

Health and Safety Executive Board			HSE/22/A03
Meeting date	29-Mar-22	FOI Status	Closed s36
CM9 Ref	2022/44184		
<b>AGENDA</b> <b>HSE Board Meeting</b> <b>29 March 2022</b> <b>Caxton House</b>			
<b>08:30 - 09:15</b>	<b>Private Session - HSE Board including Forward Look</b>		
<b>09:15 - 09:45</b>	<b>Break</b>		
<b>09:45</b>	1 Welcome Declarations of interest Minutes of meeting 1 March 2022  Matters arising & Action Log  Chair's update	HSE/22/M02  HSE/22/AL  Verbal	<b>Presenter</b> Chair
<b>10:05</b>	2 Chief Executive's Report - 28 March 2022	HSE/22/13 and Verbal update	Sarah Albon
<b>10:35</b>	3 Performance Report - February 2022	HSE/22/14	David Murray
<b>11:05</b>	4 Outcome from the 2021-2022 Board Effectiveness Review	HSE/22/15	Sarah Newton/
<b>12:05</b>	<b>Lunch</b>		
<b>12:50</b>	5 HSE's Science Report 2022	HSE/22/16	Andrew Curran
<b>13:20</b>	6 Workplace Exposure Limits (WELs) and Controlling Workplace Exposure to Substances Hazardous to Health: Update on the Future Framework for Great Britain	HSE/22/17	Peter Brown
<b>14:20</b>	7 AOB and Meeting Review		
<b>14:30</b>	Meeting ends		
For Information	UK REACH Consolidated Report 2021 and Work Programme 2022/23	HSE/22/18	
	Board Effectiveness Review 2020/21 - update	HSE/22/19	
	Draft minutes - HSE ARAC meeting 8 February 2022	AC/22/M01	

Health and Safety Executive Board			HSE/22/M03
Meeting Date:	25 April 2022	FoI Status	Open
FoI Exemptions			
CM9 Reference:	2022/74673		
<b>Minutes of HSE Board Meeting</b> <b>29 March 2022</b> Caxton House, London			

**Attending**

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

**Also attending**

Sarah Albon – Chief Executive	Peter Brown – Director, Engagement and Policy	Katy Shrimplin – Director, Legal Services	Peter Baker – Director, Building Safety and Construction
Angela Storey – Director, Operational Services	Philip White – Director, Regulation	David Murray – Director, Finance and Corporate Services	Karen Russ – Director, Science and Commercial

Rick Brunt, [REDACTED], (all items); [REDACTED] (item 4); Andrew Curran (item 5); [REDACTED] (item 6); [REDACTED] - Secretariat

**Apologies:** John McDermid, James Anderson, Clare Millington-Hume

**Minutes**

Closed Meeting	
1	<b>Welcome and Declarations of Interest</b>
	<p>Sarah Newton welcomed everyone to the meeting. In particular, she welcomed Rick Brunt who was attending as the incoming interim Director of Engagement and Policy Division.</p> <p>John McDermid, James Anderson and Clare Millington-Hume gave apologies.</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>The Chair invited Board Members to note and, if required, comment on the papers submitted for information. HSE/22/17 would be considered as part of agenda item 4. There were no comments on these papers.</p>

	<p><b>Draft minutes of meeting 25 January 2022 (HSE/22/M01), matters arising and actions (HSE/22/AL)</b></p> <p>The minutes of the previous meeting were cleared. Typographical error noted in item 3 – 14,000 proactive inspections. <i>DN – amendment made in final cleared version of the minutes.</i></p> <p>The action log was noted and the following updates provided:</p> <ol style="list-style-type: none"> <li>1) Action 1 of 1 March meeting not to be discharged until the Audit and Risk Assurance Committee meets in May and considered the data breach circumstances in more depth.</li> <li>2) Action 2 of 1 March - Martin Esom confirmed that Peter Baker and he had discussed engagement with Local Authorities via the Local Government Association conference and Solace. Action to be discharged.</li> <li>3) Action 4 of 1 March – Susan Johnson, Debbie Gillatt and Sarah Newton would meet to discuss how the Board could support strategic engagement activity.</li> <li>4) Action 5 of 1 March – Sarah Newton updated the Board to confirm that a proportionate approach to risk deep dives and a set of simple principles to be followed by Committees had both been developed.</li> <li>5) Action 7 of 26 January – subject to final agreement, Ken Robertson to take up a role on the new Science Quality Assurance Group. Action to be discharged.</li> </ol> <p>There were no other Matters arising.</p>
<b>Decision</b>	Minutes cleared.
<b>2</b>	<b>Chief Executive's Report (HSE/22/13)</b>
	<p>Sarah Albon updated the Board on recent activities. This included senior leadership discussions on future ways of working and how to effectively prioritise work in order to ensure the most effective use of resources. The Spending Review settlement had been positive and was an indicator of high levels of confidence from sponsors and stakeholders. Work was on-going in developing the future target operating model. She also updated on HSE's position as regards Covid following, in particular, the lifting of all remaining restrictions in England.</p> <p>The Board sought and received assurance on the following:</p> <ol style="list-style-type: none"> <li>1. The engagement activity being undertaken to embed HSE's new strategy within the organisation. The Board requested further details of the internal communications activity being prepared in support of this work.</li> <li>2. The timescale for delivery of the plan to implement the target operating model and challenges in securing relevant expertise. Further details would be provided to the Board in due course.</li> <li>3. How the existing framework of HSWA regulations in place supported dutyholders in preparing risk assessments to manage a range of risks, including those posed through transmissible diseases.</li> <li>4. The extent of engagement with Trades Unions generally and more specifically in revising the Covid19 guidance, noting that the guidance would need to be consistent with public health bodies.</li> </ol>
<b>Action 1</b>	Provide details of the internal communications work regarding the new Strategy.
<b>3</b>	<b>Business Performance – February 2022 (HSE/22/14)</b>
	David Murray presented the February performance report, providing details of both Business Plan targets and financial performance: areas of strong performance,

	<p>including the delivery of the forecast 14,000 pro-active inspections with the expectation that it will exceed 15,500, HSE's support to the pandemic with 201k spot checks completed (399k in total), fatal and non-fatal investigations closure above targets, health and safety concerns and Major Hazard safety cases and issues resolved, Biocide evaluations and asbestos licences; and those requiring focus, including Energy Division planned intervention hours (expected to achieve 95% at year-end), pesticide evaluations, average working days lost (AWDL) and Business Plan milestone delivery. He also provided the latest position regarding the successful Spending Review 21 outcome, confirming that final figures had been agreed with DWP. Overall, it was a positive report with most key business plan targets on track.</p> <p>The Board sought and received assurance on the following:</p> <ol style="list-style-type: none"> <li>1. The measures in place to improve planning and delivery confidence and subsequent financial forecasting, recognising that regular engagement with DWP and other sponsors takes place to ensure transparency. Other assurance measures, such as the Board's Finance and Performance Committee, ExCo's Portfolio Board and quarterly reporting to DWP, were in place to oversee financial reporting.</li> <li>2. The measures in place both to understand sickness absence data and action required, and to improve vacancy management and recruitment.</li> <li>3. Changes and improvements to performance reporting.</li> <li>4. How lessons learned from the Covid19 programme could influence business transformation. A report would be brought to the Board once full analysis had been completed. <i>DN this has been scheduled for July 2022.</i></li> </ol>
<b>Decision</b>	The Board extended its congratulations and gratitude to everyone in the organisation for delivering a very strong performance.
<b>4</b>	<p><b>1) Outcome from the 2021 – 2022 Board Effectiveness Review (HSE/22/15)</b>  <b>2) Board effectiveness Review 2021 – update (HSE/22/17)</b></p>
	<p>Sarah Newton opened up a discussion about the findings of the 2021/22 Effectiveness Review, noting also the updated position as regards the 2021 Independent Effectiveness Review.</p> <p>The Board sought and received assurance on the following:</p> <ol style="list-style-type: none"> <li>1. How the Board can be assured in a consistent way of the effectiveness of its sub-committees. ██████████ was asked to work with Committee Chairs and the Secretariat team to take this issue forward in future effectiveness reviews, ensuring a holistic approach. The Board induction programme would also be reviewed ahead of the onboarding of two new Board members.</li> <li>2. How there remained scope to sharpen presentation of papers with clear and specific articulation of expected action from the Board. The Secretariat was asked to continue working with authors to improve this.</li> <li>3. The need for the Board Operating Framework to be reviewed to reflect updated governance structures. The Board requested information on HSE's internal governance structure.</li> <li>4. Identifying opportunities to strengthen relationships and understanding/development between individual Board members and ExCo members. This would be an item for the October Board meeting, alongside Business Planning for 2023/24.</li> <li>5. It was suggested that, for transparency, responses need not be anonymised and that a response to future surveys/questionnaires should be mandated. This would be considered for the next review.</li> </ol>

<b>Decision</b>	The two recommendations from the Review were agreed.
<b>Action 2</b>	██████████ to work with Committee Chairs/Secretariat to explore how the Board can be effectively assured of Sub-Committee performance.
<b>Action 3</b>	██████████ to work with the Chair to review the effectiveness of the Board induction programme.
<b>Action 4</b>	Provide the Board with details of HSE's internal governance structure.
<b>5</b>	<b>HSE's Science Report 2022 (HSE/22/16)</b>
	<p>Andrew Curran introduced the annual science report explaining how science was a crucial pillar to HSE's work, aligning with the strategy and plans. He provided details of the extent of engagement (internal and external, including across the Devolved Administrations) undertaken and how for example this had enabled duty holders to adopt evidence based interventions in their workplaces. Assurance was provided by a variety of mechanisms, including Scientific Advisory Committees. Colleagues had benefited from a breadth of development opportunities attracting an increasingly diverse workforce. He gave assurance that HSE's science priorities were aligned to the new Strategy.</p> <p>The Board sought and received assurance on the following:</p> <ol style="list-style-type: none"> <li>1. How HSE's science and research was balanced and proportionate.</li> <li>2. How the pathway to demonstrate impact and benefits of science and research would be more strongly articulated.</li> <li>3. The decision-making process for commissioning and prioritising science and research to ensure best value for money and proportionality. This process had been the subject of an internal audit to gain further assurance, with further oversight being provided by the Audit and Risk Assurance Committee. The new Science Quality Assurance Group would focus on the quality of science and research work.</li> </ol>
<b>Decision</b>	The Board thanked Karen Russ and Andrew Curran for their leadership and congratulated all colleagues involved in science and research work for their achievements. The Board welcomed the individual recognition of those mentioned in the report.
<b>6</b>	<b>Workplace Exposure Limits (WELs) and Controlling Workplace Exposure to Substances Hazardous to Health: Update on the Future Framework for Great Britain (HSE/22/18)</b>
	<p>Peter Brown, supported by ██████████ presented this item. They explained the background to the proposed way forward in developing GB's evidence-based mixed intervention approach to controlling workplace exposure to substances hazardous to health, seeking the Board's agreement to proceed. There were also proposals to legacy issues related to the treatment of certain substances which the Board was invited to agree.</p> <p>The Board sought and received assurance on the following:</p> <ol style="list-style-type: none"> <li>1. Factors driving the possible approach, including the need for increased capacity and capability in toxicology and greater proportionality using the full range of controls, such as ensuring appropriate Respiratory/Personal Protective Equipment, to control risks. WELs would remain a control where the evidence supported it.</li> <li>2. The role of the Workplace Health Expert Committee in providing technical expertise and advice and, where a new WEL or a change to an existing one is recommended, that the Board would continue to be asked to give its approval.</li> </ol>

	<ol style="list-style-type: none"> <li>3. The need to demonstrate that the new approach would provide safer workplaces and better outcomes.</li> <li>4. That full engagement/consultation with stakeholders, including Trades Unions and duty holders, would take place when developing the new approach.</li> <li>5. The Board requested a clearer articulation of the issues and end to end process envisaged. <i>DN this is on the agenda for the May meeting.</i> The Board also required a clearer explanation of the decision-making process for the legacy issues before agreeing to the recommendations would be considered once assurance was provided on the proposed approach.</li> </ol>
<b>Decision</b>	The Board recognised the need to develop a new approach but required further information to gain assurance on the process and how it would strengthen worker protections. Two further papers would be brought to the Board in May, covering the end-to-end process and the legacy issues.
<b>Other Business</b>	The Board paid tribute to Peter Brown on his retirement after 30 years' service in HSE, recognising the significant value of his contribution to and leadership of HSE's policy function.

Health and Safety Executive Board		HSE/22/13	
Meeting Date:	28 March 2022	FOI Status:	Open
Type of Paper:	For discussion	Exemptions:	None

## Chief Executive's Report

### 28 March 2022

#### Provide an effective regulatory framework

##### **Post Implementation Review (PIR) of the Freight Container (Safety Convention) Regulations 2017:**

The Freight Container (Safety Convention) Regulations 2017 (FCSC 2017) came into force on 6 April 2017 and give effect to amendments made to the International Convention for Safe Containers 1972 (CSC). The CSC is an international treaty implemented by the UK to meet legal obligations.

The policy objective was to: give effect to amendments to CSC by replacing the previous Freight Containers (Safety Convention) Regulations 1984; fulfil international treaty obligations; implement key time-bound changes in terminology and markings in a proportionate way to the risks; minimise impacts on business and provide a level playing field and increase certainty for the logistics sector. Research into whether the Regulations fulfilled their objectives was undertaken during Q3 2021/22 via an online survey which received 17 responses. It identified no unintended consequences and concluded that the objectives have been achieved and the Regulations remain fit for purpose.

The review re-estimated the costs associated with conspicuously marking containers with limited stacking or racking capacity. The review identified a greater variability in the costs than originally estimated in the impact assessment, with a central estimate cost to business increase of £110,000 over a ten-year period. Industry did not report this increase to be burdensome.

The PIR findings will be published on 6 April 2022.

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

**Preventing work related stress to promote, support and sustain good mental health:** Since its launch, [HSE's Working Minds campaign](#) has attracted more than 1k subscribers and more than 400 Champions, to sign up to support and share the information employers and workers need. An additional five partners (the British Aggregates Association, National Body Repair Association (NBRA and VBRA), the Independent Garage Association and Ben, a Motor and Allied Trades Benevolent Fund) have joined the campaign taking the total to thirteen.

**Parliamentary Engagement Event:** On Wednesday 9<sup>th</sup> March, HSE's Chair and Chief Executive, along with non-executive directors, Susan Johnson, Martin Esom, and Ged Nichols, joined HSE's Minister, Chloe Smith, to host a showcase and reception for MPs in Westminster. A total of 28 MPs from different parties and three parliamentary advisors attended the event including: Stephen Timms, Chair of the Work and Pensions Committee; Jo Churchill, Parliamentary Under Secretary of State at Defra (Minister for Agri-Innovation and Climate Adaptation); and Julia Lopez, representative of Minister of State for Media, Data, and Digital Infrastructure. Interest was shown in all the different topic areas with questions on: Net Zero focusing on hydrogen as a fuel source and carbon capture; Covid guidance and our support of businesses through the spot check programme; building safety around HSE's role moving forward; and HSE's mental health and workplace stress campaign – with thirteen MPs agreeing to champion Working Minds.

**Covid-19 communications:** HSE has been working very closely with other Government Departments to support the transition to removing the remaining legal restrictions. HSE will work with UK Health Security Agency and the Scottish and Welsh administrations throughout March, to ensure its website contains the latest information ensuring links to the new guidance are available to businesses, signposting them to the organisations who will be responsible once these are published.

**Building Safety Regulator – Engagement Roundtables:** Peter Baker, Chief Inspector of Construction, led a series of Roundtable discussions with key stakeholder groups including Designers, Clients, Local Authorities, Building Control and Fire Chiefs. Sixty organisations attended 5 events; Seven chief and thirteen deputy chief fire officers attended the roundtable for fire chiefs, with five representatives from the National Fire Chiefs Council. Following on from the success of these events, more will be planned to support engagement through 2022.

## **Secure effective management and control of risk**

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

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

**Multiple companies and directors – Prosecution following fatality:** Four contractors were given suspended prison sentences after a scaffolder was crushed to death when a wall at the Citadel church in Cardiff collapsed ahead of its demolition. The death of Jeff Plevy, 56, led to a CPS prosecution, following a joint HSE and South Wales Police investigation.

**Brian Nutter – Prosecution following fatality:** Farmer Brian Nutter was given a suspended prison sentence following the death of his four year old nephew Harry Lee. Harry was riding on the cab footplate of a telescopic handler driven by his uncle Brian at a farm in Newchurch-in-Pendle. As the vehicle turned into a field, Harry fell from the footplate and was fatally crushed beneath the wheels. Mr Nutter was given a 26-week prison sentence suspended for 18 months, a community order, which included 250 hours of unpaid work and ordered to pay costs of £5,154. The mother of the boy, who is the defendant's sister, called for a change in attitude in agriculture. The family has indicated that they want to do more to support farm safety messages – we are carefully factoring this in to planning future communications activity.

**Ensure Asbestos Management Ltd:** Following a concern raised, HSE successfully prosecuted Ensure Asbestos Management Ltd and its Director Billy Hopwood.

The Company had been contracted to carry out an asbestos survey, remove all identified ACMs followed by initial strip-out of the iconic Derry's Co-op Department Store in Plymouth City Centre prior to refurbishment. However, the company was found to have deliberately cut corners in managing the danger to health posed by exposure to asbestos fibres putting workers at risk leading them to contact HSE to raise their concerns.

The investigation found forged clearance certificates had been issued and licenced asbestos removal work was carried out in a haphazard manner putting hundreds of workers and users of the building at risk - the Argos store within the derelict building was still operational.

Ensure Asbestos Management Limited, now in liquidation, was fined £100,000 to mark the seriousness of the offence.

Billy Hopwood was sentenced to 10 months imprisonment with immediate effect and disqualified as a director for 5 years. Philip Hopwood, Ensure's Manager, will be sentenced on 27 April 2022.

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

**Safety Notice: Maintenance of Industrial Uninterruptible Power Supply Systems:** In July 2020 there was an ammonia release at a Fertiliser plant. The release happened because of an unexpected power supply failure which caused an uncontrolled plant shutdown. It was on restarting the plant that the toxic gas was released. HSE's investigation revealed that a key control system, the uninterruptible power supply (UPS), had failed causing significant potential for an even worse event which could have caused multiple injuries and deaths amongst workers and in the local community.

UPSs are widely used across high hazard industries and have been thought to offer a highly reliable, low maintenance solution over at least a 15 year lifespan. In a detailed technical investigation HSE discovered

that a key component was in fact not as reliable as had been thought. Using its knowledge of UPS failures in several previously unconnected incidents, HSE has been able to show the need for action by the makers of UPSs to improve the way users maintain them.

HSE took firm enforcement action to require improvements by the equipment supplier in this case. In a new [Safety Alert](#) for '*Maintenance of Industrial Uninterruptible Power Supply Systems*' now live on the HSE website, HSE has alerted a wider group of users and suppliers. HSE inspectors will continue to take firm action where they find UPS risks are not being properly managed.

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

Since the last update to the Board, **18** fatalities which occurred in 2021/22 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>
07/06/2021	Philip France	57	The deceased fell from height	Winchester	Agriculture	Self employed
25/08/2021	Eraj Rahanpour	30	The deceased fell from height	Bradford	Construction	Employee
13/09/2021	Michael Burcombe	73	The deceased was struck by an object	South Gloucestershire UA	Services	Employee
17/09/2021	Karl Mitchell	50	The deceased came into contact with machinery	Bristol UA	Services	Employee
06/10/2021	Gregor Deakin	48	The deceased drowned	Stirling UA	Construction	Employee
26/10/2021	Kathleen Pitts	52	The deceased was struck by a moving vehicle	Cambridge	Services	Member of the public
04/11/2021	Peter Chilcott	62	The deceased fell from height	Cornwall UA	Construction	Self employed
04/11/2021	Lee Benham	45	The deceased was struck by a moving vehicle	Cornwall UA	Services	Employee
04/11/2021	Peter Hutchinson	60	The deceased died following a fall	Redcar & Cleveland	Services	Employee
05/11/2021	Janet O'Boyle	86	The deceased died following a fall	East Ayrshire	Services	Member of the public
12/11/2021	Kashif Rehman	40	The deceased was trapped by something collapsing	Croydon	Services	Employee
17/11/2021	Alfie Hyatt	24	The deceased came into contact with something fixed or stationary	Horsham	Construction	Self employed

<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](#).

25/11/2021	Connor John Borthwick	22	The deceased was trapped by something collapsing	Blackburn UA	Manufacturing	Employee
02/12/2021	Paul Clarke	40	The deceased was struck by a moving vehicle	Cornwall UA	Manufacturing	Employee
21/12/2021	Matthew Pedder	27	The deceased fell from height	Bedford UA	Services	Employee
07/01/2022	Richard Merriman	41	The deceased was trapped by something collapsing	North Warwickshire	Services	Employee
11/01/2022	John Helme	70	The deceased came into contact with machinery	Herefordshire UA	Agriculture	Self employed
27/01/2022	Scott Hirst	46	The deceased was struck by an object	Hull City UA	Services	Employee