

Health and Safety Executive Board			HSE/11/M12
Meeting Date:	7 December 2011	FoI Status	Open
FoI Exemptions			
Trim Reference:	2012/103498		
<b>Minutes of HSE Board Meeting – 7 December 2011</b> Unison Centre, London			

**Attending**

Judith Hackitt – Chair	Richard Taylor	Hugh Robertson	David Gartside
John Spanswick	Sandy Blair	Frances Outram	Robin Dahlberg
Nick Baldwin	Paul Kenny	Liz Snape	

**Apologies**

**Also attending**

Geoffrey Podger, Kevin Myers, Sue Johns, Gaynor Coldrick, Steve Dennis, Peter McNaught, Jane Willis, Sally Sykes, Laurence Monaghan, Ian Philips (all items); Clive Fleming (item 3); Philip White & Anthony Lees (item 4); Les Philpott (item 8); Dr Lesley Rushton & John Osman (item 9); Gordon MacDonald (items 10 & 13).

**Minutes** Laurence Monaghan

<b>Open Session</b>	
<b>5</b>	<b>Minutes (HSE/11/M08C)</b>
5.1	The minutes were agreed with a request that the reference to the plan on a page in 4.2.a) be removed. It was also confirmed that the preparatory work described in 7.1 was now underway.
<b>6</b>	<b>Chief Executive’s Report (HSE/11/76)</b>
6.1	<p>Geoffrey Podger presented his Chief Executive’s report and praised the attitude among staff reported in the staff survey during what had been a year of significant change for HSE. During the discussion of the report the following points were made:</p> <ul style="list-style-type: none"> <li>a) Numbers of prosecutions varied from year to year according to targeting and the deployment of resources among other reasons.</li> <li>b) SMT would be discussing the findings of the staff survey and would bring a summary of the outcome of those discussions to the Board.</li> <li>c) The Board wished to keep the mining sector under review and were to be provided with a paper on the health and safety challenges in this sector.</li> <li>d) The Board requested further information on the recording of fatal accidents arising from illegal activities which considered different scenarios.</li> <li>e) The Minister had recently agreed that HSE could put forward a case to undertake a further asbestos campaign and options for doing so would be brought to the Board in due course.</li> <li>f) The Board remained concerned at the increase in fatal accidents in 2010/11 and the potential impact of an upturn in the economy might have on accident levels should real economic recovery begin.</li> <li>g) The Board commended the safety record of the 2012 London Olympics construction project and the benefits it had provided for productivity.</li> </ul>

<b>7</b>	<b>Chair of the Office for Nuclear Regulation Report to the HSE Board (HSE/11/77)</b>
7.1	The Board noted the report from the ONR Chair and welcomed the progress made towards the recruitment of nuclear inspectors.
<b>8</b>	<b>Office for Nuclear Regulation: High Level Strategy (HSE/11/78)</b>
8.1	Nick Baldwin introduced the high level strategy by drawing attention to two key challenges for its delivery which were: a) Bringing about the cultural change within ONR to achieve the required openness and transparency as a regulator. b) Recruiting the staff and capabilities required in what are very competitive international job markets.
8.2	The strategy was approved by the Board with the following comments: a) Conventional health and safety would be a significant issue for nuclear new build and needed to be appropriately addressed by the final strategy. b) The approach ONR took towards conventional health and safety would need to be integrated with HSE's approach. It was confirmed that the ONR Board would be considering this issue and how it was to be addressed in the final strategy c) There had been a number of lessons learned from the decommissioning activities already undertaken and these should be used to inform the final strategy.
<b>9</b>	<b>Update on Burden of Cancer Study (No paper)</b>
9.1	Dr Lesley Rushton provided the Board with a presentation on a HSE-funded study into the estimation of the burden of cancer in Great Britain attributable to occupation. In discussion of the presentation the following comments were made: a) A technical report on the findings would be available. b) It needed to be emphasised that the findings regarding shift and night working were mostly derived from animal evidence and the human evidence was as yet unclear. There had been a further study commissioned into this particular exposure. c) The presentation demonstrated that the challenge was not just about what regulation was in place but also about how to secure compliance in all workplaces. d) The Board would need to consider HSE's approach to occupational ill-health in light of the findings.
9.2	The Board thanked Dr Rushton for what had been a powerful presentation and asked to receive a paper on HSE's view of the findings and what they might mean for a future intervention strategy. This paper was to also provide an update on what HSE was already doing in the areas described in the presentation.
<b>Action point 1</b>	A paper was to be provided on the findings of the study into the estimation of the burden of cancer in Great Britain due to occupation and what they meant for HSE's future occupational ill-health intervention strategy.
<b>10</b>	<b>Outcome of the Consultation on the Fee for Intervention Scheme (HSE/11/79)</b>
10.1	Gordon Mac Donald summarised the outcome of the formal consultation of the fee for intervention scheme and the proposals that had been developed for addressing the issues that it had raised.

10.2	<p>The Board gave their very strong support for the proposals in the paper and congratulated the team on the progress that had been made. They also recognised that there were some issues which could not be addressed until the scheme was in operation but for those areas they were content to support the direction being proposed. With regard to the individual issues raised in the paper the Board provided the following directions:</p> <ul style="list-style-type: none"> <li>a) Further consideration was to be given to how HSE would maintain its relationships with stakeholders.</li> <li>b) Consideration was also to be given to the proper protection of staff applying the scheme with difficult dutyholders.</li> <li>c) Individual relationships between inspectors and dutyholders receiving an invoice were a concern.</li> <li>d) The Board were content with how concerns about the effect of the scheme on HSE's priorities had been addressed and supported the proposals developed in relation to the concerns around the issue of material breach, including the development of a simplified EMM.</li> <li>e) It was confirmed that the dispute panel would compose a range of appropriate expertise.</li> <li>f) The Board agreed that local authorities were to be excluded from the scheme.</li> <li>g) The suggested review period was agreed and it was confirmed there would be continuing central oversight of the scheme's operation. The shadow-running exercise would also be used to develop day-to-day monitoring arrangements so as to be able to react to challenges. The Board recognised that even with these arrangements there could be some unavoidable reputational damage while the scheme bedded-in.</li> </ul>
<b>11</b>	<b>Future Agendas (HSE/AG/10/2011)</b>
11.1	The January agenda and forward look were agreed with no comments.
<b>12</b>	<b>Any other business</b>
12.1	No other business was discussed.