

Health and Safety Executive Board		HSE/ 14 /71	
Meeting Date:	01 st October 2014	FOI Status:	Open
Type of Paper:	Above the line	Exemptions:	
TRIM Reference:	2014/341715		

Review of HSE activities in Wales

Purpose of the paper

1 To report to the Board on policy and operational developments and activities in Wales and update them on the context within which we are working with the devolved administration and stakeholders to deliver our activities.

2 The paper (with further detail in Annex 1) updates the Board on the key issues affecting the delivery of our strategy in Wales.

Background

3 The Board has regular discussions in relation to issues in Wales when it meets there.

Action

4 To note current HSE (excluding ONR) work in Wales.

Key aspects

5 The rate of work-related injury and ill health in Wales is not significantly different from other parts of Great Britain (GB). Although the incidence of major injuries is higher than England and Scotland, this is a reflection of a higher proportion of people employed in high-risk occupations. We do not expect anticipated changes to the industrial landscape to increase the level of risk to which workers are exposed.

6 Welsh Government (WG) does not have devolved law-making powers for health and safety. Health and safety issues, however, cut across the responsibilities of WG Ministers and the work of their supporting Directorates. We continue to work closely with WG where legislative proposals affect our activities.

7 The WG response to the Francis Report and reviews of health care regulators leaves Wales in a different position to England. The WG green paper is likely to propose new legislation to secure a strengthened, independent inspection and regulatory remit for their health care regulators. The timetable for the legislation, however, does not align with respective legislative changes in England which means HSE will have different involvement in investigating serious management failings affecting patient safety in Wales and England over the next few years.

8 The Commission on Public Service Governance and Delivery called for radical changes to the delivery of all public services in Wales including a reduction in the number of Local Authorities through mergers rather than redrafting of boundaries. The WG will be setting out its response to the Commission's findings over the next few months. The likely extent of these changes will have implications for the delivery model of health and safety regulation by our local authority colleagues.

9 While much of the industrial landscape will remain unchanged, the energy sector continues to increase its profile and importance. There is a proposal to build a nuclear power station on Anglesey. In Pembrokeshire, South Hook and Dragon liquefied natural gas (LNG) importation terminals are two of the largest installations of their type in GB. Both are top tier COMAH sites with strategic significance to GB energy needs over the next 20 years. We will continue our engagement with the management teams at these sites to ensure the effective management of the hazards and risks to workers and the members of the public.

10 The paper gives examples of several Wales-specific items of work that are of wider interest.

Paper clearance

This paper was cleared by the SMT on 3 September 2014.

Annex 1

- A. The injury and ill health picture in Wales
- B. The changing industrial landscape in Wales and its effect on risk
- C. Liaison with the devolved administration and other public bodies impinging upon and abutting the work of HSE
- D. Significant operational issues and interventions

A. The injury and ill health picture in Wales

1 The latest figures show that:

- Seven workers died in Wales in 2013/14, down from eight in 2012/13. The average for the past five years was 10 worker deaths per year.
- In 2012/13 there were 4,173 injuries to employees reported under RIDDOR. This represents a rate of 372.8 per 100 000 employees, and a reduction of around 40% since 2008/09¹.
- The prevalence rate of self-reported work-related illness has reduced since 2003/04 from 5110 to 3940 per 100 000 workers. This reduction is not statistically significant².
- 1.9 million working days were lost to work-related ill-health or injury in 2011/12 – an average of 1.7 per worker
- The rate of major injuries is a reflection of the proportion of people employed in high- or higher-risk occupations in Wales. Type of occupation is the key driver of risk rather than industry category. The evidence in Wales is of a longer-term trend downward trend in RIDDOR reported injuries.

B. The changing industrial landscape in Wales and its effects on risk

2 Between 2001 and 2011 there were some changes in the distribution of employment by industry in Wales. The percentage of workers employed within the manufacturing sector has reduced from 17.3% to 10.5% with corresponding increases spread evenly between other sectors including public administration and defence, education, health and social work and construction.

3 Since the manufacturing sector has an above average injury rate the likely effect, if any, would be a slight reduction in the overall injury rates. However, whilst the effect is not possible to quantify, it will be very small

4 In spite of long-term decline, manufacturing in Wales continues to diversify and has strengths in capacity and capability in the sub-sectors of aerospace and defence, automotive technologies, opto-electronics and process manufacturing.

5 The WG is seeking to develop manufacturing based on advanced materials such as composites, nanotechnology, opto-electronics, printable electronics and silicon electronics. HSE is alert to the health and safety risks associated with these materials, having already published guidance on nanotechnology.

¹ Note that in the interim period, RIDDOR reporting arrangements changed such that the legal reporting threshold of over-3-day injuries changed to over-7-days. The best estimate of the effect of this change is that the rate of reported over-7-day injury is 29% lower than the over-3-day injury rate.

² Whilst the reduction in self reported work-related illness appears large, the low number of reports from which the prevalence rates are extrapolated means that the reduction cannot be judged as statistically significant.

C. Liaison with the devolved administration and other public bodies impinging upon and abutting the work of HSE

Welsh Government - devolution

6 The work of the Commission on Devolution in Wales (the Silk Commission) chaired by Paul Silk, is complete. It did not propose any reduction in the existing powers of the Assembly or any change in the majority of powers currently held by Westminster, but did recommend moving from the current *conferred* powers model of devolution to a *reserved* powers model.

Welsh Language Policy

7 We continue to receive positive feedback from the Welsh Language Commissioner on our Welsh Language Policy. We are committed to improving the bilingual HSE Wales website and increasing bilingualism in everyday work.

8 From May 2015, the Commissioner will begin a round of 'standards investigations' in public bodies. This will determine whether we should be required to comply with the new standards and if so, which ones should be specifically applied to us. The standards will eventually replace the policies of individual organisations and are wider reaching than the Welsh Language Act they replaced.

Health and Social Care

9 Health and Social Care are devolved responsibilities and the regulatory landscape in Wales is changing. Recent reviews and proposals for new legislation have resulted in delays in the development of working agreements with health and social care regulators. Events such as the Mid Staffordshire Inquiry, Winterbourne View and Operation Jasmine (a joint Police/HSE operation into care homes in Wales) have increased political scrutiny on the effectiveness of regulators. Despite the delays, we have productive working relationships with other regulators.

10 HSE contributed to a WG review of the role of Health Inspectorate Wales (HIW) in spring of 2014, highlighting our concerns about the 'regulatory gap' and the benefits of single incident investigation to identify clear systemic management failings. WG plan to publish a green paper outlining proposals for new legislation to secure a strengthened, independent inspection and regulatory remit for HIW before the end of the Assembly term in 2016.

11 WG also plans to introduce an NHS Quality Bill early in the next Assembly to streamline and strengthen existing legislation covering the quality of healthcare in Wales. We anticipate that it will clarify the role and responsibilities of HIW.

12 In late 2013, WG consulted on the White Paper 'The Future of Regulation and Inspection of Care and Support'. We again raised concerns about regulation of the social care sector. WG has announced that they will introduce a new Bill to reform the regulation and inspection of social care in Wales in February 2015. This aims to focus the regulation of social care towards outcomes for people.

13 We are working closely with HIW, Care and Social Services Inspectorate Wales (CSSIW) and WG Policy colleagues to contribute to the work underway. We are also working with HIW and CSSIW to produce interim memoranda of understanding to clarify our respective roles and responsibilities.

D. Significant Operational Issues and Interventions

COMAH Competent Authority

14 In partnership with Natural Resources Wales (NRW), we are the Competent Authority (CA) for the Control of Major Accident Hazards (COMAH) in Wales. We will jointly host an event with NRW in Cardiff on 22 October to update stakeholders on developments and changes following Seveso III.

Chevron Refinery multiple fatality investigation

15 An explosion and fire on the amine recovery unit at the Chevron Refinery in Pembroke on 2 June 2011 caused four deaths and serious injuries to one person on site. This followed the ignition of flammable substance(s) in a tank that contractors were preparing for thorough examination. This was a major accident, reportable to the EC under the Seveso Directive. HSE continues to investigate jointly with Dyfed Powys Police. The Police still have primacy under the Work Related Deaths Protocol.

Hazardous materials clean up at Euticals Ltd

16 In December 2012, HSE inspectors conducting an investigation at Euticals Ltd, Flintshire, identified the presence of a large quantity of hazardous material that was in a very poor and potentially unstable condition. The chemicals included Isosorbide Dinitrite (ISDN), a chemical with explosive properties; highly corrosive and reactive fuming nitric acid and acetic anhydride; large quantities of laboratory chemicals; and methyl iodide solution, which is potentially toxic and dangerous to the environment.

17 The amount of material, its poor condition and the lack of available knowledge and information about its form and properties made this an unprecedented set of circumstances.

18 Given the potential for an explosion and resulting significant offsite consequences, a major incident was declared, a limited evacuation of nearby industrial premises was carried out and HSE assembled a team of specialist chemical and explosives inspectors and HSL scientists to support the multi-agency response. Over the subsequent months, emerging information about the site and material, as well as the constraints of existing legislation provided extra challenges and we continued to support the response, employing a flexible regulatory approach to enable practical solutions for the removal of the most hazardous material from site in a safe manner.

19 Sampling and testing of the ISDN by HSL was necessarily complex and painstaking. We needed to ensure both the personal safety of those involved and to provide confidence in the results that would inform judgments over how to treat and handle the ISDN. This also helped inform the hazard range for public information and emergency planning

20 On 31 July 2013, Euticals Ltd entered voluntary liquidation, leaving the majority of hazardous material behind. Since then, HSE and Natural Resources Wales have continued to engage with Flintshire County Council and other supporting agencies such as Public Health Wales and the local police, fire and health agencies to provide advice and support to enable them to manage the safety of the unoccupied site and deal with a major chemical clean-up operation.

21 Much of the high hazard material has now been removed from site. Flintshire County Council are engaging specialist contractors to project manage removal of the remaining chemicals, including the decontamination, dismantling and demolition of chemical processing plant, buildings and infrastructure.

22 The removal and processing of the ISDN was concluded without incident and with little disruption to the local community and neighbouring businesses.

Liquefied Natural Gas Storage

23 Energy Division, Gas & Pipelines Unit have continued work to ensure that the South Hook and Dragon Liquefied Natural Gas (LNG) importation terminals at Milford Haven maintain safety requirements despite changing operational conditions.



South Hook LNG storage tanks under construction

24 Subject to the necessary planning permissions (due to be considered in October 2014), a major power generation facility will be developed in conjunction with the South Hook terminal. This facility will not form part of the South Hook LNG COMAH installation and will be operated by a separate company.

25 Dragon LNG remains an important gas storage terminal, which exports gas into the national gas transmission system (NTS). Its operating model means global LNG markets affects its export activity. Over the last two years, there has been limited export to the NTS because of elevated LNG prices in the Far East.

Gas Distribution

26 Wales and West Utilities (WWU) have now completed the decommissioning of all of their gasholders in Wales.

27 HSE investigated a gas explosion at a domestic property in Milford Haven on 14th October 2013. A 79-year-old householder suffered minor burn injuries when gas released from a damaged 6" cast iron main located in the roadway in front of the

property escaped and ignited. Our investigation confirmed that WWU had adequately maintained the gas main in line with the industry Iron Mains Risk Reduction Programme so there was no enforcement action. WWU continue to implement improvements to their asset integrity processes to minimise the risk of gas supply infrastructure failing.



Investigators at the scene of the gas explosion at Milford Haven

28 There is a Wales Construction team who have a similar investigation and inspection profile to other teams across FOD CD. The Welsh construction industry expects to see output rise at an average rate of 3.4% per year over next the five years to 2018 if construction work on the new nuclear power station on Anglesey goes ahead. This would result in over 6,000 construction workers being on the site for a project extending into the 2020s. They also anticipate increases in house building and regeneration work

29 Over the last eighteen months, in collaboration with the Office for Nuclear Regulation, we have held a number of meetings with Horizon Nuclear Power in respect to the new nuclear plant at Wylfa to ensure that those responsible manage the non-nuclear risks associated with the construction phase properly.

30 Home build is an inspection priority and CD anticipates risks associated with speed of growth including increased time pressures on projects and the use of inexperienced workers. The CD plan of work also requires some visits to commercial solar panel projects that will involve at least one Welsh stakeholder event.

31 During 2014/5, there will be a series of targeted inspections in the rural construction industry sector of the industry backed up by a press release.



Scene of a fall from a defective scaffold during roof work on a Welsh farm

32 CD has also targeted refurbishment work in student areas of Cardiff where standards vary greatly. We have taken enforcement action, including prosecution, against developers. The team will continue to target poor performers in this area.

33 There are two very active Working Well Together (WWT) groups in Wales run by 50 partner companies from the Welsh construction industry. WWT events target smaller construction businesses to raise awareness and standards of health and safety. In the year to the end of July 2014, the partners delivered seven events across 23 sites, attended by over 800 workers and students.

34 In 2013 the Federation of Master Builders in Wales, FMB Cymru, called for a study into how a licensing scheme for small builders might work (Meg's campaign). This was prompted by the death of three-year-old Meg Burgess, who died when an inadequate newly built wall collapsed on her. WG set up an informal group to look at the possibility of a licensing regime for builders working on domestic premises. HSE's view is that existing health and safety legislation is sufficient to set standards for the industry but we provide advice to the group and monitor developments.

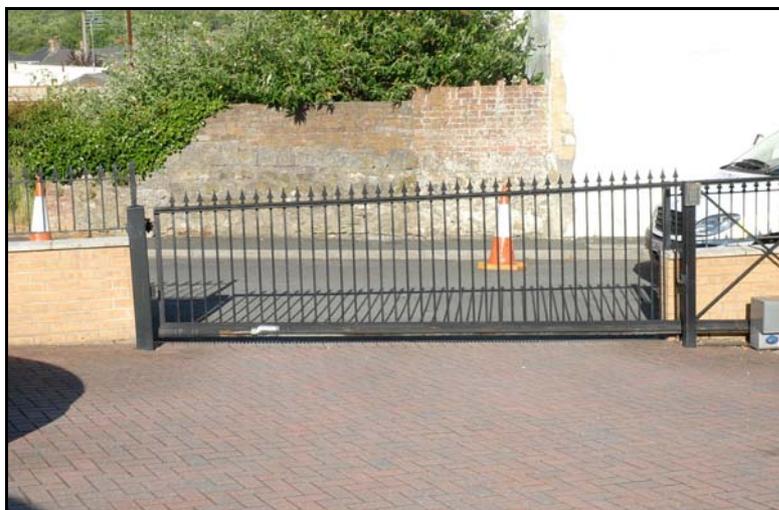
35 FOD manages the offices in Cardiff, Carmarthen and Wrexham and support service to all directorates. In common with other Divisions, support services have shown great flexibility in adapting to new ways of managing intelligence & targeting, litigation and FOI work whether generated locally or in another office.

36 FOD Wales teams met the planned number of inspections in 2013/14. This included 128 inspections of premises with evaporative condensers as part of the programme of Legionella management. There were material breaches at 58 premises resulting in 26 enforcement notices including two prohibition notices on cooling towers.

37 There were two Estates Excellence events at Wrexham and Deeside industrial estates. Over 300 businesses attended 44 free training sessions.

Gate fatality

38 On 3rd July 2010, five-year-old Karolina Golabek was killed when she was trapped in an automatic gate in Bridgend. Karolina died just a week after an automatic gate in Manchester killed six-year-old Semelia Campbell.



The gate which killed Karolina Golabek

39 The investigation looked at the involvement of duty holders who had been involved in installation, maintenance and management of the gate and in July 2014, FOD prosecuted two of them. One had installed a motor on the gate in 2009 and incorrectly programmed it. The second failed to identify that it was unsafe when they maintained it just six weeks before Karolina's death. The Court fined the companies a total of £110,000.

40 HSE produced three pieces of guidance (as safety alerts) following Karolina's death. These focused on the duty of those owning and maintaining gates, including improved training associated with the maintenance of gates. The industry also responded to the need for improved competence, through their 'Gate Safe campaign', developing 'Gate Safe Aware Installer training'.

Agriculture

41 One agricultural worker died in Wales in 2013/14, down from four in 2012/13. Deaths in agriculture in Wales in the past nine years (2004/5 to 2013/14) have ranged from between one and five deaths in any one year. The Welsh On-Farm Health and Safety Partnership was established in 2012 and continues to work towards improved health and safety performance in the farming industry across Wales. The Sector supports their work on both a technical and strategic level.

42 The Partnership takes a single topic and focuses the promotional activity of each member on this topic for a defined time. The partnership has also recently committed to a more strategic relationship with the three equivalent farm safety partnerships of England, Scotland and Northern Ireland, to share resources and best practice.

Healthcare

43 Investigation of asbestos contamination at Glan Clwyd hospital, run by the Betsi Cadwaladr University Health Board, led to us serving a number of Improvement Notices requiring the systematic removal of asbestos in poor condition. The Trust decided to refurbish the hospital as contractors removed the asbestos. WG is providing additional resources to fund the five-year project to 2017 of some £150 million.

44 This incident and others focussed NHS Wales attention on risks from asbestos in their estate and they have commissioned HSL to develop an asbestos 'duty to manage' assurance programme across all Health Boards and Trusts.

Education

45 We have worked with WG to build a network of contacts to share information and key messages with the education sector in Wales. During the last year, WG successfully launched its guidance on the Management of Asbestos in schools in Wales.

46 During 2013-2014 11 Welsh schools were included in the asbestos in schools inspection programme. All 11 had completed an asbestos management survey. Seven had a comprehensive asbestos management plan, the highest proportion compared with other countries/regions.