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Health and Safety Executive Board			HSE/08/M7
Meeting Date:	26 th November 2008	Fol Status	Partially Closed
Fol Exemptions	Closed sections closed under section 36 – formulation of policy		
Trim Reference:	2008/		
Minutes of the HSE Board meeting held on 25th November 2008 Redgrave Court, Bootle			

Present:

Judith Hackitt – Chair	Danny Carrigan	Robin Dahlberg	Judith Donovan
David Gartside	Sayeed Khan	Hugh Robertson	Sandy Blair

Apologies:

John Spanswick	Liz Snape
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Also attending:

Geoffrey Podger, Alex Brett-Holt, Vivienne Carlton, Giles Denham, Peter Buckley, Steve Dennis, and Renè McTaggart

Minutes:

René McTaggart

Open Session	
1	Agenda Item One: Welcome and Introduction
1.1	<u>Introduction</u> Judith Hackitt welcomed everyone to the HSE Board meeting and in particular welcomed Elaine Harbour who was shortly to become the Secretary to the Board.
1.2	<u>Minutes</u> The draft minutes of the last Board meeting (held in September) were cleared as drafted.
1.3	<u>Matters Arising</u> The Chair reported on the progress with the delivery of the actions arising from the September meeting. Her report included: <ul style="list-style-type: none"> a. Progress on the development of the strategy since the residential meeting in October – the Chair also asked Vivienne Carlton to give an update on the arrangements for the launch event. b. The negotiating position on needle-stick injuries was amended to reflect the Board's discussions. c. Papers on the enforcement activity on needle-stick injuries and Carbon Capture and storage have both been commissioned for the new year. d. The finance and staffing papers have been tailored to meet the request of the Board. e. The Board have been provided with the Governments response to the Dame Carol Black Report.
1.4	<u>Strategy update</u> On the arrangements for the consultation launch event Vivienne Carlton updated the Board on: <ul style="list-style-type: none"> a. The number of acceptances at the three events at the time of the meeting (150 for London; 20 for Cardiff and 50 for Edinburgh) b. The co-ordination between HSE and LaCORs to ensure key messages of the strategy were delivered. c. The progress with the pre-recorded message from Judith and the planned address to staff in Bootle by Geoffrey Podger (which will also be recorded for viewing on the Intranet).

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	<ul style="list-style-type: none"> d. The Board were also informed that they were to be provided with details on which event they will be attending (inc the workshops) and a copy of the speech to be given by Chair at the London event. e. The Board were also assured that steps will be taken to ensure that they were clearly identifiable at the various events.
2	Agenda Item Two: Chief Executive’s Report – paper HSE/08/73
2.1	<p>As well as his written report Geoffrey Podger provided an oral update highlighting the following issues:</p> <ul style="list-style-type: none"> a. The Board were updated on the latest position on the challenge by the Friends of Hartlepool over the HSE’s decision to grant an exemption from the Asbestos Regulations to the Able – the challenge was not up held by the Courts. b. The Board were asked to note the recent challenge to the policy adopted by DEFRA on the control of pesticides in crop-spraying - the Courts had found in favour of the challenger. This issue is relevant to the HSE following the merger of PSD with HSE as once the terms of the Order are finalised it will be for HSE to react. There are also potential implications for HSE’s approach to risk if the challenge is upheld. c. The Board were also updated on how the ICL Inquiry had progressed. d. The Board were informed that the C4 documentary on the work of health and safety inspectors was due to be aired on Thursday 4th December at 9pm. e. On HWWW the Board were asked to note that many staff have found/are finding other jobs (many of them on promotion) and that HSE had only experienced pockets of difficulty in terms of delivery. The Board were also informed of the progress with the recruitment initiatives which were focussing on ensuring that priority activity was delivered and that immediate difficulties were addressed.
2.2	<p>The Board thanked Geoffrey for his report and raised the following issues in response:</p> <ul style="list-style-type: none"> a. The Board requested that a paper be provided in the new year on the Accident and Injury Statistics release and in particular includes information on enforcement activity. b. The Board agreed that the launch of the strategy was a good vehicle to strengthen HSE’s messaging about the importance of enforcement and that sector specific press releases should be developed to promote the various strategic themes. c. While welcoming the work underway to recruit staff the Board suggested that more could be done to target potential recruits via Trade Unions and professional bodies. d. The Board welcomed the news that the REACH registration was progressing well and asked to be kept informed of the progress – especially if there are any indications that the industry is not getting the support from HSE that it expected. e. The Board asked that the minutes formally thank all involved in HSE for their efforts to ensure that the reputation of HSE and the high levels of delivery of quality work are maintained during the transition period.
3	Agenda Item Three : Update on the outcome of the consultation on proposals for amending the Health and Safety Information for Employees Regulations - paper HSE/08/69
3.1	<p>Giles Denham introduced the paper and made the following points:</p> <ul style="list-style-type: none"> a. Apologies were given to the Board for the late circulation of the supplementary paper which outlined the cost of the proposal to set a time limit

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	<p>on employers for replacing the old posters.</p> <p>b. The Board were informed of the outcome of the consultation which supported the proposal to update the 'Law Poster' and the initial intention of the consultation which was to allow the old poster (if in a legible state) to continue to be used.</p> <p>c. The Board were being advised that the burden (including the financial costs) to employers of replacing the poster was low if a time limit were set therefore it would be possible to set a time limit to ensure that the old poster was replaced within five years so the health and safety benefits could be secured in more workplaces.</p>
3.2	<p>The Board thanked Giles for his presentation and made the following comments in response:</p> <p>a. The Board agreed that while it would be more desirable for employers to have an old poster, rather than no poster at all, that it was important that the information is made available to employers in as clear and simple form as possible – the old poster does not achieve this aim.</p> <p>b. The Board agreed that the good use of groups such as the Small Business Trade Association Forum should be made to target hard to reach groups and ensure that they know how to comply with the law. One option to be considered was the offer of preferential rates on purchase of the poster by their members.</p> <p>c. The Board also agreed that HSE would need to take a proportionate approach to enforcement should an employers' only failing be that they are displaying an out of date poster.</p> <p>d. The Board agreed the five year lead in period but requested that progress on take up of the new poster should be monitored so that action to increase the use of the new poster could be taken before the five year lead in period ends.</p> <p>e. The Board requested that during the design stage of the poster that consideration was given to how the poster will look once translated in to Welsh, etc.</p>
3.4	<p>On a more general point the Board were disappointed to see that the regulatory impact assessment (RIA) focussed on the low financial impact on industry/employers rather than the benefits to the health and safety system. The Board therefore specifically requested that in future that all RIAs should focus on the health and safety benefits.</p>
Action Point 29	Giles Denham to ensure that a five year lead in period for replacing the 'law poster' is included amended regulations.
Action Point 30	Communication Directorate to ensure the design of the poster is suitable for translation into other languages.
Action Point 31	SMT members to ensure that future RIAs should focus on the benefits to the health and safety system rather than the financial implications for industry.
4	Agenda Item Four: Directors' health and safety responsibilities - evaluation of the impact of the measures taken to strengthen leadership (Paper - HSE/08/80)
4.1	<p>Jenny Eastabrook introduced the paper and made the following comments:</p> <p>a. The paper provided an interim report on the impact of the non legislative approach.</p> <p>b. The Board were asked to:</p> <ul style="list-style-type: none"> • note the progress to date and the need to turn 'awareness' of the guidance in to positive action. • consider whether the right information is being gathered to assist the evaluation of the impact of the guidance. • note the establishment of a stakeholder group (Chaired by

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	Patrick McDonald) who will be designing the evaluation model.
4.2	<p>The Board thanked Jenny for her introduction and made the following comments in response:</p> <ol style="list-style-type: none"> a. The Board noted the 25% awareness rate and welcomed it as a good start to the longer term aim of improved leadership on health and safety by Directors. b. While welcoming the positive start the Board: <ul style="list-style-type: none"> • agreed that the challenge will be ensuring that those Directors who remain sceptical about the importance of health and safety are converted. • recognised the need understand what ‘awareness’ means and how it can be converted into positive action. • noted the relatively low number of internet hits on the leadership website. c. The Board agreed that it was important to remind company Directors that in the current economic climate it remains vitally important to give health and safety the priority it deserves by not cutting investment in the prevention of accidents and ill health. The Board therefore asked that consideration be given to a means to ensure this message is received and understood – possibly via SBTAF and others. d. The Board agreed that it while it was important to have a clear evidence base on the extent of behaviour change in the light of the guidance promotion and wider developments such as corporate manslaughter, it would be unreasonable to expect the evaluation in itself to provide answers on whether a legislative rather than a voluntary approach is needed. This would be a matter on which the Board would need to form a judgement at the time. e. While the Board agreed that it would be inappropriate for them to participate on the evaluation project group it was important that they are given the opportunity to input to the scope of the evaluation and the techniques used to gather information.
Action Point 32	Giles Denham/Vivienne Carlton to consider what steps can be taken more generally to ensure the importance of health and safety is not lost during the current economic climate.
5	Agenda Item Five: Audit Committee Report/Update – Paper HSE/08/85
5.1	Robin Dahlberg introduced his report and asked the Board to note the progress on ensuring the assurance process was robust. The Board thanked Robin for his report without further comment.
6	Item Six: Draft agenda for the December meeting, future Board agendas and the dates for the 2009 meetings.
6.1	The Board agreed the dates for 2009 but asked that further consideration be given to the venues and asked that the Board’s availability for the August meeting be confirmed with individual members.
6.2	The Board agreed the draft December agenda subject to the addition of updates on gas safety related matters.
6.3	<p>The Board also suggested the following items for future agendas:</p> <ol style="list-style-type: none"> a. Regular updates on: <ul style="list-style-type: none"> • agriculture, construction, and nuclear sectors. • activity in Scotland and Wales. • the work of HSL and the relationship with HSE. b. HSE’s role in Carbon Capture and Storage. c. The options for implementing the Artificial Optical Radiation Directive. d. Carol Black’s Report and the Government response – what it means for HSE.

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	<ul style="list-style-type: none">e. The steps HSE can take to ensure the sharing of information/removal of legal barriers to sharing the lessons learned following an accident.f. Horizon scanning.g. HSE's role in nanotechnology.h. HSE's arrangements for Governance of related activity eg HSL, AALA, PSD etc.i. HSE's safety alerts policy.j. HSE's response to the release of accident and injury statistics.
6.4	The Board also asked for closer alignment of the timing of reports from the Audit Committee meetings and the dates of Board meetings.
7	Agenda item 7: AOB
7.1	There were no items of AoB in the open session.
	Below the line papers
	The below the line papers were cleared as drafted with the exception of paper number HSE/08/28 which was raised above the line for discussion in the closed session.
	Closed Session
7	AOB
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