

Health and Safety Executive Board			HSE/09/M4
Meeting Date:	29 April 2009	Fol Status	Open
Fol Exemptions			
Trim Reference:	2009/214587		
HSE Board Meeting - 29 April 2009 Redgrave Court, Liverpool			

Present:

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

Also attending:

Kevin Myers, David Ashton, Alex Brett-Holt, Gaynor Coldrick, Giles Denham, Steve Dennis, Sally Sykes, Elaine Harbour, Diane Tsavlos
 Len Creswell (Item 1), Eddie Morland, Patrick McDonald and Richard Lewis (Item 4)
 Philip White (Item 6), Jenny Eastabrook & Keith Wiley (Item 9), Phil Kemball (Items 10 & 11)
 Observers for open session - Charlotte Dunstan, Louise Rice, David Smeatham,

Apologies: Liz Snape, John Spanswick, Geoffrey Podger

Minutes: Laurence Monaghan

Open Session	
5	Welcome and Introductions
5.1	<u>Introduction</u> The Chair noted that apologies had been received from John Spanswick, Liz Snape and Geoffrey Podger.
5.2	<u>Minutes</u> The minutes for the February and March meetings were agreed with a minor amendment to the February minutes. It was requested that the outstanding action for a paper on recruitment be closed off at the June or July Board.
5.3	<u>Matters arising</u> The Chair provided an update on matters arising since the last open Board meeting which included: a) The Board and SMT have held a residential away-day in Buxton b) A launch date of 3 rd June has been set for the new Strategy c) The Chair and Director FOD Scotland have given evidence to Calman Commission d) The Chair has appeared in interviews for Panorama programme and the Times. The Board recorded their thanks to the Chair for her handling of these engagements.
6	Chief Executive's Report – HSE/09/35
6.1	Kevin Myers presented the Chief Executive's written report and the following points were made in its discussion: a) Select Committee – the programme of Select Committee activities will be copied to the Board b) Publishing fatals data – the same single release of information is to be used for the CE report and online publishing c) Swine Flu – DoH has the lead for this and HSE is in the loop. The HSE website

	<p>provides appropriate links and information. Regional Directors have been briefed for Gold Command.</p> <p>d) Offshore helicopter safety – HSE will provide reassurance where it can through its own activities to secure offshore safety.</p>
7	Proposals for a Statutory Register of Tower Cranes – HSE/09/41
7.1	<p>Philip White introduced the paper which sought direction from the Board on the form the proposed register should take and made the following points:</p> <p>a) Since the Board's previous discussion of the register at their January 2009 meeting DWP Ministers had committed HSE to work to a very tight timetable of April 2010 implementation.</p> <p>b) It is intended to present the draft consultation package to the June Board meeting, consultation is planned for between late July and the 'package' would return again with the outcome of the consultation in December.</p> <p>c) Direction was being sought from the Board on:</p> <ul style="list-style-type: none"> • The scope of register – which types of tower crane and which industry sectors should be covered; • The form of public access to the information to be held; and, • The regulatory route to implement the register.
7.2	<p>The Board made the following points in response to the paper:</p> <p>a) Public assurance was a significant aspect of this work and should be reflected in the consultation.</p> <p>b) The eventual scope of the register will have a significant impact on the cost/benefit analysis and could present risks to achieving deadlines.</p> <p>c) The register is a discrete legislative initiative but it will complement non legislative measures already in place or planned.</p> <p>The Board noted that the register would likely be based around the information required following examinations under the Lifting Operations and Lifting Equipment Regulations; this detail is currently under preparation and will be outlined in the draft consultation document for consideration in June.</p>
7.3	<p>The Board thanked those involved for the rapid progress made so far and agreed the following approach to the questions in the paper:</p> <p>a) The register should be introduced through free-standing regulations</p> <p>b) The requirements for HSE administration of the register should be kept as simple as possible</p> <p>c) The choice between introducing a restricted (assisted-erected cranes only) or a broader register (assisted-erected and self-erected) should form part of the basis for the consultation. The distinction between construction cranes and all industry cranes should also be included in the consultation. The approach for the other aspects of the register will follow from the outcome of these consultation questions.</p>
8	Update on the Regulatory Decision Making Audit – HSE/09/33
8.1	<p>Kevin Myers introduced the findings from the latest audit of a sample of HSE and LA enforcement decisions arising from investigations, highlighting that:</p> <p>a) The findings demonstrated an improved outcome on the previous exercise; while it was emphasised the audit is just one source of assurance about the appropriateness of enforcement decisions, in itself this outcome provides a significant degree of assurance and demonstrates the impact of the work of the Enforcement Programme.</p> <p>b) The previous audit report had generated national media interest and a media handling plan was in place for this latest report.</p>
8.2	<p>In discussion of the findings the following points were made:</p> <p>a) Overall, the level of consistency demonstrated by the audit was very high.</p>

	<ul style="list-style-type: none"> b) Checking the consistency of enforcement decisions with the EPS is very important and HSE should be seeking even better consistency. c) In comparison to other government departments the RDM audit is quite advanced although it does have some limitations and it is appropriate to consider different approaches to assurance.
8.3	<p>The Board agreed:</p> <ul style="list-style-type: none"> a) The planned peer-review exercises should be considered as a potential alternative source of assurance and be audited against this purpose. b) Further work should be undertaken to explore the apparent volume of investigations requiring no action to be taken following investigation. c) A proactive statement summarising the outcome of the audit should be placed on the HSE website: it should be upfront about the positive outcome of the audit and describe past and planned work on enforcement consistency.
9	Worker Involvement Training Proposals – HSE/09/43
9.1	Jenny Eastabrook introduced proposals for new work to drive forward the strategy goal of promoting worker involvement and consultation. The proposed plans consisted of a package of four worker involvement initiatives to take place during 2009-2011 requiring a commitment to spend up to £4m over the period, plus staff costs. The Board were asked to agree the proposed strategy and its funding and provide views on the targeting of initiatives.
9.2	<p>The Board thanked Jenny and Keith for their work. In discussion of the paper the following points were made:</p> <ul style="list-style-type: none"> a) The work will be targeted towards high risk industries. The work would not be targeting large public sector organisations which should have the means to address these issues unassisted. b) A separate media campaign is not planned; instead sensibly placed messages on worker involvement and leadership will be included in other campaigns. c) In principle the work might trigger smaller firms to identify safety representatives. d) The package of initiatives will be evaluated as a whole. e) The targeting of BME groups will not be at the exclusion of other groups.
9.3	The Board were keen to see this work go forward and felt it was right and proper for HSE to be seen to be promoting exploratory work. The Board supported the proposals and looked forward to receiving the fully developed plans.
10	Final Version of the Strategy and Launch Arrangements – HSE/09/36
10.1	Phil Kemball and Sally Sykes introduced this item. The Board had received the final version of the Strategy text, which they agreed, and work was continuing on the final document design. The Strategy will be launched on 3 rd June and planning is underway for a media launch event.
11	Results of Consultation on the New Strategy – HSE/09/37
11.1	<p>Phil Kemball provided an overview of the results of the consultation on the draft Strategy document:</p> <ul style="list-style-type: none"> a) A mostly qualitative analysis of the consultation responses had indicated a number of recurring issues that HSE might want to take forward so as to build on the goodwill generated by the consultation exercise. b) The headline issues were: the roles of the insurance industry and education sector; the relationship with professional bodies; expectations for enforcement activity and consistency.
11.2	<p>The Board thanked Phil for all his work in developing the Strategy and made the following points:</p> <ul style="list-style-type: none"> a) These were important strands to be taken forward that could be facilitated through

	<p>the new Strategy Action Team (SAT) arrangements although the SATs would not be directly responsible for delivery. The Board would welcome further description of the SAT arrangements.</p> <p>b) By taking forward this work HSE will be encouraging stakeholders to develop their own delivery plans as well as consulting them.</p> <p>c) Communications Directorate will be undertaking a review of stakeholders' activities to support delivery of the Strategy.</p>
Action point 50	Kevin Myers to provide the Board with a note on the planned work of the Strategy Action Teams (SATs)
12	The Work of Advisory Committees – HSE/09/42
12.1	Giles Denham presented this paper which sought the Board's views on draft workplans from the Advisory Committees covering Agriculture, Construction and Toxic Substances. The paper was the start of a process that would enable more informed Board discussion and feedback on the work of advisory committees and other committees would be considered in future meetings.
12.2	<p>The Board thanked Giles for the paper, and those involved in producing the draft workplans, and made the following points:</p> <p>a) The paper provided a model process that could be gradually rolled out to other committees who should be made aware of the impending exercise.</p> <p>b) Further work was required on the workplan process and this would take place after the Strategy launch and would reflect the Board's views.</p> <p>c) The CONIAC and AIAC were good initial responses to the draft Strategy and the Board were content for the sector advisory committees to be reconstituted in their current forms.</p> <p>d) The Board would be exploring the work and context of ACTS in consultation with its members, and in relation to the work of the other similar bodies.</p> <p>e) The Board now had a gatekeeping role for the work of Advisory Committees which included ensuring novel work followed appropriate processes and was aligned to the Strategy.</p>
13	Future Agendas and Forward Look
13.1	<p>The May agenda was agreed. The Board would meet for a private discussion on the evening before the meeting.</p> <p>The August Board meeting and the Scotland away day were confirmed.</p>
14	Any other Business
14.1	<p>A note of the recent LGP meeting will be circulated to the Board.</p> <p>In future papers distributed at meetings will also be circulated to Board members electronically.</p>