

Health and Safety Executive Board			HSE/24/A05
Meeting date	25-Jun-24	FOI Status	Open
CM9 Ref	2024/126804		
AGENDA HSE Board Meeting 25 June 2024 Redgrave Court			
PRIVATE SESSION			
08:30-09:15	Board Forward Look	HSE/24/FL	
GOVERNANCE			
09:45	1 Welcome and apologies Declarations of interest Minutes of meeting 29 May 2024 Matters arising & Action Log Chair's update Board Assurance Committees - Assurance Reports: ARAC Finance and Performance Committee SQAG	HSE/24/M04 HSE/24/AL Verbal HSE/24/29 HSE/24/30 HSE/24/31	Presenter Chair Martin Esom Susan Johnson Andrew Curran
ASSURANCE			
10:15	2 Chief Executive's Report - June 2024 - to include briefing on party manifestos and matters relevant to HSE	HSE/24/32 and verbal update	Sarah Albon and ExCo members
11:15	BREAK		
11:30	3 Business performance - May 2024	HSE/24/33	David Murray
BRIEFING			
12:00	4 Update on DWP Committee report on Asbestos	HSE/24/35	Mike Calcutt
12:30	5 AOB/Meeting Review		
12:35	Meeting ends		

Health and Safety Executive Board			HSE/24/M05
Meeting Date:	24 September 2024	FoI Status	Open
FoI Exemptions	None		
CM9 Reference:	2024/150490		
Minutes of HSE Board Meeting 25 June 2024 Redgrave Court			

Attending

Sarah Newton – Chair	Chyrel Brown	David Coats	Martin Esom
Susan Johnson	John McDermid	Ged Nichols	Gina Radford
Ken Rivers	Claire Sullivan		

Also attending

Sarah Albon – Chief Executive	Andrew Curran – Director, Science	Michael Jennings – Director, Legal Services	Clare Millington-Hume – Director, Human Resources
David Murray – Director, Finance and Corporate Services	Angela Storey – Director, Operational Services	Philip White – Director, Building Safety	

 - CEPS

Mike Calcutt & 
 – item 4

Apologies: Debbie Gillatt; Rick Brunt; Jane Lassey

Minutes Dawn Hepworth

Closed Meeting	
1	Welcome and Declarations of Interest
	<p>Sarah Newton welcomed everyone to the meeting. Apologies from Debbie Gillatt and Rick Brunt were noted.</p> <p>The Chair invited declarations of interest.</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>Draft minutes of meeting 29 May 2024 (HSE/24/M05), matters arising and actions (HSE/24/AL)</p> <p>The draft minutes were cleared with no amendment.</p> <p>The action log was noted.</p> <p>There were no other matters arising.</p>

	<p><u>Committee Assurance Reports</u></p> <p>Audit and Risk Assurance Committee (HSE/24/29)</p> <p>Martin Esom presented this report. In particular, he mentioned that GIAA had given limited assurance on specific pieces of work where focus was already being applied, and that GIAA’s recommendations had been taken into account in management action plans. The ARAC was assured that such actions would ultimately result in strengthened controls and assurances.</p> <p>In relation to cyber security, the Board was informed of the key areas for testing for the independent health check and welcomed the separation of the delivery/capability and assurance responsibilities.</p> <p>Finance and Performance Committee (HSE/24/30)</p> <p>Susan Johnson presented this report. She gave an overview of cultural and other factors which had all contributed to strengthened controls and assurances. She mentioned how the performance management framework was permeating through the organisation, leading to a shift in culture and enabling continued focus on areas requiring strengthening. She assured the Board that a handover to the Committee’s new Chair was taking place to enable continuity and thanked all officials who had supported the work of the Committee.</p> <p>The Chair thanked Susan for her leadership of the Committee since it was introduced and for her significant contribution to the Board over a period of eight years.</p> <p>Science Quality Assurance Group (HSE/24/31)</p> <p>Andrew Curran presented this report. He drew particular attention to the deep dive on HSE’s world class research capability relating to hydrogen (Net Zero) and its largely positive findings. He also confirmed that a process for monitoring progress against actions from deep dives would be agreed at the next meeting. Future deep dives had been commissioned and would be reported in due course. The Group was also reviewing the process for conducting deep dives to ensure they were efficient and effective.</p>
Decision	Minutes of previous meeting cleared.
2	Chief Executive’s Report (HSE/24/32)
	<p>In addition to her written report, Sarah Albon updated the Board on several matters including:</p> <ul style="list-style-type: none"> • Engagement with the Commissioner of the London Fire Brigade on matters relating to building safety. • Intervention activity in respect of radon levels at HMP Dartmoor. • Internal symposium on the duties of robust knowledge/evidence management for the purposes of legal proceedings. The Board was also informed that Legal Services Division would be inspected by HM Crown Prosecution Service Inspectorate. • Engagement with HSE’s diversity networks to help deliver a more diverse workforce. <p>The Board sought and received assurance on the following:</p> <ol style="list-style-type: none"> 1. Noting the Jersey gas explosion case cited in the written report, the arrangements for ongoing dialogue with other jurisdictions, such as

	<p>Crown Dependencies, and incident specific, cost-recoverable support provided.</p> <p>The Board also noted the successful intervention in relation to flour dust across a multi-site bakery and how it directly supported HSE's strategic aim of reducing work-related ill health.</p> <p>The Board discussed the matters that were relevant to HSE in political party manifestos published for the general election. The Board was assured that HSE was engaging with other government departments in preparation for the new government and was bringing together briefing material for the new Minister once appointed.</p>
3	<p>Business performance May 2024 (HSE/24/33)</p>
	<p>David Murray presented the performance report for May 2024, drawing the Board's attention to positive areas of performance, including: Planning Gateway One applications processed; Biocides and Pesticides permissioning; gas competency checks; non fatal investigations; major hazard activities and safety cases; average working days lost due to absence; and prosecution cases reviewed and charging decision made. Areas of focus included: proactive inspections and material breach rate; fatal investigation completion; timeliness of investigation closure and rate of enforcement activity; and average time for recruitment.</p> <p>He also explained HSE's current financial position, work underway on medium term financial planning and delivery of business plan milestones. He highlighted two areas of concern:</p> <ul style="list-style-type: none"> • the significantly lower activity and recorded case time for conventional health and safety activities resulting in shortfall of £1m of FFI income to date • significantly lower activity than planned across the building safety functions resulting in a shortfall in cost recovery income. A detailed Q1 activity analysis was underway to inform potential mitigating actions <p>The Board sought and received assurance on the following:</p> <ol style="list-style-type: none"> 1. That a broad programme of health-related pro-active inspections was planned. Supporting training and guidance material for inspectors and visiting officers was delivered slightly later than expected and this had impacted on the numbers of inspections undertaken. 2. Analysis of data captured on health-related inspections and in BSR activities would be undertaken to test assumptions made during planning. 3. That a risk-based prioritisation of major hazard activities was being put in place.
Decision	<p>The Board noted the report and was assured on the focus of ExCo in ensuring delivery against the Business Plan.</p>
4	<p>Update on HSE activity arising from the Work and Pensions Committee's inquiry into HSE's regulation of asbestos (HSE/24/35)</p>
	<p>Mike Calcutt and ██████████ presented a progress update on HSE's response to the Work and Pensions Committee's inquiry. They described the extent of publicity/engagement campaigns, including a successful webinar on "Asbestos: Your duty" which had attracted a significant audience and</p>

	<p>demonstrated the appetite for discussion. There was also ongoing work to review the legislative framework.</p> <p>The Board sought and received assurance on the following:</p> <ol style="list-style-type: none"> 1. The need for sustained engagement to raise awareness and help deliver behaviour change. 2. That engagement with the EU on matters such as occupational exposure limits, through the Partnership for European Research in Occupational Safety and Health (PEROSH), was ongoing. 3. That HSE was using a strong evidence based approach to identify options for any possible proposals. This would include factors such as availability and use of technology, capacity and capability for measuring levels of asbestos. 4. That asbestos management was routinely explored during inspections. 5. That the Board would receive a further update in the Autumn as part of HSE's on-going response to the Minister and the Committee.
Decision	The Board noted the progress and next steps.
Other Business/Meeting Review	The Board agreed that, given there is no formal meeting until September, an extraordinary meeting, if required after the election, would be called.

Health and Safety Executive Board		HSE/24/32	
Meeting Date:	25 June 2024	FOI Status:	Open
Type of Paper:	For discussion	Exemptions:	None

Chief Executive's Report June 2024

Reduce work-related ill health, with a specific focus on mental health and stress

National intervention and proactive prosecution: Flour dust is a respiratory sensitiser that causes asthma and dermatitis. It has been a long standing problem in the baking industry. David Wood Baking Ltd (DWBL) is a large, multi-site bakery with a workforce exceeding 1000. In March 2022 serious issues with the control of employee exposure to flour dust at DWBL's Scarborough site were identified. A review of the HSE case management records revealed that, of DWBL's seven other UK sites, recent non-compliance with flour dust control had been identified at five of those sites, with associated enforcement action taken, together with an ongoing prosecution following a serious accident at its Sheerness site. This indicated poor health and safety performance with employees unacceptably put at risk on a national level. In consultation with HSE's Health Unit, a national intervention plan for inspections of DWBL's bakeries between August and October 2022 was put in place involving a virtual team of inspectors and specialists. Improvement Notices were served at five of the sites in relation to control of flour dust and a further management inspection of the group's Health Surveillance regime resulted in Material Breaches. A proactive prosecution was taken for the failings at the Scarborough site. Significant improvements have since been secured for the health and safety of employees at DWBL, including:

- A national working group to improve the control of flour dust exposure
- At several sites, respiratory sensitisers have already been eliminated or substituted with low dust flour.
- The company has engaged a competent person to assist them in devising and implementing suitable control measures across each of their sites, with best practice now actively shared.

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

BUILDING SAFETY REGULATOR

The programme published five GOVUK guidance documents in relation to Register of Building Inspectors (RBI) and Register of Building Control Approvers (RBCA) for both England and Wales

- [Find a registered building control approver in England - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/find-a-registered-building-control-approver-in-england)
- [Find a registered building control approver in Wales - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/find-a-registered-building-control-approver-in-wales)
- [Find a registered building inspector in England - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/find-a-registered-building-inspector-in-england)
- [Find a registered building inspector in Wales - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/find-a-registered-building-inspector-in-wales)
- [Registered building inspectors - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/registered-building-inspectors) for Registered Building Inspectors Conflict of Interest

Published the register of Approved Inspectors (AIs) for Construction Industry Council Approved Inspectors Register (CICAIR) and supplementary guidance to support the transition

- [CICAIR approved inspectors register and sanctions - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/cicaair-approved-inspectors-register-and-sanctions)
- [Disciplinary protocol: CICAIR - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/disciplinary-protocol-cicaair)
- [Complaints protocol: CICAIR - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/complaints-protocol-cicaair)
- [Sanctions guidance for CICAIR - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/sanctions-guidance-for-cicaair)
- [Disciplinary appeals protocol for CICAIR - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/disciplinary-appeals-protocol-for-cicaair)
- [Complaint interview protocol for CICAIR - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/complaint-interview-protocol-for-cicaair)
- [CICAIR code of conduct - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/cicaair-code-of-conduct)

The BSR microsite was also updated with a news round-up: [Building safety news roundup - Making Buildings Safer](#)

The second BSR conference was held on 21 May

- Over 1,500 delegates attending.
- 37 sessions were held across the day.
- 37 of the 61 speakers coming from industry joined by 16 exhibitors from other government departments and registered Building Inspectors assessment schemes.
- 2 Colleagues from the Victorian government Cladding Action Group in Australia attended to gather information on how England was strengthening building safety.
- 53 posts across X, LinkedIn and Facebook reaching 37million people.
- 90% delegate satisfaction rate was reached by end of day.

Enable Industry to innovate safely to prevent major incidents, supporting the move towards net zero.

Assisting Guernsey, Jersey and the Isle of Man with Major Hazards: On Jersey in December 2022 a gas explosion in a block of flats resulted in the tragic loss of 10 lives. An HSE major hazards team were rapidly deployed to support the Island Government.

A number of Major Hazard sites operate across the three Islands providing essential fuel supplies. HSE reviewed early lessons learnt from the investigation and refocussed on providing on-going reassurance across the islands through proactive interventions. An intervention strategy was developed with the Island Governments drawing on a range of HSE specialist teams. Significant improvements are already being delivered.

HSE has been providing knowledge and skills training to the local regulatory teams. This has provided them with an appreciation of where and how chemical risks could occur and escalate and the opportunity to benchmark against expectations in Great Britain.

The work has been closely followed and supported by the Island Governments at Ministerial level who have very much welcomed and appreciated HSE's assistance.

New guidance on applying for hazardous substances consent published to support distillers: The Scotch Whisky Association (SWA) in collaboration with the Health & Safety Executive (HSE) has published a 'New Guide To Applying For Hazardous Substance Consent'. This comprehensive guide replaces the previous collection of published notes and was compiled with input from government and planning officials. The guidance aims to streamline the process for distillery and warehouse owners looking to obtain a hazardous substances consent

(HSC) to expand their production, build new warehousing or make any significant changes to their sites.

HSC is a vital step for any distiller to obtain before operations can commence. No detailed guidance on applying for a HSC has previously been compiled and made publicly available, meaning that many spirits producers – particularly new entrants to the market – faced often costly delays due to a range of issues, including incorrect or incomplete HSC submissions. Although written and released by the SWA, the new consolidated HSC Guidance is available and applicable to any spirits producer or contractor working with the industry.

The guide includes: an outline of the legal requirements; advice to the spirit distillation industry on the HSC application process; a generic HSC application containing all the elements of a modern distillery; an example of hazardous substance location drawings; and a range of further information to assist applicants and their agents to make a complete and valid application.

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](#):

Poor health and safety management at construction site: Principal Contractor, Eye Track Ltd, and its Director Selcuk Pinarbasi were investigated and prosecuted following the uncontrolled demolition and spread of asbestos containing materials at a construction site in Stretford, Greater Manchester. In April 2019, HSE received a concern about people working unsafely at height. The investigating inspector found the site scattered with materials containing asbestos, largely from insulating roof sheets as well as a number of other health and safety breaches. The investigation found that Mr Pinarbasi had instructed his operatives to demolish several warehouse units by machinery and hand without suitable and sufficient control measures being in place to prevent spread of asbestos & risk of exposure to those working on site. This was despite an Asbestos Survey being carried out at this site several months earlier by a competent surveyor at the request of Mr Pinarbasi.

This was a complex investigation, working collaboratively with Trafford Council Planning Officers and liaising closely with Kate Green (Deputy Mayor of Greater Manchester) whilst previously MP for Stretford & Urmston, following receipt of concerns about the site from local constituents. The delays to conclude this case have arisen from verbal threats and intimidation of witnesses, constant change of legal representation by Mr Pinarbasi and two cancelled trials.

On 25th April 2024 at Manchester Crown Court, the company was fined £20,000. Selcuk Pinarbasi received a 20 week custodial sentence suspended for 12 months along with a £75,000 fine. Both the company & director were ordered to pay full costs of £18,783.61 each.

This is an excellent example of the complexity of our work, arising from a simple concern and demonstrates how we successfully work collaboratively with other regulators to deal with concerns and tackle extreme non-compliance with health topics.

Fairground ride failure: HSE secured successful convictions of three individuals and a company after a mother of eight was catapulted from a fairground ride in 2018. Mrs Khadra Ali spent four months in hospital after she was ejected from the Xcelerator ride in Hillingdon, London. Her family continue to provide her with the support she needs after suffering multiple fractures across her body, as well as internal bleeding and a significant head injury. The ride designer/manufacturer, the inspection body engineer and the ride owner (all prosecuted as individuals) pled guilty and have received suspended prison sentences of 16, 44 and 18 weeks respectively. In addition, the ride inspection body's limited company was fined £51k. This is one of a very small number of

cases where HSE has successfully prosecuted the inspection body and will have a significant wider impact on the industry. It has received significant media coverage.

Sourcing International Ltd: Sourcing International Ltd pleaded guilty to a Provision and Use of Work Equipment Regulations charge arising from an investigation of an amputation injury as a result of an operative attempting to clear a blockage in a bottle 'capping' machine. It was found that a missing guard allowed access to a dangerous part.

On 17th January 2022, Daniel Richardson (Machine Setter), was injured when he attempted to remove a blockage in a Bottle Capping Machine. Mr Richardson put his finger into the capping unit to remove a jammed cap. As he did this, the capper head descended on to his finger. Mr Richardson attended Leicester Hospital where his finger was amputated between the first and second knuckle.

The investigation also found that other safety features (interlocked doors) elsewhere on the same plant had been defeated and so other dangerous parts could be accessed. The investigation also evidenced that not only was the guard removed at the time of the incident but that the machine was often run without it in place.

The company was fined £14,000, plus HSE was awarded full costs (£4,175.79) in addition to the standard victim surcharge (£190).

Jerseytex Ltd: An employee was injured on 22nd August 2022 at Jerseytex Ltd and suffered life changing injuries whilst undertaking maintenance work on a heat transfer machine when his hand was drawn into the dangerous moving parts. He sustained the full loss of four fingers on his right hand along with bruising and crush injuries to his thumb and will never be able to use his right hand again. The incident arose from the failure to undertake a suitable and sufficient risk assessment which led to a lack of suitable measures to prevent access to the dangerous moving parts of the machinery and a failure to implement a safe system of work.

Jerseytex Ltd, of Tipton West Midlands, pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc. Act 1974 receiving a fine of £166,600 and ordered to pay costs of £3978.22 and a victim surcharge of £2000.

Tata Chemicals Europe - Fatality prosecution: Michael Densmore died following complications to the wound he sustained when, whilst erecting a scaffold tower, his right foot slipped into a trough containing calcium hydroxide, more commonly known as milk of lime causing chemical and thermal burns. The investigation found that there was no permit to work in place, little proper thought had been given to the risks and there was a lack of information, instruction and training. Tata pled guilty and was fined £1.12 million and ordered to pay HSE costs of £60,603.

Company prosecuted following repeated non-compliance and failure to take action: Best Car Wash Ltd came to HSE's attention in July 2021 following a complaint raised by the Local Authority. When an HSE Inspector visited the site they found numerous electrical failings and served a Prohibition Notice stopping the use of dangerous electrical equipment and an Improvement Notice requiring remedial action to be taken with a specified period of time. Over the following 2yrs various HSE Inspectors and Electrical Specialists visited the site to assess compliance and deal with repeated non-compliance - serving a further 3 enforcement notices. The company took minimal action and failed to comply with the enforcement notices.

A prosecution case was approved for a charge of failure to comply with an Improvement Notice and for a second charge for a general breach of The Electricity at Work Regulations. The company failed to attend the original plea hearing, as such a plea of Not Guilty was submitted in its absence. It provided no court submission. As such in case of challenge at court, Counsel requested the Inspector and Specialist be present for the hearing. The case was placed in front of District Judge Matterson at Plymouth Magistrates Court. Best Car Wash Ltd failed to attend or provide any legal

representation in its absence. The District Judge decided to hear the case in absence, stating that the case summary, witness statements and evidence bundle was sufficient to enable her to make her decision.

The result for this micro company was a £40k fine, upped from £30k due to a significant lack of co-operation by the defendant and high culpability. There were no deductions made. Full costs were awarded. The Judge made positive mention of the significant time and effort HSE had expended in order to encourage Best Car Wash Ltd to comply with the law. Though the company eventually took action to make their electrics safe, the Judge determined that it did not alter her opinion of their high culpability.

This is another excellent example of cross divisional working and appropriate enforcement escalation to tackle a non-compliant dutyholder with HSE Inspection Division pursuing the prosecution to have a real impact and positive outcome.

The case demonstrates that HSE will take robust enforcement action to secure compliance for vulnerable employees working in this sector.

Published fatalities update¹

Since the last update to the Board, 6 fatalities which occurred in 2023/24 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
27/08/2023	Roderick Bygate	55	The deceased died following a fire	Edinburgh UA	Services	Member of the public
10/10/2023	Lee Trace	40	The deceased came into contact with electricity	South Gloucestershire UA	Construction	Employee
18/12/2023	Robin Dagnall	72	The deceased fell from height	Cornwall UA	Services	Self employed
15/02/2024	Terrence Wilson	80	The deceased died following a fire	Cotswold	Manufacturing	Self employed
08/03/2024	Margaret Bull	76	The deceased died following a fall	Fife UA	Services	Member of the public
23/03/2024	Paul O'Donnell	58	The deceased was struck by a moving vehicle	Nottingham UA	Construction	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](#).