

Health and Safety Executive Board			HSE/09/M8
Meeting Date:	26 August 2009	Fol Status	Open
Fol Exemptions			
Trim Reference:	2009/407351		
<b>Minutes of HSE Board Meeting – 26 August 2009 City Inn Hotel, London</b>			

**Present:**

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

**Also attending:**

Geoffrey Podger, Kevin Myers, Alex Brett-Holt, Steve Dennis, Sally Sykes (all items), Philip White, Stephen Williams, Jane Willis, Sue Johns, Alison Fryatt - DWP Sponsorship team, Anne Robinson (items 3 – 10), Gordon MacDonald (Item 8)

Apologies: Sayeed Khan, Elizabeth Snape, Gaynor Coldrick

**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, Elizabeth Snape and Gaynor Coldrick.
3.2	<u>Minutes</u> The minutes of the June meeting were agreed with no comments.
3.3	<u>Matters arising</u> a) Rebuttal letters to inaccurate press stories about HSE and the ICL Inquiry Report had been sent, the Herald had published a letter from the Chair which set the record straight. b) Board members would be giving the keynote speeches at the LACORS partnership events in November and December. c) The offshore safety statistics had been published on 5 August. d) The Chair had appeared on Any Questions on 7 August. e) The Board had been updated on HSE actions to improve swine flu guidance for employers. The Business Advisory Network had also raised concerns similar to those previously raised by the Board. f) The Board had received a request to participate in HSE Live, an internal HSE trade fair to be held in Redgrave Court in October. g) The Board had received a summary of the Down's appeal judgement. h) The Board had received clarification of HSE's role in the regulation of biocides.
<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: a) 2008/09 Offshore statistics – The Board noted the positive picture provided by

	<p>the statistics and recorded their thanks for the contribution of Ian Whewell who would soon be retiring. The Board also recognised those deaths that had occurred from helicopter accidents, which were not reflected in the offshore statistics.</p> <p>b) Agriculture revisited initiative – Judith Donovan had met with DEFRA officials and agreed more flexible access to their database; this would allow for better targeting of promotional materials.</p> <p>c) Risk assessment and policy template – The Board welcomed the template and sought clarification on the extent to which employee representatives had been consulted on the template.</p> <p>d) Fatality details – A quarterly trend analysis of fatalities by business and sector size was requested.</p>
<b>Action point</b>	Jane Willis to provide details of employee stakeholders consulted on risk assessment and policy template.
<b>5</b>	<b>Discussion on the ICL report</b>
5.1	Gordon MacDonald introduced this item by describing the range of new and existing activities that had been brought together as a single programme of work in response to the ICL Inquiry Report. The programme comprised activities relating to: LPG pipework replacement; responding to the Secretary of State; preparing for public scrutiny following major incidents; reviewing policy and procedures following incidents; and, knowledge management. The programme was underpinned by communications and audit activities and Geoffrey Podger was the Senior Responsible Officer.
5.2	The Board were reassured by the priority being given to learning the lessons of the ICL Inquiry and by the range of activities brought together, coupled with the steps already taken, to address the risks identified by the Inquiry. It was for HSE to provide a response to the Secretary of State about the Inquiry report and the Board agreed that the proposed response and the consultation document should be published when finalised and shared with other key organisations.
<b>6</b>	<b>HSE's Preparation for the 2012 Olympic and Paralympic Games – HSE/09/77</b>
6.1	Stephen Williams introduced the paper, which was presented in conjunction with a prior visit by the Board to the Olympic site. HSE had been engaged with the Olympic Development Authority (ODA) through an early intervention strategy that would be evaluated in October 2009. Challenges included achieved joined up working with others to regulate all Olympic sites across the UK, post-construction issues such as transport and homeowners renting out houses, and non-construction issues such as legionella risks. There were also opportunities for new learning, such as how the 'compete for' website enables engagement with small firms.
6.2	<p>In discussing the paper the following points were made:</p> <p>a) The London Organising Committee for the Olympic Games and Paralympic Games Ltd (LOCOG) would be taking forward the fit-out stage of the project and are in discussion with HSE about managing the significant risks that could entail. The board specifically requested that LOCOG be invited to engage with HSE at the same level as was currently being demonstrated by ODA.</p> <p>b) The approach being taken at the Olympic site demonstrated clear business benefits, e.g. through fewer NHS referrals. The ODA would be inviting senior Government figures to a workshop to promote case studies of the benefits being achieved.</p> <p>c) The level of SME commissioning generated by the Olympic project would be unprecedented and would provide a model for other large companies that commission SMEs. An appropriate HSE response would be required and a</p>

	<p>wider regulators forum was one of the options for SME engagement across the project being considered.</p> <p>d) Although the Olympics was a headline status project, it was not the case that the standards it sets would only be applicable to other large companies and projects. HSE will ensure the lessons about ODA good practice were learned and applied within other construction projects and other industries of all sizes.</p> <p>e) The Board had observed how the ODA were making health issues more relevant to workers at the site. To encourage others to find ways to address health in their industry or workplace, the thinking behind the ODA's approach would need to be captured and promoted.</p>
6.3	The Board recorded their thanks to Construction Division and the ODA for facilitating their visit to the Olympic site and asked that the next update consider post-construction activities and the LA perspective.
<b>Action point 1</b>	Jane Willis and Peter Brown to capture lessons on ill-health prevention from the ODA.
<b>7</b>	<b>An update on the work of the Construction Division – HSE/09/78</b>
7.1	Philip White introduced the paper by providing an update on the health and safety performance of the construction industry and summarising the current priorities and work plans of HSE's Construction Division (CD). CD was taking forward a mixed approach of interventions centred on the core activities of inspection and investigation. Resources were at a new high and were complemented by the industry knowledge and experience brought by inspectors recruited from the industry and by the work of non-inspector staff such HSAOs. Local Authorities were also being engaged as co-regulators and guidance for SMEs was being simplified. The Construction Industry Advisory Committee (CONIAC) was to be reconstituted and proposals for this would be brought to the Board.
7.2	Philip also provided an update on the response to the Secretary of State's Inquiry into the underlying causes of fatal accidents in construction. The report, which had been positive about the work of HSE, contained a wide-range of recommendations for which DWP, HSE, BIS and other Government Departments were working closely upon responses. The report was supported by a substantial body of evidence collected in Phase 1 and 2 of the inquiry; an initial analysis of this indicates that no new significant evidence was found on the specific issue of Directors duties but that the evidence was valuable and worthy of further analysis.
7.3	<p>In the discussion of the paper the following points were made:</p> <p>a) While tackling occupational health through the supply chain was a successful approach in some cases, more thought would be required as to how to address health at transient sites, particularly those carried out by utilities in the highway.</p> <p>b) Efforts to change SME behaviours required the support of demonstrable commercial benefits or enforcement action in order to be successful.</p> <p>c) The use of migrant labour was not perceived as having a significant impact upon levels of competence within the construction industry.</p> <p>d) There was strong alignment between the Construction Programme and the leadership and worker involvement goals of the Strategy.</p> <p>e) Enforcement action had an invaluable effect upon individual dutyholders and acted as a deterrent to others. Enforcement activities across all of HSE's Operational Directorates were being examined and any actions arising would be applied within CD.</p> <p>f) The Board had observed a welcome increase in standards of welfare facilities and in enforcement actions relating to welfare issues.</p> <p>g) The digital changeover, which would begin in Wales, would lead to increased working at height and HSE had initiatives underway to address the risks. The</p>

	<p>Board would be interested to know about any monitoring of these initiatives which might inform digital changeover interventions in the rest of the country.</p> <p>h) Falsely declared self-employment status was not a barrier to taking enforcement action against duty-holders.</p> <p>i) A careful balance needed to be struck on the resources and effort put into regulating larger projects/organisations and smaller projects.</p> <p>j) Intensive inspection initiatives linked to key themes and topics were important and should continue.</p> <p>k) The economic downturn appeared to be leading clients to opt for lowest tender, CD should be alert to the potential impact that this might have on health and safety</p>
7.4	<p>The Board noted the breadth and complexity of CD's regulatory responsibilities and commended CD on their work to date. The Board asked that the following points be taken forward in future work:</p> <p>a) Greater alignment between CONIAC and the Strategic Forum for Construction should be sought.</p> <p>b) The profile of health and safety as a factor in procurement decision-making required raising.</p> <p>c) Further work on root cause analysis of fatalities should be undertaken, especially in relation to the role and presence of adequate supervision.</p> <p>d) Efforts should be made to take a more joined-up approach to regulating SMEs.</p>
<b>Action point 2</b>	John Spanswick and Philip White to discuss the alignment of CONIAC and the Strategic Forum for Construction.
<b>8</b>	<b>Transposition of Traceability Directive on civil use explosives: consultation package – HSE/09/79</b>
8.1	Jane Willis introduced the paper and asked the Board to approve a review of explosives legislation, transposition of the Traceability Directive and the commencement of a shortened consultation exercise. The proposals represented a fundamentally different approach to that previously presented to the Board and would enable a much improved and simplified regulatory package to be in place by 2012.
8.2	The Board agreed the proposals in the paper and noted that the review would consider both the effectiveness and the impact of the regulatory package.
<b>9</b>	<b>September meeting agenda and Forward Look</b>
9.1	<p>a) The September Board meeting would take place in Edinburgh.</p> <p>b) The Board would be attending a HSE reception in the Scottish Parliament the evening before the meeting.</p>
<b>10</b>	<b>Any Other Business</b>
10.1	No other business was discussed.