

Health and Safety Executive Board			HSE/23/A04
Meeting date	25-Apr-23	FOI Status	Open
CM9 Ref	2023/64259		
AGENDA HSE Board Meeting 25 April 2023 Redgrave Court			

PRIVATE SESSION

08:30-09:15 Board Forward Look HSE/23/FL

GOVERNANCE

Presenter
Chair

09:45 1 Welcome and apologies
Declarations of interest
Minutes of meeting 28 March 2023 HSE/23/M03
Matters arising & Action Log HSE/23/AL
Chair's update - Verbal
Committee updates:
Finance and Performance Committee meeting (20 April) Verbal Susan Johnson
Report from the SQAG HSE/23/20 Andrew Curran

ASSURANCE

10:15 2 Weeks Review recommendations - update Discussion Sarah Albon

10:45 3 Business Performance - Q4 2022/23 and Risk Register HSE/23/21 David Murray

11:45 LUNCH

THEMED BRIEFING

12:15 4 Chemicals Regulation Division Presentation Richard Daniels

ASSURANCE

13:15 5 Chief Executive's Report, to include update on LA co-regulatory partnership review HSE/23/22 Sarah Albon, Rick Brunt and ExCo members

DECISION/CONSIDERATION

14:00 6 Consultation on extending cost recovery HSE/23/23 David Murray/ [REDACTED]

14:30 7 AOB/Meeting Review

14:35 Meeting ends

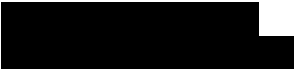
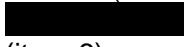
Health and Safety Executive Board			HSE/23/M04
Meeting Date:	31 May 2023	FoI Status	Open
FoI Exemptions			
CM9 Reference:	2023/103320		
Minutes of HSE Board Meeting 25 April 2023 Redgrave Court, Bootle			

Attending

Sarah Newton – Chair	Chyrel Brown	David Coats	Martin Esom (online)
Debbie Gillatt	Susan Johnson	John McDermid	Ged Nichols
Claire Sullivan			

Also attending

Sarah Albon – Chief Executive	Peter Baker – Director, Building Safety	Rick Brunt – Director, Engagement and Policy	Andrew Curran – Director, Science and Commercial
Clare Millington-Hume – Director, Human Resources	David Murray – Director, Finance and Corporate Services	Angela Storey – Director, Operational Services	Philip White – Director, Regulation

 - Cath Noakes (item 1 – SQAG update), Richard Daniels (item 4),  (item 6)
CEPS

Apologies: Gina Radford, Ken Robertson, James Anderson, Michael Jennings

Minutes Victoria Francis

Closed Meeting	
1	Welcome and Declarations of Interest
	<p>Sarah Newton welcomed everyone to the meeting.</p> <p>Apologies were received from Gina Radford, Ken Robertson, James Anderson, Michael Jennings.</p> <p>The Chair reminded the Board of the importance of keeping the register of interests up to date and that any changes should be reported to the Secretariat.</p> <p>In her role as Chair of the Civil Nuclear Police Authority, which is a duty holder for the storage of explosives, Susan Johnson declared an interest in paper HSE/23/23 – Consultation on extending Cost Recovery. The Board noted this declaration.</p> <p>The Chair, on behalf of the Board, passed on their thanks to Peter Baker for his considerable achievements within HSE, in particular for his role as Chief Inspector of Buildings.</p>

	<p>Draft minutes of meeting 28 March 2023 (HSE/23/M03), matters arising and actions (HSE/23/AL)</p> <p>Andrew Curran provided further information regarding the process for developing the Science Plan and key performance indicators.</p> <p>The minutes of the previous meeting were cleared.</p> <p>The action log was noted.</p> <p>Forward Look: The Board requested assurance with regard to implementation of recommendations/actions from previous effectiveness reviews. The Board would also receive a briefing on upcoming events.</p> <p>There were no other Matters arising.</p> <p>Committee updates:</p> <p>Finance and Performance Committee (FPC) meeting (20 April)</p> <p>Susan Johnson updated the Board on proceedings at the previous FPC meeting, reflecting on the good end of year performance which should be celebrated and suitably articulated in the Annual Report and Accounts. Specific areas discussed and providing assurance were the application of the Performance Framework to the work of the Building Safety Regulator and measuring its impact; and HSE’s management of Average Working Days Lost due to sickness absence and how HSE compares with other government departments. The new Performance Framework was also considered, with feedback provided.</p> <p>Science Quality Assurance Group (SQAG)</p> <p>Cath Noakes updated the Board on proceedings on the introductory event for the SQAG members. She confirmed that the SQAG members were impressed with the interim science self assessment/assurance process and were content for this to continue. She assured the Board that both the SQAG’s approach to deep dives into the quality, impact measurement and strategic relevance of HSE’s science and its own effectiveness assessment were being developed and would update the Board in due course. The issue of personal liability for SQAG members would also be considered. The Board requested the Members’ biographies.</p>
Decision	Minutes of previous meeting cleared.
Action 1	Secretariat to confirm to Chair any outstanding actions from previous effectiveness reviews.
Action 2	Send Biographies of SQAG members to the Board. DN – this was sent in weekly update 28 April 2023.
2	Weeks Review – recommendations update (discussion/presentation)
	Sarah Albon informed the Board of the early findings of the review, which were very positive, and of likely recommendations to emerge. She clarified next steps, the approach to be adopted to respond and that an action plan would be developed and presented to the Board in June for its agreement.
Action 3	List action plan on the Forward Look for June meeting.
3	Business Performance - Q4 2022/23 and Risk Register (HSE/23/21)
	<p>David Murray presented the performance report for financial year 2022/23, providing details of both Business Plan targets and financial performance:</p> <ul style="list-style-type: none"> • areas of strong performance against Business Plan milestones, including: the completion of pro-active inspections (end of year

	<p>outturn was 16,755) and material breach rates across health priorities largely at or exceeding expectations; fatal (80%) and non-fatal investigations (95%) closure; Major Hazard safety cases (78%); Business Plan deliverables (90%); and</p> <ul style="list-style-type: none"> • areas of focus, including: Chemical Regulation – biocides – slightly below target; proactive inspection for safety matters, waste and recycling, livestock, forestry, overhead powerlines were below enforcement expectations – the data collected would be used to inform future regulatory planning; and average working days lost (AWDL) reduced to 6.7 (Civil Service average 7.9); • HSE’s financial position with an underspend of £4.4m of which £4m related to the delayed pay business case. • Risk Register: existing risks were showing a positive trend. The Risk Register would be reviewed to reflect the new Business Plan and other external factors. <p>In summary, a strong performance year for HSE</p> <p>The Board sought and received assurance on the following:</p> <ol style="list-style-type: none"> 1. Given the importance of the Risk Register, the Board requested that this be allocated a standalone item at Board meetings. Whilst the format of the Risk Register was highly regarded and would remain unchanged, the review of the Risks should consider the approach to reflecting where mitigating actions were either off track or not delivering the expected range of risk. Timing for the Board workshop to review the risk register to be confirmed. 2. Options for HSE’s approach to asbestos interventions (inspections/ stakeholder engagement/communications/research) in order to deliver the greatest impact. The Board would be provided with regular updates. 3. Progress of the programme to replace HSE’s case management system (COIN) with the Board to be provided with an update and demonstration of prototype (date to be confirmed). 4. Progress with delivering the digital platform for ionising radiation consents with an expected go-live date for October 2023. 5. The extent of learning and development activity undertaken and how this would improve change management and delivery against strategic objectives. 6. The evolution of the performance framework, including the performance hub, to provide a richer picture on achievements and impact.
Decision	The Board recognised the work of all colleagues across the organisation for their achievements in delivering a strong performance and would welcome the opportunity to communicate its appreciation, highlighting particularly strong performance.
Decision	The risk posed by significant IT outage, as experienced in March, needed to be considered as part of the Risk Register review.
Action 4	Add Risk Register as a stand-alone item on Board agendas for each quarter. The Board workshop to review the risk register would form part of July Board.
Action 5	Communications colleagues to work with the Chair to ensure the Board’s appreciation shared with the organisation.
Action 6	Schedule update on COIN replacement programme.
4	Chemicals Regulation Division – briefing (presentation)

	Richard Daniels delivered a presentation to explain the breadth of HSE's activity on Chemicals Regulation and provide assurance. This included the regulatory landscape; challenges faced (recruitment/retention, capacity and capability, impact of EU exit, reputation) and mitigations in place; stakeholder engagement; working with and for others; success stories.
5	Chief Executive's Report (HSE/23/22)
	<p>In addition to her written report, Sarah Albon updated the Board on current issues including meetings with Ministers around a building regulation matter, falling within the scope of the BSR now that Technical Policy has moved from DLUHC, and the establishment of the statutory Industry Competence Committee.</p> <p>Rick Brunt provided an update on early work on the development of the terms of reference for a review of HSE's partnership with Local Authority co-regulators. Martin Esom, as Board representative of Local Authorities, was being engaged in this work and had made important points regarding the value of LA enforcement in relation to HSE's strategic priorities, particularly workplace health. The Board was assured that consultation with key LA stakeholders would be included in the plan for this work. Further discussion would take place at the Board's October planning event.</p>
6	Consultation on extending cost recovery (HSE/23/23)
	David Murray introduced this paper, inviting the Board to re-approve the proposed consultation to make new regulations to extend cost recovery to three further high hazard areas to be submitted to the Minister. The Board was assured that other areas where extending cost recovery had been suggested and ruled out at this stage would continue to be subject to the Fee for Intervention regime.
Decision	The Board agreed to the submission of the proposed consultation to the Minister.
Other Business/Meeting Review	The Board noted that this was Peter Baker's final meeting before his retirement from HSE after 38 years' service, noting his significant role in an issue of national importance as HSE's first Chief Inspector of Buildings and Director of Building Safety.

Health and Safety Executive Board		HSE/23/22	
Meeting Date:	25 April 2023	FOI Status:	Open
Type of Paper:	For discussion	Exemptions:	None

Chief Executive's Report April 2023

Increase and maintain trust to ensure people feel safe where they live, where they work and, in their environment

HSE publishes technical report on PFAS “forever chemicals”: HSE has published a [technical report](#) (known as a regulatory management options analysis (RMOA)) examining the use, exposure and potential concerns from poly and perfluoroalkyl substances (PFAS) in order to identify the most appropriate options to manage the risks from these substances. PFAS are known as “forever chemicals” because they are chemicals which can persist in the environment for decades. They are used in everyday items such as food packaging, cleaning products and stain resistant coatings (such as Teflon ©).

The HSE report makes a number of recommendations including to introduce restrictions on the use of PFAS-containing foams used by firefighters, as well as the use of PFAS in textiles, furniture, and cleaning products. These measures will be taken forward under UK REACH, the framework for managing the risks from chemical substances in Great Britain. HSE, the Agency for UK REACH, has worked with the Environment Agency in developing this RMOA.

This work will be phased and set out in the UK REACH Work Programme for 2023-2024, engagement with stakeholders will be needed to further scope and refine the restrictions. For firefighting foams this will also include engagement with firefighters, their unions and industry regarding the availability and suitability of alternatives.

Industry adoption of HSE research into coffee boiler and other small pressure vessels: Following an incident a number of years ago, HSE Science Division (SD) carried out a programme of research to better understand the risks related to use of coffee boilers and other small scale pressure vessels. The work was delivered by the SD Mechanical Engineering team and the main aim was to understand how the safety control mechanisms that are installed on small pressure vessels function, and the consequences if these controls failed. The [research report](#) generated by this work has been published and has received strong support from the industry itself. Through the support of [CoffeeSafe](#) (see below), an industry body, it has been circulated to ~150+ technical managers across manufacturers, service providers and suppliers and ~550 field service coffee machine engineers.

CoffeeSafe

Safety | Awareness | Standards

Attention Users and Owners of Commercial Coffee Machines!

The HSE have researched the safety risks relating to in-scope coffee machines and state the importance of the required statutory examinations being carried out in accordance with a certified Written Scheme of Examination (WSE).

If you require further information or advice please do not hesitate to call
CoffeeSafe on 01274 979920

Public concern for safety pressure cookers, kettles, hair dryers, electric kettles, and small steam engines
BSI 1177 (2022) Research Report

CoffeeSafe welcomes the HSE detailed report (SR1177 - Risk control for small pressure vessels) into the historical surrounding 'smaller' pressure systems in scope of PSR 2000 which includes, as a lead, coffee machines.

The report is supported by some very extensive investigation work whereby they purchased several coffee machines new and old to better understand their design standards, protective control circuits and mechanical integrity prior to performing forced over pressurisation of them to the point of explosion.

Their findings and report summary align and support our view and knowledge of this subject, which is that in scope coffee machines if not operated, maintained and examined at set frequencies under a certified Written Scheme of Examination (WSE) have the increased potential to cause serious injury.

The HSE therefore conclude that Pressure System Safety Regulations 2000 must be applied in full to coffee machines in order to reduce risks via the control measures set out in the Regulations.

The HSE highlight the importance of the requirement of examinations under the WSE and emphasise the need for all protective devices that form the electrical control system to be included within the WSE and therefore examined as part of the full pressure system examination. Again this is a key factor that we have always stated and insisted on, quite often in contrast to other WSE providers.

Please see some key findings below:

- Twelve coffee machines were examined (both new and second-hand).
- Hazardous defects were noted in the condition of the electrical systems in two of the second-hand cafe boilers. This highlighted the critical importance that the cafe boilers' electrical control systems are examined, tested, and maintained at regular intervals.
- Of the ten relief valves that were tested from the second-hand machines, three did not operate until higher pressures than the relief pressure were applied.
- In eight overpressure tests, the boilers failed at pressures between 18 bar and 28 bar. This was 9 to 14 times higher than the rated pressure on the pressure relief valves.
- In these overpressure tests, five failed catastrophically by ductile overload, fracture and then an energetic release of steam and fragments. The other three boilers all failed by a slow release of steam.
- If a person had been close to a boiler when it failed catastrophically, it is likely they would have been seriously or fatally injured.
- Manufacturing quality has not been implicated as a cause of premature failure during pressure testing.

We would love to speak with you
Think Safety First

info@coffeesafe.com 01274 979920 www.coffeesafe.com

LOCHER Project Winners: On 22 March, HSE was represented at a Civic Reception for the national winner of the Safety Groups UK, Development Through Education Award at the City Chambers in Dundee. The award was won by Craigie High School for their entry: "WATCH YOUR BACK film. LOCHER Project." LOCHER (Learning Occupational Health by Experiencing Risks) is used by colleges, schools, industry and professional organisations and supports effective learning by putting students at the heart of their occupational health risk control education. HSE was closely involved in the development LOCHER and continues to support LOCHER's work.

Cross Party Parliamentary Group for Accident Prevention and Safety Awareness: HSE attended the tenth anniversary meeting of the Cross Party Group on 21 March at the Scottish Parliament. Chaired by Clare Adamson MSP, the event was attended by the Scottish Minister for Community Safety, representatives from key organisations such as ROSPA, and the winner of the Mark McCall Home Safety Fund. Representatives were invited to outline key achievements relating to the Group's main areas of focus: home, water, road and occupational safety.

Building Safety Regulator

Industry Competency Committee: The Building Safety Act 2022 enabled the BSR to establish an Industry Competence Committee (ICC) with a number of functions including monitoring industry competence, advising the BSR and industry, helping industry improve competence, and producing guidance to the public about assessing the competence of people in the built environment industry. The ICC will consist of a high-level steering group, underpinned by separate technical working groups, focusing on specific areas of work. The [advertisement](#) for a chair and members closes 28th April 2023. The inaugural meeting has been planned for Autumn 2023 and the technical working groups will be set up at a later date

Registration process for high-rise residential buildings (guidance): The Building Safety Regulator has opened the registration process for high-rise residential buildings in England on Wednesday 12 April 2023. Supporting guidance has been published

- [Applying to register a high-rise residential building - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/industry-competency-committee) and
- [Safety in high-rise residential buildings: Accountable persons - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/safety-in-high-rise-residential-buildings-accountable-persons)

Updates to the BSR [communication campaign website](#) have been made to reflect the start of the service.

Maintain Great Britain's record as one of the safest countries to work in

Securing compliance with the law

Press releases giving details of recent prosecution cases, along with other HSE press announcements, are published on this [link](#)

Multi-defendant Prosecution - On the afternoon of 30 August 2019 Neil Roberts, a depot manager, employed by Turners (Soham) Limited, one of largest transport businesses in the UK, was walking across a yard owned by Haulage Group Limited (Formerly known as Howell Group Limited) when a lorry reversed and ran him over, causing massive and fatal injuries.

HSE's investigation established both Defendants failed to effectively plan and manage workplace transport safety, there was no effective segregation between pedestrians and vehicles, particularly heavy goods vehicles which operated from the site that was occupied by both companies. At the first hearing on 24 February 2023, both Defendants pleaded guilty to breaches of Section 2 & 3 of the Health and Safety at Work etc Act 1974. Sentencing is to take place on 17 May 2023.

The son of the deceased, who lives in Qatar and was unable to attend the hearing, expressed his gratitude that HSE took the case forward.

[AkzoNobel Packaging Coating Ltd](#): On 8th May 2018 a collision between a forklift truck (FLT) and an employee resulted in serious, reportable injuries at AkzoNobel Packaging Coatings Limited site on Bordesley Green Road, Birmingham. A HSE investigation followed which identified the employee had been walking across a pedestrian crossing at the site when the FLT driver had reversed due to obstructed vision and had not seen the employee. The injured employee's leg was trapped under the FLT and he needed surgery to his leg, foot and toes including skin grafts. The investigation revealed a series of failings which had led to the incident occurring. AkzoNobel Packaging Coating Ltd pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc. Act 1974. The company was fined £600,000 and ordered to pay costs of £3,188.60 at Birmingham Magistrates Court on 3 April 2023.

Jersey gas explosion incident: HSE has now finished its first phase of investigation support to the State of Jersey following the Haut Du Mont gas explosion incident of 10th December 2022, where 10 people lost their lives in an explosion at residential flats in St Helier, Jersey. Jersey's Health and Safety Inspectorate has formally offered its thanks for HSE's support to date. HSE colleagues across divisions have provided significant technical and regulatory support to aid evidence collection for the Police led investigation. As the investigation continues, HSE will review any further support needs from Jersey Health and Safety Inspectorate under HSE's existing letter of understanding with them.

Custodial Sentence: After pleading guilty to breaching Regulation 6(3) of the Work at height Regulations 2005, Patrick McCarthy (trading as All Care Home Improvements) was given a 14-month custodial sentence after the death of Mr Andrei-Ionel Hutanu in 2019. Mr Hutanu and another man had been instructed to carry out repair work on a tiled pitched roof. He was working on it from a roofing ladder when he fell approximately 16-feet onto a concrete alleyway below. No scaffolding or other measures had been put in place to prevent falls from the roof. He fractured his neck and sustained other serious head injuries in the fall and despite being taken by air ambulance to St Marys Hospital in Paddington, he sadly died a week later, on 26 August 2019. The custodial sentence imposed on Mr McCarthy should underline to everyone in the construction industry that the courts, and HSE, take a failure to follow the regulations extremely seriously. HSE will not hesitate to take appropriate enforcement action against individuals or companies that fall below the required standards.

Community order imposed: After having pleaded guilty to breaching Regulations 19(1) and 20(1) of the Construction (Design and Management) Regulations 2015, Nigel Edwards, of Tutholme, Woodhouses, Melbourne, Derbyshire has been given a community order of 80 hours of unpaid work and ordered to pay costs of £4,097.94 after a wall collapsed during a barn conversion, causing life changing injuries to builder Steven Tyson. Nigel Edwards failed to have a

structural assessment of the outbuildings carried out as part of his planning for the project at his home in Woodhouses. The outbuildings were being converted into holiday let accommodation when a stone wall collapsed on Mr Tyson. Derby Magistrates Court heard how the building had undergone significant structural alterations. It was while Mr Tyson was clearing up outside, that the external face of the stone gable wall collapsed on top of him causing life threatening injuries. As a result of not having had a structural assessment undertaken, no measures had been identified or implemented to stabilise the building. Mr Tyson, who has been left blind in one eye as well as losing hearing in his right ear, went on to say how the incident had left him unable to work in the construction industry.

Ensure HSE is a great place to work, and we attract and retain exceptional people

Science Division input into successful prosecutions: Support from Science Division (SD) has recently proved particularly important in HSE's securing a number of successful prosecutions. These have included the £2.3m fine of Exolum pipeline systems, LP Diving and Marine Services, PTSG Electrical Services and the 2018 fatal incident at [Le Maitre](#). The final incident was particularly significant as it involved input from a large multidisciplinary team including Hazardous Materials, Mechanical and Electrical Engineering, Advanced Imaging and Microbiology. Feedback from regulatory colleagues was particularly complimentary of the role SD played – *“The Le Maitre prosecution went ahead today resulting in a guilty verdict and a £500,000 fine. The case relied heavily on the work done by SD colleagues. Thank you for all your help with this and keeping everyone on track and please pass on my thanks to everyone involved.”*

Published fatalities update¹

Since the last update to the Board, 15 fatalities which occurred in 2022/23 have subsequently been published on the HSE website. Please see table below for details.

Date of incident	Name	Age	Description of incident	Local Authority	General Industry Sector	Employment status
13/07/2022	James Chatfield	77	The deceased died following a fall	Powys UA	Services	Member of the public
04/10/2022	Jamie Meyrick	21	The deceased was struck by an object	Monmouthshire UA	Services	Self employed
06/10/2022	Dennis Lane	81	The deceased fell from height	South Kesteven	Construction	Employee
04/11/2022	Betty Arnold	88	The deceased died following a fall	Braintree	Services	Member of the public
07/11/2022	Zaim Maliqi	56	The deceased was trapped by something collapsing	Buckinghamshire	Services	Self employed
08/11/2022	Nick Staples	32	The deceased fell from height	North East Derbyshire	Construction	Self employed
11/11/2022	Michael Corrie	57	The deceased fell from height	Peterborough UA	Construction	Self employed
15/11/2022	Clive Barnes	42	The deceased came into contact with electricity	Buckinghamshire	Services	Employee
18/11/2022	Christine Ward	82	The deceased died following a fall	Wolverhampton	Construction	Member of the public
23/11/2022	Ioan Sabou	50	The deceased was struck by a moving vehicle	Enfield	Construction	Self employed
25/11/2022	Lloyd Evans	63	The deceased was struck by an object	Carmarthenshire UA	Agriculture	Self employed
03/01/2023	Macauley Owen	26	The deceased was struck by an object	Anglesey UA	Water/Waste Management	Self employed
07/01/2023	Nancy Read	92	The deceased died following a fall	Wrexham UA	Services	Member of the public
23/01/2023	Barry Martin	38	The deceased was exposed to fire	Edinburgh UA	Services	Employee
24/02/2023	James McGregor	65	The deceased came into contact with machinery	Perth & Kinross UA	Agriculture	Self employed

¹ In some cases, the publication of a fatality on the HSE website may be some months after the date of the initial incident. This is due to the verification checks that are carried out to ensure that the fatality is within HSE's enforcement remit and if so, the correct information is subsequently published. The complex nature of some fatality investigations may mean that it can take some time to verify this information.

The full list of the names of the deceased plus additional details may be viewed [here](#).