

Health and Safety Executive Board			HSE/21/A04
Meeting date	26-Apr-21	FOI Status	Closed s36
CM9 Ref	2021/88377		
<b>AGENDA</b> <b>HSE Board Meeting 26 April 2021</b> <b>3.2, Redgrave Court</b>			

**11:30 - Private Session - HSE Board**  
**12:30 including Forward Look**

**Lunch Break**

**Closed Board meeting**

**Presenter**  
Chair

<b>13:00</b>	1 Welcome Declarations of interest Minutes of meeting 31 March 2021 Matters arising & Action Log  Chair's update ARAC update - 19 April 2021 meeting	HSE/21/M03 HSE/21/AL  Verbal Martin Esom	
<b>13:20</b>	2 Chief Executive's Report - April 2021	HSE/21/15	and Sarah Albon Verbal update
<b>14:05</b>	3 Performance Report - Quarter 4 20/21	HSE/21/16	David Murray and Directors
<b>15:00</b>	<b>Board Meeting ends</b> <b>Coffee/Tea available</b>  <b>Strategy Event starts at 15:15 - see</b> <b>separate programme</b>		

Health and Safety Executive Board		HSE/21/M04	
Meeting Date:	25 May 2021	FoI Status	
FoI Exemptions			
CM9 Reference:	2021/104780		
<b>Minutes of HSE Board Meeting</b> <b>26 April 2021</b> Redgrave Court and Video conference			

**Attending**

Sarah Newton – Chair	Janice Crawford	Martin Esom	Claire Sullivan
Susan Johnson	John McDermid	Ged Nichols	Ken Robertson
Kevin Rowan	Mahbubul Islam	Elaine Bailey	

**Also attending**

Sarah Albon – Chief Executive	James Anderson – Head of Information Technology and Facilities	Katy Shrimplin – Head of Legal Services	Peter Baker – Director, Building Safety and Construction (attended for part of the meeting)
Martin Beecroft – 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		

 - Secretariat

**Apologies:**

**Minutes**



<b>Closed Meeting</b>	
<b>1</b>	<b>Welcome and Declarations of Interest</b>
	<p>The Chair welcomed everyone to the meeting, inviting the Board to reflect on the organisation’s achievements under the leadership of the Executive Committee. Looking ahead, Covid would remain a challenge and HSE would need to continue to adapt to the changing position.</p> <p>Janice Crawford declared a possible interest in the annex to the Chief Executive’s report regarding Net Zero. Her employer manufactured fuel cells.</p> <p>The Chair reminded the Board to keep their register of interests up to date and report any changes to the Secretariat as soon as they occur.</p> <p><b>Audit and Risk Assurance Committee (ARAC) update</b></p> <p>Martin Esom updated the Board on matters discussed at the most recent ARAC meeting (19 April), making the following points:</p> <ul style="list-style-type: none"> <li>• The NAO fee issue had been resolved and an improved process agreed.</li> </ul>

	<ul style="list-style-type: none"> <li>• GIAA had confirmed an indicative Moderate assurance rating and ARAC was considering how to cement that into a solid/sustainable strong Moderate for next year.</li> <li>• DWP's Annual Assurance Assessment had concluded an increased risk rating and ARAC had been assured that this was not a cause for concern.</li> <li>• ARAC had suggested that the risk around IT would require re-articulation.</li> <li>• A new Counter fraud, bribery and corruption policy, taking account of best practice across government, was being put in place to strengthen processes and assurances.</li> <li>• ARAC received a presentation providing assurance around HSE's cyber security measures.</li> </ul> <p><b>Draft minutes of meeting 31 March 2021 (HSE/21/M03), matters arising and actions (HSE/21/AL)</b></p> <p>The minutes of the previous meeting were cleared without comment.</p> <p>In relation to the Action Log, the Board noted the updates. The Board would receive a paper on the next steps for the Effectiveness Review at its next meeting.</p> <p>There were no other Matters arising.</p>
<b>Decision</b>	Minutes cleared.
<b>2</b>	<b>Chief Executive's Report (HSE/21/15)</b>
	<p>Sarah Albon, supported by James Anderson, updated the Board on the recent failure of COIN that had arisen following the planned power-down of Redgrave Court over the previous weekend. The Board was assured that archive data was secure and that, although new data could not be entered into the system whilst it remains down, records would be maintained. Collection of fee income was not affected in the immediate term; however it was noted that some of the measures in the regulatory assurance improvement plan might encounter delays.</p> <p>A number of options were being developed and pursued as a top priority and the Board would be kept updated on significant developments. <i>DN – replacement hardware was sourced and successfully installed by 29 April, bringing COIN back online. The Board was informed by email.</i></p> <p>The Board also heard updates on HSE's pandemic support work and BSR delivery programme.</p> <p>During discussion, the following points were raised:</p> <ol style="list-style-type: none"> <li>1. SEEAC's role in seeking stronger assurances around HSE's Foresight work.</li> <li>2. Science Directorate's role in the insight and communications survey work for the BSR programme. Management of significant amounts of information and data being collected as part of the Programme work was also raised.</li> <li>3. The process behind targeted proactive inspections and the reasons for the reduced material breach rate for 2020-21.</li> <li>4. The Virtually Together event and other internal engagement activity. The Board requested a report on the outcome of the event.</li> </ol>
<b>Action 1</b>	Report back to Board in due course on the success of the Virtually Together event.
<b>3</b>	<b>Q4 Performance Report (HSE/21/16)</b>
	David Murray presented the report which detailed business and financial performance for the final quarter of 2020-21. Overall most key business plan targets had been

	<p>delivered despite the challenges and the need to reprioritise resources to Covid activities. Finances had stabilised throughout the year forecasting an outturn of a £13m underspend, with £9m of this relating to ring-fenced activities.</p> <p>During discussion, the following areas were raised:</p> <ol style="list-style-type: none"> <li>1. Which factors were impacting decision-making on unpursued cases meeting the Incident Selection Criteria in the forthcoming year and what measures are being put in place to provide greater assurance to the Board.</li> <li>2. How to measure performance regarding the completion of fatal investigations.</li> <li>3. Using time recording more effectively to more accurately reflect the work undertaken across the organisation.</li> <li>4. Methods for and levels of employee representative engagement in the various types of interaction at work premises. It was confirmed that concerns from safety representatives were encouraged. A paper to explain the assurance work previously undertaken regarding the quality and effectiveness of the Covid spot check approach would be brought to the Board.</li> <li>5. The process for and impact of debt impairment treatment in the annual report and accounts.</li> <li>6. Staff recruitment and development.</li> <li>7. The timeline for Spending Review 2021. The Board would be given sight of the high level position.</li> <li>8. The monthly Performance Report would be re-focussed on Business Plan targets resulting in a shorter and sharper report. The Risk Register would revert back to quarterly reporting.</li> </ol>
<b>Decision</b>	The Board congratulated the organisation for its achievements during a challenging year.
<b>Action 2</b>	Board to receive a paper on the assurance work undertaken on covid spot check approach.
<b>Action 3</b>	The Board to be given sight of SR 2021 bid in June.
<b>Other Business</b>	There was no other business.

Health and Safety Executive Board		HSE/21/15	
Meeting Date:	26 April 2021	FOI Status:	
Type of Paper:	For discussion	Exemptions:	
CM9 Reference:	2021/87896		

## Chief Executive's Report

### HSE Board Meeting 26 April 2021

#### Lead and engage with others to improve workplace health and safety

**Fairground Activity:** Analysis of incident history trends and investigations revealed deficiencies with seat restraint monitoring systems on fairground rides. FOD specialists worked with colleagues in Engagement and Policy Division to produce an action note targeted at fairground ride examiners. The action note was developed after consultation with a cross section of relevant stakeholders including operators and designers. This helped achieve industry commitment and support for the action described in the note. We hosted a webinar for the industry that attracted over 120 attendees to explain the action required and respond to questions. The webinar and action note were both positively received by the industry. Action taken in line with this new guidance should help prevent incidents in the future. These rides and their seat restraints are also being targeted in the High Risk Sector - Fairground inspection campaign in 2021-22, which will reinforce our expectations about the standard to be achieved.

**Building Safety Regulator:** A review of the related pages on the HSE website to reflect the introduction of Gateway 1 (GW1) currently scheduled for June 2021 where HSE will be a statutory consultee is underway. MHCLG are lead for GW1 communications and engagement but we will be using HSE channels to support their messaging.

A robust insight project is underway to collate existing research and data, conducting a gap analysis and developing a research programme. Communication habits and requirements are included in the insight programme and will drive further refinement of engagement activity.

HSE's stakeholder and engagement plan, building on HSE's existing networks, approaches and relationships with industry continues. So far, we have supported over 44 stakeholder events since the announcement of HSE as shadow BSR reaching over 8,000 stakeholders, leaders and professional bodies. Just over 5 million individuals have been exposed to HSE social media posts on its role as the BSR, the current relevant guidance webpages have just under 20 thousand views and 5,642 organisations have signed up to our regular BSR updates.

#### Secure effective management and control of risk

##### **Securing compliance with the law**

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

**Enterprise Managed Services Limited:** Enterprise Managed Services Limited (EMS) were sentenced at Northampton Crown Court on 31 March 2021 for failings under Section 3 Health and Safety at Work Act relating to a fatal incident. Kane Beard, a 22-year-old refuse collector was killed whilst acting as a reversing assistant on a recycling collection round in Daventry. He was fatally injured when he tripped and fell under the wheels of the reversing vehicle. The police considered a death by dangerous driving charge against the driver, but this could not be proved. EMS had failed to adequately assess the route, contrary to their own procedures, to identify and manage risks from reversing. Such collections are widespread, and the prosecution reinforces the importance of known standards in the industry. Kane's family were present in Court and some other members joined via a video link. The company was fined £1,020,000 and ordered to pay costs of £60,476. HSE's Construction Engineering Specialist Team acted as an expert witness in this case.

**National Grid Gas** - On 9<sup>th</sup> February 2021, National Grid Gas (NGG) was fined £4 million at Liverpool Crown Court and ordered to pay £91,800 costs. This was the culmination of a complex investigation undertaken by ED Unit 5 Gas & Pipelines Team in Energy Division. Following the Grenfell Fire, the team sought assurance

from the gas distribution networks about their effective management of gas supplies to and in high rise multiple occupancy buildings (HRMOBs). It emerged that records were missing from the database for Cadent Gas Ltd., which they had inherited from National Grid Gas. Not only were a significant number of records missing, but NGG had known that their record systems were inadequate. They also failed to ensure that some HRMOBs had pipeline isolation valves – necessary to cut off the gas supply to the building in the event of an emergency, such as a fire. In sentencing, the judge said that the investigation ‘revealed a large number of very serious shortcomings’ and that ‘many thousands of people would have been exposed to risk’.

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

**Oil and Gas Authority (OGA) Energy Portal Memorandum of Understanding (MoU):** HSE has re-signed a MoU with OGA and other service recipients for the provision of services provided for use of the Energy Portal. The OGA has contractual responsibility for the provision of the infrastructure hosting and application support relating to this portal. The updated MoU is for the Financial year 2021/22. The Energy Portal is a digital platform which supports the administration of regulatory functions for a range of industry sectors including oil and gas, electricity infrastructure and marine works. As Competent Authority, HSE has utilised the Energy Portal (CAP) with OPRED for a number of years, for safety case assessment and relevant notifications. Use of the Energy Portal has allowed regulators and industry to administer their regulatory functions and obligations through a single point of contact.

Since the last update to the Board, 7 fatalities which occurred in 2020/21 have subsequently been published on the HSE website. Please see table below for details.

Date of incident	Name	Age	Description of incident	Location of incident	Local Authority	LA code	General Industry Sector	Detailed Standard Industry Classification (SIC)	SIC Code	Employment status
18/11/2020	Philip Glasson	48	The deceased fell from height	Westbury	Wiltshire UA	3940	Water/Waste Management	Recovery of sorted materials	38320	Employee
01/01/2021	John Valentine	83	The deceased died following a fall	Glasgow	Glasgow UA	9067	Services	Hospital Activities	86101	Member of the public
01/02/2021	Mark Young	64	The deceased fell from height	Tarporley	Cheshire West and Chester UA	0660	Agriculture	Mixed farming	01500	Self employed
02/02/2021	Aaron Fretwell	19	The deceased was trapped by something collapsing	Pontefract	Wakefield	4725	Agriculture	Growing of cereals (except rice), leguminous crops and oil seeds	01110	Employee
08/02/2021	Liam Peck	23	The deceased fell from height	Lancaster	Lancaster	2335	Construction	Development of building projects	41100	Employee
17/02/2021	Craig Peck	43	The deceased fell from height	Lancaster	Lancaster	2335	Construction	Development of building projects	41100	Self employed
22/02/2021	Ryan Dermody	49	The deceased was struck by an object	Weston-super-Mare	North Somerset	0121	Agriculture	Logging	02200	Employee

In some cases, the publication of a fatality on the HSE website and notification to the Board may be some months after the actual 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 at: <http://www.hse.gov.uk/foi/fatalities/in-year-names.htm>.