

Health and Safety Executive Board			HSE/24/A01
Meeting date	30-Jan-24	FOI Status	Open
CM9 Ref	2023/261130		
AGENDA HSE Board Meeting 30 January 2024 Redgrave Court			
08:30-09:15	Private session including Forward Look	HSE/24/FL	
09:15-09:45	Break		
GOVERNANCE			Presenter
09:45 ✓	1 Welcome Declarations of interest Minutes of meeting 28 November 2023 Matters arising & Action Log Chair's update - BSR advisory committee Committee updates and assurance reports: ARAC FPC - and verbal update on meeting 24 January RPC SQAG	HSE/23/M10 HSE/24/AL Verbal HSE/24/01 HSE/24/02 HSE/24/03 HSE/24/04	Chair Martin Esom Susan Johnson Claire Sullivan Cath Noakes
ASSURANCE			
10:25 ✓	2 Chief Executive's Report - January 2024	HSE/24/05 and Verbal update	Sarah Albon & ExCo members
10:55 ✓	3 1) Business Performance - Quarter 3 2023/24 2) Strategic Risk Register	HSE/24/06 HSE/24/07	David Murray
11:35	BREAK		
11:45 ✓	4 Annual health and safety statistics 2023	Presentation	Simon Clarke
12:15 ✓	5 People Survey 2023	Presentation	Clare Millington-Hume/Rick Brunt
12:45	LUNCH BREAK		
DECISION			
13:30 ✓	6 The future of the Local Authority/HSE Co-regulatory partnership	HSE/24/09	Rick Brunt
14:15 ✓	7 HSE First Draft Business Plan 2024/5	HSE/24/10	David Murray
15:00 ✓	8 AOB and meeting review		

Health and Safety Executive Board			HSE/24/M01
Meeting Date:	27 February 2024	FoI Status	Open
FoI Exemptions	None		
CM9 Reference:	2024/034515		
Minutes of HSE Board Meeting 30 January 2024 Redgrave Court			

Attending

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

Also attending

Sarah Albon – Chief Executive	James Anderson – Chief Technology Officer	Andrew Curran – Director, Science	Rick Brunt – Director, Engagement and Policy
Michael Jennings – Director, Legal Services	Jane Lassey – Director, Regulation	Clare Millington-Hume – Director, Human Resources	David Murray – Director, Finance and Corporate Services
Angela Storey – Director, Operational Services	Philip White – Director, Building Safety		

██████████ - CEPS	Professor Cath Noakes – item 1	██████████ – item 4	██████████ – item 6
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Apologies:

Minutes Dawn Hepworth

Closed Meeting	
1	Welcome and Declarations of Interest
	<p>Sarah Newton welcomed everyone to the meeting.</p> <p>The Chair invited declarations of interest. Martin Esom declared that he had been appointed Chair of the Audit and Risk Assurance Committee at the Sports Ground Safety Authority.</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>Draft minutes of meeting 28 November 2023 (HSE/23/M10), matters arising and actions (HSE/24/AL)</p>

The minutes of the previous meeting were cleared.

The action log was noted. In relation to the Weeks review recommendation regarding HSE Buxton, the Board noted that an update on this would be available later in the year. Having considered the breadth of oversight of delivery on the strategic objective of workplace health already in place, it was also agreed that additional Board-level oversight, via a sub-group, was not necessary.

Chair's update

The Chair updated the Board on progress with the appointment of members of the Building Safety Regulator Advisory Committee and upcoming areas of consideration.

The Chair informed the Board that she had exercised her delegated authority in two matters since the last meeting:

- **Agency Agreement for delegation of Welsh regulation of the building control profession to HSE as the Building Safety Regulator**

The Welsh Government wished to delegate to HSE, under its role of the Building Safety Regulator (BSR), functions for regulation of the building control profession, including registration of Registered Building Inspectors (RBIs) and Registered Building Control Approvers (RBCAs), and oversight against the Professional Conduct Rules (PCR), Codes of Conduct (CoC) and Operational Standards Rules (OSRs).

The Minister agreed that HSE would take on regulation of the building control profession in Wales.

The delegation would take effect once the Agency Agreement is signed, and services were planned to go live at the end of January 2024. There would be a Memorandum of Understanding setting out the delivery of the AA which would be signed by Sarah Albon.

- **The Offshore Installations (Safety Zones) Order 2024.**

A safety zone is to protect the safety of people working on, or in the immediate vicinity of, the installation; alongside the safety of mariners and the installation itself against damage. Safety zones help protect fishermen and other mariners by reducing the risk of collision with the installation and preventing loss of gear which can become snagged on underwater equipment.

The proposed Order establishes one new safety zone:

Tolmount East Subsea Manifold

And revoke three:

North Leadon Cluster 'A'

FPSO at Mid-Line Structure

South Leadon Cluster 'B'

There were no Matters arising.

The Chair informed the Board that, as a result of Susan Johnson's term of office ending in July, Debbie Gillatt would take on the role of Chair of the Finance and Performance Committee and as Board level Nominated Officer for whistleblowing. She thanked Susan for her valuable work in discharging these

	<p>roles and for leading the Small Business Round Table, acknowledging the support provided by colleagues in Engagement and Policy Division.</p> <p><u>Committee Assurance Reports and meeting updates</u></p> <p>Audit and Risk Assurance Committee (ARAC) Assurance activity (HSE/24/01)</p> <p>Martin Esom presented the report on assurance activity undertaken by the ARAC.</p> <p>Finance and Performance Committee (FPC) – Risk deep dives (HSE/24/02) and meeting 24 January 2024 verbal update</p> <p>Susan Johnson presented the report on risk deep dive activity undertaken by the FPC. She also updated the Board on matters discussed at the committee’s meeting on 24 January which included:</p> <ul style="list-style-type: none"> • Quarter 3 Performance Report • People Survey • Delivery of HSE’s Talent Management strategy <p>Remuneration and People Committee (RPC) – Risk deep dives (HSE/24/03)</p> <p>Claire Sullivan presented the report on assurance activity undertaken by the RPC.</p> <p>Report from Science Quality Assurance Group (SQAG) - Science review and deep dive activities (HSE/24/04)</p> <p>Cath Noakes presented the report on assurance activity/deep dives undertaken by the SQAG. She acknowledged colleagues’ positive engagement in the process and the support provided by the Secretariat. Andrew Curran thanked SQAG members for their engagement work both in participating in Science Division lunchtime seminars and in refining the deep dive approach, including at its April meeting, assessing the process for commissioning science and development of the key research questions.</p> <p>It was suggested that consideration could be given by SQAG to the value of having a log of deep dive recommendations to share learning across Science Division.</p>
Decision	Minutes of previous meeting cleared.
Decision	The Board was assured on the process for delivering overall risk assurance and the level of engagement in it by assurance committee chairs.
Action 1	SQAG to consider the value of having a log of deep dive recommendations.
2	Chief Executive’s Report (HSE/24/05)
	<p>In addition to her written report, Sarah Albon updated the Board on several matters including:</p> <ul style="list-style-type: none"> • A positive introductory meeting with HSE’s new Minister, Lord Younger of Leckie • Engagement with Merseyside Fire and Rescue Services to discuss matters of mutual interest in relation to Building Safety

	<p>In the context of the Post Office Horizon IT Inquiry, Michael Jennings gave the Board assurances on HSE’s policies and processes, as a statutory prosecutor provided for in the Health and Safety at Work etc Act 1974, to bring prosecutions. HSE conducts its prosecutions in accordance with the Code for Crown Prosecutors complemented by the Enforcement Policy Statement and Enforcement Management Model. Recent restructuring to separate the roles of inspection and investigation had further reinforced the integrity of the processes, as had strengthened practices on disclosure of evidence. HSE robustly tests the public interest in bringing prosecutions and no incentives, financial or otherwise, are available to prosecutors. He also assured the Board that there is a strong organisational culture to do the right thing and learn from and be transparent about mistakes made. The Board was also informed that HSE had no direct relationships with Fujitsu.</p> <p>Clare Millington-Hume updated the Board on the latest position regarding HSE’s Pay Business Case. The Board was fully supportive of the approach adopted.</p> <p>The Board sought and received assurance on the following:</p> <ol style="list-style-type: none"> 1. In the context of the recent Beyond Ofsted inquiry report, how HSE recognised its duty to enforce to protect workers whilst acknowledging the potential impact of enforcement decisions; and communicated avenues available to dutyholders both in terms of appeals against those decisions and complaints about the conduct of HSE staff. 2. How HSE’s strong culture to do the right thing was evidenced by the Board level Nominated Officer in a recent complex whistleblowing case (2020/21).
3	1) Business performance Q3 2023/24 (HSE/24/05)
	<p>The Chair referred back to the update on the Finance and Performance Committee meeting and its extensive deep dives and challenge on HSE’s performance.</p> <p>The Board thanked colleagues for taking on board feedback to improve the information in the report on the progress of outcomes.</p>
	2) Strategic Risk Register (HSE/24/06)
	<p>David Murray presented the Strategic Risk Register (SRR), confirming the ExCo scrutiny undertaken and how the Integrated Assurance Plan was being informed by the SRR and would be considered at the next ARAC meeting.</p> <p>The Board sought and received assurance on the following:</p> <ol style="list-style-type: none"> 1. How the Board could contribute to mitigating the risk around optimising stakeholder relationships. There was work underway relating to stakeholder mapping and engagement and the Board would receive a paper for consideration in March. 2. In relation to the strategic risk on reducing work related ill health, HSE would work collaboratively with occupational health providers to enable duty holders to be assured on the provision of competent advice. <p>The Board acknowledged the progress in developing the SRR and suggested a number of points of clarification which would be adopted in the next iteration.</p>
4	Annual Health and Safety Statistics (Presentation)
	<p>██████████ presented some analysis of the annual Health and Safety Statistics, covering in particular, the breadth of available data, how it was</p>

	<p>applied, the challenges around: interpreting diversity data, establishing causation for workplace ill health/stress, measuring impact, drawing international comparisons due to different health and safety systems. There were also opportunities to influence the transformation of the Labour Force Survey including the addition of follow up questions and the use of Artificial Intelligence to support HSE's statistical analysis responsibilities.</p> <p>The Board sought and received assurance on the following:</p> <ol style="list-style-type: none"> 1. How the statistics were one of several elements used to support strategic policy development and business planning. 2. That HSE's statisticians supported extensive evaluation of individual campaigns to test their impact in terms of outcomes and behaviour change. 3. How reducing the exposure to work related health risks would lead to better outcomes but the long latency of many conditions of work related ill health meant that, while we will be able to demonstrate reduced exposures, we are unlikely to see significant changes in the number of cases over the 10 year Strategic Plan.
5	People Survey (Presentation)
	<p>Clare Millington-Hume presented this item setting out some of the findings from the results of HSE's People Survey and actions being taken in response, including senior leadership engagement with offices and individual teams. She also welcomed the positive challenge and support provided by HSE's Trades Unions via the Whitley Committee.</p> <p>The Board sought and received assurance on HSE's policies and approach to bullying, harassment and discrimination.</p>
6	The future of the Local Authority/HSE Co-regulatory partnership (HSE/24/09)
	<p>Rick Brunt introduced this item, with ██████████ presenting it, describing the engagement undertaken in developing the options described in the paper to review the current partnership arrangements which the Board was invited to consider.</p> <p>As the representative of Local Authorities (LAs) on the Board, Martin Esom thanked the team for the level of engagement with him. He recognised that the system which had been in place since the implementation of the Health and Safety at Work etc 1974 would require a significant investment to modernise it to reflect a modern partnership.</p> <p>The Board acknowledged the importance of LAs, as co-regulators, in delivering HSE's strategy, recognising that the system, whilst somewhat dated, continued to be valid. The Board also acknowledged the well established and effective engagement and communications channels with LAs through the HSE/LA Enforcement Liaison Committee (HELA) and noted that work on further strengthening communications and the collaborative relationship was underway.</p> <p>The Board considered the evidence regarding LA health and safety enforcement activity and how LAs prioritised other statutory functions in the face of financial pressures. It was agreed that in due course consideration could be given to working with Department for Levelling Up, Housing and Communities to influence ministerial priorities to include LA prioritisation of</p>

	<p>health and safety responsibilities and whether there is a need to escalate to Ministers.</p> <p>In conclusion, the Board, in welcoming a very thorough and considerative paper, recognized the importance and value of the relationship between HSE and its LA co-regulators. Resourcing a full review of the system, potentially including complex regulatory change, would lead to a significant programme of work both for HSE and LAs, which would impact on delivery of other strategic and business plan objectives. While the Board agreed that this is work that should be done they acknowledged that other priorities meant that it could not take place this year and we should return to this when resources permitted. The Board asked that we feedback our assessment of the current situation to LAs, via HELA, and confirm that we are not progressing this at the moment. We should seek LA views on areas they would prioritise. Colleagues should then return to the Board later in the year with the LA's feedback.</p>
Decision	The Board agreed that the key findings of the report would be escalated to the DWP Minister responsible for the HSE.
Action 2	Colleagues to engage with LAs to convey HSE's assessment of the current position and obtain a greater understanding of their views on what should be prioritised, the approach for any potential escalation, and bring back a paper later in the year for the Board's further consideration.
7	HSE First Draft of Business Plan (HSE/24/10)
	<p>David Murray presented the draft Business Plan for 2024/25, highlighting key features of the plan, articulating financial plans and performance targets and providing assurances on the extent of engagement with relevant funding sponsors.</p> <p>The Board suggested amendments to the draft to provide greater clarity on specific points, such as financial pressures, and removing unnecessary repetition. A further iteration would be made available to the Board for discussion at an informal meeting on 15 February.</p> <p>The Board thanked ExCo for developing a stretching and strong business plan aimed at delivering HSE's strategic objectives.</p>
Other Business/Meeting Review	Sarah Albon congratulated HSE's Ionising Radiation team for the very positive outcome of a follow-up mission by the International Atomic Energy Authority which recognised significant progress in the areas of weakness identified in its previous mission in 2019.

Health and Safety Executive Board		HSE/24/05	
Meeting Date:	30 January 2024	FOI Status:	Open
Type of Paper:	For discussion	Exemptions:	None

Chief Executive's Report January 2024

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

Compassionate Workplaces: Colleagues from our Human Factors Team in Science Division, working alongside researchers from University of Sheffield, have been invited to participate in a 3-year research programme, [EU-CoWork: Developing Compassionate Workplaces in Europe](#), that seeks to develop workplace interventions designed to support employees in retaining employment through bereavement or end-of-life. A significant proportion of employees will encounter end-of-life experiences during their professional life. Such experiences affect employees and their colleagues' health and wellbeing and also the work environment in terms of productivity and safety. The project will focus on organisations in the green and technology sectors and will explore the exposure to psychosocial risks, their impact on employee mental and physical health and wellbeing outcomes and evaluate how compassionate workplaces can mitigate these effects. In collaboration with [CIPD](#), which is the professional body for Human Resources (HR), the [What Works Centre for Wellbeing](#) and other relevant stakeholders, research findings will be disseminated as they emerge.

Enabling employers to prevent work-related ill health from driving: Musculoskeletal disorders (MSDs) account for 36% of all ill health cases in the transportation sector with the lower-back being the most reported area of pain. Workers who drive mobile machines, or other work vehicles, over rough and uneven surfaces as a main part of their job can experience whole-body vibration (WBV). WBV is transmitted through the seat or feet to employees while they are driving, and large shocks and jolts may also cause health risks including back-pain.

HSE has [a free, hour-long webinar](#) featuring experts in Ergonomics and Noise and Vibration, along with experts from National Highways and the [Driving for Better Business](#) campaign. The experts highlighted current [guidance](#) and introduced the [Back Injury Risk in Drivers \(BIRD\) tool](#) as well as explaining ergonomic principles that help protect workers who drive. Feedback about the webinar, which was the most watched one in 2023, has been very positive with 92% of attendees saying they would make improvements to their working practices as a result.

COVID-related research: In response to Personal Protective Equipment (PPE) supply shortages during the COVID-19 pandemic, one of the workstrands Lord Deighton and his team identified in [Personal Protective Equipment \(PPE\) Strategy 'Stabilise and build resilience'](#) was the consideration of safe decontamination and repurposing of single use PPE in emergency circumstances, with a focus on FFP3 respirators. One technique that was considered for decontamination of single use FFP3 respirators in such circumstances, was Hydrogen Peroxide Vapour (HPV). HPV is already widely used in hospital acute settings to decontaminate wards, rooms and medical equipment. HSE undertook research into whether HPV could penetrate the layers of the respirator, whether HPV damaged the respirator materials of construction and whether FFP3 respirators that had been decontaminated in this manner could be safely reworn afterward. The research report that describes this work [RR1201 Decontamination and reuse of FFP3 respirators](#) was published on 19th December 2023. It concludes that decontamination is

effective but with a risk of off-gassing (wearer being exposed to residual HPV/fumigant vapour) which could be managed through a suitable period of aeration. Reusing decontaminated respirators could only be considered during times of a critical shortage of RPE supplies and would need approval from HSE.

Asbestos: The last two months have seen delivery of a number of notable elements of HSE's overarching response to the Work & Pensions Select Committee – communications on asbestos duty to manage and building the evidence base for changes to the currently regulatory approach.

In December, HSE's asbestos [webpages](#) were updated, resulting in a 70% reduction of the number of pages. New templates, an asbestos register and an asbestos management plan, were added after insight revealed these as a key ask from dutyholders. The importance of this update is evidenced in the traffic these pages receive, with **46,424** pageviews between 6 Dec 2023 and 17 Jan 2024, ranking it as the 5th most viewed area of hse.gov.uk.

The impact of the changes on users has been significant:

- there is an increased average engagement session time of 13%
- The site's usefulness rating has increased to 85% from 77% in the previous 11 months – noticeably higher than the HSE website average for the period – 76%
- The redeveloped 'Introduction to asbestos safety' and 'Duty to manage asbestos in buildings' pages now have a >88% engagement rate vs. the HSE site wide average of 71%

On Monday 15th January, the "[Asbestos – Your Duty](#)" campaign was launched to highlight the risk of asbestos in buildings and raise awareness of the legal duty to manage those risks. Launched through media, social media and stakeholder communications, the campaign generated four positive pieces of national coverage on day one. Later in January a paid-for communication campaign will start targeting dutyholders on LinkedIn, and via Google search.

The campaign provides dutyholders with a range of new resources, all of which lead to the new HSE asbestos webpages including:

- two new explanatory videos ('*The duty to manage asbestos in buildings*', and '*Preparing for a duty to manage asbestos inspection*'),
- a '*Do you have the duty to manage asbestos in your workplace?*' quiz,
- a downloadable quick access guide to HSE asbestos resources.

On Monday 8 January, we achieved another milestone in our work on building the evidence base regarding changes to asbestos surveying and asbestos analysis. We launched three sets of questionnaires for key groups within the industry – licensed asbestos removal contractors, surveyors and Asbestos Analysts/Analytical Organisations providing 4-stage clearance inspection services. HSE is gathering information to build a comprehensive picture of the scale of awareness, action and behaviours in the area of asbestos surveyors. The information we gather will help us to understand how any potential changes in these areas could improve the management of asbestos risk. The questionnaires have been publicised through existing stakeholder networks and HSE's e-bulletins and will be open until 25 February 2024. They build on a questionnaire to all dutyholders that ran between October and December last year. The results from this questionnaire are being analysed now. Eventually we will draw the various strands of evidence together to come to a view on whether accreditation for surveyors should be introduced as recommended by the WSC report.

Work-related Stress and Mental Health: the [Working Minds](#) online learning tool continues to perform strongly with more than 4,000 registrations, 1,700 completions and 1,100 downloads our

risk assessment template. The feedback remains extremely positive, with 9 out of 10 saying that they will implement what they had learned in their workplace.

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

Building Safety Regulator

Putting residents at the heart of the new regulator: The Building Safety Regulator (BSR) has completed a programme of research on residents of high-rise buildings and its application to the design of our strategy, policy, operations and communications. This deep understanding of the needs, attitudes and behaviours of residents forms the foundations of our commitment to keeping residents at the heart of BSR.

The now published [research](#) includes a survey distributed to 60,000 residents, 170 depth interviews, plus deep dive reviews with [non-English speaking residents](#) and [residents with disabilities](#).

Findings have been extensively applied across BSR policy, operations and communications teams to shape our strategic approach and optimise our interventions to ensure we deliver for residents. One of many research outputs is a 'Principles for engaging with residents' guide that has been developed directly from the insight: this accessible, practical tool supports building management organisations to make the changes laid down in the Building Safety Act.

We have already presented findings widely; with our process of research engagement positively received by industry groups, including the Joint Regulators Group, Buildings Advisory Committee, Industry Competence Committee, and the Industry Safety Steering Group, chaired by Dame Judith Hackitt. Further work is underway to encourage industry to engage and act on the findings.

This residents programme has just been announced as the winner in the prestigious cross-civil service [Analysis in Government Awards](#) for 'Inclusive analysis'. Additionally, the BSR audience-wide insight programme was also shortlisted for the 'Analysis with Impact' award.

Principles for engaging with residents

The Building Safety Act (BSA) has been introduced to ensure that residents are safe and feel safe in their homes.

This document sets out key considerations to help the Building Safety Regulator (BSR), Principal Accountable Persons (PAPs) and Accountable Person (APs) engage effectively with residents.

It is based on research with a wide cross-section of residents.



	What we know	What to do
1. Understand who lives in each building	Not all residents are the same. Understanding who lives in a high-rise building is the first step to putting residents at the heart of building safety.	Find out who residents are so that you can communicate effectively with them and design safety systems that respond to their needs.
2. Engage via multiple channels	Residents access information in different ways. A 'one-size fits all' approach to engaging with residents about important safety matters will not work for everyone.	Engage with residents using a variety of channels.
3. Communicate information effectively	Fire and building safety is important for residents but it is often not a top-of-mind concern, and it can be confusing to understand.	Use accessible communication approaches and mixed formats to help residents understand and familiarise themselves with the systems that make them safer.
4. Listen to residents	Residents feel safer when they can reach out to their building owners / managers and BSR simply and straightforwardly whenever they need to.	Make it easy for residents to request information, respond to a consultation, raise concerns and escalate complaints.
5. Be inclusive of everyone	Many residents, including non-English speakers and disabled residents or those with long term health conditions, face additional barriers that limit them from engaging with building safety.	Understand what additional barriers some residents face, and how to remove them, so that all residents feel and are safer.

Other key BSR milestones and activity delivered:

December 2023

- Published the Building Safety Regulator Enforcement Policy Statement [Building Safety Regulator enforcement policy statement - Building safety – HSE](#)
- Updated published guidance on registering a high-rise residential building [Applying to register a high-rise residential building - GOV.UK \(www.gov.uk\)](#)
- Updated published role guidance on Accountable Persons (AP) and Principle Accountable Persons (PAP) [Safety in high-rise residential buildings: accountable persons - GOV.UK \(www.gov.uk\)](#)
- Updated the published rules on the Operational Standard Rules monitoring arrangements for building control bodies [OSR monitoring arrangements - reportable data and key performance indicators for building control bodies \(hse.gov.uk\)](#)
- Updated “About BSR” page on HSE website covering buildings, people and organisation that we regulate. Regulations we are responsible for, with signposting to contact service, other services and online guidance [Building Safety Regulator - Building safety – HSE](#)

January 2024

- Campaign microsite news section updated covering blogs and webinar videos, with a dedicated page for Accountable Persons (AP) and Principle Accountable Persons (PAP), plus updates to our “Did You Know page”. [Making Buildings Safer - Making Buildings Safer \(buildingsafety.campaign.gov.uk\)](#)

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

Business Burdens Round Table: Set up just before the Covid pandemic, the round table has met five times, and has drawn on the rich diversity of members' perspectives. Its purpose was to explore, and try to resolve, some of the burdens that can arise for businesses when trying to meet the well-intentioned but sometimes bureaucratic obligations that actors in the health and safety system (other than government) may impose.

The round table has considered a wide range of issues. It explored ways in which health and safety impacts could be more proportionately managed for volunteers; discussed lessons learned from health and safety communication with SMEs during the pandemic; and heard how, post-Covid, HR and facilities management professionals might need a more proportionate understanding of their roles. Most recently, it has been tackling (via a sub-group) ways to make conformity assessment schemes such as Safety Schemes in Procurement (SSIP) more user-friendly for the smallest suppliers.

We always intended that members' concerns should be the primary driver of the round table's work. However, we are not now seeing fresh concerns being put forward for future meeting agendas, and have therefore disbanded the round table. We have assured members that HSE's door remains open to them. Many already engage with HSE through a range of other forums. We hope members' experience of the round table will enable them to continue using their influence in the health and safety system to ensure that compliance with health and safety requirements remains proportionate and manageable for employers, to the benefit of working people.

We extend our grateful thanks to the members for their energy and commitment to HSE over several years.

Ammonium nitrate blasting intermediate (ANBI): HSE has published comprehensive [guidance](#) on the storage of an explosive compound increasingly used in the mining industry. The guidance will be valued in the UK and internationally.

The publication is the product of a year long collaboration of an expert working group, established by HSE, including industry representatives from major civil explosive manufacturers and colleagues from Chemicals, Explosives and Major Hazards Division, Energy Division and Engagements and Policy Division.

A rising number of mine operators wish to store underground. ANBI can exhibit complex physical and chemical properties especially when exposed to heat or fire resulting in a detonation. Historical experience e.g. the [Fauld Mine explosion](#) in 1944 indicates various incident causes which need to be considered and safeguarded against. The guidance outlines the permissions and minimum safety and security requirements to manage the risks associated with the storage of ANBI in mines, other than coal mines.

Securing compliance with the law

Press releases giving details of recent prosecution cases, along with other HSE press announcements, are published on this [link](#)

Prosecution of small construction for breaching an enforcement notice: An HSE Inspector spotted unsafe scaffolding whilst driving past a domestic property in Eccles, Manchester in February 2022. He served an enforcement notice prohibiting work from the unsafe scaffolding used to carry out rendering work as it presented several fall risks and a risk of serious personal injury to operatives working at height. Due to the attitude of the workers on site and the company director by telephone, he was concerned they would continue to work without making the scaffolding safe and so made a return visit a few days later. He found that operatives were

continuing to work from the same unsafe scaffolding and were therefore not only in breach of the Prohibition Notice but the operatives were still at risk. A breach of a Notice is a serious offence and so the company, RS Rendering Specialists Limited, was prosecuted resulting in a fine of £3,000 in Manchester Magistrates' Court.

Prosecution of Mitie Tilley Roofing Limited and RM Scaffolding: In June 2019 a 24-year-old labourer employed by Paul Robinson (trading as RM Scaffolding) broke his femur after falling through a fragile roof of a building in Swansea while working on a project run by Mitie Tilley Roofing Limited (MTRL).

Guilty pleas were submitted by both parties. Unusually, MTRL requested the final sentencing hearing be combined with another similar case in which they had also been found guilty and which had occurred in Newcastle Upon Tyne a few months after the Swansea incident. Mr Robinson also agreed to be sentenced at the same time.

MTRL were fined £306,000 for the Swansea incident and £575,000 for the Newcastle incident. Mr Robinson was ordered to serve 120 hours of unpaid community service (within 12 months) for the Swansea incident. Final sentencing sees the conclusion of this case which was achieved as a result of excellent teamwork from various individuals drawn from differing teams and Divisions.

Waste disposal manager jailed for seven and a half years for the manslaughter of a worker: A waste disposal manager has been jailed for seven and a half years for the manslaughter of a worker who was killed in an industrial shredder. Brian Timmins, who was operating the equipment, was sentenced over the death of David Willis, 29, who fell into the machine at Timmins Waste Services (TWS) in Wolverhampton. Mr Willis, whose remains were never found, had worked at the site for about eight years before the incident on 15 September 2018. TWS was convicted of corporate manslaughter and fined £400,000.

Significant Enforcement at a large employer and construction site for basic welfare requirements: Shotton Paper Mill, North Wales, is a large employer for the region and a major construction project for principal contractor Enka Construction SA UK and main contractor Adana Construction Ltd. HSE received multiple concerns relating to unsafe work at height and inadequate welfare facilities along with issues enforced by others ie sexual harassment and destruction of badger setts.

HSE's Inspection Team sent an experienced Inspector to investigate and utilised the visit to develop a trainee inspector. Throughout the site there were multiple risks of serious personal injury relating to work at height ranging from poor edge protection to handrails on staircases being zip tied together rather than fixed together with suitable proprietary clips and the use of traffic barriers and rebar instead of proprietary guard rails.

Prohibition Notices were served against the principal and main contractor to stop all work at height until the edge protection was installed correctly.

There were 300 operatives on site with only three drying rooms. This resulted in operatives' clothes not fully drying between shifts and their having to wear wet clothes whilst working on site. Several toilet blocks had been provided in the welfare compound however some of these did not provide hot water. The company had provided several cold wash chemical toilets around site which are inadequate as hot/warm running water should be provided within the immediate vicinity of the sanitary conveniences regardless of whether it is provided elsewhere.

Improvement Notices were served to improve welfare conditions.

This is an excellent example of HSE's unseen work and demonstrates how we deal with concerns and tackle extreme non-compliance.

Radiation Authorisation and Online Notification (RADAN) system: On 27th November 2023, HSE issued its first consent certificate under the new RADAN online system. Multi-Ply

Components Ltd were inspected on 19th October and were found to be carrying out industrial radiography without the requisite consent required under the Ionising Radiation Regulations 2017. Using the new permissioning regime, a Cessation of Practice notice was served on site and the dutyholder subsequently applied for consent and submitted their safety assessment via the new RADAN system, before obtaining the consent needed to resume the industrial radiography work.

Prosecution of European Active Projects (EAP): On 20th December 2023, a marine and contracting company was fined £107,730.40 and was ordered to pay costs of £5,730.40 having pleaded guilty to breaching Section 4(1) of the Work at Height Regulations 2005 (WAH).

The prosecution arose as a result of HSE investigating a concern raised by a member of the public. They sent a video showing a worker standing on the pallet, on the fully extended forks of a forklift truck, moving equipment from the deck of a boat in the harbour's slipway on 8 July 2022, at Ramsgate Harbour in Kent.

The HSE investigation found the scaffolding had been removed, so the workers raised a pallet to the deck with a forklift truck and then used it as a mobile platform to remove items, including a heavy motorised pressure washer, and lowering them to the ground. EAP Limited had failed to plan the work at height associated with the refurbishments and repair work being completed on the boat with no safe method for removing equipment located on the vessel's deck, exposing workers to the risk of falling 4m from the edge of the boat and the forklift truck platform. Fortunately, no workers were harmed and the reporting of the incident by a concerned member of public enabled HSE to intervene and prevent any further unsafe work at height on site. The level of fine awarded by the Court demonstrates how effectively the prosecution team conveyed the high level of risk workers were exposed to in the absence of an incident occurring.



Hospital Trust prosecuted after worker suffers traumatic brain injury when lone working in a confined space: Kettering NHS Hospital Trust recently pleaded guilty to Section 2(1) of the Health and Safety at Work etc. Act 1974 (HSWA) following an investigation into an incident when a worker was found unconscious in a manhole (a confined space) by other members of staff leading to the fire service rescuing him.

The HSE investigation found that the employee of Kettering NHS Hospital Trust was lone working to unblock a drain and was found unconscious in the manhole by other members of staff. The employee was treated at hospital for his injuries and sustained acute sulphide intoxication which caused traumatic brain injury with ongoing consequence of nerve damage and memory loss. It was discovered that estates employees at the hospital were known to enter confined spaces,

including manholes, as part of their work unblocking drains at the hospital site and this was done without proper controls in place to ensure their health and safety.

Confined spaces can be deadly. Several people are killed or seriously injured in confined spaces each year in the UK. This happens in a wide range of industries, from those involving complex plant to simple storage vessels. Those killed include people working in the confined space and those who try to rescue them without proper training and equipment.

The Trust failed to properly risk assess the activity of unblocking drains. It failed to prevent estates employees from entering confined spaces such as the manholes at the site, which was custom and practice for a number of years. The Trust failed to identify a safe system of work or method statement for clearing drain blockages, no precautions were identified to reduce the risk of injury. There was no confined space training given to anyone on the estates team. Insufficient information and instruction was provided to those involved as to the methods to be adopted, the risks involved and the precautions to be taken when clearing drains and entering deep drains/manholes. Insufficient instruction was given as to when to call in specialist contractors and there was a failure to identify suitable and sufficient rescue arrangements for work in confined spaces.

The judge in the case fully agreed with the action taken by HSE and the Trust was fined £480,000 with costs of £4,286.

[Alexandra Homes \(Bristol\) Ltd](#): Following a complex investigation, Alexandra Homes was prosecuted and fined for not doing enough to keep people safe from vulnerable patients who posed a danger to themselves and others. This followed the sexually motivated murder in 2014 of Melissa Mathieson, a vulnerable patient, at the hands of a fellow patient, Jason Conroy who was later jailed for a minimum of 19 years. HSE's investigation found that Alexandra House did not have suitably trained and qualified staff in sufficient numbers to adequately deal with Jason Conroy. In addition, they were not sufficiently informed of the risks he posed. He was not adequately monitored and there were insufficient control methods in place to ensure the safety of people in Alexandra House, particularly at night. Having pleaded guilty to breaching Section 3(1) Health and Safety At Work Act 1974 and the Management of Health and Safety at Work Regulations 1999, Alexandra Homes Ltd was fined £125,000 and ordered to pay costs of £41,000.

[Shell UK Ltd and Ampelmann Operations \(UK\)](#): Failings in the design and operation of a motion compensated (work to work) gangway providing access from a support vessel to Shell's Galleon PG offshore gas rig during adverse weather conditions led to a maintenance worker's feet being trapped between two sections of the gangway, sustaining serious fracture and laceration injuries. Shell U.K. Limited pleaded guilty to breaching Section 3(1) of The Health and Safety at Work etc. Act 1974 and was fined £1,031,250 and ordered to pay £247,000 in costs.

Ampelmann Operations (UK) pleaded guilty to breaching Section 3(1) of The Health and Safety at Work Act 1974 and was fined £206,250 and ordered to pay £247,000 in costs.

Published fatalities update¹

Since the last update to the Board, 33 fatalities which occurred in 2023/24 have subsequently been published on the HSE website. Please see table below for details.

Date of incident	Name	Age	Description of incident	Local Authority	General Industry Sector	Employment status
21/04/2023	David Wylids	51	The deceased fell from height	Mole Valley	Services	Employee
25/05/2023	Thomas Telford	86	The deceased died while under residential nursing care	Perth & Kinross UA	Services	Member of the public
11/06/2023	James Connolly	49	The deceased was struck by a moving vehicle	Cheshire West and Chester UA	Construction	Self employed
13/06/2023	Nirmal Sohi Singh	63	The deceased was struck by a moving vehicle	Hounslow	Construction	Employee
05/07/2023	Mike Swales	34	The deceased fell from height	North Yorkshire	Construction	Employee
19/07/2023	Graham Hoyle	69	The deceased fell from height	Manchester	Construction	Self employed
22/07/2023	Albert Ross	67	The deceased was struck by an object	Aberdeen City UA	Services	Employee
24/07/2023	Nicholas Stringer	75	The deceased fell from height	North Yorkshire	Manufacturing	Employee
26/07/2023	Kevin McGarry	56	The deceased came into contact with something fixed or stationary	Wolverhampton	Services	Employee
01/08/2023	Spencer Fagg	77	The deceased fell from height	Ashford	Construction	Self employed
10/08/2023	James Tabiri	57	The deceased was struck by a moving vehicle	Bradford	Services	Employee
14/08/2023	Michael Jones	26	The deceased came into contact with something fixed or stationary	Liverpool	Construction	Self employed
16/08/2023	Derek Mann	83	The deceased died while under residential nursing care	Aberdeenshire UA	Services	Member of the public
16/08/2023	Thomas Neat	19	The deceased fell from height	Spelthorne	Construction	Self employed
18/08/2023	Alexander Kippax	19	The deceased was struck by an object	Oxford	Services	Member of the public

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](#).

24/08/2023	Graham Saville	42	The deceased was struck by a moving vehicle	Newark and Sherwood	Services	Employee
25/08/2023	Lee Swingwood	50	The deceased was trapped by something collapsing	Stoke-on-Trent	Services	Employee
29/08/2023	Dean Mcelhatton	52	The deceased fell from height	Spelthorne	Construction	Self employed
11/09/2023	Matthew Allan	22	The deceased was trapped by something collapsing	Milton Keynes UA	Construction	Self employed
14/09/2023	Michael Taylor	62	The deceased fell from height	Dorset	Construction	Self employed
16/09/2023	Mohammed Khan	43	The deceased was struck by an object	Manchester	Construction	Employee
23/09/2023	Peter John Harland	41	The deceased was trapped by something collapsing	North Yorkshire	Services	Self employed
02/10/2023	Tracy Martin	50	The deceased died while under residential nursing care	Fife UA	Services	Member of the public
04/10/2023	Samuel Moore	33	The deceased was struck by an object	North Devon	Agriculture	Self employed
16/10/2023	Mohammed Khalique	59	The deceased fell from height	Oldham	Manufacturing	Employee
17/10/2023	Mary Urban	86	The deceased died following a fall	Midlothian UA	Services	Member of the public
23/10/2023	Kevin Johnson	59	The deceased was struck by a moving vehicle	Durham County UA	Services	Employee
07/11/2023	Kieran Renwick	25	The deceased was trapped by something collapsing	North Yorkshire	Services	Employee
08/11/2023	Karamjeet Singh	30	The deceased fell from height	Redbridge	Construction	Employee
13/11/2023	Adam Currie	24	The deceased came into contact with machinery	Aberdeenshire UA	Agriculture	Employee
14/11/2023	David Archer	36	The deceased died following a fall	Thanet	Construction	Employee
28/11/2023	Robert Knight	73	The deceased was struck by a moving vehicle	North Kesteven	Agriculture	Self employed
29/11/2023	Anthony McLaughlin	41	The deceased came into contact with machinery	Oldham	Manufacturing	Employee