

Health and Safety Executive Board			HSE/22/A08
Meeting date	27-Sep-22	FOI Status	Open
CM9 Ref	2022/162121		
<b>AGENDA</b> <b>HSE Board Meeting</b> <b>27 September 2022</b> <b>Redgrave Court</b>			

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

**09:15 - 09:30** Break

**09:30-10:00** Workshop - using MS Teams for Board meetings (Board and ExCo)

**GOVERNANCE**

**Presenter**  
Chair

<b>10:00</b>	1	Welcome Declarations of interest Minutes of meeting 26 July 2022  Matters arising & Action Log  Chair's update  Remuneration and People Committee verbal report (6 September)	  HSE/22/M07  HSE/22/AL  Verbal  Verbal	     Claire Sullivan
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**ASSURANCE**

<b>10:20</b>	3	Chief Executive's Report - September 2022	HSE/22/40 and Verbal update	Sarah Albon & ExCo members
<b>10:50</b>	4	Business Performance	HSE/22/41	David Murray

**FOR DECISION**


<b>11:20</b>	5	Lessons learnt - Covid spot checks	Verbal update	Angela Storey
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**12:00** Lunch (official photos for new NEDs)

<b>12:45</b>	6	Changes to GB Biocidal Products regulation Annexes II and III	HSE/22/42	[REDACTED]
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<b>13:15</b>	7	Amendments to the Gas Safety (Management) Regulations 1996 (GSMR) and publication of legislative package	HSE/22/43	[REDACTED]
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## ASSURANCE

<b>13:55</b>	8	Update on HSE's development of non-statutory guidance to support disabled people and people with long-term health conditions to remain in work, in response to Health is Everyone's Business (HiEB)	HSE/22/44	
<b>14:40</b>	9	2021/22 Annual Report on the delivery of the functions of the Adventure Activities Licensing Authority (AALA)	HSE/22/45	Rick Brunt
<b>15:00</b>	10	AOB and meeting review		

Health and Safety Executive Board			HSE/22/M08
Meeting Date:	24 October 2022	FoI Status	Open
FoI Exemptions			
CM9 Reference:	2022/186045		
<b>Minutes of HSE Board Meeting</b> <b>27 September 2022</b> Redgrave Court			

**Attending**

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

**Also attending**

Sarah Albon – Chief Executive	James Anderson – Chief Technology Officer	Peter Baker – Director, Building Safety and Construction	Rick Brunt – Director, Engagement and Policy
Clare Millington-Hume – Director, Human Resources	David Murray – Director, Finance and Corporate Services	Karen Russ – Director, Science and Commercial	Katy Shrimplin – Director, Legal Services
Angela Storey – Director, Operational Services	Philip White – Director, Regulation	[REDACTED] (item 4), [REDACTED] (item 5), [REDACTED] (item 6), [REDACTED] (item 7)	

[REDACTED] -  
Secretariat

[REDACTED] - observers

**Apologies:** None

**Minutes** Dawn Hepworth

<b>Closed Meeting</b>	
<b>1</b>	<b>Welcome and Declarations of Interest</b>
	<p>Sarah Newton welcomed everyone to the meeting. She extended a warm welcome to Chyrel Brown and David Coats who were attending their first Board meeting since their appointment to the Board.</p> <p>No apologies were given.</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. John McDermid explained that, in relation to the recent prosecution of Boulby mine, he currently leads a research project being undertaken at the mine. It was confirmed that there was no conflict of interest.</p> <p>The Chair informed the Board about the work to develop an Assurance Framework and that this would be shared in the near future. She also thanked Karen Russ for all her work to establish the Science Quality Assurance Group, confirming that the advertisement to recruit its members had gone live on Friday 23 September.</p> <p><b>Draft minutes of meeting 26 July 2022 (HSE/22/M07), matters arising and actions (HSE/22/AL)</b></p> <p>The minutes of the previous meeting were cleared with no amendment.</p> <p>The action log was noted and the following update provided:</p> <p>1) Action 1 of 26 July – The Board was sent the dates for the Performance Hubs and several Board members had accepted the offer to attend.</p> <p>There were no other Matters arising.</p>
<b>Decision</b>	Minutes cleared.
<b>2</b>	<b>Chief Executive's Report (HSE/22/37)</b>
	<p>Sarah Albon updated the Board on current issues, including the appointment of a new Secretary of State, Chloe Smith, and the process for appointing Ministers which, due to the period of national mourning and Parliamentary recess, would be complete in October. She assured the Board that HSE was ready with briefing once the new Minister is appointed. She also updated on progress of the review being undertaken by Jill Weeks and on Civil Service 2025.</p> <p>The Board sought and received assurance on the following:</p> <ol style="list-style-type: none"> <li>1. The Board welcomed the reviewed relationship with Public Health Scotland, citing it as a strong example of stakeholder engagement to ensure shared learning in areas of mutual interest.</li> <li>2. The availability of the new one-stop-shop Domestic application, aimed at homeowners planning construction work, and fronted by Trustmark. The link would be shared with the Board as soon as possible.</li> <li>3. The different enforcing authority responsibilities for gas supply, including the installations/infrastructure regulated by HSE. The Board recognised the challenging circumstances which HSE's inspectors encountered during the recent significant mains incident in Croydon. Philip White would pass on the Board's thanks to those involved.</li> <li>4. The breakdown of the latest figures for Planning Gateway One submissions/resubmissions and the figures for cases where HSE has advised against planning approval.</li> <li>5. The Board recognised the breadth of communications activity undertaken. To give context, it asked for additional data to be provided in due course which would show, as a percentage of target audience, the extent of reach of the activity.</li> </ol>
<b>Action 1</b>	Share with the Board the link to the one stop shop application hosted by Trustmark.
<b>Action 2</b>	Provide additional information regarding the reach of communications activity.
<b>3</b>	<b>Business performance (HSE/22/38)</b>
	David Murray presented the performance report for August 2022/23, providing details of both Business Plan targets and financial performance:

	<ul style="list-style-type: none"> <li>• areas of strong performance against new Business Plan milestones, including: the completion of pro-active inspections (with latest figure being &gt;7000); Chemical Regulation evaluations; fatal and non-fatal investigations closure; Business Plan deliverable with all Q1 milestones delivered; and</li> <li>• areas of focus, including: asbestos assurance inspections; delivery against new performance measures for Major Hazards; and average working days lost (AWDL) with a specific focus on long term absence;</li> <li>• HSE’s financial position and preparations for the supplementary estimate.</li> </ul> <p>The Board sought and received assurance on the following:</p> <ol style="list-style-type: none"> <li>1. The factors contributing to Major Hazards safety case performance, some of which were external.</li> <li>2. The measures in place which continue to strengthen budget forecasting, noting that there was some volatility anticipated as a result of external factors. The impact of HSE’s expanded area of responsibilities, whilst providing colleagues with excellent development/promotion opportunities, posed challenges in terms of workforce and financial planning.</li> <li>3. HSE’s preparedness following recent announcements by HM Treasury around net zero. The Board noted that the stakeholders who attended the Board’s event in Aberdeen had been invited to contribute to a piece of insight work commissioned to help HSE colleagues better understand the current landscape and further inform our approach to becoming an enabling regulator in a range of Net Zero sectors/ technologies. It would also look at current perceptions of HSE in relation to Net Zero and how we could optimise partnership working. Findings from this insight work would be shared with the Board later in the year. This topic would also feature in the Business Plan discussions in October.</li> </ol>
<b>Decision</b>	The Board noted the performance report, in particular the additional detail provided regarding progress of Business Plan milestones.
<b>4</b>	<b>Lessons learnt – Covid spot checks (presentation)</b>
	<p>Angela Storey delivered a presentation which articulated the process for establishing, implementing, delivering and modifying the spot check programme; the extent of partnership working with a broad range of stakeholders; the assurance system in place; the lessons learnt; and how the intervention approach was successfully applied to other areas via pilots which tested the methodology used, including the use of technology to support regulatory activity.</p> <p>The Board sought and received assurance on the following:</p> <ol style="list-style-type: none"> <li>1. The extent to which Local Authorities were supported during the pandemic and how this was welcomed by those that took up the offer of enforcement support. The Board noted the links established with local Directors of Public Health and hoped that this would be maintained for other areas of HSE’s work.</li> <li>2. How HSE had adapted its approach to accommodate the different arrangements across the Devolved Administrations.</li> <li>3. Whether any evidence had emerged around the compliance levels for workplaces with health and safety representatives versus those without, and, separately, for sector/geographical area, particularly where outbreaks were reported. It was noted that, in many cases, there were non-workplace factors contributing to outbreaks, such as domestic circumstances and use of shared travel. This data would be provided separately.</li> </ol>

	<ol style="list-style-type: none"> <li>4. Evaluation of the impact and outcomes of the covid and non-covid pilots would be undertaken and would be used to inform the design of the future regulatory model. The Board noted the value of the data/intelligence gathered to demonstrate how the approach enabled more effective/joined up working practices.</li> <li>5. How communications activity would be used to reassure stakeholders of the effectiveness and efficacy of this aspect of HSE's interventions.</li> <li>6. Whether any lessons learnt had been shared with other government bodies, such as the UK Health Security Agency to aid with future health crisis management preparedness. This would be shared separately.</li> </ol>
<b>Decision</b>	The Board was assured that the spot checks programme had achieved its objectives and lessons learnt were being applied in the development of the new regulatory model.
<b>Action 3</b>	Provide responses to the points raised in paras 3 and 6 above.
<b>5</b>	<b>Changes to the Biocidal Products Regulation Annexes II and III (HSE/22/42)</b>
	<p>██████████ presented this item, explaining the background to the Regulation (EU-derived), what the Annexes relate to, what changes were proposed and why, with supporting evidence. He confirmed that proportionality had been a key factor in developing the proposals and gave assurance that safety standards would not be reduced. He also informed the Board that, after further consideration, the proposed transition period in the consultation document had been reduced to twelve months on the basis that many manufacturers were already adapting their testing processes to accommodate the proposed changes. He confirmed that, subject to the Board's agreement, the request to the new Minister to clear the consultation to be issued would be submitted as soon as they have been appointed.</p> <p>The Board sought and received assurance on the following:</p> <ol style="list-style-type: none"> <li>1. The reasoning behind the deviations from EU requirements, asking that the consultation document more clearly spells out that reasoning specifically explaining why it is proposed that certain tests will only be requested when triggered by other evidence.</li> <li>2. How adopting an approach where other testing solutions would be used in place of animal testing would continue to provide the assurances on quality and safety of products. It was recognised that only a small number of GB-based manufacturers produced exclusively for the GB market and that there may only be a small reduction in animal testing.</li> <li>3. That HSE was fulfilling an obligation to review all EU derived legislation before making similar legislative changes for Great Britain. It was suggested that, for the sake of consistency of messaging, standard paragraphs be developed and included in this and future consultation documents relating to this obligation.</li> <li>4. HSE had well-established means for keeping abreast of international scientific developments informing and enabling reviews of existing statutory requirements.</li> </ol>
<b>Decision</b>	Subject to the comments/suggestions made, the Board agreed for the consultation package (including the amendment) to be submitted to the Minister once appointed.
<b>6</b>	<b>Amendments to the Gas Safety (Management) Regulations 1996 (GSMR) and publication of legislative package (HSE/22/43)</b>
	<p>██████████ presented this item, confirming the five amendments recommended to be adopted, the further consideration of an industry proposal to reduce safety case frequency to align with other safety case regimes, such as COMAH, and the approach being adopted in relation to an industry</p>

	<p>proposal to widen the Wobbe Number range to provide increased security of supply. Once the latter two issues were resolved, the Board would be notified of the outcome. Subject to satisfactory resolution, the Board was invited to approve that the regulatory package could be submitted to the Minister once appointed.</p> <p>The Board sought and received assurance on the following:</p> <ol style="list-style-type: none"> <li>1. The industry proposal to widen the Wobbe Number range aimed to improve security of energy supply; however HSE's policy remit on this matter is limited to safety. HSE has concluded that there are no safety objections to progressing but it would be for BEIS, as the Department responsible for security of supply, to provide a view on whether the proposal would meet this policy objective.</li> <li>2. That the current Wobbe range permitted blends of lower Wobbe gas with higher Wobbe gas and that this would continue.</li> </ol>
<b>Decision</b>	Subject to the outcome of the further consideration of the Wobbe number and safety case frequency issues, the Board agreed with the proposals.
<b>7</b>	<p><b>Update on HSE's development of non-statutory guidance to support disabled people and people with long-term health conditions to remain in work, in response to Health is Everyone's Business (HiEB) (HSE/22/44)</b></p> <p>██████████ and ██████████ presented this update, explaining the background to this piece of work. They described the extent of engagement undertaken with stakeholders from across government and external organisations and research partners during the development and user testing of the draft guidance. The guidance, which would be hosted on the HSE webpages, would formally launch at the HSE Health and Work Conference in November where there will be a panel discussion led by HSE's EPD Director Rick Brunt.</p> <p>The Board sought and received assurance on the following:</p> <ol style="list-style-type: none"> <li>1. The potential for using more evidence/data to articulate the benefits of supporting disabled people to remain in work.</li> <li>2. The value of using case studies, both in terms of demonstrating the benefits of enabling disabled people to work or remain in work and securing and retaining support from key stakeholders. The SME Business Burdens Group also recognised the benefits in terms of alleviating labour shortages but a shortage of Occupational Health Service providers was a barrier which large employers could help address through the supply chain. There was also an opportunity to present the tool in the Devolved Administrations such as via the Partnership for Health and Safety in Scotland.</li> <li>3. How the information would be presented alongside DWP's digital tool.</li> <li>4. That the guidance is framed so that it can take account of a broad range of disability/health issues, such as menopause and neurodiversity.</li> <li>5. Clarification of HSE's vires in enforcement in this area.</li> </ol>
<b>Decision</b>	The Board recognised the value of the partnership working involved and gained significant assurance on the progress of the work.
<b>8</b>	<p><b>2021/22 Annual Report on the delivery of the functions of the Adventure Activities Licensing Authority (AALA) (HSE/22/45)</b></p> <p>Rick Brunt presented this report providing brief background to the AALA, the current position and how costs had reduced since the current arrangements had been put in place and confirming that HSE would be considering options for future arrangements.</p> <p>The Board sought and received assurance on the following:</p> <ol style="list-style-type: none"> <li>1. The efficiencies delivered to ensure costs had reduced.</li> <li>2. The specific nature of HSE's inspection powers under these regulations.</li> <li>3. The elements that HSE may wish to address in future arrangements.</li> </ol>

<b>Decision</b>	The Board noted and welcomed the report.
<b>Other Business/Meeting Review</b>	<p>The Board felt that, for the more “technical” items discussed at the meeting, the papers could benefit from simplified contextual information and use of a Glossary of terms. At the meeting, the presenters articulated the technical issues very competently using easy to understand language.</p> <p>The observers commented on the breadth of issues being discussed and the extent of challenge from the Board in making decisions.</p>

Health and Safety Executive Board		HSE/22/40	
Meeting Date:	27 September 2022	FOI Status:	Open
Type of Paper:	For discussion	Exemptions:	None

## Chief Executive's Report

### 27 September 2022

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

**HSE and Public Health Scotland:** HSE has signed a commitment to work in partnership with Public Health Scotland (see Annex). Collaboration with the new Scottish body - which combines and replaces several functions including health protection, health research and analytics and services that support NHS Scotland - will be structured under three themes:

- Operational liaison: regulatory co-operation to address public health risks when work activity is implicated; and the development of associated guidance
- Collaboration on strategies for protecting and improving health at, and through, work; and
- Collaboration on research and evidence

Work has already started on improving mutual understanding of regulatory roles learning from Covid.

Public Health Scotland aims to improve public health so that Scotland is a place where everybody thrives. A healthy working age population and good work are intrinsic to that outcome and closely intertwined with HSE's role to protect people and places. Both organisations hope to avoid duplication, enhance each other's work and improve outcomes.

**Preventing work related stress to promote, support and sustain good mental health:** [Working Minds - Work Right to keep Britain safe](#) continues to raise awareness of workplace stress. During September/October the campaign will focus on SMEs in Health and Construction, before celebrating the one-year anniversary at the Health & Work Conference on 15 November. A webinar for Scottish businesses is to be rearranged due to the period of national mourning. There are now more than 2,000k subscribers to the campaign newsletter, and 800 Champions, signed up to support and share the information employers and workers need.

**Exposure to respirable dusts:** In support of the HSE's respirable crystalline silica inspections targeting foundries, brick and tile manufacturers, and stone working, a communications programme will launch at the end of September and running until the end of December. Bespoke pages have been created on the Work Right [campaign](#) site containing tailored content for employers and employees.

**Construction sector campaigns focused on MSDs:** In support of HSE's manual handling inspection campaign in October, a forthcoming programme of activity will raise awareness of the inspections and the issues, guidance and advice for businesses and workers. The "Your Health. Your Future" campaign will use HSE digital channels, media, and partner communications and include a Speaker slot at UK Construction Week at the National Exhibition Centre and a manual handling webinar.

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

##### **Building Safety Regulator**

- **Planning Gateway One (PGO):** HSE's PGO service began operating a year ago on 1 August 2021. In its first year, PGO received over 1300 consultation requests from local

planning authorities. As a statutory consultee at the planning stage, HSE has raised concerns on 65% of cases between January and August 2022. This has highlighted the need for culture change in the industry. Following royal assent of the Building Safety Act, we have been highlighting the experience of PGO, to raise awareness about the Building Safety Regulator, and provide a foretaste of what a more stringent building safety regime will look and feel like. A programme of comms including articles and interviews in trade journals and a social media campaign, highlighting the work of PGO, has been rolled out. Also, a roundtable event involving developers, local authorities and trade bodies took place on 15 September. HSE received good feedback which we will use to develop and refine the service.

- **Proposal for Establishing the Statutory Residents' Panel:** The Building Safety Regulator Programme Board has approved proposals for establishing the Statutory Residents' Panel (SRP) by December 2022, a key milestone of both the Transition and Strategic Action Plans. Its purpose is set out in the Building Safety Act 2022– to advise the regulator on its building functions relating to Higher-Risk Buildings (HRBs), and to be consulted on specified guidance for residents, the regulator's complaints system and the statutory Strategic Plan. The proposals are based on lessons learned from operating the Interim Residents' Panel, the views of its members and the Resident Insight Research work. Recruitment will start in early October. Applicants must be current HRB residents, and the selection process will be designed to ensure a diverse and inclusive panel – taking account of HRB tenure (e.g. social housing tenants, leasehold owners etc) and other demographics (e.g. age, ethnicity, location etc). The membership will be supported by appropriate tenant and leasehold organisations. The panel membership will be refreshed on an annual basis from a waiting list of eligible residents. To ensure that the proposal is fit for purpose a fundamental review of the make-up, remit and operation of the SRP is proposed for December 2024.
- **Communications activity:** New and current dutyholders are being kept [informed](#) of the new building safety regime, to better understand their role in it, required behaviours, how building safety will be enforced and when they must take specific actions. This is supported by extensive audience insight research helping us target messages in the right place, to the right people and in the right way. This work is being developed under the banner of a 'get ready' campaign. Alongside this, we continue to maintain our regular communications activity, to make sure audiences are kept up-to-date with the latest news and developments and are clear on the timeline for the establishment of the regulator. Our primary channel for this is BSR's [ebulletin](#) which, over the past 12 months, has grown to over 10,000 subscribers. During the summer, the safety cases ['toolbox'](#) was published and our initial promotional activity encouraged over 7,000 views of the new information.
- **Publication of Non-Statutory Consultation on draft Operational Standards Rules:** A non-statutory [consultation](#) on the Operational Standards Rules (OSRs) went live on the 30 August and will conclude 25 October. The consultation also includes monitoring arrangements, reportable data and key performance indicators (KPIs) for building control bodies as well as the strategic content for building control oversight. As part of the consultation on Citizen's Space, we have asked for volunteers to take part in a data collection pilot.

**Gas Safety:** In the wake of a number of high-profile incidents, including the death of 4-year-old Sahara Salman, HSE has been proactively issuing gas safety messages via the media. This has prompted national media interest on this issue. Our key message has remained that gas related incidents are extremely rare, but safety checks must continue.

**Reducing accidents involving mobile construction plant:** The latest versions of design safety standards for Earth Moving Machinery (BS EN 474) and Mobile Elevated Work Platforms (BS EN 280) have both recently been published following comprehensive revisions. HSE provided expert support to the working groups operated by the European (CEN) standards community and secured

significant health (greater controls on dust exposure) and safety improvements (physical safety during roll over incidents; visibility assessments; security of attachments and safety features for lifting duties). The Mobile Elevated Work Platforms standard was also revised to introduce safe design requirements and limit the misuse of using MEWPS to move loads and people, which is an emerging technology in the UK.

**Launch of domestic App:** A new “app” was launched on 1 September giving homeowners all the information they need when planning safe construction work in their homes. This product has its roots in some [Insight research](#) commissioned by the Construction Industry Advisory Committee (CONIAC) in 2018. This identified the opportunity that the 4 million homeowners who are planning construction work could directly influence small construction firms if they had a greater understanding of health and safety issues. After further development by HSE’s Construction Division (CD), HSE’s Insight team and our stakeholders we identified that an app could be one way to target homeowners with better health and safety information. We worked this idea up to proof of concept and presented this to the Construction Leadership Council Task Force and worked in partnership with Trustmark who agreed to finance the App development by The Stationary Office (TSO). The App is Trustmark branded and all content was developed and provided by HSE’s CD. This is an excellent example of cross HSE and cross industry collaboration delivering a high-quality output that advances HSE objectives.

## **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](#).

**Director and companies fined for failing to manage the risk of asbestos:** Kespar Engineering Ltd was fined £51k after pleading guilty to breaches of The Control of Asbestos Regulations 2012 and ordered to pay costs of £30k. Peter Parkes received a 22 week custodial sentence suspended for 12 months, was fined £9k and ordered to pay costs of £14k relating to his individual failings as a Director under section 37 of Health and Safety Work etc Act 1974 relating to offences committed by 3 companies under his control at a large site in Kidderminster. He was also disqualified from being a Director for 3 years.

Observations made during a targeted inspection following concerns in one part of a multi-dutyholder site identified the widespread and flagrant failure of all defendants to manage the risks from asbestos within the premises. The key dutyholders and owners of the site were aware that asbestos was present within the premises but had failed to act or control the risks of exposure. Asbestos Management plans were not reviewed or updated. The location and condition of the asbestos were not actively monitored. As such the risk of exposure to asbestos containing materials across the site was not adequately considered or controlled by the defendants.

Steps were taken to address the immediate risk by segregating areas and preventing access to sections of the buildings. The companies were subsequently required to remove the ACM from the site.

**Dyson Technology Ltd** was fined £1.2 million after pleading guilty to failings under HSWA Section 2 following an incident where an engineer sustained crush injuries during the relocation of a machine at their main plant in Malmsbury, Wiltshire.

In August 2019, the in-house engineering team were asked to move a 1.5 tonne milling machine within their prototyping workshops.

The HSE investigation identified that the work had not been adequately assessed or planned. There was no wider plan for moving machines which was a regular task with ten similar moves being undertaken in the previous year. They had not referred to the operator’s manual which set out a safe system of work using a forklift and instead they used jacks and machine moving skates.

The unstable machine fell over onto one of the engineers whilst being moved. By chance, potential life-changing or fatal injuries were avoided as the machine came to rest on a toolbox.

The HSE intervention has secured suitable arrangements for moving large machinery in their factories worldwide.

The sentencing reflects the scale of the Company who were sentenced as a very large organisation against a turnover of £4.8 billion, with profits around £390 million in 2020.

**Dangerous gas installation:** Luke Rogers was recently prosecuted for failing to answer questions put by an inspector regarding the identity and contact details of persons involved in the installation of a gas boiler, as required by section 20(2)(j) of the Health and Safety at Work etc. Act 1974. Mr Rogers was fined £583 and ordered to pay £1,500 in costs.

A joint investigation with Gas Safe Register found Mr Rogers was not qualified to undertake gas work and the boiler he was alleged to have installed was left in such a dangerous condition that it had to be disconnected from the gas supply. Mr Rogers attended a voluntary Police and Criminal Evidence (PACE) Act interview under caution. During the interview he denied undertaking any gas work. He stated two friends had helped him with the work, one of which was qualified to complete gas work. Mr Rogers was however not willing to provide the identity of either of these persons. Immediately after the interview, the inspector notified Mr Rogers that he was exercising his powers under section 20(2)(j) which provides the inspector with the right to compel an individual to provide information relevant to an investigation when asked.

Mr Rogers' deliberate refusal to provide the required information directly hampered the HSE investigation into unsafe gas work and the successful prosecution highlights the court's appreciation of an inspector's powers and the importance of their being exercised appropriately to control risk and secure justice.

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

Since the last update to the Board, 1 fatality which occurred in 2021/22 and 13 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>
28/01/2022	Ruby Gilfillan	89	The deceased died following a fall	Renfrewshire UA	Services	Member of the public
05/04/2022	Darren Page	55	The deceased fell from height	East Suffolk	Construction	Employee
10/05/2022	Zydrunas Vaitilionis	39	The deceased was trapped by something collapsing	Maidstone UA	Services	Self employed
11/05/2022	Scott Bradley	44	The deceased was trapped by something collapsing	Galsgow UA	Construction	Employee
05/06/2022	Jeanette Oxlade	77	The deceased died following a fall	Glasgow UA	Services	Member of the public
06/06/2022	John Dougall	54	The deceased came into contact with machinery	Glasgow UA	Services	Employee
09/06/2022	Robert Dick	78	The deceased came into contact with cattle	Dumfries & Galloway UA	Agriculture	Member of the public
11/06/2022	Elizabeth Campbell	96	The deceased died while under residential nursing care	Highland UA	Services	Member of the public
19/06/2022	James Roan	71	The deceased came into contact with cattle	Dumfries & Galloway UA	Agriculture	Employee
29/06/2022	Alan Vague	76	The deceased came into contact with cattle	Cornwall UA	Agriculture	Self employed
30/06/2022	Phillip Ross	30	The deceased died in an overturning vehicle	Edinburgh UA	Construction	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.

02/07/2022	June Haggerty	95	The deceased died following a fall	Stirling UA	Services	Member of the public
04/07/2022	Mark Walters	61	The deceased was struck by a moving vehicle	Halton UA	Services	Employee
15/07/2022	Steven Rees	47	The deceased was struck by a moving vehicle	Rhondda, Cynon, Taff UA	Services	Employee

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The full list of the names of the deceased plus additional details may be viewed [here](#).