

Health and Safety Executive Board			HSE/08/M3
Meeting Date:	18 th June 2008	FoI Status	Partially Closed
FoI Exemptions	Items 6 - 9 Sections 36 and 35		
Trim Reference:	2008/247912		

Minutes of the HSE Board meeting held on 18th June 2008 in the Globe Room, Rose Court, London.

Present:

Judith Hackitt – Chair	Danny Carrigan	Robin Dahlberg	Judith Donovan
David Gartside	Sayeed Khan	Hugh Robertson	John Spanswick

Apologies:

Sandy Blair	Liz Snape
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Also attending:

Geoffrey Podger (Chief Executive), Alex Brett-Holt, Peter Buckley, Sandra Caldwell, Vivienne Carlton, Giles Denham, René McTaggart & Lorraine Cassell (all items),

Minutes:

René McTaggart

Open Session	
1	Agenda Item One: Welcome and Introduction
1.1	Judith Hackitt welcomed everyone to the third meeting of the HSE Board. Apologies had been received from Sandy Blair and Liz Snape. Sandy had provided some thoughts on the agenda items that the Chair had agreed to feed into the discussion at the appropriate time.
1.2	The minutes of the 28 th May meeting were agreed as drafted.
1.3	<p><u>Matters Arising</u> The Chair reported on the progress on delivering the actions arising from the May meeting, this included:</p> <ul style="list-style-type: none"> a. Sandra Caldwell had reached a 'minded to' position in relation to the application by Able for an exemption to the Asbestos regulations. b. Domestic gas safety and HSE's role had been added to the June agenda and Societal Risk and Land Use Planning had been added to the July agenda. c. Agriculture – Work has begun to develop a programme of work to implement the agriculture strategy. The Board will receive updates on significant issues relating to this work. d. The HSE Accounts had been agreed, without qualification by the Audit Committee/NAO and will shortly be signed. e. The statutory instrument to increase the adventure activities licensing fee was being finalised. Once completed it will be put to Ministers to lay before Parliament and the Welsh Assembly.
2	Agenda Item Two: Chief Executive's Report
2.1	<p>As well as his written report Geoffrey Podger highlighted the following issues:</p> <ul style="list-style-type: none"> a. In addition to the information contained in the written report on the Festival Fireworks incident Geoffrey took the opportunity to formally recognise the excellent work carried out by Dan Mitchell on this case. As Dan had retired at the time of the meeting it was also noted that he would be sorely missed by HSE as he 'represented the very best of HSE'. b. The Board were informed that HSE had temporarily become the enforcing

	<p>authority in relation to fire safety functions following a fire in Warwickshire where four fire-fighters were killed. This was agreed at the request of Warwickshire County Council as they were both enforcing authority and the employers of the fire fighters. Once the investigation and any consequent enforcement activity has been completed, responsibility will be transferred back to Warwickshire. Geoffrey also thanked Alex Brett Holt for her very careful handling of the transfer.</p> <ul style="list-style-type: none"> c. The Board were informed that subject to the views of the Environment Agency that Able would be granted the exemption from the Asbestos Regulations to allow them to accept the contract for dismantling the French ship. d. Geoffrey also took the opportunity to recognise the hard work of the HSE staff to ensure that the Accounts were accurate and cleared by the Audit Committee/NAO. While this is the norm for the HSE, Geoffrey stated that it was still a great achievement. e. The Board noted that the advertisement pack for the new Director of Communication was expected to be made available from Sunday 22 June. f. HSE had received an offer to take over the lease of Rose Court from another Government Department. HM Treasury were being consulted on whether this was possible under current guidelines – no objections were expected. g. The Board were also informed that the PCS Union were currently balloting on taking industrial action short of strike as a protest to the move to a single HQ in Bootle.
2.2	<p>The Board thanked Geoffrey for his report and raised the following issues:</p> <ul style="list-style-type: none"> a. On the HMS Tireless incident (as mentioned in the written report) the Board were assured that the outcome of the case (an explosion aboard a navy submarine while at sea) does not set a precedent for UK based workers working overseas. Each case will be dealt with on merit and where it is appropriate to do so will HSE take enforcement action. b. The Board asked for a paper on the Scottish and Welsh initiatives on occupational health to be provided to help inform the new strategy.
Action point 1	Secretariat to commission a paper on Scottish and Welsh occupational health initiatives.
3	Agenda Item Three: Guidance on Worker Consultation and Promoting Worker Involvement – Paper HSE/08/18 (Partially Open)
3.1	<p>Elizabeth Hodgkinson introduced the paper and made the following comments:</p> <ul style="list-style-type: none"> a. This paper provided an update on improving worker consultation and involvement through the development of new and updated guidance following extensive consultation in 2006. b. The paper provided drafts of the new good practice guidance and the updated legal series publication covering the Safety Representatives and Safety Committee Regulations 1977 and the Health and Safety (Consultation with Employees) Regulations 1996. c. The Paper also proposed plans to launch and promote the guidance. d. The Board were reminded that the guidance is aimed at onshore workplaces and separate work-streams for offshore workplaces were in place. e. The Board were asked to agree the publication of the guidance and legal series documents and to note the planned launch and promotion arrangements.

3.2	<p>The Board thanked Elizabeth for her introduction and made the following comments in response:</p> <ol style="list-style-type: none"> a. The Board noted the complexity of the legislative position and recognised the efforts made in the good practice guidance to clarify the issue – in particular the Board were pleased with the layout of the guidance. That said, the Board agreed some further refinement was needed to ensure appropriate use of terminology and adjust the tone for the audience. b. The Board agreed to provide their detailed comments on these issues to the Team following the meeting. c. The Board also agreed that due to the two sets of regulations and the wide range of workplaces they apply to, there were significant benefits in making this guidance ‘web-based’ as well as having the published version. d. In addition, the Board agreed that the good practice guidance would benefit from a very simple overview of the guide at the start of the publication to make the content easier to access and understand quickly. e. Subject to the changes to take account of the guidance being available as a web-based document in addition to hard copies, the Board agreed the proposed arrangements to launch the guidance. f. The Board also took the opportunity to thank Keith Wiley and Aarti Thakeria for their good work and for involving the Board during the development of the paper and guidance.
3.3	<p>In response to the Board’s request that the good practice guidance should be web based Geoffrey Podger agreed that despite this guidance meeting the criteria for being a priced publication, that in this instance a web-based version would also be produced to ensure the content was easy to access and navigate for the wide range of workplaces to which it would apply.</p>
4	<p>Agenda Item Four: Progress report on 2007 Diversity Scheme actions and approval of new actions for 2008 – Paper HSE/08/30.</p>
4.1	<p>Alex Brett-Holt, Elizabeth Hodkinson, Gaynor Coldrick and Cath Cottam introduced the paper and made the following comments:</p> <ol style="list-style-type: none"> a. The paper provided the third annual progress report on diversity issues for HSE as an employer and as a policy maker/regulator. For the purposes of these discussions the Board were urged to consider the internal and external issues separately. b. The Board were asked to note the progress with the previously agreed actions for 2007/8 and to endorse the proposed priorities for 2008/9.
4.2	<p>The Board welcomed the clarity of the presentation and commented on the very high level and quality of the consultation with the Board in the production of this paper. The Board also made the following comments in response:</p> <ol style="list-style-type: none"> a. The Board were particularly impressed with the effort to ensure that guidance/information is provided in different languages – it was agreed that this was especially important with the changing face of the UK workforce. b. The Board was pleased to note that considering the diversity of the target audience/main stakeholders diversity has become mainstreamed in the HSE’s work to develop new proposals/ways of working.

4.3	The Chair concluded the discussion by congratulating the team on the good progress made and by endorsing the proposed actions for the coming year.
Action point 2	Diversity team to provide a further report in 12 months time.
5	Agenda Item Five: Removing notification and record keeping requirements for factories offices and shops – Paper HSE/08/25)
5.1	Elizabeth Hodgkinson introduced the paper and made the following comments: <ul style="list-style-type: none"> a. In September 2006 the then HSC agreed to consider the removal of these requirements as part of their simplification plan. b. 'Board members had raised concerns that the proposal should not result in any detriment to the health and safety system. The Board were given an assurance that, as better information is currently being collected as part of HSE Field Operations Divisions activities (and as some additional non-legislative steps are being put in place); there would be no detriment but an improvement to the system. c. The Board were asked to approve the proposed consultation document which, should the proposals it contains occur, would allow the removal of these out dated requirements. d. Once the outcome of the consultation was known it was planned that the Board would be given an opportunity to consider and approve any legislative changes.
5.2	The Board thanked Elizabeth and her team for the paper and introduction and agreed the proposed consultation document subject to it being amended to: reflect the confidence that there will be no detriment; outline the arrangements to ensure that HSE continues to receive business critical information; and, to show how the removal of these outdated requirements will be of benefit.
5.3	The Board concluded its discussion by agreeing that the amended draft consultation document could be cleared by the Chair on the Board's behalf.
Action point 3	Elizabeth Hodgkinson to produce a redraft of the Consultation documents for the Chair's approval prior to publication.

Closed Session	
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	Below the line papers
	There were no below the line papers submitted to this meeting.