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Health and Safety Executive Board			HSE/08/M6
Meeting Date:	25 th September 2008	Fol Status	Open
Fol Exemptions			
Trim Reference:	2008/551234		
Minutes of the HSE Board meeting held on 25th September 2008 The Mercure Holland House Hotel and Spa, Cardiff			

Present:

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

Apologies: Geoffrey Podger

Also attending:

Sandra Caldwell (Acting Chief Executive), Alex Brett-Holt, Vivienne Carlton, Giles Denham, Jane Willis, Peter Buckley, Steve Dennis, Renè McTaggart and Lorraine Cassell

Minutes: Lorraine Cassell

Open Session	
1	Agenda Item One: Welcome and Introduction
1.1	<u>Introduction</u> Judith Hackitt welcomed everyone to the first meeting of the new HSE Board to be held in Wales in particular the stakeholders who had joined the meeting. Judith also thanked Terry Rose (Director for Wales) and his team for their help in organising the reception which was agreed to have been a success.
1.2	<u>Minutes</u> The draft minutes of the 27 th August meeting were agreed subject to paragraph 7.1 (j) being amended to read "...placing necessary duties on businesses."
1.3	<u>Matters Arising</u> The Chair reported on the progress on delivering the actions arising from the August meeting, her report included: <ul style="list-style-type: none">a. The July minutes were amended as requested at the last meeting and have been placed on the HSE web-pages.b. Geoffrey Podger is considering how best to present the Board with a monthly update on the key business risks as requested.c. The Performance Report for Q1 was submitted to Lord McKenzie on 29th August.d. It is planned that a paper on making HSE guidance freely available on the website will be submitted to the Board in November.e. Work is progressing on proposals for the allocation of resources.f. The HSE response to the consultation on regulatory budgets (as amended to reflect the views of the Board) will shortly be submitted to BERR.g. The draft HSE strategy has been amended to reflect the Board's comments (see paper HSE/08/62). A copywriter had been appointed and had started work on the strategy.h. The contract with CAPITA had been signed and a press release to notify interested parties had been issued.i. The Board had been provided with a Misc Paper on the LA Partnership evaluation and the 'next steps' following the evaluation had been added to the

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	October residential agenda.
2	Agenda Item Two: Acting Chief Executive’s Report – paper HSE/08/59
2.1	<p>As well as her written report Sandra Caldwell provided an oral update highlighting the following issues:</p> <ul style="list-style-type: none"> a. Kevin Myers (Deputy Chief Executive elect) will be leading the work develop the delivery plan for the new strategy. b. The expected challenge on the Able Asbestos exemption decision has been submitted to the courts for consideration. The challenge is very narrow in scope. c. The exchange visits with the Polish Labour Inspectorate had been a success. d. The new Glasgow Office had been opened by the Chair on 17th September (Danny Carrigan had also attended the opening). Sandra had also visited the offices and had been impressed by the facilities. e. There had been personnel changes at Senior Civil Service level which included the appointment of Stephen Williams as Director for London and the Olympics. Stephen will remain the Chief Inspector of Construction until his successor can be appointed.
2.2	<p>The Board thanked Sandra for her report and raised the following issues in response:</p> <ul style="list-style-type: none"> a. The Board agreed that information on business risks, subject to Geoffrey Podger’s further deliberations, should be provided as an annex to the finance and staffing paper. b. The Board welcomed the update on international issues and agreed that it should remain in its current form as it provides information on not only what has changed but also a ‘snap shot’ of all the activity that is taking place. c. The Board thanked Sandra for providing the LA Partnership Evaluation report and agreed the importance of considering it as part of the continued development of the strategy and delivery plan. d. The Board were assured that appropriate steps were being taken to ensure that frontline numbers were being protected and that inspectors were not within scope of the Flexible Early Release Scheme. e. The Board agreed that the outcome of the Polish Exchange scheme was useful and should be replicated with other member states where there is a benefit in doing so. f. The Board also asked that the minutes formally record their thanks to Stephen Williams for his excellent work as the Chief Inspector for Construction and acknowledged the important role he will play in ensuring that good health and safety management assists in the development of the Olympic site rather than hinder it.
3	Agenda Item Three : European Commission measures for protecting healthcare worker from infections due to needle-stick injuries - paper HSE/08/60
3.1	<p>Giles Denham introduced the paper and made the following points:</p> <ul style="list-style-type: none"> a. As requested by the Board the proposed advice to Ministers has been amended to reflect the concerns previously raised by the Board. b. The paper acknowledges the need to do more to prevent needle-stick injuries and explores the best route to improve the performance of the healthcare sector in this area. c. The paper recommends that there is a need to take steps to ensure that HSE is proportionally enforcing the current legislation in line with the number of acquired diseases through needle-stick injuries. d. In addition the paper acknowledges the need to ensure that HSE is ready to

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	respond to the Biological Hazards Directive.
3.2	<p>The Board thanked Giles for his presentation and welcomed the opportunity to revisit this issue. The following points were then raised:</p> <ol style="list-style-type: none"> a. The Board agreed that its advice on the negotiating position for any proposed EC Directive should be based on evidence and the relative priority of this issue. b. The Board acknowledged the psychological effects that needle-stick injuries have on those working in the healthcare sector and that the culture responds well to regulation. c. It was agreed that that the UK should not oppose a proposal at EU level to legislate for the adoption of safer needle technology. d. It was also agreed that, while the UK already has legislation in place to require duty holders to control the risk of needle-stick injuries, more needed to be done to encourage compliance with current requirements. The Board asked for additional information to be provided on the current level of enforcement activity in this area.
Action Point 23	Sandra Caldwell to commission a paper on enforcement activity to prevent needle-stick injuries.
Action Point 24	Giles Denham to amend the proposed advice to reflect the Board's wish not oppose the new EC regulation.
4	Agenda Item Four: Presentation from Vivienne Carlton on the proposed engagement plan on core strategy for the health and safety system in GB
4.1	<p>Vivienne Carlton gave a presentation on the proposed communications plan for the start of the consultation process and the launch of the strategy. Her presentation included information on:</p> <ol style="list-style-type: none"> a. How the communications plan covers the advance trailing of the strategy through to the launch of the final strategy. b. The work that has begun by the copywriters on the draft text of the strategy. One of the key instructions give to the copywriters was the need for the final document to be in plain English with easily accessible messages. c. The early trailing of the strategy that has already been undertaken including discussions with staff, the SCS and the CBI. Further discussions planned including the HSE trade unions. d. The plans for the consultation to include a mix of stakeholders to ensure the broad views of industry are taken into consideration. e. As part of the communications plan HSE will be engaging with the media, undertaking an advertorial campaign, arranging parliamentary briefings and utilising the HSE website. Once the plan has been agreed in consultation with the Chair, details will be circulated to the Board and the SMT. f. How the communication plan has been developed to be hard hitting and demonstrates that HSE means business. g. The Board were reminded that to ensure that HSE gains the commitment of its partners that all the Board will need to be actively involved in the consultation process.
4.2	<p>The Board thanked Vivienne for her presentation and made the following comments in response:</p> <ol style="list-style-type: none"> a. While welcoming the planning that had been undertaken the Board agreed that there were still opportunities to look at other approaches and engage with stakeholders that HSE does not usually approach to help change their perception of HSE. b. The Board also agreed that it was important that the media were invited to the launch along with other stakeholders. It was also agreed that it was important

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	<p>to not focus all the attention on the broad sheets but to also recognise the importance of mass media publications (the red tops).</p> <ul style="list-style-type: none"> c. The Board agreed that it was important that in communicating the steps of the process for developing the strategy that the start of the consultation was not confused with the launch of the final document. d. The Board acknowledged the importance of ensuring that HSE continues to engage with stakeholders during the development of the delivery plan. e. The Board also requested that in developing the strategy and delivery plan that examples of how to make the strategy work in practice be included in the supporting material. f. The Board agreed that as the strategy was for Britain as a whole that activity around publicity and consultation should also be national rather than just London based. It was also agreed that the communications plan should cover all involved in its delivery – including HSE staff and the local authorities. g. The Board agreed that the consultation process should take place in the 1st week of December and an alternative venue, perhaps the Olympic site, should be sought.
Action point 25	Vivienne Carlton to revised the communications plan in light of the Board’s comments and find a venue for the launch
5	Agenda Item Five: Freedom of Information Act – Challenges for HSE – paper HSE/08/56 –
5.1	<p>Sandra Caldwell introduced the paper and made the following points:</p> <ul style="list-style-type: none"> a. The paper had been produced following the request of the Chair as the Board needed to be aware of the size of the challenge facing the HSE in responding to both routine and none routine Fol requests. b. The paper also provided the Board with the opportunity to decide whether there were any steps that could be taken to reduce the burden of Fol work on HSE and whether the current policies on both response and when to charge for requests were correct. c. By way of background the board were informed that most Fol requests were routine and were dealt with relatively quickly but there were also other requests that were both demanding of HSE’s resources (with no benefit) and were also highly political and sensitive.
5.2	<p>The Board thanked Sandra for the paper and made the following comments in response:</p> <ul style="list-style-type: none"> a. The Board noted the high amount and nature of Fol requests made to HSE and the number of staff/resources dedicated to undertaking the work. b. While accepting that HSE had to discharge its responsibility under the Fol Act the Board were concerned that some organisations were clearly using the Act to request information that was later used for their own business purposes. That said, the Board also acknowledged that once information has been disclosed and is in the public domain it can be used commercially. c. The Board noted that there is no procedure under the Fol Act that allows a person to be dealt with as a vexatious litigant. However, the Fol Act does allow HSE to refuse to provide information to an identical request from a person/organisation where they have previously provided the information. This is different to the vexatious litigant procedure which prevents the litigant from pursuing new/other obsessions. d. The Board also noted the current arrangements for charging for the provision of information and agreed that the policy, and demand levels, should be kept under review.
Action	The Board to be kept informed of any significant variations in the number of Fol

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Point 26	requests made or exceptional request that will result in a significant demand on HSE's resources.
6	AOB
Action Point 27	Secretariat to commission a MISC paper on the risks/dangers associated with the Carbon Capture process.
	Below the line papers
	The below the line papers were cleared.
	Closed Session
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7.1	
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