1 deaths per 100, 000 workers). This equates to roughly one farmer dying every week. Forestry is the most dangerous sub set in agriculture with chain saw accidents to lone workers being a major cause.</li> <li>b. The average turnover for a farm is £350K with a large majority of the profit being subsidies. That said there is a clear east- west divide with the majority of larger arable farms in the east and the smaller livestock farms in the west. Smaller farms have the added problem of also being homes as well as workplaces.</li> <li>c. Key areas where accidents occur come as no surprise: falls from height, lone working, and workplace transport/machinery. An added problem is the tendency for farmers to attempt to repair machinery/buildings themselves rather than pay a specialist to do it – this results in added risks (repairing barn roofs, etc).</li> <li>d. Better communication is needed with the industry as there has been a presumption that by speaking to stakeholder groups the information would permeate to all duty-holders. This penetration has not materialised and therefore more needs to be done to market and target the very useful material that has been produced.</li> <li>e. Safety and Health Awareness Days (SHADS) appear to be working well as an intervention. That said HSE needed to be more confident about its role when asking farmers to attend one of the SHADs.</li> <li>f. Judith proposes to return to the Commission in May with formal proposals on how to take the agriculture strategy forward after visiting two SHADS and attending the Agricultural Industry Advisory Committee.</li> </ol>
4.2	The Commission thanked Judith for her presentation and welcomed her insightful comments. The Commission also supported her views that more needs to be done to target out information, focus on the main issues that cause accidents, and consider what more can be done about workplace transport in particular.
<b>Action</b>	<b>Judith Donovan (in conjunction with officials) to produce formal proposals to the Commission at the May meeting.</b>

<b>5</b>	<b>Agenda Item Five: Revised Guidance to enforcing authorities under s18 (HSC/08/12)</b>
5.1	<p>Justin McCracken introduced the paper and made the following comments:</p> <ol style="list-style-type: none"> <li>a. The paper proposed the introduction of new draft guidance on arrangements for health and safety enforcement.</li> <li>b. The guidance was part of the local authorities and HSE Working Together programme and applied to HSE as well as local authorities. LACORS were also supportive of the guidance</li> <li>c. A three year lead in period for the guidance has been agreed to allow local authorities time to put the measures set out in the guidance in place.</li> <li>d. HELA will play a key role in ensuring local authorities take the necessary steps to ensure compliance with the guidance.</li> </ol>
5.2	<p>The Commission thanked Justin and made the following comments in response:</p> <ol style="list-style-type: none"> <li>a. The Commission welcomed the guidance as a well written piece that reflected good practice.</li> <li>b. The Commission also endorsed the timescale for compliance as a common sense approach so long as local authorities made full use of the time available to them rather than waiting to ensure compliance until 2011. For this reason the Commission suggested that discussion with LACORS and HELA should explore the scope for milestones for compliance being agreed.</li> <li>c. While welcoming the approach the Commission did raise concerns that it was only enforcers that were consulted during the development of the guidance.</li> <li>d. The Commission agreed that to strengthen the process for reviewing compliance with the guidance that rather than relying only on self-audit that peer review and external challenge should be built into the process.</li> <li>e. The next meeting of the Local Government Panel should discuss the above and related issues.</li> </ol>
5.3	<p>The Chair thanked Justin and LAU for their work in this area and confirmed that the Commission were happy to endorse the guidance. The Commission wish to see milestones for progress towards full compliance with the new standard established and want the findings of self assessments and peer review/audits to be made public.</p>
<b>Action</b>	<b>Include the S18 Standard on the agenda for the meeting with the LGP.</b>
<b>6</b>	<b>Agenda Item Six: Update on the Registration, Evaluation, Authorisation and Restriction of Chemicals Regulation (REACH) (HSC/08/13)</b>
6.1	<p>Giles Denham introduced the paper and made the following points:</p> <ol style="list-style-type: none"> <li>a. REACH was still in the early stages of implementation and this update focuses on the establishment of the Competent Authority (CA).</li> <li>b. Arrangements had been completed for HSE to act as the CA across the 4 UK countries – funding for which is provided by DEFRA during the early stages of REACH implementation, with the likelihood of a subsequent PES transfer.</li> </ol>

	<p>c. The paper covered:</p> <ul style="list-style-type: none"> <li>• Measures in place to raise awareness of REACH, including a series of road shows and other communications activity.</li> <li>• The discussions with DEFRA on the regulatory arrangements for REACH enforcement. DEFRA will be consulting on this in coming months and the Commission will be invited to respond.</li> <li>• the paper also discusses the links between REACH and COSHH.</li> </ul> <p>d. REACH should result in better risk management information for end users. This should improve control of all hazardous chemical substances in the workplace.</p>
6.2	<p>In response the Commission made the following comments:</p> <ol style="list-style-type: none"> <li>a. Concerns were expressed that the enforcing regulation would come under DEFRA legislation and not the HSWA. The Commission felt that as HSE already enforce COSHH and CHIP an opportunity for a one-stop shop for chemicals had been missed.</li> <li>b. The Commission asked for a further paper which outlined the relationship between REACH, CHIP and COSHH and how HSE will ensure adequate (simple) guidance is available to ensure stakeholders have a clear understanding of the legislative requirements.</li> <li>c. The Commission also sought assurances that the funding issues would be resolved in a manner which did not harm HSE's overall position.</li> </ol>
6.3	<p>In response to the points raised by the Commission officials advised that:</p> <ol style="list-style-type: none"> <li>a. REACH was (a) a directly acting European Union regulation and (b) applied more widely than to just health and safety at work issues – for example also covering environmental issues. Policy responsibility for REACH has always been with DEFRA, who are in charge of setting up the UK aspects of the system, HSE had been asked to perform the role of the competent authority (CA) due to its recognised expertise in the area of chemicals.</li> <li>b. In taking on the role HSE remains committed to ensuring all dutyholders using chemicals have the advice and guidance they need to maintain worker protection</li> <li>c. HSE hope that the Statutory Instrument establishing the enforcement regime will be able to refer to HSWA penalties and duties for breaches of REACH duties that relate to occupational safety and health.</li> <li>d. Negotiations with DEFRA on funding centre around HSE recovering the costs of discharging its duties as the CA from DEFRA with a view to a PES transfer at a later date once the full costs and activity levels are better understood.</li> </ol>
6.4	<p>The Commission noted the developments in this work.</p>
<b>Action</b>	<p><b>Provide the Commission with a paper which outlines the relationship between REACH, CHIP and COSHH and how HSE can work to provide adequate (simple) guidance to ensure stakeholders have a clear understanding of the legislative requirements.</b></p>

<b>→</b>	<b>CLOSED SESSION DISCUSSIONS</b>
<b>7</b>	
	<b>←</b>
	<b>Below The Line Items</b>
<b>10</b>	<b>Cost Recovery for Nuclear Pre-Licensing Advice (HSC/08/07)</b>
10.1	The Commission agreed the proposals for cost recovery in relation to work with potential nuclear site licence applicants.

<b>11</b>	<b>Introduction of a statutory code of practice for regulators –how HSC/E’s policies already ensure compliance (HSC/08/11)</b>
11.1	The Commission: <ul style="list-style-type: none"> <li>• Noted that HSE’s regulatory work already meets the requirements in the published compliance code; and</li> <li>• Agreed the short explanatory statement for publication on HSE’s website.</li> </ul>
	<b>Miscellaneous papers</b>
<b>12</b>	<b>Report on the Noise and Vibration Worker Involvement Project (MISC/08/05)</b>
12.1	The Commission noted the report.
<b>13</b>	<b>New Gas Installer Registration Scheme Competition (MISC/08/04)</b>
13.1	The Commission noted the progress of this competition and the revised date for when the new scheme would come into operation.