

Health and Safety Executive Board			HSE/23/A03
Meeting date	28-Mar-23	FOI Status	Open
CM9 Ref	2023/45906		
<b>AGENDA</b> <b>HSE Board Meeting</b> <b>28 March 2023</b> <b>Redgrave Court</b>			

**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 February 2023 HSE/23/M02  
Matters arising & Action Log HSE/23/AL  
Chair's update - to include Weeks Review Verbal  
recommendations update (if available)

**ASSURANCE**

**10:00** 2 Chief Executive's Report - March 2023 HSE/23/14 Sarah Albon and ExCo members  
**10:30** 3 Business Performance - February 2023 HSE/23/15 David Murray  
**11:00** 4 2023 Science Report HSE/23/16 Andrew Curran

**11:30** BREAK

**11:40** 5 Establishing a Hse Board Building Safety Regulator Committee HSE/23/17

**DECISION/CONSIDERATION**

**12:05** 6 BSR Fees and Charges Regulations - proposals for DLUHC HSE/23/18 David Murray/  
**12:35** 7 Update on Local Authority (LA) regulatory activities in 2021/22 HSE/23/19 Rick Brunt/  
**12:55** 8 AOB/Meeting Review  
**13:00** Meeting ends

Health and Safety Executive Board			HSE/23/M03
Meeting Date:	25 April 2023	FoI Status	Open
FoI Exemptions			
CM9 Reference:	2023/71428		
<b>Minutes of HSE Board Meeting</b> <b>28 March 2023</b> Redgrave Court, Bootle			

**Attending**

Sarah Newton – Chair	Chyrel Brown	David Coats	Martin Esom
Debbie Gillatt	Susan Johnson	Ken Robertson	Ged Nichols
Gina Radford (online)	Claire Sullivan		

**Also attending**

Sarah Albon – Chief Executive	James Anderson – Chief Technology Officer	Peter Baker – Director, Building Safety	Rick Brunt – Director, Engagement and Policy
Andrew Curran – Director, Science and Commercial	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, Regulation		

[Redacted] - CEPS

[Redacted] – items 5 & 6;  
– item 6; [Redacted]  
– item 7

**Apologies:** John McDermid

**Minutes**

Closed Meeting	
1	<b>Welcome and Declarations of Interest</b>  Sarah Newton welcomed everyone to the meeting. She extended her thanks to Susan Johnson for chairing the February Board meeting on her behalf.  Apologies were received from John McDermid.  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.  Gina Radford informed the Board of her appointment as a Non-Executive Director of the Department of Work and Pensions. She confirmed that advice had been received that there was no conflict of interest in her taking up this role.  Martin Esom confirmed that he had been appointed as a Non-Executive Director of the Sports Grounds Safety Authority.

	<p><b>Chair's update</b></p> <p>The Chair congratulated colleagues who had delivered an excellent BSR conference.</p> <p><b>Draft minutes of meeting 28 February 2023 (HSE/23/M02), matters arising and actions (HSE/23/AL)</b></p> <p>The minutes of the previous meeting were cleared.</p> <p>The action log was noted.</p> <p><b>Science Quality Assurance Group (SQAG) – inaugural meeting update</b></p> <p>Ken Robertson updated the Board on the inaugural meeting and the approach to be adopted to provide the Board with assurance on the breadth of HSE's science work. SQAG would provide an assurance report to the April meeting and a further update to the June meeting.</p> <p>There were no other Matters arising.</p>
<b>Decision</b>	Minutes of previous meeting cleared.
<b>Action 1</b>	SQAG assurance report to be brought to the Board in April.
<b>2</b>	<p><b>Chief Executive's Report (HSE/23/14)</b></p> <p>In addition to her written report, Sarah Albon updated the Board on current issues including internal industrial relations discussions and recent incidents which involved working with other agencies.</p> <p>The Board sought and received assurance on the following:</p> <ol style="list-style-type: none"> <li>1. Managing the impact of industrial action.</li> <li>2. How Safety Alerts were used as a means speedily to raise awareness of safety issues.</li> <li>3. Exploring ways to give greater prominence to the breadth of HSE's work, such as for example in the Annual Report.</li> <li>4. The causes and follow-up work on the recent severe IT outage. The Board would receive a written update in due course.</li> <li>5. The success of the BSR conference and plans for future events. Video content from the conference would be published and the link shared with the Board when it becomes available. The broad range of questions asked at the conference would be captured in future communications plans.</li> <li>6. How proportionate advice/guidance on BSR duties developed using Stakeholder engagement models mirroring the approach adopted following the Buncefield incident would aim to reduce blue-tape burdens.</li> </ol> <p>The Board particularly recognised two colleagues: the trainee inspector who had intervened at a woodworking premises, as a result of which the dutyholder adopted the advice given to improve health and safety standards at its premises; and the visiting officer who had demonstrated a compassionate and professional approach in taking a Victim Personal Statement, noting also that colleagues had a wellbeing support framework available to them.</p>
<b>Action 2</b>	Written update on the IT outage to be provided to the Board.
<b>Action 3</b>	Share the link to the BSR conference content when available.
<b>3</b>	<p><b>Business performance (HSE/23/15)</b></p> <p>David Murray presented the performance report for February 2022/23, providing details of both Business Plan targets and financial performance:</p>

	<ul style="list-style-type: none"> <li>• areas of strong performance against Business Plan milestones, including: the completion of pro-active inspections (end of year outturn expected to be around 16,000) and material breach rates across health priorities largely at or exceeding expectations; Chemical Regulation – pesticides - evaluations; fatal and non-fatal investigations closure; Business Plan deliverables with twelve Q4 milestones on track, noting that two deliverables were off track and one would not be delivered this financial year; and</li> <li>• areas of focus, including: Chemical Regulation – biocides – slightly below target; proactive inspection for safety matters, noting that asbestos contractor licence inspections forecast for around 800 at year end, in line with target; delivery against new performance measures for Major Hazards, specifically in CEMHD; and, whilst there had been an ongoing slight reduction on average working days lost (AWDL) to 6.9, ExCo continued to closely monitor this and HR colleagues continued to provide support to Divisions in managing absence;</li> <li>• HSE’s financial position with an underspend of £3.4m. The forecast underspend was £5.5m for the year-end, largely due to the impact of the delay in agreeing the BSR Outline Business case, recruitment challenges, the delay in agreeing the Pay Business Case.</li> </ul> <p>The Board sought and received assurance on the following:</p> <ol style="list-style-type: none"> <li>1. How sector intervention plans for work activities posing the greatest risk of harm were being developed to establish outcome expectations and make most effective of resources.</li> <li>2. External and other factors impacting on CEMHD performance. The Board’s Finance and Performance Committee continued to seek assurances and Jane Lassey would be invited to report to the Board before the autumn to assist with 2024/25 Business Planning.</li> </ol>
<b>Decision</b>	The Board noted the performance report.
<b>Action 4</b>	Invite Jane Lassey to the September Board meeting.
<b>4</b>	<b>Science Report 2023 (HSE/23/16)</b>
	<p>Andrew Curran presented the Science Review, drawing the Board’s attention to specific areas such as significant pieces of research (eg the National Core Study (NCS) into workplace transmission of Covid-19), science governance, use of advisory committees and themes of focus for the forthcoming three years as set out in the Science Plan. There was a video file being used to support the publication of the report and this would be shared with the Board. <i>DN – this was sent with the weekly update 31 March.</i></p> <p>The Board sought and received assurance on the following:</p> <ol style="list-style-type: none"> <li>1. The stakeholder engagement plan and how the Board and a lay audience would be informed of the findings of the NCS.</li> <li>2. How the findings from science work, including work underway to gain a greater understanding of workplaces and work activities, help develop intervention approaches reflective of workers’ real-life experiences. This aspect was included in the self-assessment criteria for commissioning science.</li> <li>3. How the plan articulates HSE-led science work and the extent of other collaborative areas on the issue of health and work. New performance measure/KPIs were being developed and would be included in the ExCo Performance Hub and the performance pack. The Finance and Performance Committee would review and identify a date for a deep dive into performance against the science plan.</li> </ol>

	<p>4. The plan would be reviewed ahead of the October Business Planning meeting to help inform the planning process. It would take account of all HSE's science and analytical work, including that undertaken outside of Science Division.</p> <p>5. The SQAG would provide assurance on the role and quality of strategically relevant outputs of advisory committees such as the Workplace Health Expert Committee, including identifying any gaps in expertise.</p>
<b>Decision</b>	<p>The Board congratulated all colleagues involved in HSE's science work and welcomed the Science Review.</p> <p>Subject to the points made above, the science plan was agreed.</p>
<b>Action 5</b>	FPC to identify a date for a deep dive into performance against the science plan KPIs.
<b>5</b>	<b>Establishing a Building Safety Regulator Committee (HSE/23/17)</b>
	<p>██████████ and ██████████ presented the paper, explaining the Committee's scope as an advisory and assurance committee and its membership composition.</p> <p>The Board sought and received assurance on the following:</p> <ol style="list-style-type: none"> <li>1. Martin Esom's joint role as Chair of the Board's Audit and Risk Assurance Committee and as a representative of local authorities on the HSE Board.</li> <li>2. The Committee's role in developing the BSR Strategy.</li> </ol> <p>There were suggested changes to clarify the terms of reference, particularly around the Committee's not being decision-making, the quorum provision, exceptional attendance of deputies, and the timing of and notice for meetings. Where possible, meeting dates should coincide with the dates for the HSE Board's quarter end meeting.</p> <p>A submission would be sent to the Secretary of State for Levelling Up, Housing and Communities once the final version of the Terms of Reference was available.</p>
<b>Decision</b>	Subject to the suggested amendments, the terms of reference were agreed.
<b>Action 6</b>	The Chair to write to the SOS DLUHC.
<b>6</b>	<b>BSR Fees and Charges Regulations - proposals for DLUHC (HSE/23/18)</b>
	<p>David Murray and ██████████ presented this item, providing the background to the issue and the extent of engagement and consultation undertaken in developing the proposed regulations and charging scheme. They confirmed that the proposals complied with Managing Public Money.</p> <p>The Board sought and received assurance on the following:</p> <ol style="list-style-type: none"> <li>1. The proposals represented full cost recovery and that further work was being undertaken to identify any specific impacts on leaseholders.</li> <li>2. Clarification regarding the model for investigations into contraventions of the code of conduct for registered building inspectors.</li> </ol>
<b>Decision</b>	The Board thanked the team for achieving this point in the process and gave its approval for the regulatory package to be submitted to the Secretary of State for Levelling Up, Housing and Communities.

7	<p><b>Update on Local Authority (LA) regulatory activities in 2021/22 (HSE/23/19)</b></p>
	<p>Rick Brunt and ██████████ presented this annual update, explaining the analysis findings of the source data from LAE1 returns (response rate 81%) and highlighting issues that impact on enforcement activity and trends in accident and ill-health reporting. They also confirmed that a periodic review of the LA/HSE co-regulatory partnership was planned and any views expressed by the Board would be taken into account when developing the scope of the review.</p> <p>Martin Esom welcomed the opportunity to be engaged in discussions and provided background insight into the range of LAs' statutory environmental, food safety and health and safety enforcement responsibilities, issues impacting delivery and how a review of the partnership could explore this in more depth.</p> <p>The Board sought and received assurance on the following:</p> <ol style="list-style-type: none"> <li>1. How the review would take account of the themes in HSE's strategy.</li> <li>2. How LAs would be engaged in the review process.</li> </ol> <p>The Board was assured that a process for maximising the response rate of the LAE1 would be reintroduced following a relaxation during the pandemic.</p>
<b>Action 7</b>	<p>Initial Terms of Reference paper setting out some detail of areas for review would be brought to the Board in April.</p>
<b>Other Business/Meeting Review</b>	<p>It was confirmed that the Board would need to complete the mandatory Security and Data Protection e:learning.</p>

Health and Safety Executive Board		HSE/23/14	
Meeting Date:	28 March 2023	FOI Status:	Open
Type of Paper:	For discussion	Exemptions:	None

## Chief Executive's Report March 2023

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

**Musculoskeletal Risk Reduction Through Design Awards 2023:** Entry submission for the awards closed on 31<sup>st</sup> January 2023 with 19 entries being received. The entries have again come from a broad range of industries following increased communications activity. The five shortlisted finalists will now be considered by the judging panel on the 16th March with a judging panel including representatives from the Chartered Institute of Ergonomics and Human Factors (CHIEF), MAKE UK as the employer representative and TU representative. The winner will be announced in June 2023.

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

**Collaborative working – Duty To Manage Asbestos campaign in schools:** In a collaboration across Regulatory and Policy colleagues, and using information obtained from stakeholders such as Department for Education, HSE has developed an internal Sharepoint site containing targeted learning material and other supportive resources for regulatory colleagues to use. This has enabled Inspectors to take consistent, targeted and proportionate enforcement action when poorly managed or uncontrolled risks were identified.

**Health Unit International Stakeholder Engagement:** March 2023 sees the coming into force of new legislation in New Brunswick, Canada that requires cooling tower operators to register their cooling towers with the regulatory authorities. This mirrors the approach Great Britain has had since the introduction of [The Notification of Cooling Towers and Evaporative Condensers Regulations 1992](#) (NCTEC). Similar legislation to the NCTEC Regs has been recently adopted by New York City authorities following significant Legionnaires' disease outbreaks in the Bronx, and is soon to be followed by Los Angeles County. HSE's Health Unit staff held productive informal discussions in May 2022 with a representative from the US [National Sanitation Foundation](#) and LA County, where they wanted to hear about our experiences with a view to informing other North American legislators through the existing NSF communications channels. We were also able to facilitate talks with Legionella service providers through our relationship with the [Legionella Control Association](#). Those talks explored how the [LCA Code of Conduct](#) standards could be utilised in North America, with a view to raising standards amongst service providers there too.

**Collaborative working with Sectors - High Risk Sector (HRS) Anaerobic Digestion National Programme of Inspection.** HSE undertook a proactive inspection on 10<sup>th</sup> February 2022 which led to a review of fire and explosion risk assessment at all anaerobic digestion facilities operated by Severn Trent Green Power, a subsidiary of Severn Trent Water.

The proactive inspection was carried out at the anaerobic digestion facility operated by Severn Trent Green Power (STGP) at Coleshill in the West Midlands. The inspection resulted in a letter setting out contraventions and requiring the company to review its fire and explosion risk assessment under the Dangerous Substances and Explosive Atmospheres Regulations 2002 (DSEAR).

The lengthy intervention was recently concluded. It involved support from HSE Waste and Recycling Sector and one of HSE's Principal Scientists in the Major Hazards Unit at HSE Science

and Research Centre. Through discussions with STGP and its consultant we were able to improve the duty holder's understanding of the risks of fire and explosion at the facility at Coleshill. STGP also stated its intention to use the learning from the intervention at Coleshill to re-assess risk at all anaerobic digestion facilities operated by it nationwide.

**Gas Investigation and Prosecution** - Chris Shaw (a.k.a Chris Parker) T/A SOS Express Plumbing was prosecuted for illegal gas work and sentenced to prison for 16 months. He removed an existing boiler and installed a new combination boiler in an 81 year old woman's home. Mr Shaw had in 2011 been prohibited from carrying out gas work by HSE and had subsequently been investigated and prosecuted for similar illegal gas work, including a breach of the Prohibition Notice. This resulted in a custodial sentence of 6 months in 2015.

A joint investigation with Gas Safe Register found Mr Shaw was not competent to do the work nor was he a registered gas fitter. The installation had a number of issues that were deemed as 'at risk,' meaning they could be a danger to life or the property in the future. The investigation team showed great tenacity to disprove Mr Shaw's claims the work was carried out by somebody else by tracking down the named individual so he could appear in court. They also made arrangements for the 81 year old homeowner to give evidence at court by video link. Mr Shaw abandoned his basis of plea and pleaded guilty on the full facts of the case. This successful prosecution and sentence highlights the court's appreciation of this incredibly flagrant breach of the law.

**Health Unit Stakeholder Engagement:** HSE specialist inspectors have been assisting the British Occupational Hygiene Society (BOHS) to develop an accredited register for occupational hygienists overseen by the [Professional Standards Authority for Health and Social Care](#). Having an accredited register will provide dutyholders with additional confidence that registrants have been checked, that they are appropriately trained and that, where necessary, they will be held to account. The accredited register is expected to be launched by BOHS in the Summer and will also enable the title of Occupational Hygienist to be included on the BEIS [UK Regulated Professions Register](#).

**Health Unit Stakeholder Engagement:** Occupational Hygiene colleagues conducted a proactive intervention to enhance the ability of ISO45001 auditors to clarify and embed HSE health and safety legislative expectations as a way of improving compliance with health and safety law. Last week colleagues from different specialisms and policy met the Chief Executive of the Association of British Certification Bodies to introduce the idea and discuss ISO45001 audits. There was an encouraging response to the meeting, so the next step will be to meet with their members to develop an audit programme. This work is at an early stage and illustrates stakeholder engagement to use external levers to drive compliance.

**Retender of the Gas Safe Register Service Concession Agreement:** The current Gas Safe Register Service Concession Agreement will end on 31 March 2024. The HSE Retender Team held a supplier engagement day in January to stimulate market interest in the Concession for the following five years (1 April 2024 - 31 March 2029) and have since been compiling the Invitation to Tender Documentation. The documents, being developed in close collaboration with key teams across HSE to ensure the Register is agile and able react to challenges within the gas industry now and for the future, will be released to bidders in early April ahead of contract award in August 2023.

**Post-Implementation Review (PIR):** A PIR of the Health and Safety (Sharp Instruments in Healthcare) Regulations 2013 found that the Regulations have achieved their original objectives, were well accepted by the healthcare sector, and remain an important contributor to the protection of healthcare workers from needlestick injuries and blood borne viruses. A low resource approach to the PIR was considered appropriate as ongoing costs directly attributable to the Regulations were minimal, existing evidence was available, and that the previous larger scale PIR in 2018 attributed a positive impact to the Regulations. The review will be published on legislation.gov.uk in due course.

**Making Buildings Safer campaign:** The Making Buildings Safer campaign generated significant media coverage, social engagement and microsite page views in its first week. This included:

- 28 pieces of media coverage, including pieces on [BBC Radio 4](#), [Property Week](#) and [Inside Housing](#), with an estimated 525K lifetime views
- 270 new sign ups for campaign e-bulletin
- 2,322 page views of the [Making Buildings Safer campaign microsite](#)
- 10 social media posts across our channels generated 1,256 total engagements- the [top performing social media post on LinkedIn](#) amassed 51,218 impressions

## Building Safety Regulator

**Conference:** 968 delegates registered to attend the [BSR Conference](#) at Central Hall, Westminster on 22 March 2023. Attendees included practitioners from building control profession, buildings owners and construction and design professionals. Such was the interest in this conference, there was a waiting list of around 600 delegates. Sarah Newton, Sarah Albon and Peter Baker opened the conference alongside Minister Lee Rowley, who delivered the keynote address. Industry supported the conference with sessions being held by the construction leadership council, industry leaders across the competence agenda, as well as Dame Judith Hackitt.

There were 11 exhibitors including other government departments such as Home Office, DLUHC and BEIS.

There was a full internal and external media campaign to support the event and raise the profile of the conference key messages which supported the current wider campaign activity.

**Industry Guidance Consultation:** A draft of the Building Safety Competence Information for Principal Contractors (PC) and Principal Designers (PD), and for Accountable Persons (APs) Managing Building Safety on Higher-Risk Buildings (HRB) was published for [consultation](#) in January 2023, with response in Summer 2023. The British Standards Institute (BSI) created Publicly Available Specifications (PAS) for these roles, which were published in July 2022. The guidance documents help PDs, PCs and APs managing HRBs to understand the building safety competencies and the organisational capability to carry out their roles. Following the publication of the PAS, user feedback suggested a need for a more basic and useable format of the PAS. The documents have been written as summary documents to give an overview of the requirements of the PAS and an outline of the roles that will be in planned secondary legislation.

**Development of Response to the Code of Conduct (CoC) for individuals and Professional Conduct Rules (PCR):** Building Control is being established as a regulated profession. In support of this, HSE are developing a Code of Conduct (CoC) for individuals registered as building inspectors (RBIs) and Professional Conduct Rules (PCRs) for private sector organisations registered as building control approvers (RBCAs). Early drafts of the CoC and PCRs were published on 31 May 2022. The drafts were presented to key stakeholders, including LABC and ACAI, at meetings across the summer. They were developed further based on their feedback and updated drafts underwent public consultation ([CoC](#) & [PCR](#)) from 9 January to 19 February. The responses to the consultations are currently being analysed and our reports are scheduled to be published late Spring 2023.

**Publication of Response to the Building Inspector Competence Framework (BICoF):** The Building Inspector Competence Framework (BICoF) has been developed to provide a clear, structured framework against which all RBIs, whether private or public sector, will have to demonstrate their competence. As with the CoC and PCRs, an early draft was published in May, presented to stakeholders over the summer and a revised draft was publicly [consulted](#) on at the end of 2022. The [response](#) to the consultation was published 17 March 2023. The revised BICoF will be published at the end of April 2023 and come into force in April 2024.

**Publication of Operational Standards Rules (OSRs):** Section 42 of the Building Safety Act 2022 introduces the regulation of the building control profession and comprises registration of building inspectors and an accompanying Code of Conduct; the registration of registered building control approvers and Professional Conduct Rules; and Operational Standards Rules (OSRs) which are designed to ensure the effective delivery of building control functions in the private and public sector building control bodies. The purpose of the consultation was to engage the wider building

control community and provide the opportunity for comment on the OSRs and reportable data to inform further refinement of the draft OSRs. A draft of the OSRs was published for [consultation](#) in August 2022 and the consultation closed on October 2022. The [response](#) to this consultation was published in March 2023. The revised draft OSRs will be published April 2023 and will come into force in April 24.

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

**Waste and Recycling HRS Intervention - making a difference at a multi-site company – H W Martin Waste Ltd:** HSE Inspectors visited two household recycling sites of H W Martin Waste Ltd, located in close proximity, to carry out inspections as part of a wider campaign in this industry, which has high rates of injury and ill health. Inspectors identified that risks were not being properly managed and in particular in connection with the manual handling of white goods brought to site by members of public. Inspectors discovered that H W Martin had just been awarded a ten-year contract with Derbyshire County Council (DCC) to operate all their household waste recycling sites. DCC had directed that H W Martin Waste Ltd workers should help members of the public by unloading their white goods, but neither DCC nor H W Martin Waste Ltd then assessed the risk to Musculo skeletal health created by this direction. Inspectors collaborated with colleagues dealing nationally with the industry to establish a clear benchmark for operators wishing to assist the public in this way, in the absence of any existing industry standard. To deal immediately with the risk, H W Martin Waste Ltd covered signs inviting the public to seek assistance. A letter set out the breaches of law and guided the employer on the actions to take to decide how such assistance could be provided safely. H W Martin have 41 sites nationally and this intervention will improve working practices for a significant size workforce. Some of the 41 sites will be inspected in 2023/24 to ensure lessons learnt from these two inspections have been put into practice nationally. Working with the competent source of advice to the company, a consultant, inspectors secured his agreement to share the information on legal requirements with the other numerous companies he advises, securing much wider impact. The work will also be used by colleagues who engage with key representatives of the industry to continue to educate and drive up standards of risk management.

**Work Right agriculture campaign:** “Your farm your future” launched on Monday 13 March, focusing on vehicle safety due to incidents involving vehicles being the number one cause of deaths and serious injuries on British farms. Using our [Work Right campaign website](#), we've brought together comprehensive advice and support for using vehicles safely on farms. The campaign is focused on three key areas: operating a safe farm; maintaining a safe vehicle; and being a safe driver.

The campaign is being promoted by engaging proactively with our numerous stakeholders, through media partnerships with Farmers Weekly and Farmers Guardian, use of agriculture influencers and directly targeting those working in farming using paid for social media. We'll also be sharing more information about the campaign through a series of regional and national newspapers, using social media and with our campaign partners.

Media coverage includes [Agriland](#), [HortWeek](#) , [Shropshire Star - Wales](#), [The National - Scotland](#).

**[Asbestos & You](#):** Launched on 6<sup>th</sup> March, this campaign is one element of the larger response to the Work and Pensions Select Committee's report on the Health & Safety Executive's approach to asbestos management.

The campaign targets workers across numerous trades including demolition, electrical fitters, plumbing, plasterers, joinery, roofing, and painters; with two communications objectives:

- *To raise awareness, to inform and educate the target audience(s) that the risk from asbestos is current and relevant to them and the work that they do;*
- *To build on previous campaigns and test which messages resonate with the audience; and to test the channel mix to see which achieve the greatest impact on the behaviours of tradespeople.*

## Asbestos & You:

- Uses new creative to highlight the personal dangers that tradespeople can face from asbestos. This moves away from the yellow used previously to red, which is commonly associated with danger and stop, and is also the colour construction uses to label asbestos.
- Hosted at a dedicated [Asbestos and you microsite](#), which features a new quick guide to asbestos for tradespeople.
- A paid-for social media campaign is directly targeting our audience
- First news story used insight to highlight that millennials, gen Z workers and other younger people who work in trades need to take the risk of asbestos much more seriously. This has already secured more than 30 pieces of media coverage in trade titles, e.g. [Facilitate Magazine](#), [Scottish Construction Now](#) and [Roofing Today](#).
- There are more than 20 partners engaged with campaign, including BEIS, industry bodies, and trade associations, who are cascading our messages through their channels.
- To further spread our messages, we'll be partnering with On The Tools, the largest online construction based community in the UK, later this month and we're looking to kick-off our trade partnership with builders merchant Jewson in April.
- The first phase of the campaign will end 31 May for evaluation in June.

Ten days into the three-month campaign we saw more than 10,500 page views (due to cookies real number will be much higher), with 7,500 downloads of the new asbestos guide. Social media has generated more than 3 million impressions driving 26,000 clicks on our content. The microsite is also referring traffic to hse.gov.uk generating an additional 5,985 page views and 1,383 downloads – with the [Introduction to Asbestos essentials \(A0\)](#) being the most popular.

**Enforcement - Inspection and letter:** At an inspection of a woodworking premises, led by one of our new trainees, the employer protested about cost recovery and resisted inspection. Material breaches were identified and captured in a letter. Following the visit the Inspector made sure the action to control risks had been taken as directed. The way the Inspector engaged with the employer led to the employer writing to say “We hope that we have shown that we are a responsible employer. We take the health and safety of ourselves and employee seriously and your visit and subsequent advice has compelled us to make changes that have ultimately improved our facilities. It's been a positive experience and has made us appreciate more why the legislation and guidance exists”.

## 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 Mr Neil Roberts, a depot manager, employed by Turners (SOHAM) Ltd, one of largest transport businesses in the UK, was walking across a yard owned by Haulage Group Ltd (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.

**Enforcement:** An Inspector was driving to Court for a prosecution case, when she observed two workers on a flat roof of a police station without suitable safety measures. The Inspector stopped and called the workers down from the roof but they refused to give her their details. The Inspector took the matter up with the Police Force as the client and took appropriate action with both the roofing firm and the Police to stop the work and prevent a recurrence.

**McLaren:** There was national media interest in the conviction after a trial of a division of the Formula One motor firm McLaren. It follows the death of David Oldham, who fell while inspecting the company's Brand Centre - a mobile building taken to Grand Prix meetings - at a warehouse in Maidenhead in 2016. The firm will be sentenced on 31 March.

**Corporate Manslaughter Prosecution:** On 3 March 2023, at Teeside Crown Court, D H Willis & Sons was convicted of Corporate Manslaughter and both Directors were given suspended prison sentences after pleading guilty to breaches of Section 37(1) of the Health and Safety at Work etc Act 1974 (HSWA).

On 26 January 2019 Henry Willis was working for D H Willis & Sons replacing a barn roof. Henry had used a telehandler with a basket attachment and was passing a sheet across the roof when it was caught by a gust of wind. Henry was thrown from the basket and fell approximately 20ft, dying two days later in hospital.

A joint investigation by North Yorkshire Police and HSE found there to be numerous health and safety failings on the site in relation to planning and undertaking work at height, maintenance and use of equipment and safe removal of asbestos containing materials. In addition, previous enforcement action had been taken by HSE for similar breaches (see photograph below).



Judge Christopher Butcher said there was “no written risk assessment, no plan, unsuitable baskets were used and the safety harness was old. There were no scaffolding, nets or crawling boards, despite £1,000 to cover these being added to the client’s quotation”.

This tragic loss of a young man’s life occurred because a company and its Directors failed to heed previous enforcement action and advice.

Sentencing :

- i. D H Willis & Sons were convicted of Corporate MS and pleaded guilty to HSWA 2(1) and fined £335 000 and ordered to pay £4000 Costs
- ii. Director, Timothy Willis, father of the deceased, pleaded guilty to HSWA 37(1) and sentenced to 11 months imprisonment suspended for 2 years, 115 hours of unpaid community work, 20-day rehabilitation work order and £1,000 Court costs.
- iii. Mark Willis, uncle of the deceased, pleaded guilty to HSWA 37(1) and was sentenced to 23 weeks imprisonment suspended for 2 years, 100 hours of unpaid community work, 20-day rehabilitation work order, £1,000 in court costs.

**Proactive cross division asbestos prosecution, working jointly with Trading Standards:** A proactive investigation, which started as a concern raised to HSE, has led to Asbestos Boss Limited and its director, Daniel Cockcroft being convicted of working with asbestos without a licence, failure to prevent spread and breaching a Prohibition Notice on two occasions across GB.



Asbestos Boss was also jointly prosecuted by Stockport Trading Standards for fraud in relation to forged training documents and use of trade association logos without permission to appear credible and competent.

Judge Begley considered Mr Cockcroft's actions to be 'rogue trading at its worst'.

The judge made clear that this prison term should act as a message to others that offending in this way 'will ensure that prison will follow'.

As the company was not represented in court and no plea was offered on their behalf, a trial in absence was conducted and Judge Begley said that the quality and weight of evidence against Asbestos Boss Limited was overwhelming, and he found them guilty of all charges.

An additional two directors currently thought to be in Bulgaria, are subject to live arrest warrants. When they return to the UK, they will be detained and prosecuted for the same charges as Mr Cockcroft.

The prosecution involved working across HSWE's Construction Division, as the breaches were widespread, engagement with local authorities, banks, and Border Force Agency officers to establish the identity of the defendants and their addresses.

Sentencing:

The director, Mr Cockcroft received a prison sentence, six months for the HSE charges and a further four months for the Trading Standards offence relating to fraud and deception are to be served consecutively.

The company, Asbestos Boss Ltd was found guilty of all changes and will be sentenced in April 2023.

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

**Engagement & Support to Investigations** - Visiting Officers (VOs) play a key role in HSE's engagement with bereaved relatives and injured persons, by explaining HSE's role and taking Victim Personal Statements (VPS) for sentencing purposes. Recently a VO accompanied by one of our new trainee inspectors took a very challenging VPS from an injured person who received severe, life changing, injuries. The injured person found the experience of providing the statement quite traumatic, reliving the accident and its effects on him and his family. The lead inspector spoke with him later and he praised the approach of the VO in providing him and his wife with support and understanding throughout the visit and asked the inspector to pass on his thanks. This visit is an example of our VOs' compassionate and professional approach in dealing with the injured and

bereaved and their families' willingness to share their experience, insight and skills with trainee inspectors.

**Learning and development:** In early March, 25 HSE policy colleagues took part in a Cabinet Office training session, *Effective Explanatory Memoranda*. The Explanatory Memorandum (EM) is a key document for Parliamentarians, a self-contained short document in plain English for the lay reader explaining why a piece of legislation is necessary, and what its effects will be. The training session equipped policymakers with a clear understanding of what makes a good and concise EM. Using worked examples, it explained the EM's vital role in supporting the trouble-free passage of proposed legislation through Parliament. The learning from this session should help maintain HSE's high reputation across government in this area of work.

**Health Unit Stakeholder Engagement:** This week HSE's Noise and Vibration team within Field Operations Division's Health Unit have procured new sound level meters to maintain our capability in the field. They have also now agreed a timeframe with the Institute of Acoustics for the commencement of a new Report Writing Skills course. This should help ensure those who commission reports for their workplace are provided with information they can understand and act on. The first iteration of this new course will commence in November 2023 and HSE colleagues influenced the course content in order to clarify and embed the expected standards amongst service providers, enabling better business for UK firms.

## **Published fatalities update<sup>1</sup>**

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.

<b>Date of incident</b>	<b>Name</b>	<b>Age</b>	<b>Description of incident</b>	<b>Local Authority</b>	<b>General Industry Sector</b>	<b>Employment status</b>
19/07/2022	Kevin Dicks	59	The deceased was trapped by something collapsing	Bridgend UA	Services	Self employed
06/09/2022	Andrew Sinclair	61	The deceased came into contact with machinery	Perth & Kinross UA	Manufacturing	Employee
06/10/2022	Darnell Cordingley	26	The deceased was struck by an object	Trafford	Services	Employee
10/10/2022	Mark Briggs	55	The deceased was struck by a moving vehicle	Stockton on Tees	Construction	Employee
01/11/2022	Jonathan Morris	34	The deceased fell from height	York	Construction	Self employed
03/11/2022	Jamie Stewart	50	The deceased fell from height	Glasgow UA	Construction	Employee
07/11/2022	Norman Rigby	63	The deceased was struck by a moving vehicle	Sefton	Services	Employee
09/11/2022	Steven Tervit	32	The deceased fell from height	Renfrewshire UA	Construction	Employee
12/11/2022	David Thomas	46	The deceased fell from height	Shropshire UA	Agriculture	Employee
15/11/2022	Nexhip Topllari	57	The deceased fell from height	Tandridge	Construction	Self employed
25/11/2022	Edward O'Donnell	74	The deceased fell from height	Sunderland	Construction	Self employed
30/11/2022	John Paul Fryer	58	The deceased was struck by an object	Stockton on Tees	Manufacturing	Employee
12/12/2022	Ian Stones	46	The deceased was struck by an object	Leicester UA	Services	Employee
29/12/2022	Joan Burden	94	The deceased died following a fall	Newport UA	Services	Member of the public
11/01/2023	Alban Watts	61	The deceased came into contact with machinery	Eden	Agriculture	Employee

<sup>1</sup> 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](#).