

Meeting Date:	17 & 31 July and 21 August 2002	Open Gov. Status:	Partially Closed. Item 1, 17th July, Exemption 2.
Type of Paper:	Minutes	Paper File Ref:	
Exemptions:	Item 1, 17th July, Exemption 2.		

HEALTH AND SAFETY EXECUTIVE

HSE Board

Minutes of three meetings of the HSE Board held on Wednesday 17 July 2002, 31 July and 21 August Rose Court.

Present 17th July

Sandra Caldwell
 Richard Clifton
 Adrian Ellis
 Robert Humm
 Peter Graham
 Richard Hillier
 Nick Starling
 Kate Timms
 Timothy Walker
 Sian Lewis

Also attending

Paul Harvey Item 1

 Jane Willis Item 2
 Pat Williams “

Alastair Cannon - Secretariat

Apologies - Paul Davies, Laurence Williams, Justin McCracken

Present 31st July

Sandra Caldwell
 Richard Clifton
 Paul Davies
 Adrian Ellis
 Peter Graham
 Justin McCracken
 Timothy Walker
 Laurence Williams

Also attending

Gordon Macdonald
 Steve Woolley

Alastair Cannon - Secretariat

Apologies - Kate Timms, Robert Humm, Richard Hillier, Nick Starling

Present 21st August

Sandra Caldwell
 Richard Clifton
 Paul Davies
 Peter Graham

Jane Willis
 Pat Williams
 Colleen Bowen

Nick Starling
Kate Timms
Sian Lewis

Alastair Cannon - Secretariat
Apologies; Timothy Walker, Justin McCracken,
Adrian Ellis, Richard Hillier, Robert Humm

17th July

1 The Enforcement Performance of HSE Following Fatal Accidents. B/02/034. Paper by Paul Harvey

1.1 This paper written at the DG's request analysed the prosecutions resulting from fatal accidents reported under RIDDOR in 2000/01.

1.2 The following points were made by way of introduction:

a This report is the first such analysis by HSE of the prosecutions taken in response to reported fatal accidents. It revealed that the prosecution rate by HSE for fatal incidents for the year under study was on course to be c33% (some of the more complex investigations had yet to be completed). This was higher than often quoted by some as opposed to other lower rates occasionally quoted by critics of HSE. However in common with other years there are relatively few Section 37 prosecutions.

1.3 The following points were made in discussion:

a Timothy Walker noted that the results of this analysis demonstrated that HSE need not be defensive about its record. It was interesting to note for example that 21% of the fatalities involved the primary dutyholder, mainly the self employed. The findings of the report should be used proactively to defend HSE's position.

b It was noted that procedures have now been put in place, such as the Enforcement Management Model and the new Enforcement Policy Statement to address some of the concerns in the report, including those on Section 37 investigations. In addition a decision not to prosecute in the case of a fatality now required clearance at Band 1 level.

c Specifically on the question of Section 37 prosecutions Timothy Walker was keen to ensure that unnecessarily prolonged investigations be avoided. If the early evidence suggested that a S37 prosecution was either not in the public interest nor likely to succeed then the investigation should not be continued.

d The subject of independent external auditing of our prosecution procedures was raised.

Agreed: That independent auditing of prosecution decisions would be taken up by the Operations Management Forum.

Action: Kate Timms (in absence of Justin McCracken) and Robert Humm

Agreed: That the further work necessary would be carried out to complete the analysis for the year of the study.

Action: FOD FSU with input on supply the appropriate information from the other operational directorates.

Agreed: This data would be collected and analysed annually

henceforward (the systems for this were now in hand already) however the data for the “missing” year, 2001/02, now would not be collected.

Agreed: Local Authority enforcement bodies to be advised to collect similar data.

Action: Justin McCracken.

Agreed That the findings should be made available via this year’s Offences & Penalties report.

Action: Peter Graham & Adrian Ellis.

Agreed That operational guidance on Section 37 should give a clear and rational basis for drawing an investigation to a close to ensure no unwarranted application of resources.

Action: Justin McCracken, Peter Graham & Robert Humm.

2 HSC/E Monthly Finance, Staffing and Output report. Paper by Jane Franklin. Presented by Jane Willis and Pat Williams

2.1 This paper outlined the two main pressures facing the Board; over commitment of expenditure and under recovery of income.

2.2 A number of points were made by way of introduction:

- a £3.8M has been confirmed for Cullen this year; the intention is to ensure that all appropriate expenditure is badged as such in order to claim against it.
- b Payroll forecast remains unrealistic and are currently £5.7M below allocated budget. PEFD must now give consideration to reducing budgets following analysis of latest information received
- c Income must be sustained and ideally improved. The deficit is currently £6M
- d Decisions are required on recruitment, especially specialist recruitment

2.3 The following points were made in discussion:

- a Timothy Walker stated that he would much prefer avoiding going to new department “cap in hand” but that if we were forced to then we must be able to demonstrate the measures taken ourselves to manage the risk.
- b This year was unlike previous “tight” years because of accumulation of pressures generating potential commitments beyond this year alone that were unsustainable. In addition there were now gross as well as net limits on GAE that must be met.
- c Any loss of income must be offset by savings, which themselves do not lead to further loss of income.

Action: PEFD to re-examine payroll forecasts closely with the cooperation of D/Ds to allow them to produce more accurate forecasts.

Agreed: Any recruitment actually in hand (ie offers made) should proceed. This would include Band 4 trainee inspectors. All other recruitment, particularly of specialists, should be carefully scrutinised to ensure current and future affordability.

3 Adrian Ellis & the position of President of the International

Association of Labour Inspection (IALI).

- 3.1 The Director of Field Operations has been elected to the prestigious post of President of IALI. IALI, founded in 1972 is an association of around 90 members from 70 countries which provides a forum for the exchange of information and experience about labour inspection and promotes closer cooperation between authorities. Timothy Walker and the Board congratulated Adrian Ellis on this honour

- 4 **Any other business:** Timothy Walker reminded members of the need to act upon any examples of unacceptable behaviour that came to their attention. He brought to the Board's attention a recent note from the Diversity team containing anecdotal examples.

Action: Alastair Cannon to circulate the note to the Board

31st July

- 1 **Progress on the Change Programme. Paper by the Change Team. Presented by Gordon Macdonald and Steve Woolley.**

- 1.1 This paper presented an update on progress, asked the Board to encourage the SCS to use the SCS Conference communiqué to take the change message to staff and sought agreement on timings for the programme henceforth.

- 1.2 The following points were raised in discussion:

- a It was emphasised that each Directorate/Division etc must generate their own examples in order to make the changes real for staff. General phrases and explanations are needed for general use but local examples are needed to make the connexions clearer.
- b The Board noted the progress made, the emerging picture and that timings were tight. agreed the kind of papers they should expect

Agreed: The nature of the papers the Board should expect to receive in September and November

Action: Board members to ensure continuing feedback to the Change Team

21st August

- 1 **HSC/E Monthly Finance, Staffing and Output report. Paper by Jane Franklin. Presented by Jane Willis, Pat Williams & Colleen Bowen**

- 1.1 The paper detailed the increasing risk on HSE's budget. The paper detailed some options for the Board to consider in preparation for making decisions at the formal Board on 18 September.

- 1.2 The following points were made by way of introduction;

- a The positioned on underfunded pressures has worsened
- b The position generally was uncertain, particularly as regards EYF however there was a need to reduce forecasts by £3.5M.

- 1.2 The following points were made in discussion:

- a HSE still awaited formal confirmation of the Spending Review 2002 settlement however it was clear that it would not be

generous and would unlikely improve in the subsequent years covered by the review.

- b Maintaining income was dependent upon keeping current levels of staff, particularly inspectors, on charging work. Any major incident would make this difficult.
- c The recruitment market had changed and now in some areas specialists were approaching HSE for employment whereas previously HSE had struggled to recruit. This had the effect of distorting payroll forecast
- d HMRI have canceled their specialist recruitment campaign
- e The feedback on the staff non-pay recognition award was not positive. Whilst staff welcomed the initiative as a worthy attempt it did not strike quite the right note. In addition, the scheme as currently proposed was bureaucratic with the cost of administering it one third of the total budget.

Agreed That the scheme implementation be suspended pending further consideration of the proposal.

Agreed: The Board examined the other options in the paper for reducing budget pressures and agreed to consider these further at the meeting on the 18th.

Director General's Private Office

July 2002