Minutes of HSE Board Meeting – 30 January 2013
Whittingham Suite, Redgrave Court, Bootle

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

Also attending
Geoffrey Podger, Kevin Myers, Gaynor Atherton, Dave Thomas; Jane Willis; Peter McNaught,
Gordon Macdonald, Dave Bench, David Ashton, Dee Imlah, Hilton Leslie Peter Brown,
Clare McNicholas, David Sowerby, Bernadette Cadman, Sarah Wadham, Dave Charnock,
Anna Bliss, Martin Dilworth, Richard Lewis, Vicky Warbrick, Jo Nettleton, Clive Fleming,
Rachel Grant, Peter Brown, Tony Almond, Andrew Cottam, Sue Johns, Alex Farnhill and
Dawn Hepworth

Minutes    Alex Farnhill

Open Session

8 Welcome & Introductions

8.1 Welcome:
   a) The Chair welcomed the observers and officials to the meeting

   Apologies
   b) Apologises were given by Paul Kenny and Sarah Dean-Kelly

   Minutes:
   c) The Minutes of the 5 December 2012 Board meeting were cleared with no amendments

   Matters arising:
   There were no matters arising from the last meeting for the open session.

9 Closed Session review

9.1 The Chair reported that a number of agenda items had been discussed in the Closed session. Those decisions were as follows:

Outcome of the consultation on proposals to exempt from health and safety law those self-employed whose work activities pose no potential risk of harm
to others.

The HSE Board recognised that this was a difficult issue, especially with regard to ensuring that the chosen option is properly communicated to avoid confusion. After giving due consideration to the responses to the consultation, the Board had agreed to recommend HSE’s preferred option as originally described in the consultation document as the best way forward. This is expected to exempt approximately 800,000 people, but some 2.3 million self-employed workers would still be covered by the requirement of health and safety legislation.

Given the acknowledged challenges involved in ensuring that this is properly and clearly communicated through a number of channels, the Board had asked for a full Communications Handling Plan to be brought back for discussion at a future Board meeting.

Outcome of the consultation on proposals to revise the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR ’95)

The Board had taken note of the consultation responses and were pleased to see a revised proposal from HSE that now addressed some of the concerns that had been expressed. The Board will advise the Minister to accept the modified option which now reinstates the requirement to report injuries to members of the public and the notification of six key industrial diseases which represent over 90% of those that are currently reported, in addition to the requirement to report occupational cancers and diseases attributable to biological agents.

Health and Safety (Sharp Instruments in Healthcare) Regulations 2013

The Board agreed that the advice to the Minister should be to implement the proposal in the consultation with two minor additions.

Update on the consultation regarding the Health and Safety in Docks Regulation and ACoP.

The Board restated its view that the process to revoke the regulations is on track for October. The Board had made a clear decision to retain a short simplified ACoP and all parties engaged in delivering this were urged to progress with agreeing the key items which needed to be included so that the current timetable could be met. Notification of the revocation of the Docks Regs would need to be removed from the package which is to be announced imminently but the target conclusion date of October has not changed.

10 Chief Executive’s Report (HSE/13/06)

10.1 Geoffrey Podger spoke to his report drawing attention to a number of issues:

a) The Löfstedt one year on report was due to be published on 4 February 2013. HSE had made good progress against the report and in improvements to Health and Safety long term.

b) The Board noted that the Local Authority National Code had gone out to consultation.

c) The Board were informed of a report written by Professor Rory O’Neill that looked at the number of fatal accidents that occur in areas where the HSE do not proactively carry out inspections. However HSE believes this to
misrepresent the issue. Looking over recent years and considering the rate of fatal accidents reveals that there were 2.56 per 100,000 employees in areas where proactive inspections take place compared to 0.38 per 100,000 employees in areas where proactive inspections were not carried out.

d) The Board noted that the level of fatal accidents in healthcare appeared high for the reporting period. It was noted that high reporting of such cases in the first instance does not in many instances lead to cases within HSE’s remit for enforcement after initial investigation.

e) The Board noted that in sectors such as Agriculture, the policy was not to carry out proactive inspections despite a high level of fatal accidents, but HSE has adopted an alternative approach to regulate this sector. The Board further noted that the report provided no grounds for the HSE to alter its strategy or how we enforce in various sectors.

f) The Board noted the number of fatal accidents that continued to occur in Construction and Agriculture and asked if a statistical analysis could be carried out. The Board agreed that this was best assessed at the end of the work year.

**Action**

Clarification of health care fatal accident rates to be provided at the next Board meeting.

**11**

**Chair of the Office of Nuclear Regulation Report to the HSE Board**

(HSE/13/07)

11.1 Nick Baldwin presented his report. He drew the Board’s attention to the following:

a) The Board noted that ONR had granted it first new site licence in 25 years. The European Pressurised Reactor (EPR) design was approved after 5 years work by ONR.

b) The Board noted that the Secretary of State for Energy had requested that ONR start work on the Generic Design Assessment for the Hitachi Advanced Boiling Water Reactor at Horizon. ONR were expected to report back to the Secretary of State later in the summer.

c) The Board noted that the Energy Bill had its second reading in the House of Commons on the 19 December 2012 and the process was ahead of schedule.

d) The Board noted Ministerial agreement was being sought to recruit up to 3 graduates in hard to fill disciplines and to facilitate 5 graduate placements.

e) The Board extended its congratulations to Mike Weightman who was appointed a Companion of the Order of the Bath (CB) in the New Year Honours for services to the improvement of nuclear safety.

**12**

**Science Report 2013** (HSE/13/08)

12.1 The Board were asked to note and comment on the Science Report and to support the Director of Science in his approach to improvements in commissioning and disseminating science and to support the progress made with evaluating science.

Dave Bench presented the report. He drew the Board’s attention to the following:
a) The Board noted that HSE’s mainstream budget for commissioned research and technical support in 2012/13 was £29 million. The targeting of research had moved to Directorates in HSE and was now aligned with the business planning process. This had improved the amount of targeted science work that was commissioned.

b) The Board noted that there were a number of emerging areas that CRD were looking to carry out research, such as demographics and new materials.

c) The Board commented that the work that HSE carries out with regards to science and research was extremely valuable to the HSE and wider field of Health and Safety improvements and supported the approaches set out going forward.

d) The Board encouraged consideration of working with other stakeholders in conducting research, for example, could HSE work be peer reviewed and its research more widely publicised. Corporate Science confirmed they were looking into these areas.

13 A revised programme of interventions for the control of Legionella risks in workplaces (HSE/13/09)

13.1 David Sowerby presented the paper to provide an update on the HSE and LA work on the control of Legionella risks and outlined a new programme of interventions, following a review of the outbreaks in GB over the past 10 years.

In discussions the following comments were made:

a) The Board noted the quality of the paper and the research that had been commissioned in 2011 from HSL to review HSE interventions since the Barrow outbreak. The report was very timely given the recent outbreaks in Edinburgh and Stoke.

b) The Board noted and supported the programme of interventions that had been devised in the light of the report.

c) The Chair asked the Chief Executive to clarify the latest position on the related issue use of Copper Biocides to control legionella.

d) The Board noted that the EU Commission had determined under Biocides regulation that Copper based treatment systems should not be used after 1st February this year. The UK has submitted an application for a derogation for copper. The Commission indicated that the UK’s concern is shared by a number of other Member States and it is likely that the derogation application will be considered in due course. Whilst the process of application for derogation is on-going HSE is not advising people to move away from their current system (of control of Legionella) HSE’s focus and priority remains the effective treatment of water systems against the risk of Legionella and in identifying those who fail to take steps to implement treatment. HSE’s website contains updates on this issue.
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<th>14</th>
<th>Consolidation: the practicality and effects of the options for consolidating health and safety regulations- Richard Matthews QC (HSE/13/10)</th>
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| 14.1 | Clive Fleming presented a paper on this research report and the outcome of a meeting with key stakeholders to discuss the findings. The Board were invited to note the outcome of this meeting and agree the proposed next steps.  

In discussions the following comments were made:  

a) The Board agreed to advise the Minister that: following the findings of this report and the outcome of the workshop, the consolidation of general health and safety requirements should not be pursued but that work to simplify and improve guidance should continue instead. |

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<th>15</th>
<th>Rider Operated Lift Truck Training – Accrediting Bodies Scheme – Change in HSE’s role (HSE/13/11)</th>
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| 15.1 | Peter Brown presented the paper on HSE’s proposal to withdraw from its lead role in the Accredited Bodies Scheme and instead promote a more general industry led approach encouraging effective training standards for all organisations both inside and out of the scheme.  

In discussions the following comments were made:  

a) The Board noted that in the late 1980’s the Health and Safety Commission decided to seek to improve the standard of lift truck training in response to a large number of deaths and injuries from lift truck use. Since then fatal accidents and major injuries from lift trucks had reduced considerably when compared to the large scale lift truck use seen today.  

b) The Board further noted that there were a large number of lift truck training providers, both in and out of the scheme and that the time was right for HSE to withdraw and leave the members of the Accredited Bodies Scheme to administer it themselves with HSE acting in an advisory role.  

c) The Board agreed this approach and agreed that HSE should continue to influence all lift truck training bodies to encourage higher standards through the launch of the revised lift truck training ACoP and accompanying guidance. Improved stakeholder engagement drawing on HSE’s existing relationships with trade associations and training organisations to publicise training standards should also be utilised. |

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<th>16</th>
<th>Proposal to withdraw the Health and Safety (Management) Regulations Approved Code of Practice (ACOP). Includes Overview of the architecture of all Health and Safety Guidance and “Managing for Health and Safety” – HSG65 refreshed. (HSE/13/12 &amp; HSE/13/13)</th>
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<td>16.1</td>
<td>Clive Fleming presented the papers with Andrew Cottam. The first paper provided further detail on the suite of guidance, centring on Heath and Safety made Simple, Health and Safety Toolbox and HSG65. It considered the status of the guidance, demonstrating how it comprehensively covered, and improved upon, the information in the ACoP. The second paper updated the Board on progress with development of the guidance “Managing for health and safety” (to succeed HSG65</td>
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Successful health and safety management

In discussions the following comments were made:

a) The Board noted the various Annexes to the paper setting out how guidance covered various aspects of the Management ACoP. That a revised version of HSG65 was finalised and could be issued in due course once it had been reviewed to ensure consistency with other regulatory changes now taking place.

b) The Board discussed the proposal to withdraw the Management ACoP and considered whether guidance and revised HSG65 adequately covered the points in the Management ACoP.

c) The Board noted that, if the Management ACoP was withdrawn there was a need to review and revise other ACoP’s and guidance that refer to it. This cross referencing would need to be addressed by officials. The Board also asked for clarification on the apparent alteration of the wording used on guidance produced by HSE in respect of the reference to “good practice”.

d) The Board agreed to that in light of the matters contained within the ACoP being covered in other guidance and the revised HSG65, it would be appropriate to remove the ACoP.

e) It was noted that such a move was appropriate given that these regulations were now generally well understood and the guidance framework should be modernised to reflect the maturity of the system.

Action 5: The wording of revised guidance (“illustrating good practice”) was no longer evident on some guidance produced by the HSE. This should be looked at and reverted back to the Board in Matters Arising.

Action 6: The issue around other ACoPs and guidance referring to the Management ACoP as well as the new Health Surveillance website page needed to be addressed by Officials.

17 Future Agendas

17.1 The Board noted that a paper and urgent discussion in response to the Francis Inquiry report may be necessary depending on the outcome of the public inquiry.

18 Any Other Business

18.1 No other business was discussed.