

Health and Safety Executive Board			HSE/21/A10
Meeting date	25-Oct-21	FOI Status	Closed s36
CM9 Ref	2021/214084		
AGENDA HSE Board Meeting and Strategy/Business Planning 2022/23 25/26 October 2021 HSE Buxton			

11:30 - 12:30 Private Session/Working Lunch - HSE Board including Forward Look

			Presenter
12:30	1 Closed Board meeting		Chair
	1 Welcome		
	Declarations of interest		
	Minutes of meeting 28 September 2021	HSE/21/M09	
	Matters arising & Action Log	HSE/21/AL	
	Chair's update	Verbal	
	SEEAC update - 20 October meeting	Verbal	John McDermid
	Finance and Performance Committee update - 21 October meeting	Verbal	Susan Johnson
13:00	2 Chief Executive's Report - October 2021	HSE/21/43 and Verbal update	Sarah Albon
13:30	3 Performance Report - Quarter 3	HSE/21/44	David Murray and Directors
14:00	4 Publication of Consultation Response for amendments to the Personal Protective Equipment at Work Regulations 1992	HSE/21/45	Peter Brown
14:30	Coffee/Tea		
15:00	5 HSE Strategy		Rick Brunt
17:00	Meeting ends - depart to Lee Wood		

Day 2

08:30	Coffee/Tea on arrival		
08:45	Developing our Business Plan 2022/23 (Coffee/Tea 10:30 - 11:00 Lunch 13:00-13:30)		David Murray

16:00

Event ends

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FoI Exemptions			
CM9 Reference:	2021/255436		
Minutes of HSE Board Meeting 25 October 2021 HSE Buxton			

Attending

Sarah Newton –Chair	Elaine Bailey	Martin Esom	Debbie Gillatt
Susan Johnson	John McDermid	Ged Nichols	Gina Radford
Ken Robertson	Claire Sullivan		

Also attending

Sarah Albon – Chief Executive	James Anderson – Head of Information Technology and Facilities	Katy Shrimplin – Director, Legal Services	Peter Baker – Director, Building Safety and Construction
Clare Millington-Hume – Director, Human Resources	Peter Brown – Director, Engagement and Policy	David Murray – Director, Finance and Corporate Services	Karen Russ – Director, Science and Commercial
Angela Storey – Director, Operational Services	Philip White – Director, Regulation	Rick Brunt, [REDACTED] – Strategy Team	Jackie Oatway (DWP) – Deputy Director, DWP Stewardship Team (Strategy and Business Planning session)

[REDACTED] - Secretariat

Apologies:

Minutes Dawn Hepworth

Closed Meeting	
1	Welcome and Declarations of Interest Sarah Newton welcomed everyone to the meeting. She 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. There were no declarations of interest in relation to the items on the agenda. Draft minutes of meeting 28 September 2021 (HSE/21/M09), matters arising and actions (HSE/21/AL) The minutes of the previous meetings were cleared. The Board noted the updates to the Action Log. John McDermid gave assurance that the Kantar insight report added value to the BSR programme.

	<p>The Chair informed the Board that, on behalf of the Executive, she had signed revised Agency Agreements with Police Forces across Great Britain related to the transport of explosives. She informed the Board that she had requested further assurance on the work undertaken by the Police.</p> <p>Susan Johnson updated the Board on proceedings at the first meeting of the Finance and Performance Committee, confirming the areas of future focus for the Committee.</p> <p>John McDermid updated the Board on proceedings at the SEEAC meeting 20 October at which there had been a focus on Health matters. HSE's Chief Medical Adviser, Dr David Fishwick, attended the meeting. There would be a follow-up meeting between Sarah Albon, Karen Russ and Andrew Curran (Chief Scientific Adviser) to discuss arrangements for future meetings.</p> <p>There were no other Matters arising.</p>
Decision	Minutes cleared.
Action 1	Meeting between Sarah Albon, Karen Russ and Andrew Curran to discuss SEEAC.
2	Chief Executive's Report (HSE/21/43)
	<p>Sarah Albon updated the Board on recent activities, including the change in Minister with responsibility for HSE and how HSE's work complemented the Ministerial portfolio.</p> <p>The following points were raised/discussed:</p> <ol style="list-style-type: none"> 1. The prevalence of fatalities amongst older workers in the agriculture sector and what work had been and continued to be done to improve performance within the sector. 2. The appointment of members of the Interim Residents Group as part of the Building Safety Regulator programme of work <p>The Chair thanked all contributors to the written report, recognising its importance and value in communicating just a small sample of examples of the full breadth of HSE's work.</p>
3	Business Performance – Quarter 3 2021/22 (HSE/21/44)
	<p>David Murray presented the performance report, providing details of both Business Plan and financial performance, including areas of strong performance and those requiring focus.</p> <p>The following points were raised/discussed:</p> <ol style="list-style-type: none"> 1. The lessons to be learnt from the covid spot check programme and how they could translate to other work. 2. The need for further narrative regarding missed Business Plan milestones and actions taken in mitigation. 3. HSE's financial position. More detailed information would be provided in the next Performance report.
Action 2	Provide further narrative on missed milestones and mitigating factors and include more detail on the financial position.
4	Publication of consultation response or amendments to the Personal Protective Equipment Regulations 1992 (HSE/21/45)
	Peter Brown introduced this item explaining the background to the decision to introduce this regulatory change. He confirmed that the aim would be for the new

	<p>Regulations to come into force in April 2022 and that an external communications strategy was already in place to raise awareness to enable business to familiarise and prepare for the change. The Board was also informed of the decision to adopt a steady state approach to other regulations potentially impacted by the outcome of the Judicial Review.</p> <p>The following point was raised/discussed:</p> <ol style="list-style-type: none"> 1. How the changes would support enforcement by making it easier to identify the duty holder.
Decision	The Board agreed to the publication of the consultation and acknowledged the need to have early communications about the change which would enable familiarisation and preparation.
Other Business	There was no other business.
	Strategy and Business Planning 2022/23
	<p>The Board considered its draft new strategy, including proposed strategic objectives and HSE's Mission and Vision supported by a number of statements of intent.</p> <p>This was followed by a discussion about proposed priorities for HSE's Business Plan for 2022/23.</p> <p>The Board noted that further discussions would take place at the January meeting.</p>

Health and Safety Executive Board		HSE/21/43	
Meeting Date:	26 October 2021	FOI Status:	Open
Type of Paper:	For discussion	Exemptions:	None

Chief Executive's Report October 2021

Provide an effective regulatory framework

Building safety regulator: HSE launched the Planning Gateway One (PGO) service and providing technical advice on fire safety matters relating to land use planning. A range of planning applications with fire statements of varying complexity, size and use continue have been and continue to be submitted. Since launch HSE has undertaken two stakeholder engagement sessions – both of which were well received; the sessions included

- Association of London Borough Planning Officers and DLUHC
- Planning Inspectorate and DLUHC

HSE has commenced the recruitment for Interim Residents Group that will help inform the design of, and lay the groundwork for, the statutory Residents' Panel.

A series of factsheets have been published which give details about the HSE's early position on the regulatory approach of the Building Safety Regulator including the indicative Fees and Charges Statutory Instrument. These can be found at [Health and Safety Executive: factsheets - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/collections/health-and-safety-executive-factsheets)

Lead and engage with others to improve workplace health and safety

Post EU- exit – Market Surveillance: Following EU-exit, the framework for the regulation of products within GB has altered significantly. HSE retained its role as a Market Surveillance Authority (MSA), taking on new statutory duties to notify unsafe and non-compliant goods for which it is the relevant MSA to the Secretary of State for BEIS. HSE's Product Safety and Market Surveillance Unit (PSMSU) has been working with the Office for Product Safety and Standards (OPSS) to refine methods of exchanging information. As part of the newly developed systems, HSE (PSMSU) has recently reported three different products deemed to present a significant risk to users. These three examples are now visible on the Unsafe Products Website, managed by OPSS. [PSD Product Safety Report 39 - 1st October 2021 \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1000000/psd-product-safety-report-39-1st-october-2021.pdf). The product reports show the range of work being undertaken by HSE in respect of market surveillance and the impact that can be made.

New webpages on [Voluntary work - HSE](#): HSE has worked with stakeholders to create clear, simple updated guidance for volunteering and how to manage the risks. The guidance explains:

- How the law applies to volunteering and
- How to carry out risk assessments

The new pages provide specific advice for volunteers who manage non-domestic premises such as village and community halls, as well as guidance on charity retail and fundraising.

HM Coroner Briefing Session: More than sixty HSE colleagues recently attended a seminar delivered by a Senior Coroner's Officer aimed at improving awareness of engagement and communication between Coroners' Offices and regulatory bodies with whom they partner. The main objective was to improve mutual understanding and foster a spirit of joint working for the benefit of both parties and ultimately victims and their families, taking account of real-world relationships and pressures. The session described the broad range of commonplace and less well known roles of a Coroner's Office and concentrated on interactions HSE is likely to have in relation to work-related deaths. The seminar was universally welcomed by those attending who found it very informative and relevant to HSE's fatal investigation work.

Covid ventilation guidance: HSE has produced and published on its social media channels (see links below) several talking heads videos about the importance of ventilation as a control measure and providing practical tips on what to do.

Secure effective management and control of risk

“Dust Kills”: HSE’s ‘Dust Kills’ campaign (focusing on dust as a respiratory hazard) is raising awareness of risks of dust in construction sites and is being carried out in partnership with construction industry leaders. The campaign links to HSE’s nationwide site inspections campaign, running from 4th – 29th October and targets smaller construction firms involved in refurbishment projects using a multichannel approach.

Securing compliance with the law

Press releases giving details of recent prosecution cases, along with other HSE press announcements, are published on this [link](#). The cases cited below illustrate just some of the complex and challenging investigations and interventions undertaken or supported by HSE.

London Borough of Tower Hamlets: Following the death of a child when the playground equipment she was using collapsed, HSE prosecuted the Local Authority in control of the playground after a detailed investigation, initially working jointly with the police. The Council failed to arrange annual third-party inspections that would have identified that the equipment was at risk due to rot. The Council pleaded guilty to a breach under Section 3(1) of the Health and Safety at Work Etc. Act 1974. The Court imposed a fine of £330,000 and awarded full costs of £6,204.60. The case subsequently featured on BBC1’s Defenders UK television programme. Series 4 episode 7 is listed at <https://www.bbc.co.uk/programmes/m0010bf5>, viewable until early November 2021. The prosecution secured justice for the family and highlights the need to carry out checks to ensure that playground equipment remains safe for children to play on.

Iver Recycling Limited: HSE Inspectors in London conducted a planned inspection of a waste site and found appalling conditions. The Inspectors contacted Gangmasters and Labour Abuse Authority officers and LA representatives and organised joint agency action based on signs that workers were living on site. Specialist Inspector support was also provided. Action was taken to deal with immediate serious risks and there were substantial welfare concerns. Nine Prohibition Notices and seven Improvement Notices were served, along with a letter (accompanied by a Notification of Contravention) detailing other material breaches. The team relentlessly pursued these matters to prosecution in Court, which reinforces the importance of active inspection to prevent harm and hold duty holders accountable on the basis of risk. The Judge agreed that conditions on site were appalling and despite the company being classified as micro in size, and there being no death or injury, imposed a fine of £200,000, with full costs of £7,125.72 and the victim surcharge of £170.

Aster Healthcare Ltd: After a vulnerable 93-year-old nursing home resident died from serious scalding injuries from a hot bath, HSE jointly investigated with Thames Valley Police. The HSE team included Inspectors, Scientists, lawyers and operational support. At the conclusion of the investigation the company pleaded guilty to a charge of Corporate Manslaughter. The Court imposed a fine of £1.04 million. The nursing home manager and a care worker pleaded guilty to health and safety offences and received suspended custodial sentences.

Briar chemicals: Following the fatal explosion at Briar Chemicals Ltd, Sweet Briar Road, Norwich on 27th July 2018, the company pleaded guilty to failing to take all necessary measures to prevent the explosion and pleaded guilty to a breach of Regulation 5 of the COMAH Regulations 2015.

Briar Chemicals was sentenced at Chelmsford Magistrates Court, fined £1 Million, with prosecution costs of £10,967.20 awarded. HSE also recovered approximately £830,000 costs for the investigation demonstrating the detailed and extensive efforts of the investigation team to understand this accident and underlying causes.

HSE’s Lead Investigating Inspector said “This was a complex and highly technical investigation, due to the chemical hazards on site and the number of underlying issues which combined to cause the

explosion. HSE hope that this case helps to communicate important messages to wider industry so that other fires and explosions are prevented in future.”

Summing up the judge stated – “Health and safety is sometimes seen as a pejorative phrase, however cases like this one show what an important job HSE does in protecting workers and the public from harm.”

ASL Access Scaffold Limited: Following the death of an employee who was fatally electrocuted when the lorry mounted crane he was operating struck an overhead powerline whilst he was unloading materials, ASL was found guilty of breaching Sections 2 (1) of the Health and Safety at Work Act 1974 and Regulation 8 (1) of the Lifting Operations and Lifting Equipment Regulations 1998. The company was fined £160,000 and ordered to pay costs of £45,000. The HSE investigation identified that no risk assessment had been carried out in the field where the incident happened, and no control measures were put in place to prevent contact with the overhead powerlines.

Following the incident, the Defendant company went into voluntary liquidation. On three separate occasions HSE successfully applied to the High Court to stay the dissolution. Had the company been dissolved, there would have been no Defendant to sentence. This was a lengthy investigation and prosecution process that required great resolve and dedication by both the investigating Inspector and HSE’s Legal Advisors Office to overcome the numerous challenges that arose throughout this case.

Reduce the likelihood of low-frequency, high-impact catastrophic incidents

Safety Alert: As a direct result HSE’s contribution to the investigation into the BOC Margam Substation Fire on the 12th July 2019 and subsequent research and liaison with industry third party specialists in this topic area there, is a new HSE Safety Alert for [‘Lubrication of HV and LV circuit breakers’](#) now live on the HSE website.

This was a very complex investigation starting with the initial BOC internal investigation, and then on to discussions with the OEM (Original Equipment Manufacturer) and subsequently independent third party specialists.

Two reports: *‘Forensic Analysis of the sticking latch mechanism of OCB9’*, and *‘the AC90 Lubricant review’* were produced.

Published fatalities update¹

Since the last update to the Board, 10 fatalities which occurred in 2020/21 and 2021/22 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
14/02/2021	Paul Wilson	51	The deceased died following a fall	The Wrekin UA	Construction	Employee
03/04/2021	Stuart Young	63	The deceased was struck by an object	Highland UA	Services	Member of the public
12/06/2021	Michael Scourfield	55	The deceased died following a fire	Pembrokeshire UA	Manufacturing	Self employed
18/06/2021	Frank Whitfield	63	The deceased was struck by a moving vehicle	Lancaster	Agriculture	Self employed
21/06/2021	Jeffrey Wingfield	59	The deceased fell from height	Leicester UA	Extractive/Utilities	Self employed
25/06/2021	Philip Taylor	67	The deceased came into contact with machinery	Torridge	Agriculture	Self employed
28/07/2021	Brian John Matthews	61	The deceased was struck by a moving vehicle	Exeter	Services	Employee
04/08/2021	Martin Bennett	28	The deceased came into contact with machinery	Stroud	Manufacturing	Employee
25/08/2021	Tom Watson	30	The deceased was struck by a moving vehicle	Test Valley	Services	Employee
27/08/2021	Hedwyn Lloyd Davies	81	The deceased died in an overturning vehicle	Gwynedd 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](#).