

Health and Safety Executive Board			HSE/22/A07
Meeting date	26-Jul-22	FOI Status	Open
CM9 Ref	2022/124529		
AGENDA HSE Board Meeting 26 July 2022 Redgrave Court - 6.1.026 NO TEAMS LINK AVAILABLE IN THE ROOM			

08:30 - 09:15 Private Session - HSE Board including Forward Look

09:15 - 09:45 Break

GOVERNANCE			Presenter
09:45	1	Welcome	Chair
		Declarations of interest	
		Minutes of meeting 28 June 2022	HSE/22/M06
		Matters arising & Action Log	HSE/22/AL
		Chair's update	Verbal
		Finance and Performance	Verbal
		Committee verbal report (20 July)	Susan Johnson
		ARAC verbal report (6 July)	Verbal
			Martin Esom

ASSURANCE			
10:05	3	Chief Executive's Report - July 2022 (to include update on Target Operating Model)	HSE/22/37 and Verbal update
			Sarah Albon & ExCo members

10:50 4 Business Performance - Q1 2022/23 (including review of risk register and CS2025 update). HSE/22/38 David Murray

FOR DECISION

11:50 5 Report on the second Post Implementation Review (PIR) of the Control of Asbestos Regulations 2012 (CAR 2012) HSE/22/39 Peter Baker/Sarah Jardine/ [REDACTED]

12:25 7 AOB and meeting review

12:30 **Lunch**
followed by Public meeting

14:00 - 16:00 Public meeting - Rooms 3.1 (exhibition) and 3.2 (meeting) - Redgrave Court

Health and Safety Executive Board			HSE/22/M07
Meeting Date:	27 September 2022	FoI Status	Open
FoI Exemptions			
CM9 Reference:	2022/151349		
Minutes of HSE Board Meeting 26 July 2022 Redgrave Court			

Attending

Sarah Newton – Chair	Martin Esom	Debbie Gillatt	Susan Johnson
John McDermid	Ged Nichols (online)	Gina Radford	Claire Sullivan

Also attending

Sarah Albon – Chief Executive	Rick Brunt – Director, Engagement and Policy	Katy Shrimplin – Director, Legal Services	Peter Baker – Director, Building Safety and Construction (online)
Angela Storey – Director, Operational Services (online)	Philip White – Director, Regulation	David Murray – Director, Finance and Corporate Services	Karen Russ – Director, Science
James Anderson – Chief Technology Officer	Clare Millington-Hume – Director, Human Resources		

 -
Secretariat

Apologies: Ken Robertson

Minutes Dawn Hepworth

Closed Meeting	
1	Welcome and Declarations of Interest
	<p>Sarah Newton welcomed everyone to the meeting.</p> <p>Apologies were received from Ken Robertson.</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>There were no declarations of interest.</p> <p>Draft minutes of meeting 28 June 2022 (HSE/22/M06), matters arising and actions (HSE/22/AL)</p> <p>The minutes of the previous meeting were cleared with no amendment.</p>

	<p>The action log was noted and the following updates provided:</p> <ol style="list-style-type: none"> 1) Action 1 of 28 June – The Board was sent the response to the PAC technical questions in its weekly update 22 July. 2) Action 2 of 28 June – The Board would receive a paper in September updating on HSE’s work supporting Health is Everyone’s Business. This will include information on how HSE is supporting its disabled colleagues to provide the relevant assurances to the Board. <p>There were no other Matters arising.</p> <p>Board Committee updates:</p> <p>Finance and Performance Committee: Susan Johnson updated the Board on matters considered and conclusions reached at the Committee’s meeting on 20 July. She acknowledged the high quality of material and preparation for the deep dives (Science Directorate (SD) and Chemicals Regulation Division (CRD)) conducted which enabled the Committee to obtain strong levels of assurance, particularly on approaches to recruitment and retention in CRD and use of leading indicators in SD. Opportunities to simplify/rationalise processes for CRD were also discussed and the Board noted that there were a number of inter-dependencies, such as different regulatory frameworks, which would impact delivery of change. Opportunities for digitisation of some aspects of the work were being explored.</p> <p>Audit and Risk Assurance Committee: Martin Esom provided an update on proceedings from the 6 July (end of year) meeting which was attended by Sarah Newton. He confirmed that a late issue requiring external approval had delayed the completion of the NAO audit, and consequently the laying of the Annual Report and Accounts. There had also been separate discussions amongst Committee Chairs regarding how assurances obtained from deep dives would be reported to the Board and included in the overall ARAC Assurance report. The Risk Register continued to develop, with additional information, particularly around progress of mitigating actions, being included to give greater assurance on management of risks.</p>
Decision	Minutes cleared.
2	Chief Executive’s Report (HSE/22/37)
	<p>Sarah Albon updated the Board on current issues, including the DWP sponsored review of HSE, and ministerial engagement including consideration of options for potential changes to HSE’s fees and charges regimes. She extended an invitation to the Board to attend a Performance Hub meeting to observe the extent of discussion and challenge that takes place. Secretariat to provide Board members with the dates of future Hub meetings.</p> <p>The Board sought and received assurance on the following:</p> <ol style="list-style-type: none"> 1. The Board welcomed the comprehensive update from the Building Safety Regulator Programme (BSR) detailing the progress in delivery of products/regulations for the Regulator. It noted arrangements were being finalised for collaboration between the BSR and the Welsh Government in relation to building inspector registration. 2. The proportion of proactive inspections on the construction respiratory health campaign where enforcement action was taken would be confirmed once all data became available.

	3. The Board also welcomed the inclusion of significant/unusual prosecution information to reinforce messages.
Action 1	Share with the Board the dates for the Performance Hub.
3	Business performance (HSE/22/38)
	<p>David Murray presented the performance report for Quarter 1 2022/23, providing details of both Business Plan targets and financial performance:</p> <ul style="list-style-type: none"> • areas of strong performance against new Business Plan milestones, including: the completion of pro-active inspections (with latest figure being >5000) noting delivery of specific enforcement outcome expectations; Chemical Regulation evaluations; fatal and non-fatal investigations closure; and • areas of focus, including: Construction Division's Material Breach rate; delivery against new performance measures for Major Hazards; and average working days lost (AWDL); • HSE's financial position; • HSE's Risk Register. <p>The Board sought and received assurance on the following:</p> <ol style="list-style-type: none"> 1. The monitoring and oversight of progress of Business Plan deliverables to ensure they were on track for delivery. 2. How the mitigations and risk tolerance levels were being monitored and reviewed by ExCo. 3. Exploring how to provide more assurance on delivery of the major programmes (CRD/BSR). The Board welcomed the detailed progress on BSR outputs included in the Chief Executive's report. 4. The process for delivering the target operating model. 5. The impact of the current financial crisis on the construction industry and the BSR and how HSE was working with others to keep this under review and act accordingly. It was suggested that historical data from the 2008 financial crisis may be available to inform this. 6. The complexities and risks of multiple potential duty-holders, for example the temporary housing of asylum seekers in high-rise buildings (HRBs) and which regulator had responsibility (Local Authorities for health and safety; Fire and Rescue Services for fire safety regulation). The issue of multiple duty holders in HRBs was covered by the Building Safety Act. 7. The progress in setting up the new Science Quality Assurance Committee, with the Chair to take up post on 1 September, and recruitment of members set to start shortly. 8. HSE's submission for the Civil Service 2025 commission.
Decision	The Board noted the performance report.
4	Report on the second Post Implementation Review (PIR) of the Control of Asbestos Regulations 2012 (CAR 2012) (HSE/22/39)
	Sarah Jardine and ██████████ presented this item, providing further detail on the process and the new evidence used to supplement that which was gathered for the previous PIR. They sought the approval of the Board to proceed with submitting the PIR to the Regulatory Policy Committee and the Minister.

	The Board sought and received assurance on the methodology and extent of engagement with stakeholders in gathering evidence to reach the conclusion that the Regulations continued to deliver their intended policy objective.
Decision	Subject to some presentational/drafting suggestions, the Board approved the report to be submitted.
Other Business/Meeting Review	<p>The Board felt that the pace of the meeting and time allowed for discussion was appropriate. The verbal updates from the Board committees provided relevant assurances.</p> <p>The Asbestos PIR paper was very well presented and should be used as an exemplar for future papers.</p>

Health and Safety Executive Board		HSE/22/37	
Meeting Date:	26 July 2022	FOI Status:	Open
Type of Paper:	For discussion	Exemptions:	None

Chief Executive's Report

26 July 2022

[Workplace fatality figures](#) were published on 6 July. One hundred and twenty-three workers were killed in work-related accidents in Great Britain in the year April 2021 to March 2022, during which time most pandemic restrictions were lifted and the economy began returning to normal.

The industries with the highest deaths were construction (30), agriculture, forestry, and fishing (22), and manufacturing (22). Agriculture, forestry and fishing has the highest rate of fatal injury per 100,000 workers. The three most common causes of fatal injuries continue to be falling from height (29), being struck by a moving vehicle (23), and being struck by a moving object (18).

The figures relate to work-related accidents and do not include deaths arising from occupational diseases or diseases arising from certain occupational exposures (including Covid-19).

HSE has also published the **annual figures for Mesothelioma**, which is a cancer that can be caused by past exposure to asbestos. The figures show that 2,544 people died from the disease in 2020. This is in line with the average of 2,523 deaths over the previous eight years. Current mesothelioma deaths reflect exposure to asbestos that mainly occurred before the 1980s and annual deaths are expected to decline during the next decade.

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

Preventing work related stress to promote, support and sustain good mental health:

Working Minds continues to raise awareness of workplace stress. In July the campaign is focusing on the agriculture sector contributing to the wider activity around Farm Safety Week (18-22). To ensure the campaign is truly national, we are developing bespoke activities for the devolved nations, with a webinar for Scottish businesses arranged for 19th September. To date the campaign has driven more than 72000 visits to campaign pages, and more than 4000 referrals to HSE webpages (18% increase in the amount of pageviews) and generated 3100 downloads of information and resources (9% boost in overall number of toolkit downloads). This has resulted in 1,900 subscribers to the campaign newsletter, and 700 Champions, signed up to support and share the information employers and workers need. A survey revealed 61% had talked about stress as a result of the campaign; over half said they'd shared with colleagues; and 88% said the campaign is raising awareness of work-related stress and the link with mental health.

Construction sector campaigns focused on respiratory health: HSE has completed its first Health Campaign for the year, with a focus on respiratory health and dust control. The month of June saw four weeks of concentrated effort to target and inspect sites to ensure they were adequately managing the health risks associated with construction dust.

More than 1000 inspections were conducted, taking appropriate action at sites where respiratory health risks were not be suitably managed. Communications supporting this raised awareness of key messages to a wider audience within the construction industry resulting in nearly one million impressions on social media, more than 50000 views of campaign videos and doubled the traffic

of the previous campaign, driving more than 25000 pageviews. Further analysis of the results of the campaign will be used to inform future regulatory, policy and stakeholder engagement work.

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

Building Safety Regulator (BSR)

Publication of Support for Dutyholders: New material to support Accountable Persons (APs) has been published as [webpages](#). It provides support to APs to develop building safety cases - building on the well-received 'Principles' document published in September 2021. It consists of five documents developed in close collaboration with partner regulators and the Early Adopters group of dutyholders, covering:

- Gathering building information
- Identifying building safety risks
- Prevention and protective measures
- Safety management systems
- Safety case report content

Publication of Second Iteration of Safety Cases and Reports: The second iteration of Safety case and reports published as [webpages](#). It covers the following topics:

- Building information
- Identifying risks
- Risk prevention and protective measures
- Safety management systems
- Safety case report

Publication of draft Professional Conduct Rules, Code of Conduct and outline of Building Inspector Competence Framework: Key products to support the new regulated [Building Control Profession](#) were published in draft on 31 May for [consultation](#). These were the Professional Conduct Rules for Building Control Approvers, Code of Conduct for individual Building Inspectors and an outline of the Competence Framework for Building Inspectors. The documents are being developed further in close collaboration with key stakeholders. Updated versions will be published later in the summer for a further, short period of consultation. Final versions of the documents should be available by the end of October to allow a 12 month period before the registers open for Building Control Approvers and Building Inspectors in October 2023. This will allow for them to prepare for registration.

Publication of Non-Statutory Consultation on draft Operational Standards Rules: Operational Standards Rules (OSRs) are being developed that will set the performance standards for the effective delivery of building control functions in the public and private sectors. They will apply to Building Control Bodies (BCBs) operating outside of the higher-risk building regime. The draft OSRs, including reportable data and Key Performance Indicators, have been developed in collaboration with key stakeholders. A non-statutory consultation is planned by the end of July to gain wider input from BCBs and industry and to allow BCBs time to prepare. It will be published on HSE's consultation hub [Citizen's Space](#). Following the consultation a data collection pilot will be undertaken. The OSRs will come into force in April 2023 and compliance by BCBs will be enforced by the Building Safety Regulator from April 2024.

Industry Safety Steering Group (ISSG): HSE, as the Building Safety Regulator, has assumed the secretariat role for the ISSG which is chaired by Dame Judith. As well as supporting this group, BSR will look for opportunities to align its work with BSR priorities. We will also look to

assess how ISSG structure can be best played into BSR governance arrangements and how its functions align with BSR's three new statutory committees (industry competence committee, building advisory committee and the residents panel). These considerations, in discussion with ISSG, will determine the life span and form ISSG will take in the short and medium term.

The Chemicals (Health and Safety) Trade and Miscellaneous Amendments Regulations 2022: These Regulations, made under the Trade Act 2021, European Union (Withdrawal) Act 2018 and the European Union (Withdrawal Agreement) Act 2019 were laid before Parliament on 23 June 2022. They make provision for HSE to share the full range of information that it holds on chemicals (individual substance evaluations, risk assessments etc.) with the EEA/EFTA states (primarily Norway). The sharing of such information will assist the UK in meeting its obligations on regulatory cooperation in the Chemicals Annex to the UK-EEA/EFTA Free Trade Agreement concluded last year.

The Statutory Instrument (SI) also corrects minor deficiencies in the Classification Labelling and Packaging, Biocides and Prior Informed Consent chemicals Regulations and in some EU-derived chemicals legislation that have arisen as a result of the UK leaving the European Union to ensure their continued smooth functioning.

The SI is subject to the affirmative resolution procedure and so debate and a positive vote in both Houses will be required before the SI can be signed. The SI was debated in the House of Lords on 19th July and the Commons debate is expected to be after the summer recess. It is anticipated that the Regulations will enter into force in November 2022.

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

Net Zero: HSE's Board, supported by Executive Committee members, hosted a stakeholder event at the end of June in Aberdeen to talk about Net Zero. The event brought together leading representatives from industry to discuss some of the key challenges on the safe transition to Net Zero relevant to our role. Those present learnt about our new strategy Protecting People and Places and more specifically on work we have been doing over the past decade that links to Net Zero. Roundtable discussions focused on the themes of competency, skills, and the future regulatory regime with stakeholders highlighted interesting points around the challenges industry faces with limited resources and differences in skills required between new energy solutions and existing oil and gas. There was positive feedback from our stakeholders recognising, in particular, the importance of collaboration and welcoming the opportunity to work with us on Net Zero in the future.

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](#).

CMBC Supply Limited (AKA Carlsberg) has been fined £3 million after a contractor died and another was seriously injured following an ammonia gas leak at its Northampton Brewery in 2016. The investigation revealed that, during construction work to upgrade its refrigeration system, serious safety failings in the isolation of the ammonia filled system led to an uncontrolled gas release which killed one employee, seriously injured another and left a further 20 people requiring medical assistance. Following a complex investigation involving Operational

Inspectors, Mechanical Engineering and Process Safety Specialists, the investigation concluded that the key failing in this case was the failure to ensure the correct isolations were in place that met with industry safety standards. Both the client, Carlsberg and the principal contractor, Crowley Carbon, had a duty to ensure that the well-known serious risks associated with ammonia were adequately managed. The prosecution focused on the duty of both Client and Principal Contractor to ensure the correct level of isolation was in place before the intrusive work commenced on the ammonia filled refrigeration system. The fine of £3 million reflects the seriousness of the failings and the loss of life of David Chandler.

HSE also brought a case against Crowley Carbon Ltd Principal Contractor, which were also due to be tried but for the company being placed into compulsory administration by creditors.

British Army: HSE has served two Improvement Notice for Crown Employers (Improvement Notices) on The Chief of the General Staff, British Army, based on the early findings of an investigation into the circumstances of the death of a Soldier during a military exercise on Salisbury Plain.

The soldier sustained fatal injuries when he was struck by the Warrior tracked armoured vehicle that he had been travelling in when it reversed shortly after he exited the rear of the vehicle. Deficiencies were identified in respect of the safety critical controls to allow the driver to identify of personnel in close proximity to the rear of the machine and the rear doors.

The improvement notices served on the 1st July 2022 require the MOD to take action to ensure that the current safety arrangements were checked and that they undertake a full review of the safety features on their Warrior fleet to seek to prevent future similar deaths or injuries. This is the second fatal incident involving a military vehicle on Salisbury Plain in under a year. The first incident in October 2021 led to a Crown Stop Notice (Prohibition) being issued in relation to how a Scimitar Combat Tracked Reconnaissance Vehicles were used.

HSE is supporting Wiltshire Police who are leading the continuing enquires.

Cwm Taf Morgannwg University Health Board was prosecuted under Section 3(1) Health and Safety at Work etc Act 1974 and fined £800,000 following the fatality of a vulnerable patient, who wandered out of an unsecure hospital ward unnoticed a number of times and in November 2019, fell in the grounds of the hospital and subsequently died from her injuries.

The Health Board was also prosecuted for failing to comply with an Improvement Notice for them to make improvements to keep vulnerable patients safe. It was fined £50,000.

Barote Construction Ltd: On 5th April 2021 an unsupported gable wall collapsed onto a neighbouring property injuring a resident who required hospitalisation with a fractured sternum and collarbone.

The incident occurred during a domestic refurbishment construction project. The existing property had been reduced to a shell with its roof, internal walls, and structural support members for both gable ends removed. Temporary supports to prevent collapse of both gable ends were not in place. HSE found that the correct sequencing of works and co-ordination with the scaffolding contractor, which could have prevented the incident, failed to take place resulting in the gable collapse. Barote Construction Ltd pleaded guilty to breaching Regulation 19 (1) of the Construction (Design and Management) Regulations 2015. and were fined £40,000. HSE were awarded full costs.

Published fatalities update¹

Since the last update to the Board, **5** fatalities which occurred in 2021/22 and **3** 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
07/02/2022	Frederick Best	43	The deceased came into contact with electricity	Dacorum	Manufacturing	Employee
16/02/2022	Andrew Webster	58	The deceased was struck by an object	Derbyshire Dales	Agriculture	Self employed
18/03/2022	Kevin Elliott	72	The deceased fell from height	Gateshead	Services	Member of the public
24/03/2022	Nelson Ridley	39	The deceased came into contact with electricity	Sevenoaks	Construction	Self employed
28/03/2022	Richard Thomas	36	The deceased was struck by a moving vehicle	City of London	Construction	Self employed
27/04/2022	Callum Quarton	25	The deceased was struck by an object	Hull City UA	Construction	Employee
05/05/2022	Mark Smith	57	The deceased fell from height	Basingstoke	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](#).