

Health and Safety Executive Board			HSE/12/M12
Meeting Date:	5 December 2012	FoI Status	Open
FoI Exemptions			
Trim Reference:	2013/ 42679		
Minutes of HSE Board Meeting – 5 December 2012 Lower Ground Meeting room, Caxton House, London			

Attending

Judith Hackitt – Chair	Richard Taylor	Hugh Robertson	David Gartside
Howard Shiplee	Sarah Veale	Frances Outram	
Isobel Garner	Paul Kenny	Nick Baldwin	

Also attending

Geoffrey Podger, Kevin Myers, Gaynor Atherton, Dave Thomas; Jane Willis; Peter McNaught, Gordon Macdonald, Sarah-Dean Kelly, Dave Bench, Rachel Radway, Les Philpott, David Senior, Clive Fleming, Laurence Monaghan, Rachel Grant, Helen Smith, Stephen Williams, Kate Sweeney, Rukhsana Dumbrell, Alex Farnhill,

Minutes Alex Farnhill

4	Welcome & introductions
4.1	Welcome: a) The Chair welcomed observers and officials to the meeting. Apologies: b) Apologies were given by Robin Dahlberg Minutes: c) The Minutes of the 31 October 2012 Board meeting were cleared with no amendments. Matters arising: There were no matters arising from the last meeting for the open session.
5	Chief Executive’s Report (HSE/12/90)
5.1	Geoffrey Podger spoke to his report drawing attention to a number of issues: a) The Board noted the production of the Annual Statistics and were made aware of an error in the number of notices issued which has now been corrected. b) The Board noted that Professor Lofstedt is carrying out his review into the impact of the implementation of the health and safety reforms to date. The findings will be reported to the Minister for Employment in January 2013. c) The Board noted that following two months of Fee for Intervention, cost

	<p>recovery work under FFI is still at a relatively low level with legacy work believed to be the major influencing factor. Once this starts to clear then the levels are expected to rise.</p> <p>d) The Board noted that there is a reported 86% drop in local authority inspections for 2012/13 from levels recorded in 2009/10, probably largely down to reduced inspection resource.</p> <p>e) The Board noted that planning for the Occupational Disease Conference is progressing well and that the steering groups will ensure Occupational Cancers receive proper coverage.</p> <p>f) In the context of the Information Commissioner's prosecution and more recent testimony given to the Scottish Affairs Committee, the Board noted that the HSE condemn any form of Blacklisting of employees by employers for raising concerns about safety standards at work.</p>
6	Chair of the Office of Nuclear Regulation Report to the HSE Board (HSE/12/91)
6.1	<p>Nick Baldwin presented his report. He drew the Board's attention to the following:</p> <p>a) The Board noted that the Energy Bill has been read by Parliament and there will be a second reading before the end of the calendar year. ONR's structure and enforcement powers will be set out in this bill and will be similar to what is currently in place. The recovery of costs by ONR will need to be set by new fees regulations.</p> <p>b) The Board noted that new guidance on security has been issued by ONR, moving towards a goal setting regime to enable ONR to regulate issues across the industry in a consistent manner.</p> <p>c) The Board noted that ONR are in the process of updating and revising their KPI's for managing the business. Quarterly assurance reports will be provided to the Board and DECC which will include headline indicators for performance and reports on events recorded by licensees with potential to affect nuclear safety</p>
Action 1:	ONR to provide a written briefing to the Board on the changes and issues affecting ONR in the Energy Bill.
7	Conventional Health and Safety Regulatory Approach for Nuclear Sites
7.1	<p>Les Philpott and David Senior presented the paper updating the Board on the regulation of conventional health and safety at nuclear sites.</p> <p>In discussions the following comments were made:</p> <p>a) The Board noted that the ONR Board has accepted this paper and that HSE SMT was consulted in its preparation. ONR and HSE are committed for the future to building on the strengths of ONR and HSE as sister organisations to address Health and Safety regulation.</p> <p>b) The Board notes that as part of this continued close working relationship Field Operations Division have agreed to second two Band 3 inspectors into ONR.</p> <p>c) The Board noted that construction is a high priority for ONR in</p>

	<p>conventional Health and Safety with a new reactor build due soon. The Chief Inspector of Construction will work closely with ONR inspectors to ensure a joined up approach is taken to these large build projects, similar to that of our approach to the Olympics.</p> <p>d) The Board commented that there is clear commitment in ONR and HSE to maintain a good working relationship that co-operates together and shares learning and knowledge between both organisations</p>
Action 2:	Schedule an update to the Board on Conventional Health and Safety in Nuclear Sites in June/July 2013
8	The Work of Hazardous Installations Directorate (HSE/12/93)
8.1	<p>Gordon Macdonald presented the paper to provide an overview of the work of HSE's Hazardous Industries Directorate (HID) in regulating non-nuclear major hazard activities:</p> <p>In discussions the following comments were made:</p> <ul style="list-style-type: none"> a) The Board noted that this paper shows the diverse areas HID regulates from small mines to large onshore petrochemical and offshore industries and the risks to employees, public and the environment from single incidents that can occur. b) The Board noted there are common themes which apply across all of the industries HID regulate, such as leadership, safety performance indicators, asset integrity, competence management, emergency planning and effective workforce involvement. These are the areas which interventions focus on to ensure industries have appropriate strategies in place at board level and throughout the organisation to manage the various risks. c) The Board noted that our intervention strategy focuses on the principles of doing the right things, going to the right places and finishing what we start d) The Board acknowledged the informative and detailed paper on the work of HID. e) The Board noted that HSE judgement of the health and safety performance of some hazardous industry sectors were less favourable than those the sectors concerned appeared to hold. HSE would continue to operate on the basis of the former whilst also engaging in dialogue with industry sectors to understand the reasons for differences in perception.
9	Outcome of the consultation on proposals to review HSE's Approved Codes of Practice (CD241) (HSE/12/94)
9.1	Clive Fleming presented a report that provided analysis of the responses from the consultation requesting the Board to agree suggested actions to take the review

	<p>proposals forward.</p> <p>In discussions the following comments were made:</p> <ul style="list-style-type: none"> a) The Board noted the response to the consultation and the analysis report with the paper. b) The Board agreed that the proposed revisions and consolidations of ACOPs should be taken forward on this basis. c) The Board noted the conclusions regarding the proposed withdrawals of ACOPs and the intention to bring further detailed papers seeking the Board's agreement to withdraw those three ACOPs d) The Board agreed that a page limit on the length of ACOPs should not be introduced e) The Board agreed that the proposed principles for producing ACOPs be adopted to inform the next stage of the review.
Action 3:	Provide an overview of the architecture of all Health and Safety guidance, including the communications strategy for the January 2013 Board meeting.
10	Review of the Management of Health and Safety at Work Regulations – Approved Code of Practice (HSE/12/95)
10.1	<p>Clive Fleming presented the report, in which the Board were asked to note the response to the consultation and the analysis. The Board was also asked to agree that the Management of Health and Safety at Work Regulations ACOP be withdrawn.</p> <p>In discussions the following comments were made:</p> <ul style="list-style-type: none"> a) The Board noted that this publication did not pass the ACOP test, it is very much of its time and the HSE and LA do not use it for enforcement purposes. b) The Board expressed concern that withdrawing the ACOP could lead to a decline in safety standards in some workplaces. Also there are still some good elements in this ACOP that might be more useful in a slimmed down version or possibly incorporated into the new HSG65 c) The Board agreed that it should be possible for this ACOP to be withdrawn in due course but a decision on whether it is replaced by a slimmed down version or elements included in the new HSG65 needs to be decided upon first.
Action 4:	Provide an update to the Board on the progress of HSG65, specifically part 3, to determine if elements of the Management ACOP can be included or if a slimmed down version required.
11	Proposed revocation of the Docks Regulations 1988 and future of the Approved Code of Practice on Safety in Docks – Outcome of stakeholder meetings and proposed next steps (HSE/12/96)
11.1	Jane Willis presented this paper inviting the Board to note the outcome of meetings with industry representatives, to advise on whether they wish to replace

	<p>existing Safety in Docks ACOP with a hybrid ACOP material/signposting guidance document (or with HSE guidance in the form of a Code of Practice). The Board were also asked to recommend that the Docks Regulations 1988 should be revoked and the current Safety in Docks ACOP withdrawn: but with the implementation date delayed until October 2013 to ensure the replacement guidance and suite of PSS guidance is in place (assuming a replacement for the existing ACOP is agreed)</p> <p>In discussions the following comments were made:</p> <ul style="list-style-type: none"> a) The Board were updated on the discussions between employer and employee representatives and HSE since the September meeting. b) The Board noted good progress on putting practical measures in place to improve safety in the Docks industry. c) The Board noted good progress on removal of the Docks regulations had also been made but employee and employer representatives had requested more time to consider which elements of the existing ACOP, if any, needed to remain to ensure standards were maintained and improved. d) The Board received assurances that the necessary responses would be provided shortly so that a final decision on the way forward could be taken.
Action 5:	Report back to the Board on the outcome of the discussions between employer and employee representatives in due course.
12	Health and Safety Statistics 2011/12: Key facts and International Comparisons
12.1	<p>Kate Sweeney presented this paper which is the latest health and safety statistics for 2011/12 and to provide international comparisons where possible to statistics for Great Britain into context.</p> <p>In discussions the following comments were made:</p> <ul style="list-style-type: none"> a) The Board noted that self reported work related illness in the last 12 months fell by 79,000 to 1.1 million with a measurable downward trend over the last decade. New cases of self reported work related illness fell by 43,000 to 452,000 with a significant downtrend since 2001/2. b) The Board also noted that RIDDOR reported over 3 day injuries fell by 3% over the year and Major injuries fell by 10%. c) The Board noted that Fatal Injuries to workers remained essentially flat, 173 in 2011/12 compared to 175 in 2010/11. d) The Board noted that working days lost due to work related ill health and injury increased slightly to 27 million and average days lost increased from 15.5 to 16.8. Workplace ill health and injuries (excluding cancer) cost society an estimated £13.4 billion in 2010/11 (compared with 13.9 billion for 2009/10) e) The Board noted that deaths from Mesothelioma continue to rise year on year due to past exposure to Asbestos. f) The Board clarified that both the numbers and rates of injuries of ill health

	<p>have fallen and welcomed these figures.</p> <p>g) The Board noted that Great Britain is in a strong position when compared to international counterparts and would like to use this paper to highlight this more widely.</p> <p>h) The Board acknowledged this was a useful and informative paper.</p>
Action 6:	Amend format of paper HSE/12/97 and publish it prominently on the HSE's statistics website.
13	Future Agendas
13.1	<p><u>30 January 2013 draft agenda</u></p> <p>a) The Board noted that the paper on First Aid Regulations to be circulated via correspondence and removed from the January 2013 agenda.</p>
Action 7:	Update the Agenda and Board Forward Look as requested above.
14	Any Other Business
14.1	No other business was discussed.