

Health and Safety Executive Board			HSE/12/M08
Meeting Date:	22 August 2012	FoI Status	Open
FoI Exemptions			
Trim Reference:	2012/382355		
Minutes of HSE Board Meeting – 22 August 2012 Whittingham Suite, Redgrave Court, Bootle			

Attending

Judith Hackitt – Chair	Richard Taylor	Hugh Robertson	David Gartside
Howard Shiplee	Liz Snape	Frances Outram	Robin Dahlberg
Isobel Garner	Paul Kenny	Nick Baldwin	

Also attending

Geoffrey Podger, Steve Dennis, Gaynor Coldrick, Jane Willis, David Ashton, Navroza Ladha, Sue Johns, Rukhsana Dumbrell, Rachael Radway, Clive Fleming, Steve Williams, Philip White, Julie Sharman, Kate Haire, Barbara Hockey, Kenny Macdonald, Wendy McVey, Gill Smith and Kären Clayton.

Minutes Rukhsana Dumbrell

Open Session	
8	Welcome & Introductions
8.1	<p>Welcome:</p> <p>a) The Chair welcomed observers to the meeting. She welcomed Howard Shiplee to his first meeting as a HSE Board member and Navroza Ladha who was deputising for Peter McNaught.</p> <p>Apologies:</p> <p>b) Apologies were given for Kevin Myers and Peter McNaught.</p> <p>Minutes:</p> <p>c) The minutes from the June 2012 Board meeting (HSE/12/M06C) were cleared with no comments.</p> <p>Matters arising:</p> <p>d) There were no matters arising.</p>
9	Chief Executive’s Report (HSE/12/59)
9.1	<p>Geoffrey Podger presented his report. He drew the Board’s attention to the following:</p> <p>a) Publication of HSE’s Fatality statistics for 2011/12 and interim Offshore Safety Statistics.</p>

<p>9.2</p>	<p>b) There continued to be publicity on the two outbreaks of Legionnaires disease.</p> <p>c) HSE had satisfied the stringent standards set and audited by the Office for Civil Service Commissioner's for the Recruitment Audit. Congratulations were due to Gaynor Coldrick and her team.</p> <p>d) The Olympic Games had passed off well and he extended his thanks to colleagues who had worked shifts during the Olympics and would continue that pattern until the Paralympics were ended.</p> <p>e) Paragraphs 15 and 16 of the report referred to the likely closure of Sonae Industria (UK) Limited. Since this report had been circulated further information had been received which implied greater uncertainty over future plans. The Board would be updated in due course.</p> <p>The following comments were made in discussion:</p> <p>f) The Board acknowledged that the fatality statistics were only one part of the health and safety story because the greater toll on health was not captured by these particular statistics.</p> <p>g) The Board noted that the Offshore Industry now reports on the backlog of safety critical maintenance offshore, the transparency of which had created additional pressure on industry to take remedial action.</p> <p>h) The Board noted that Deputy First Minister of Scotland, Nicola Sturgeon, had thanked the Legionella Incident Team, of which HSE were a part.</p> <p>i) The Board noted that the Legionella outbreak in Stoke-on-Trent was from a different source to that in Edinburgh. They advised that learning from these and other recent cases should be used to take stock of whether more awareness raising and public information was needed.</p> <p>j) The Board requested that it had the opportunity to revisit the current action plan.</p> <p>k) The Board noted that the outcome of the Mid-Staffordshire Inquiry was likely to be published in November 2012. Once the outcome had been published, HSE would look to extend the Liaison Agreement (paragraph 14) to include social care.</p> <p>l) The Board noted the high number of requests under Freedom of Information but were advised that the volume was considered by HSE to be normal. Members of the public often sought information to support civil law suits. The Board requested further analysis, including analysis of those linked to civil litigation versus policy related requests.</p> <p>m) The Board noted the significant prosecutions and requested additional information on the number of successful corporate manslaughter convictions, which had occurred since the new legislation was introduced.</p>
<p>Action 4:</p>	<p>A paper to the Board on Legionella, reviewing HSE's current strategy/action plan and the Board's previous conclusions, and update the Forward Look.</p>
<p>Action 5:</p>	<p>Provide analysis of requests received under Freedom of Information, distinguishing between those seeking information to support civil litigation versus policy related</p>

	matters.
Action 6:	Provide information on the number of successful corporate manslaughter convictions.
10	Chair of the Office of Nuclear Regulation Report to the HSE Board (HSE/12/60)
10.1	Nick Baldwin presented his report. He drew the Board's attention to the following: <ul style="list-style-type: none"> a) The Essentials for Vesting Project had been set up to deliver the range of business products required before ONR becomes a statutory corporation. b) Work was on-going to discern how many of the current vacancies needed to be filled. c) Work is underway to review and refine ONR's key performance indicators (KPIs).
10.2	In discussions the following comments were made: <ul style="list-style-type: none"> d) The Board noted that Nick Baldwin had met Chris Grayling (DWP) and Charles Hendry (DECC) before summer recess. e) The Board noted that the review of ONR's KPIs was underway.
11	Health and Safety Toolbox: Controlling the Risks Revised Guidance (HSE/12/61)
11.1	Jane Willis introduced the item and Kate Haire gave a presentation to the Board on what the interactive guidance for SMEs, " <i>Health and Safety Toolbox: How to control risks at work</i> " looked like, demonstrating how the micro site would interface with the website
11.2	In discussions the following comments were made: <ul style="list-style-type: none"> a) The Board welcomed the presentation and agreed the changes to the home page and the creation of the toolbox site had achieved the objective of offering simpler and more interactive guidance, which was user friendly and accessible. b) The Board was eager to identify ways to protect HSE's intellectual property in order that HSE would be recognised as the source, should HSE's information be adopted by third parties. c) The Board commented that health issues were also important and they were keen that such issues should be given more prominence. d) The Board agreed that the launch of the Toolbox provided an ideal opportunity to re-launch the <i>Health and Safety Made Simple</i> in parallel. The launch of the micro site also provided the platform to invite the insurance industry to promote the Toolbox to small businesses. e) The Board noted that the Toolbox micro-site would go live at the end of August 2012. The Board recommended that this development be used as an example for why the move from the HSE website to the Government's single domain poses significant risks and disadvantages.
Action 7:	Provide an evaluation of the hits on and directions to the new Toolbox after 3

	months, and update the Forward Look.
12	Field Operations Directorate Change Programme (HSE/12/62)
12.1	David Ashton and Wendy McVey gave a presentation to the Board providing an overview of the scope, aims, nature, challenges and progress of the FOD Change Programme.
12.2	In discussions the following comments were made: <ul style="list-style-type: none"> a) The Board noted that FOD was in the second year of a four year Change Programme. b) The Board noted SCS visits were planned in the autumn. This would provide the opportunity for staff to debate the issues and discuss the changes. The Board agreed it was important to support staff and identify any aspects hindering progress. c) The Board noted that the HSE vision regarding IT was to enable inspectors in the field to operate remotely by accessing the full range of systems and data, including from other sources - for example from local authorities - to gather intelligence on duty-holders otherwise not known to the HSE. d) Given that it was now 15 months since proactive inspections had been targeted at high risk premises, the Board requested analysis of this with particular reference to the profile of inspections across the sectors.
Action 8:	Provide an update to the Board on the impact of proactive inspections by sector, and update the Forward Look.
13	HSE Regulation of the Construction Industry (HSE/12/63)
13.1	Philip White presented the paper providing an update on HSE's regulation of the construction industry, inviting the Board to note the content of the paper.
13.2	In discussion the following comments were made: <ul style="list-style-type: none"> a) The Board welcomed the paper and noted that the current Construction Plan of Work was in the second year of its three years. The Board noted the four key operational priority areas, which included small sites/duty holders, asbestos licensing, refurbishment and major projects/large contractors. b) The Board agreed that the supply chain (e.g. professional advisors, sub-contractors and self-employed) was crucial in terms of having an impact on safety. In particular, they noted the very positive supply chain impact of the asbestos campaign and highlighted concerns at further possible delays on the re-run of the Hidden Killer campaign. c) The Board noted that HSE had been in discussions with UKCG to promote the Leadership and Worker Involvement Toolkit to smaller contractors; but further work was needed to facilitate arrangements for large contractors to work with those outside of the supply chain. d) The Board highlighted their concern related to refurbishment. They welcomed HSE's work with duty-holders in the retail sector in relation to refurbishment. The Board agreed the issue was less about small contractors

	<p>operating safely on large sites, but more about smaller contractors working on small sites. This was a large sector and targeting small contractors alone would not move the focus on safety forward but a change in culture and attitude was also needed,</p> <p>e) The Board noted that the plethora of accreditations and qualifications needed to be addressed as part of the CDM regulatory package debate. HSE had been working hard to ensure mutual recognition between pre-qualification schemes. They also agreed that the CDM regulations provided the opportunity to highlight the role that Building Information Management (BIM) software could have in reducing paperwork. The Board noted HSE was in the process of working with industry on this issue.</p> <p>f) The Board acknowledged the major challenges faced by the construction industry and noted that improvements had been made over the last five years. They concluded that the industry was moving in the right direction and effort to get the messages out must continue.</p>
<p>14</p>	<p>Outcome of the Consultation on proposals to remove fourteen legislative measures (HSE/12/57)</p>
<p>14.1</p>	<p>Jane Willis and Clive Fleming presented the paper and invited the Board to consider the outcome of the consultation and agree the recommendations to the Minister.</p>
<p>14.2</p>	<p>In discussions the following comments were made:</p> <p>a) The Board agreed the proposals in Part A of the paper to revoke the Celluloid Legislation; NIHHS Regulations; Gasholders Order (and section of the Factories Act); Shipbuilding and Ship Repair Regulations; and the Metrication Regulations.</p> <p>b) Some Board members highlighted concerns that the revocation of the Construction (Head Protection) Regulations may be misinterpreted as implying that head protection was no longer required.</p> <p>c) The Board agreed that strong stakeholder communications and joint working was needed to get the message out across industry that this was about tidying up regulations, but that standards had not changed. The focus on refurbishment next year would bring further opportunity to emphasise the importance of all PPE.</p> <p>d) The Board had expressed reservations about the value of the Tower Crane Regulations when they were introduced in 2010. The register existed to inform members of the public about the location of tower cranes and bore no relationship to the safety of erection or the number of incidents. Other measures continue to be pursued to improve tower crane safety.</p> <p>e) The Board agreed significant follow up work was needed on tower crane safety but agreed to recommend proceeding with the revocation of the register. They agreed the focus should be on where HSE could make a difference to improve health and safety.</p> <p>f) The Board noted that the current Docks Regulations were over 34 years old. They expressed concern that the revocation of these regulations would also result in the removal of the associated Approved Code of Practice (ACoP). The Board was advised of plans in place to update guidance that would</p>

	<p>eventually replace the ACoP.</p> <p>g) The Board sought reassurances that plans were in place to communicate the message about the changes and agreed the guidance must be robust if it was intended to replace the ACoP. Officials were invited to investigate whether some aspects of the Docks Regulations ACoP could be specifically captured elsewhere in law.</p> <p>h) The Board raised concerns about the timescale for issuing guidance and allowing time for industry familiarisation and asked that consideration be given to allowing more time for the new guidance to be embedded before revocation of the regulations.</p> <p>i) Before coming to a decision, the Board requested the following additional information: a list of the proposed guidance; timetable for production of the suite of guidance; the industry's strategy for communicating the messages; and what options there might be to incorporate the ACoP into other legislation.</p> <p>j) As the matter was urgent, on receipt of the additional information the way forward would be agreed by the Board via correspondence.</p>
Action 9:	Provide additional information on docks as discussed. Agree the way forward via correspondence.
15	Occupational Cancer – Priorities for Future Intervention (HSE/12/64)
15.1	Jane Willis and Gill Smith presented the paper in response to the Board's request for further details on the scale of activities involved in delivering interventions on occupational cancer and the resources deployed.
15.2	<p>In discussions the following comments were made:</p> <p>a) The Board welcomed the paper which they felt presented the issues well.</p> <p>b) The Board recognised the challenges in working to reduce occupational exposure to agents such as diesel exhaust emission and silica, and were still of the view that improving compliance with current occupational exposure limits would improve the situation. They also recognised that there was still insufficient evidence, at present, to confirm the link between shift work and breast cancer.</p> <p>c) The Board agreed HSE should:</p> <ul style="list-style-type: none"> i. proactively engage with professional bodies to deliver future interventions; ii. explore avenues for possible interventions; iii. continue to develop its partnership work on asbestos, respirable crystalline silica and welding; iv. maintain its current low level of activity of tetrachloro-ethylene and polycyclic aromatic hydrocarbons; and v. continue to support organisations who lead on radon and solar

	<p>radiation.</p> <p>d) The Board queried whether ‘mineral oils’ should have been included in the list of ten agents/ occupations included in the paper. Officials agreed to revisit the Rushton report and the prioritisation process used to determine the ten agents/ occupations.</p> <p>e) The Board strongly endorsed the recommendation for a conference or workshop run by HSE to encourage partners to explore what more could be done on occupational disease, and what partners can realistically deliver. The Board felt that the ‘health community’ was a long way behind its counterparts in the ‘safety community’ in the development of partnership working.</p> <p>f) The Chair indicated that the structures in place to provide advice and support to HSE from its Advisory Committees on Occupational Health issues should be re-examined.</p>
Action 10:	Re-visit the prioritisation process with respect to what the Rushton report says about mineral oils, and report back to the Board via correspondence.
Action 11:	HSE to organise a conference/workshop as discussed.
16	Future Agendas
16.1	The Chair invited Board members to provide any comments related to the September draft Board Agenda and the 2012/13 Board Forward Look to Secretariat outside of the meeting.
17	Any Other Business
17.1	No other business was discussed.