

Health and Safety Executive Board			HSE/09/M7
Meeting Date:	22 July 2009	FoI Status	Open
FoI Exemptions			
Trim Reference:	2009/336533		
<b>Minutes of HSE Board Meeting – 22 July 2009 Redgrave Court, Bootle</b>			

**Present:**

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

**Also attending:**

Geoffrey Podger, Kevin Myers, Alex Brett-Holt, Steve Dennis, Gaynor Coldrick, Sally Sykes, Elaine Harbour, Anne Robinson, Mark Bibby, Jane Willis (Items 2), Dave Hockey (Item 5), Kevin Allars (Item 6), Mike Weightman (Item 7), Gordon MacDonald (Items 8), .

Apologies: Sayeed Khan

**Minutes:** Laurence Monaghan

Open Session	
<b>3</b>	<b>Welcome and introductions</b>
3.1	<u>Introduction</u> The Chair noted apologies had been received from Sayeed Khan.
3.2	<u>Minutes</u> The minutes of the June meeting were agreed with one amendment.
3.3	<u>Matters arising</u> <ul style="list-style-type: none"> <li>a) The fatal statistics had been released on 24 June and showed a welcome reduction</li> <li>b) Rita Donaghy's report to the Secretary of State into fatal accidents in construction had been published on 8 July.</li> <li>c) The Work &amp; Pensions Select Committee had published their follow-up report on 12 July</li> <li>d) The KP3 Review report had been published on 14 July.</li> <li>e) The consultation on a scheme for registering tower cranes had opened on 13 July and would run until 9 October.</li> <li>f) The Lord Gill report on the Inquiry into the ICL explosion had been published on 16 July.</li> <li>g) Over 800 organisations and companies had now signed up to the Strategy pledge.</li> </ul>
<b>4</b>	<b>Chief Executive's Report – HSE/09/68</b>
4.1	Geoffrey Podger presented his written report to the Board who made the following points in its discussion: <ul style="list-style-type: none"> <li>a) Downs Judicial Review – The Board thanked those involved and asked that the key points contained within the Judgement be circulated.</li> </ul>

	<ul style="list-style-type: none"> <li>b) KP3 Review report – The Board congratulated Offshore Safety Division on the progress this work had made – and asked for this to be conveyed to OSD staff by letter.</li> <li>c) Publication of fatality statistics – The Board asked for indications of industry sector to be reinstated to the statistics. While the effects of the recession on the statistics required recognition, this was not to be allowed to completely obscure the good progress that is being made.</li> <li>d) Collapse of tower crane in Liverpool – The safety alert paper to be discussed at the September Board should consider the rapid circulation of confirmed lessons from such incidents. The Board also sought assurance about the requirement for societal risk to be taken into account when conducting risk assessments for tower cranes.</li> </ul>
4.2	<p>In other issues raised for discussion:</p> <ul style="list-style-type: none"> <li>a) Freedom Of Information (FOI) requests - Arrangements for SMT oversight of the handling of freedom of information requests were outlined</li> <li>b) Redesigned LPG website - The HSE website designers were thanked for their redesign of this site.</li> <li>c) Swine Flu update – The Board suggested that the provision of a single website providing consistent guidance to employers be pursued with other Government departments and that any advice being provided to employers about the use of alcohol wipes be reviewed.</li> </ul>
<b>Action point 2</b>	The use of a single website to provide guidance to employers should be pursued with other Government departments.
<b>5</b>	<b>Entry requirements for trainee inspectors – HSE/09/66</b>
5.1	Geoffrey Podger introduced the paper which sought the Board's endorsement on the continued use of degrees and equivalent qualifications as an effective means of selecting candidates for inspector recruitment. Degree level qualifications had been found to be a generally effective indicator of the ability of trainees to cope with the demands inspectors faced and recent examples had further confirmed to SMT the benefits of maintaining this policy. This was not to say, however, that all those without degrees could not prosper as inspectors and HSE had arrangements to sponsor degree level study for existing HSE staff who might wish to become inspectors.
5.2	<p>In discussion of the paper the following points were made:</p> <ul style="list-style-type: none"> <li>a) The Board accepted the need for a means to identify with confidence those candidates that could complete the post-graduate diploma and deliver the roles of an inspector.</li> <li>b) The Board had some concerns that good candidates might be unnecessarily excluded and felt that degrees were an imperfect tool for selection.</li> <li>c) Exceptional candidates without degrees should be considered but this should not entail screening wide pools of applicants.</li> </ul>
5.3	The Board supported the current approach subject to the development of a stand-alone scheme to help exceptionally promising candidates wishing to apply who lack the educational qualifications which would otherwise be necessary.
<b>Action point 3</b>	A below the line paper is to be provided setting out options for helping exceptional candidates without the otherwise necessary educational qualifications who wish to apply for inspector vacancies.
<b>6</b>	<b>Public GDA Report – Quarterly update – HSE/09/69</b>
6.1	<p>The Board received a quarterly update on progress with Nuclear New Build GDA from Kevin Allars which included the following points:</p> <ul style="list-style-type: none"> <li>a) Good progress had been made with project managers now in post and the team</li> </ul>

	<p>restructured.</p> <p>b) The first Regulatory Issue (RI) had been placed on the HSE website and had raised media interest. Industry had made a positive response to considering architectural solutions to address the RI.</p> <p>c) Progress Metrics had been agreed with industry and once published would be updated monthly on the website.</p> <p>d) Meetings with Ministers, MPs and NGOs had gone well.</p>
<b>7</b>	<b>Legislative Reform Order for the Nuclear Statutory Corporation – HSE/09/73</b>
7.1	Mike Weightman presented the recently published consultation document on the restructuring of Nuclear Directorate (ND) and provided an update on ND's transition to a statutory corporation. The transition programme was moving from the detailed planning phase into mobilisation and contracts were to be set up for HSE services.
7.2	The Board noted the encouraging progress reported and also the promising feedback from the recent Nuclear Industry Top Management event where the messages had been of industry and regulator now going forward together.
<b>8</b>	<b>Discussion on the ICL Report</b>
8.1	Geoffrey Podger introduced the report from the ICL Inquiry, which had been published on 16 July 2009, by summarising his view of the findings of the report in two parts: <ul style="list-style-type: none"> <li>i) Events leading up to the explosion</li> <li>ii) Events post-explosion and recommendations for a future safety regime</li> </ul>
8.2	<u>Events leading up to the explosion</u> Geoffrey said that the Inquiry's reporting of the events leading up to the explosion on 11 May 2004, while difficult reading for HSE, was a fair and reasonable account. It was apparent from the report that in its interventions HSE had failed to address those failings on the part of others that had ultimately led to the accident. Although an HSE inspector had correctly identified and provided advice against the risks from the underground pipe they had, for reasons that remain unclear, then resiled from persisting with their initial advice. The report also rightly drew attention to HSE's performance in checking the actions taken at the site and the subsequent recording of what actions had been closed out.
8.3	HSE's position was now much improved from the time of the events considered by the Inquiry; there was greater knowledge of the risks from LPG and IT systems and procedures were now much better. However, there was now a requirement to demonstrate how HSE is acting to prevent a recurrence of these organisational failings and this required consideration of safeguards for both decision-making and processes.
8.4	HSE management had previously considered, and advised against, disciplinary action towards staff who were still serving and there were no grounds within the report for revision of this advice. Lessons from the Inquiry were being shared within FOD and a joint project with Prospect was in hand to review aspects of how we respond to future major incidents and provide support to those staff with prior involvement.
8.5	The Board accepted the Inquiry's account of events and its criticism of HSE's dealings at the site. They recognised the disaster was a tragedy and expressed their own regret and apologies for any failings on HSE's part that may have contributed to the explosion. The Board were aware that in some parts of the press there had been inaccurate representations of HSE's position towards the report and they had a responsibility to the public and the bereaved to set the record straight by rebutting these stories.
8.6	While acknowledging that HSE's current systems were now much improved the

	Board agreed it was important that they, and the public, receive reassurance that in future the HSE failings demonstrated in this case would be avoided, particularly those of following up substantive advice. This reassurance was to be provided by the Audit Committee who would provide an independent check of operational systems and also consider future arrangements for assurance reporting. The Board recognised that even with improved regulatory procedures in place it would not provide a guarantee against future accidents occurring. The Board also asked that the planned paper on safety alerts consider assurance arrangements for the sharing of information.
8.7	The Board recognised that the Inquiry had been a difficult experience for many HSE staff but endorsed the need for the narrative of the Inquiry, and its lessons, to be communicated throughout the organisation. Any new proposals for responding to major incidents are to be presented to the Board.
<b>Action point 4</b>	The Chair is to send rebuttals to inaccurate press stories about HSE's position towards the report.
<b>Action point 5</b>	The Audit Committee are to consider assurance arrangements for examining the efficacy of the processes already in place to prevent repetition of the problems identified by the Inquiry.
<b>Action point 6</b>	Proposals for responding to major incidents are to be presented to the Board.
8.8	<u>Events post-explosion and recommendations for a future safety regime</u> In reporting the actions taken by HSE and others since the explosion, the Inquiry had put forward the opinion there had been unreasonable delays in agreeing a pipework replacement plan and had not acknowledged the considerable body of work HSE had undertaken from the time of the explosion.
8.9	Prior to the commencement of the Inquiry HSE had been engaged in a process to tackle the risks from underground LPG pipework which went wider than the considerations of the Inquiry. HSE had issued its first safety alert based on initial findings of the cause of the explosion in August 2004 and held its first meeting with industry in May 2005. Parts of the LPG supply industry had already started replacing pipework. HSE had now reached agreement with the industry on an LPG pipework replacement plan and the first phase of soliciting information from companies to determine priorities was already in train.
8.10	The Inquiry's recommendations about what form the future regulatory regime for LPG should take were specific in nature. It was now for HSE to develop a better understanding of wider issues outwith the Inquiry's terms of reference in order to inform the Board's subsequent consideration of the process of implementation.
8.11	The Board agreed to the proposed consultation, which would help to ensure that the future approach would be proportionate and would not give rise to unanticipated consequences. The consultation should commence at the earliest opportunity and run for the full duration. The consultation should include read-across to other industries and make the scope of recommendations clear for users of both LPG and natural gas.
8.12	HSE's response to the Inquiry report is being led by Gordon MacDonald, Director of Hazardous Installations Directorate. HSE had received a letter from the Secretary of State asking for details of HSE's response to the report to which the Chair would be replying.
<b>Action point 7</b>	Stakeholders are to be consulted on how the Inquiry's recommendations might fit with the wider Health and Safety system.
<b>9</b>	<b>July meeting agenda and Forward Look</b>
9.1	a) The visit to the Olympic site as part of the August Board meeting would take place on the afternoon of 25 August. b) The Agriculture update paper on the September agenda would now be

	discussed at the October meeting. c) A paper on implementation of the Strategy, taking in the delivery plan, sign up to the pledge and stakeholder engagement, was to be added to the forward look
<b>10</b>	<b>Any Other Business</b>
10.1	Board members were welcome to attend a dinner with the Scottish Council for Development and Industry in Glasgow on 23 September.