

Health and Safety Executive Board		Paper No: HSE/08/23	
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<b>Chief Executive's Report to the Board</b>			

## HSE Major Hazards Conference

1. On 29 April over 200 industry leaders came together at the 'Leading from the top - avoiding major incidents' conference in London, to share their learning on process safety in the major hazards industry. Discussions at the conference served as a stark reminder to senior managers that the absence of conventional safety accidents and injuries in the past few years should not, in itself, be taken as a positive assurance of an overall improvement in process safety across the major hazards industry.
2. Judith Hackitt chaired the day, with key speakers being the Secretary of State for Work and Pensions, James Purnell, Minister for Energy, Malcolm Wickes, Bill Coley, CEO-British Energy Group, Jeremy Bending, Director-Network Strategy at National Grid and Steve Flynn, Vice-President HSSE - BP Group Safety and Operations. Four workshops were held in the afternoon, before Judith summed up by referring to the key themes that had emerged during the day, including that:
  - Process safety cannot be managed from the boardroom, senior managers need to walk the talk and listen to the frontline staff
  - We cannot assume that everyone understands what process safety is and why it is so important in managing the major hazards business
  - A strong appetite for creating a CEO's forum to share good practice and knowledge transfer
  - Strong support for a robust, real but practicable peer review process
  - Key performance indicators are a vital tool in helping industry manage its process safety.
3. Information provided to delegates, together with details of what HSE recommends major hazard organisations to focus process safety leadership on, the overheads from the key industry speeches, and the podcast from the Media Briefing, are on the HSE website. An edited video of the speeches, and the outputs from the day, will also be on the website soon and HSE staff will be encouraging delegates, and others, to turn the conference outputs into concrete and lasting improvements in leadership of the sector.

## Call-In of Kennington Oval Planning Application

4. The Secretary of State for Communities and Local Government has agreed to HSE's request that the planning application for a hotel and new stand at the Oval Cricket Ground be called in for a planning enquiry. This is because of the proximity of the proposed development to the gasholders at Kennington.
5. HSE is asking the Planning Inspector that we be made a party to the Planning Inquiry, so that we can present evidence to the Inquiry. We anticipate that this will be agreed

and we are currently preparing our statement which will be a comprehensive statement of our reasons for advising against and calling in the application. HSE is instructing Treasury Solicitors who are responsible for engaging and briefing Counsel. We do not yet have a date for the Inquiry itself.

### **Condensing Boilers**

6. Condensing-type gas boilers have featured in at least seven incidents over the last three years, including four deaths. The causal factors in some of these events are unclear at this stage. Staff are working with colleagues from BERR to support the manufacturers in their efforts to determine these factors, how they might be eliminated and whether any remedial work is required on existing boilers.
7. HSE lead on issues concerning installation and investigate gas-related incidents, BERR lead on issues concerning the supply of gas appliances. There are an estimated 3.5 to 5 million of these condensing-type gas boilers in operation.

### **Government Developments in Relation to the Vulnerable Worker Agenda**

8. The Board will wish to note further developments in two strands of the vulnerable workers agenda, as discussed most recently in HSC/07/63. Firstly, the emerging recommendations of the BERR Vulnerable Workers Enforcement Forum. These are:
  - a helpline for vulnerable workers, to be marketed as focussing on employment rights, not health and safety, but picking up basic questions on working time;
  - better joint working among enforcement agencies via a common protocol for call handling; and
  - some easing of the barriers to information sharing between enforcement agencies, legislative time permitting. We continue to work practically with other Forum members on implementation of these.
9. Secondly, the TUC Commission on Vulnerable Employment's report 'Hard Work, Hidden Lives' has been published. I gave evidence to the Commission for HSE [as was] in October 2007. Members will doubtless have seen press coverage, including HSE's comments that the report contains 'valuable insights' into the problems faced by a minority of workers. The report's main focus is on employment rights, though it also calls for improved resourcing for HSE. None of the report's main recommendations concern health and safety.
10. We expect the Government to respond to the Commission's report within the context of the final recommendations of the BERR Forum report due in the summer.

### **Frank Doran 10-minute Rule Bill**

11. Frank Doran MP introduced a ten minute rule Bill on 1 April 2008 seeking to strengthen the powers of the HSE to enable it to propose regulations requiring common systems such as permit to work, in the offshore industry. The Bill also proposed changes to the current arrangements for the appointment of offshore safety representatives by ballot, by making provision for trade union appointed safety representatives. The Bill was scheduled for a second reading on 9th May but was not heard and has now fallen.

## **Commission on Scottish Devolution**

12. The Commission on Scottish Devolution was set up following a vote in the Scottish Parliament on 6 December 2007. The UK Government indicated its support for the aims of the Commission on 31 January and on 25 March it was announced that Sir Kenneth Calman had been appointed as lead. The Commission has been asked to review the provision of the Scotland Act 1998 in light of experience, and to recommend any changes to the present constitutional arrangements that would enable the Scottish Parliament to serve the people of Scotland better, improve the financial accountability of the Scottish Parliament and continue to secure the position of Scotland within the UK.
13. On 14 May Jim Gallagher, Director General Devolution, wrote drawing attention to the work of the Commission and to give notice that UK Government Departments will be invited to contribute views to the Commission in due course. Oral evidence from HSE has been offered given the importance of health and safety in the offshore sector, nuclear safety, the recent ICL public inquiry and the work HSE is engaged in with key stakeholders. In giving oral evidence HSE will be represented by the Chair and Paul Stollard, the new Director Scotland.

## **DWP Select Committee**

14. The Committee's Report was published on 21 April. Convention requires the Government's response to be submitted to the Committee within 2 months of publication. A draft reply is currently with Lord McKenzie and the Government is therefore expected to meet this deadline.

## **Offshore Workforce Involvement Day - Murrayfield, Edinburgh: 8th May 2008**

15. HSE, through the Workforce Involvement Group of the Offshore Industry Advisory Committee(OIAC), organised a one day event to promote improved workforce involvement in the offshore industry. The event was over subscribed and attended by over 160 representatives of the offshore workforce and focused on the role of the workforce in understanding and reducing major accident hazard risks.
16. The conference heard presentations on Texas City, the function of risk control barriers, good and best practice in safety representation and safety committees and the role of management in creating effective safety culture. In the 20th anniversary year of Piper Alpha, there were also some poignant reflections on the disaster and what it means for the industry today. The conference was also supported by Danny Carrigan and Kevin Myers, who opened the afternoon and morning sessions respectively. The feedback obtained from the event was extremely positive and active participation from the audience provided some stimulating debate. The OIAC Workforce Involvement Group will take away the outputs of the day and the ideas and issues presented to take forward an agenda of continuing to improve the effectiveness of workforce involvement.

## **SMT Visits**

17. The latest programme of SMT visits is drawing to a close; the last visit will take place on 2 June. In all, 29 offices will have been visited over a seven week period. So far, approximately 850 staff have attended the sessions. The general reaction to the visits

has been very positive. Staff have welcomed the opportunity to meet face to face with a member of the SMT and 'hear things straight from the horse's mouth'.

18. Currently, the three main issues being raised by staff are:

- the new strategy - staff are keen to get involved and contribute to its development;
- managing resources, including losses and recruitment and the risks to the business;
- IT issues

### **HSL Category 3 Laboratory Upgrade**

19. Prior to the joint HSE/Defra inspection of HSL's Category 3 Laboratory on the 14 March (René McTaggart's e-mail of the 18 March advised), HSL had raised concerns with its PFI provider (and legal owner of the Cat 3 facility) over certain features of the facility. As a consequence of these concerns HSL had voluntarily taken the facility out of service, pending agreement on improvements with the facility owners. These concerns were raised again with, and by, Defra during their joint inspection with HSE and an Improvement Notice was served on the laboratory. As a consequence, a programme of work to rectify all of the Defra concerns was immediately instigated and will be completed by the end of this month. Subject to a successful re-inspection by HSE/Defra, planned for 4 June, HSL will then re-start work in the facility. As might be expected, HSL have taken the most prudent course of action throughout this entire process (and prior to it) and at no time has any person been placed at risk.

### **How and Where We Work**

20. Directorates within scope of moving from London to Bootle have developed transition plans setting out the timescales for the move of posts and the business delivery risks and mitigations. These plans will feed into an overarching programme plan that will be considered by the SMT sub group in May.

21. An early release scheme for staff who might find it difficult to redeploy to another government department has been issued. A panel of senior managers will consider the merits of these applications in July. Agreement has been reached with DWP about access to funds to support staff leaving HSE on such schemes. Since November, 30 individuals have transferred to OGDs, 7 of them on promotion.

22. Recruitment of the first new policy staff to Bootle has started with 19 taking up post in May. Two litigation lawyers have also taken up post. A recruitment plan to staff up to the numbers needed to deliver essential policy functions is being developed. When the new requirements of the H & S strategy emerge these plans will be reviewed to ensure we have the necessary delivery capability.

**GEOFFREY PODGER**

## Annex to the Chief Executive's Report: 28 May 2008

### Management

- The HSE SMT meet on 7 May 2008 and discussed: which policy post should remain in London following the establishment of a single HQ in Bootle, the monthly finance and staffing position, the Q4 performance report, the universal work recording project; and options for the future strategic direction of HSE's work on occupational health.

### Operations

- 23 fatalities were reported to HSE in April. Brief details are given in Annex 2

### Significant prosecutions in April included:

- MRX Engineering Support Services Ltd, trading as Stackright Building Systems , was fined £100,000 and ordered to pay £16,941 costs for breaching S 2(1) of the HSWA Act when an employee was killed and another sustained severe injuries including a broken neck and leg in March 2007.
- SP Power Systems Ltd was fined £32,000 and ordered to pay costs of £15,000 after pleading guilty under section 3 (1) HSWA for failing to take reasonable steps so that persons not in their employment were not exposed to risks.
- RCP Macpress (UK) Ltd, of Bridges Business Park, Horsehay, Telford, was fined £15,000 with costs of £2,496, after pleading guilty to breaching Section 2(1) HSWA. SCA Recycling UK Ltd, of New Hythe Lane, Aylesford, Kent, was also fined £15,000 with costs of £3,042 after pleading guilty to breaching Section 3(1) of the HSWA.

### Myth of the Month

- All park benches must be replaced because they are 3 inches too low.

### FOI Requests

- There were 578 Freedom of Information requests made to HSE in April.

### Consultations

- There were no consultations exercises undertaken in April.

### Publications

- The Pesticides Forum published its Annual Report 2007 along with its fourth indicators report.

### Parliamentary Business

- There were 16 PQs in April.

## Annex 2

### FATALITIES REPORTED TO HSE DURING APRIL

These initial notifications are not validated in that investigation has not as yet confirmed that all the deaths were work related

<b>AGE</b>	<b>REGION</b>	<b>INDUSTRY SECTOR</b>	<b>DESCRIPTION</b>
30	Glasgow	Construction	Died following the collapse of an unshored section of the excavation
55	West Yorkshire	Construction	Fell through fragile roof light
48	Preston	Services	Fatally stabbed by a resident in community care
38	M25 junction 2&3	Construction – Highway	Driver of a tipping lorry reversed onto DP
54	Bath	Refuse	Refuse collector ran across pavement and fell in front of refuse truck
29	Cleveland	Steel making	Steel pinch bar fell and embedded in DP's skull
57	Clydebank	Vehicle hire/repair	Vehicle fell off supports onto DP
66	Cornwall	Food	Load fell on top of DP
-	Bolton	Motor vehicle	Coach fell onto DP while he was jacking it up
22	Aylesbury	Construction	Trench collapsed onto DP
25	Manchester	Aerial Installation	DP fell off roof to ground below
28	Gwynedd	Construction	DP fell over 6m through ridge cap opening
87	Kent	Services	DP fell and sustained injuries
60	Stoke on Trent	Services	Trapped underneath a conveyor
45	Fife	Fairgrounds	Fell on level on bed of truck
72	Lancaster	Agriculture	Nephew reversed over DP with tractor
24	London	Construction	DP fell from the top of the hoist
57	Birmingham	Manufacturing	Trapped between concrete blocks on a conveyor and set of metal steps
20	London	Scaffolding	Fell 6.5m
50	Newport	Metal Recycling	Struck from the rear by a metal bale
45	Norfolk	Agriculture	Attacked by a bull
81	Swansea	Agriculture	Run over by a tractor
52	Blackburn	Agriculture	Found under Bobcat