

Health and Safety Executive Board			HSE/21/A06
Meeting date	29-Jun-21	FOI Status	Closed s36
CM9 Ref	2021/123325		
AGENDA HSE Board Meeting 29 June 2021 Redgrave Court			

08:00 - Private Session - HSE Board
09:30 including Forward Look

Break

Closed Board meeting

09:45			Presenter
	1 Welcome		Chair
	Declarations of interest		
	Minutes of meeting 25 May 2021	HSE/21/M05	
	Minutes of extraordinary meeting 14 June 2021	HSE/21/M06	
	Matters arising & Action Log	HSE/21/AL	
	Chair's update	Verbal	
	ARAC update	Verbal	Martin Esom
10:05	2 Chief Executive's Report - June 2021	HSE/21/25 and Verbal update	Sarah Albon
10:35	3 Performance Report - May 2021	HSE/21/26	David Murray and Directors
11:05	4 Spending review 2021	HSE/21/31	David Murray
12:05	Break		
12:45	5 HSE Strategy Development plus Mission and Vision Statement Presentation	HSE/21/30	Rick Brunt
13:45	6 HSE activity in support of the UK's Net Zero target	HSE/21/27	Kate Haire
14:15	7 Publication of Consultation Document for amendments to the Personal Protective Equipment at Work Regulations 1992	HSE/21/28	
14:25	8 Board Effectiveness review - Terms of Reference - Finance and Performance Committee	HSE/21/29	David Murray
14:35	Meeting ends		

Health and Safety Executive Board			HSE/21/M06
Meeting Date:	29 June 2021	FoI Status	Open
FoI Exemptions			
CM9 Reference:	2021/140021		
Minutes of Extraordinary HSE Board Meeting 14 June 2021 Video conference			

Attending

Sarah Newton – Chair	Elaine Bailey	Martin Esom	Claire Sullivan (from 10:45)
Susan Johnson	John McDermid	Ged Nichols	Ken Robertson

Also attending

Sarah Albon – Chief Executive	Philip White – Director, Regulation	Andrew Curran, Chief Scientific Advisor	Peter Brown, Interim Director, Engagement and Policy
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██████████ - Secretariat	██████████, DoR office	Lester Posner, ██████████, Communications Branch
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Apologies: Janice Crawford, Kevin Rowan, Mahbubul Islam

Minutes ██████████

Closed Meeting	
1	Welcome and Declarations of Interest
	The Chair thanked everyone for attending and noted apologies. There were no declarations of interest.
2	Update: Review of HSE’s Proportionality of Enforcement Decision Making in the Pandemic and how the EMM supports this (HSE/21/24)
	<p>In introducing the paper, Philip White thanked John McDermid and Ken Robertson, in their role as SEEAC members, for their comments on the previous draft of the report.</p> <p>The following points were discussed:</p> <ol style="list-style-type: none"> 1. The Board noted the comments of the SEEAC members, in respect of the analysis of the evidence in the Factual Report. 2. Whether a greater emphasis should be placed, in communications messaging around the EMM review, on the considerable volume of work that HSE has delivered, at pace and to a high quality, in support of duty holders, workers, the public and wider Government across GB during the pandemic; as well as around the extent of enforcement powers available. 3. The general concept of a “precautionary response”. 4. Whether to review, more generally, the EMM guidance (as it applies to health) in due course.

	5. The challenges around identifying and managing transmission risks to enable dutyholders and workers to put the right control measures in place for their setting and work processes. The National Core Study would be exploring this.
Decision	The Board agreed that the review had met the objective commissioned in February and, subject to suggestions made regarding the website landing page and communications messaging, approved the placing of the Factual Report on the website.

Health and Safety Executive Board			HSE/21/M07
Meeting Date:	27 July 2021	FoI Status	Open
FoI Exemptions			
CM9 Reference:	2021/149916		
Minutes of HSE Board Meeting 29 June 2021 Redgrave Court and Video Conference			

Attending

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

Also attending

Sarah Albon – Chief Executive	James Anderson – Head of Information Technology and Facilities	Katy Shrimplin – Director, Legal Services	Peter Baker – Director, Building Safety and Construction
Maria Finch – interim Director, Human Resources	Peter Brown – Director, Engagement and Policy	David Murray – Director, Finance and Corporate Services	Karen Russ – Director, Science and Commercial
Angela Storey – Director, Operational Services	Rick Brunt, Lester Posner, ██████████ – Engagement and Policy Division (item 5)	Kate Haire, ██████████ – Engagement and Policy Division (item 6)	
██████████ - Secretariat	Jenny Hagan – Chair’s Private Secretary		

Apologies: Kevin Rowan, Philip White

Minutes ██████████

Closed Meeting	
1	Welcome and Declarations of Interest
	<p>The Chair welcomed everyone to the meeting, including ██████████ as interim HR Director. Apologies were received from Kevin Rowan and Philip White.</p> <p>The Chair reminded the Board of the importance of keeping the register of interests up to date and that they must report any changes to the Secretariat.</p> <p>There were no declarations of interest in relation to the items on the agenda.</p> <p>The Chair updated the Board that she attended the end of year Audit and Risk Assurance Committee meeting. She thanked the Committee and all involved for their contribution to giving the Board assurance on risk and controls. She congratulated the Business Assurance Team for its nomination in the Public Finance Innovation Awards.</p>

	<p>John McDermid raised the issue of the SEEAC secretariat role and assurance was given that, as per the plan agreed at the previous meeting, he would be included in discussions regarding the recommendation in the Board Effectiveness Review and taking it forward.</p> <p>Martin Esom updated the Board on proceedings from the last ARAC meeting, including the discussion with HR Division regarding a Limited Assurance Report, BSR assurance approach using themed deep dives and the discussions regarding the Terms of Reference for the Finance and Performance Committee. He also confirmed a strong Moderate assurance had been received from GIAA.</p> <p>Draft minutes of meeting 25 May 2021 (HSE/21/M05) and extraordinary meeting of 16 June 2021 (HSE/21/M06), matters arising and actions (HSE/21/AL)</p> <p>The minutes of the previous meetings were cleared, subject to an action being added in relation to the May minutes for a further discussion on the findings of “The effect of Covid-19 in the workplace” (Internal Report) (HSE/21/19). This would be discussed between the Chair and Chief Executive.</p> <p>The Board noted the updates to the Action Log. It was requested that updates to actions that are recorded in the minutes are also recorded in the action log.</p> <p>There were no other Matters arising.</p>
Decision	Minutes cleared.
Action 1	Chair and Chief Executive to discuss next steps regarding the Internal Report in due course.
Action 2	Secretariat to update approach to action log.
Action 3	Richard Jeffers to include a discussion around the role of the SEEAC secretariat function with John McDermid, as previously planned, as part of the consideration of the relevant Board Effectiveness review recommendation relating to SEEAC. An update for the Board on this, and other recommendations, is due at the November Board meeting.
2	Chief Executive’s Report (HSE/21/25)
	<p>Sarah Albon updated the Board on recent and planned activities including the EMM review work, her appearance at the Public Accounts Committee, the senior leaders event which would be focussing on the next steps both in developing HSE’s new strategy and the principles for hybrid working. She also confirmed that the BSR bill would be receive its first reading the following day.</p> <p>The following points were raised/discussed:</p> <ol style="list-style-type: none"> 1. The latest position regarding the introduction of BSR safety cases, including SEEAC’s role in supporting the evaluation process and publication of supporting guidance. 2. Using insight to inform strategy development, recognising the current resource constraints in the Insight team. A session with the Board was suggested. 3. The approach to Leadership development and focus on enabling leaders to deliver and manage change.
Action 4	Consider how and when to have a session on insight with the Board.
3	Business Performance – May 2021 (HSE/21/26)

	<p>David Murray presented the performance report, providing details of both Business Plan and financial performance, including areas of strong performance and those requiring focus.</p> <p>The following points were raised/discussed:</p> <ol style="list-style-type: none"> 1. The accounting treatment of capital allocated for digital investment to support BSR delivery. As a result of delays in BSR leading to issues in relation to vires to spend, ExCo had decided to initiate COIN replacement, working with DWP digital. 2. Clarification of the shortfall in commercial income and discussions on classification of the different revenue sources for accounting and financial management.
4	Spending Review 2021 (HSE/21/31)
	<p>David Murray presented this paper, explaining the different phases in the process of submitting the HSE bid and treatment of funding from others (eg Defra, MHCLG, BEIS).</p> <p>The following points were raised/discussed:</p> <ol style="list-style-type: none"> 1. The concerns around the performance of SSCL's standard operating platform. 2. How the Board's sub-committees could work together to improve assurances. 3. The emerging programme for replacing COIN and other IT infrastructure priorities, such as Science Division requirements. 4. The expected efficiency savings and how these will be delivered, including through COIN replacement which will result in improved cost recovery.
Decision	The Board noted the progress and requested an overall baseline figure which would include funding from all sources.
Action 5	David Murray to provide the overall baseline figure.
5	HSE Strategy Development plus Mission and Vision Statement (HSE/21/30 and presentation)
	<p>Rick Brunt presented this item supported by Lester Posner and [REDACTED]. He articulated the process so far in developing the Mission and Vision Statement and the engagement process undertaken internally which had shown a positive reception for the statement.</p> <p>The following points were raised/discussed:</p> <ol style="list-style-type: none"> 1. Specific elements of the statement, such as potential for misinterpretation. 2. The way in which individual Divisional strategies and plans linked directly to the overall mission and vision. 3. The extent to which new strategy was a successor to Helping Great Britain work well. 4. Next steps in the process, including how to factor in the Board ahead of the October meeting/event.
Decision	The Board agreed that the Mission and Vision statement had captured the whole range of work undertaken across the organisation and could be used as the basis for development of the more detailed strategy document.
Action 6	Share high level draft content at an appropriate time.

Action 7	Schedule a presentation to the Board on the Strategy and Communications plan ahead of publication (timing TBC).
6	HSE activity in support of the UK's Net Zero target (HSE/21/30)
	<p>Kate Haire presented the paper supported by ██████████, explaining the Net Zero commitment, the focus and extent of the work done so far by HSE, including significant engagement with other regulators/government partners and the range of requests for support being submitted to HSE, often in an uncoordinated fashion.</p> <p>The following points were raised/discussed:</p> <ol style="list-style-type: none"> 1. The impact on HSE's resources for conducting "business as usual" activity and the opportunities to recruit from a pool of graduate scientists. 2. The breadth of awareness and activity across all sectors. 3. The challenges arising out of the division of regulatory and funding responsibilities in identifying emerging issues/risks and finding solutions. 4. The role of SEEAC in giving assurance to the Board from the science perspective.
Decision	The Board welcomed the update and recognised the strategic importance of this work.
7	Publication of Consultation Document for amendments to the Personal Protective Equipment at Work Regulations (HSE/21/28)
	<p>The Board discussed this paper in the context of governance and proportionality for decision-making. It recognised that it had no discretion on making the amendments being proposed in the paper, as a result of the outcome of a Judicial Review and the acceptance of the judgement by the Government.</p> <p>The Board noted that the making and amending of regulations was a matter reserved to the Board in its Operating Framework.</p>
Decision	The Board agreed to delegate the signing off of the proposals in respect of the PPE regulations and the remainder of the legislative process to the Chair under the provisions of the 2008 delegated authority.
Decision	The Board agreed that, for future legislative proposals relating specifically to consequential/technical amendments, the Chair was authorised to sign off proposals on behalf of the Board, subject to reporting back to the Board. This agreement did not extend to legislative changes that involved a change in policy, which would be for the full Board to approve. This would be kept under review.
Action 8	The Chair to keep the Board informed of her use of the delegated authority in respect of legislative proposals.
8	Board Effectiveness Review – Finance and Performance Committee Terms of Reference (HSE/21/29)
	<p>David Murray presented this item, confirming that the Terms of Reference for both the Finance and Performance Committee and Audit and Risk Assurance Committee had been reviewed and no gaps/overlap of responsibilities had been identified.</p> <p>The Board thanked ██████████ for her work on this and noted that the SEEAC Terms of Reference, which she had also reviewed, would be brought to the Board's next meeting.</p>
Decision	The Board confirmed its agreement to the Terms of Reference.
	Meeting reflection

	<p>The Board agreed that the papers had been of good quality and that discussion had been constructive.</p> <p>The “virtual” experience had been better than the previous meeting but the new technology still had some issues to be resolved.</p>
Other Business	<p>There was no other business.</p>

Health and Safety Executive Board		HSE/21/25	
Meeting Date:	27 June 2021	FOI Status:	Open
Type of Paper:	For discussion	Exemptions:	None

Chief Executive's Report June 2021

HSE Business Plan 2021/22: Our ongoing work in supporting the government on reducing the risks from Covid-19 shows that HSE's main purpose – to prevent work-related death, injury and ill health – is more valid than ever.

The HSE Business Plan 2021/22 takes account of the critical role HSE is playing in the national response to Covid-19, while helping to support the country's economic recovery. The plan outlines key areas of work for 2021/22.

Provide an effective regulatory framework

UK REACH Work Programme has been published on HSE's website, having been signed off by respective Ministers. It describes operational work planned for 2021/22. Analysis and priority setting in this financial year will help decide future priorities. Stakeholders are invited to get involved in UK REACH in several ways, including consultations, accredited stakeholder organisations (ASOs) participation and informal engagement.

Amendment to Control of Major Accident Hazards Regulation (COMAH): In August 2020, the Government announced its plans to reform the public health system in England, including the dissolution of Public Health England (PHE).

At present, COMAH places a duty on operators of upper tier establishments to consult PHE when preparing an internal emergency plan. In addition, Local Authorities (LA) have a duty to prepare external emergency plans for each upper tier establishment in their area, and to review them at intervals not exceeding three years. In preparing and reviewing the external emergency plan, the LA must consult with PHE.

From 1 October 2021 the UK Health Security Agency (UKHSA), an Executive Agency of the Department of Health and Social Care will take over the emergency planning functions previously carried out by PHE. It is therefore necessary to make administrative amendments to regulations 12(5)(e), 13(7)(d) and 14(3)(a) of COMAH to change references to PHE.

The Department for Health and Social Care (DHSC) is leading on the changes and will take forward a Statutory Instrument (SI) that will make the required amendments to COMAH and a variety of other legislation. HSE is inputting to this work. The revised SI, which will be laid by DHSC's Secretary of State, is due to come into force on 1 October 2021. Plans are in place to undertake a targeted public consultation which will inform Local Authorities and COMAH Operators affected by the change.

We do not anticipate any significant policy or regulatory issues as a result of this amendment and the impact on business is minimal.

Lead and engage with others to improve workplace health and safety

The Peter Isaac Award: The British Occupational Hygiene Society's (BOHS) prestigious 'Peter Isaac Award' recognises an outstanding initiative contributing to the reduction of ill health at work and has been won by a team from HSE for the second year in succession. During the Society's annual conference on 28 June 2021, the award will be presented to colleagues representing the Technical Team, part of HSE's virtual PPE unit, who have supported the supply of PPE to NHS staff through evaluating materials and specifications against relevant requirements.

Specialists from Field Operations Division (FOD) and Science Division (SD) have worked tirelessly to rapidly provide agreement that new and novel sources of supply have been properly assessed and can be deployed to frontline healthcare workers without unnecessary delay. Combining their expertise in regulating workplace risk management with their understanding of PPE material science, they provided critical assurance that PPE being supplied was of the right quality to protect care workers against coronavirus.

Health and Work – Musculoskeletal Disorders – MSD Risk Reduction Through Design Awards 2021:

Herbert Parkinson were announced as the winners at the CIEHF's annual (virtual) awards ceremony on the 18th June 2021 for their design of a handheld tool to insert metal pin hooks into curtain fabrics. Their entry was a collaborative effort with a third party designer to develop a 3D printed handheld tool which reduced repetitive manual upper limb work.

The 'Risk-reduction through design' awards are now in their 4th year and are sponsored by the Health and Safety Executive (HSE) and the Chartered Institute of Ergonomics and Human Factors (CIEHF). They are intended to highlight the important contribution that design changes can make to reducing risks of musculoskeletal disorders by giving recognition to businesses and rewarding design changes that have made a real practical impact to the lives of their workers. Through the awards HSE want to inspire and encourage other businesses (large and small) who have perhaps not previously been involved to consider how they could also make design changes to eliminate or reduce the risks of work related musculoskeletal disorders in their own workplaces. This year's entries were attracted from a wide range of sectors from across the UK including, textiles, food, chemical, banking, construction and housing sectors.

New downloadable poster case studies of this year's winners and commended entries were also developed and made available free to download. [HSE's 'Risk-Reduction through design' Award](#)

International Association of Labour Inspection (IALI) Conference on Covid-19 'The Implications for Labour Inspectorates'

On behalf of the UK the Health and Safety Executive's Director of Field Operations contributed a presentation to a Webinar hosted by IALI to share learning from across the globe about regulatory responses to the pandemic'. IALI is the global professional association for labour inspection. It was established in 1972, and currently has over 100 members worldwide, including the USA, China and Russia.

Health and Work – health campaign and roundtable:

Our 'welding' campaign, targeting occupational lung disease, continues to increase awareness of the hazards associated with welding, with more than 7,500 pageviews in the last month. This led to 1,000 downloads of our welding and metalworking fluid guidance evidencing early successes of the campaign. The communications activity continues in June with 'fabricated fortnight' (14 – 25 June) and tapping into the wider interest in Breathe Easy Week (22 – 27 June).

Our horizon scanning has identified key dates in June that we will use to amplify existing messages, through media and social channels, include building on the awareness of Men's Health Week (stress, MSDs and lung health) w/c 14 June, and on the 18 June: The MSD design awards.

The new health roundtable continues to strengthen strategic relationships with key partners, opening opportunities for amplifying organisational messages and highlighting events of interest to HSE, such as the International Ergonomics Association Conference in London 2027. Two virtual meetings have been held so far with members (Advisory, Conciliation and Arbitration Service (ACAS); British Safety Council (BSC) / Mates in Mind; British Occupational Hygiene Society (BOHS); Chartered Institute of Ergonomics & Human Factors; Institute of Occupational Safety and Health (IOSH); Mind; Public Health Wales; and Royal Society for the Prevention of Accidents (RoSPA)). The next roundtable meeting will be held early July.

Agriculture - Control of zoonotic risk to children at open farms and visitor attractions:

The 2009 [Godstone farm incident](#) where 93 people, the majority children, were made seriously ill by E Coli infection led to a big shift in approach to the control of zoonotic risks at open farms and visitor attractions. At the time, the industry and regulators developed a Code of Practice that elevated standards. Over the last year or two, HSE's Agriculture Sector, within EPD, has engaged with a range of stakeholders (e.g. Local Authorities, Public Health Authorities, industry bodies and major visitor attractions) to fully revamp the [Industry's code of practice](#) (ICOP), and update and improve HSE's operation guidance and enforcement

expectations. Crucially these documents support high profile investigations in which HSE and LA inspectors/officers get involved and build on experience that regulators and industry have gained since they were first launched.

The revised ICOP, [Operational Guidance](#) and supporting [IEE Table](#) are an example of HSE Sector inspectors and industry working together to agree standards and thereby gain industry commitment to comply: Improved compliance should help reduce the frequency of high impact outbreak events. The ICOP is a document owned by the industry body, Access to Farms (ATF). ATF are a group of stakeholders that come together to represent the animal visitor attraction / open farm industry. HSE's agriculture sector has worked with the ATF to ensure that ICOP, Operational Guidance and enforcement expectations are fully aligned.

In May in readiness for pandemic restrictions lifting and spring/ summer activities, Agriculture Sector (along with LAU) held a webinar for all LAs in Great Britain. We explained the updates, briefed on the clarifications and reinforced expected standards and enforcement lines. The event also served to train regulators to confidently deal with open farm inspections / investigations. The webinar attracted 300 LA staff, with 98% giving high approval feedback.

Underpinning Insight on Building Safety Regulator Duty Holders: We have recently completed new insight on the perspectives, needs and projected behaviours of new BSR duty holders. This is based on 150 in-depth interviews with professional stakeholders across the life cycle of high-rise buildings: from clients and designers, through construction, to building safety managers and responsible persons. It exemplifies our regulatory commitment to build-in the views of our audiences. This complements a separate secondary analysis of the construction sector's projected interaction with the BSR based on our existing insight assets.

A key product is an actionable attitudinal segmentation of each duty holder group towards the BSR which is helping refine our operational policy and compliance model to target and tailor our activities. The insight also underpins our BSR communications strategy through the delivery of bespoke guidance for each audience alongside detailed pen portraits, process maps and behavioural analysis across ten sectors. This enables us to target and tailor new guidance and communications, and ensure we appraise and mitigate the needs of future non-compliant and high-risk behaviours.

This insight, funded by the Joint Regulators Group and undertaken by HSE's Insight and Service Design Team, was designed closely with our BSR operations and communications teams – and has been enthusiastically received for revealing new, detailed understanding in an actionable manner.

Covid-19 support activity: The Yorkshire Spot check campaign continues apace following the launch the new [Work Right](#) campaign site and activity has been increased in the Yorkshire Humber region. HSE is providing resources for businesses and workers who do not normally engage with HSE by using a range of campaign activities and increasing awareness of our work on Covid-19, including detailed conversations taking place with faith and community leaders, to identify how we surmount the barriers that exist in communicating to harder to reach communities.

Secure effective management and control of risk

Covid-19 security for migrant workers in Scotland: HSE is contributing to a multi-agency effort following a Covid-19 outbreak on a soft fruit farm. Information via the public health outbreak Incident Management Team revealed concerns about lack of Covid-19 control measures, poor on-site accommodation for migrant workers, unsafe transportation and inadequate welfare. As seasonal migrant labour increases significantly into Summer, concerns grew across the whole sector and HSE undertook more in-depth investigation. We deployed HSE's spot check contractors to triage and conduct spot checks using intel from various government data sources. We are now targeting further intervention with HSE inspectors and local authority environmental health officers visiting those farms where spot checks indicated that enforcement may be necessary. In addition to raising matters of compliance with individual producers, employment agencies are being engaged about their role in providing transport and disseminating information to workers prior to their arrival on site.

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.

Dean Blues (sentencing outcome): The Gas Safety Installation and Use Regulations (GSIUR) form an important part of HSE's regulatory work ensuring that the risks from domestic gas work are properly managed and only carried out by competent people (Gas Safe registered engineers). At the end of May 2021, Dean Blues was sentenced to an immediate 3 year custodial sentence after pleading guilty to 24 charges under GSIUR after an extensive and lengthy investigation by HSE. Mr Blues had carried out illegal gas work at multiple premises over an extensive period of time, first in Scotland and then in North East England. He had used fake names and details and many pay as you go phone numbers. Proving identity involved the police, trading standards and gaining information, using our powers under the Health & Safety at Work Act, from banks, phone providers and others. This result and custodial sentence reflects the culpability of Mr Blues. It also reflects significant and determined effort by many HSE colleagues to conclude the complex investigation involved in bringing the case to court.

Guilford Europe Ltd: A maintenance fitter suffered serious 20% burn injuries when steam escaped from a pressurised dye vessel during fault finding. An Improvement Notice was served at the time to deal with failings in the company maintenance procedures and supervision arrangements, to prevent a recurrence. Guilford Europe Ltd were prosecuted under section 2(1) HSWA for not providing suitable procedures for maintenance fault finding activities and a formal monitoring regime for maintenance operations. They were fined £100,000 with full HSE costs. Although they received a discount for an early guilty plea, there was also a slight uplift for a previous offence a number of years ago that was taken into consideration to balance their mitigation. The company was prosecuted in 2005 for a similar incident with a fine of £10,000 imposed and appeared to have taken action to improve their management systems at the time. In the latest case, under the sentencing guidelines they were held to have medium culpability as 'they had systems in place but not implemented or adhered to'. This case illustrates the impact of the sentencing guidelines to overall fine levels over time.

HSE support to police investigation: Simon Bigg, of Bigg in Roofing was found guilty of Gross Negligence Manslaughter (GNM) and sentenced on 4 June 2021 to a prison term of 4.5 years after an employee sustained fatal injuries from a fall from height during roof work being undertaken at a property in Hove. No measures had been put in place to prevent persons falling a distance liable to cause injury.

HSE supported the Sussex Police led investigation which resulted in a charge of GNM, alleged breaches of Regulation 4(1) and 6(3) of the Work at Height Regulations 2005. CPS withdrew the 6(3) WAHR and removed the need to consider 4(1) WAHR 2005 due to the GNM guilty decision.

No costs were awarded to HSE as the defendant was unable to pay.

Failure to report an incident to HSE as required under RIDDOR 2013: Paul Adams, trading as Surrey Conversions failed to report a serious incident to HSE when, in January 2019, an employee (excavator operator) was seriously injured leading to amputation below the knee. The injured party's civil solicitor alerted HSE to the incident months later. The investigation was impeded by Mr Adams' failure to report, and despite evidential challenges concerning some breaches, a prosecution was successfully taken at West London Magistrates' Court for a breach of Regulation 3(1) of the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR).

Mr Adams received a 24-week custodial sentence and was ordered to pay costs of £2,033. This is the first known instance when a defendant has received a custodial sentence for a breach of Regulation 3(1) of the RIDDOR.

Grundon Waste Management Limited (GWM Ltd): Colleagues from HSE's Civil Engineering Specialist Team acted as an expert witness during the prosecution GWM Ltd, following an investigation into a fatal incident which occurred when a waste lorry, which had been reversing down a ramp at the former BBC

Television Centre in London, struck and fatally injured a traffic marshal. GWM Ltd were fined £550,000 and instructed to pay HSE £96,874.15 in costs.

Essex Partnership University NHS Foundation Trust (“the Trust”): On 20th November 2020, at Chelmsford Magistrates Court, the Trust, pleaded guilty to a charge that, during the period from 1 October 2004 to 31 March 2015, it had failed, so far as was reasonably practicable, to manage the environmental risks from fixed ligature points within its inpatient mental health wards across various sites under its control in Essex, thereby exposing vulnerable patients in its care to the risk of harm by ligature. The risk of harm was that patients would kill themselves, or would attempt to kill themselves, by hanging, using such ligature points as were available to them in the inpatient wards. During this period, 11 inpatients hanged themselves using ligature points, and at least one other, and probably more, tried unsuccessfully to do so.

On 16 June the Trust was sentenced. The Judge noted that ‘The offence exposed a number of patients to a risk of harm, and the offence was a significant cause of actual harm’ and that there was ‘one statutory aggravating factor, consisting of one previous relevant conviction from 2014 for a breach of s3 HSWA (*Health and Safety at Work etc Act 1974*) for failing to protect service users at the Derwent Centre from falls from windows which were not adequately restricted. In July 2013, an 18-year old patient on Chelmer Ward in the Derwent Centre fell 3.4 metres from an insufficiently restricted first floor dormitory window to the ground below. The patient broke his back. HSE considered that the Trust did not act sufficiently robustly or speedily to ensure such incidents never happened again. There were clear similarities with the present case, in that the Trust had failed to address an environmental risk to vulnerable patients which could result in self-harm, and the Trust failed to take prompt action following the incident.’

The Trust was fined £1,500,000 and ordered to pay prosecution costs of £86,000 after substantial discounts for an early guilty plea and in view of its status as a publicly funded body.

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

Decision not to grant planning permission to a leisure facility adjacent to Inverness Oil Storage Terminal: The Highland Council Planning Committee has decided against the granting of planning permission for the proposed conversion of a warehouse to a climbing centre, café and retail premises in Inverness. HSE had provided detailed public safety advice to the Council, advising against the proposed climbing centre which would have been adjacent to Certas Energy Ltd, a major hazard establishment which stores large quantities of flammable liquids, including petrol in bulk tanks. There are a range of major incidents that can impact on the proposal including events similar to the explosion at the Buncefield fuel depot in 2005. As this was an application of significant concern to HSE, we accepted an opportunity to attend the committee to explain our serious concerns should the development go ahead and to answer technical questions from committee members. The decision by the Planning Committee not to grant planning permission for this development will ensure that if a major accident were to occur, the consequences will be mitigated by managing the populations around this major hazard establishment.

Published fatalities update¹

Date of incident	Name	Age	Description of incident	Local Authority	General Industry Sector	Employment status
15/02/2021	Scott Grimes	30	The deceased came into contact with electricity	Basingstoke	Construction	Employee
19/02/2021	John Graham	63	The deceased came into contact with electricity	Northumberland UA	Water/Waste Management	Self employed
25/02/2021	Jeremy Davies Jones	53	The deceased was struck by a moving vehicle	Gwynedd UA	Agriculture	Self employed
11/03/2021	Michelle Griffiths	54	The deceased was struck by a moving vehicle	Hertsmere	Services	Member of the public
18/03/2021	Gareth Lloyd	50	The deceased fell from height	Gwynedd UA	Construction	Employee
22/03/2021	Martin Smith	54	The deceased died following a fire	Borders UA	Agriculture	Employee
22/03/2021	Igor Gazi	29	The deceased was exposed to a harmful substance	Doncaster	Manufacturing	Employee
01/04/2021	Harvinder Singh	39	The deceased was trapped by something collapsing	West Suffolk	Construction	Employee
03/04/2021	Caroline Rennie	21	The deceased was struck by a moving vehicle	Aberdeenshire UA	Agriculture	Employee
06/04/2021	Daniel Jackson	45	The deceased came into contact with machinery	Stratford-on-Avon	Agriculture	Employee
12/04/2021	Ben Spencer	19	The deceased was struck by a moving vehicle	Charnwood	Agriculture	Employee
15/04/2021	Mark Gellatly	52	The deceased was struck by an object	Broadland	Manufacturing	Employee

¹ In some cases, the publication of a fatality on the HSE website may be some months after the date of the initial incident. This is due to the verification checks that are carried out to ensure that the fatality is within HSE's enforcement remit and if so, the correct information is subsequently published. The complex nature of some fatality investigations may mean that it can take some time to verify this information. The full list of the names of the deceased plus additional details may be viewed [here](#).