

12:45	5b	BSR Programme update and Forward Look	Discussion	Angela Storey/Peter Baker/
DECISIONS				
13:15	6	BSR Fees and Charges consultation package	HSE/22/29	Peter Baker
13:45	7	Workplace Interventions for the Control of Occupational Exposure to Substances Hazardous to Health Setting Exposure Limits in Great Britain and Intervention Design	HSE/22/30	Rick Brunt/
14:00	8	Workplace Interventions for the Control of Occupational Exposure to Substances Hazardous to Health Proposed Approach to the Legacy of EU Exposure Limits Negotiated Whilst the UK was a Member of the EU	HSE/22/31	Rick Brunt/
14:15	9	AOB and Meeting Review		
14:25		Meeting ends		

Health and Safety Executive Board			HSE/22/M05
Meeting Date:	26 June 2022	FoI Status	Open
FoI Exemptions			
CM9 Reference:	2022/116485		
Minutes of HSE Board Meeting 31 May 2022 Redgrave Court, Bootle			

Attending

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

Also attending

Sarah Albon – Chief Executive	Rick Brunt – Interim 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

James Anderson – Chief Technology Officer

Clare Millington-Hume – Director, Human Resources

██████████ (all items);
██████████ (item 2);
Andrew Curran (item 3b);

██████████ (BSR Programme Director) (items 5a and b),
██████████
██████████ (PA Consulting – item 5a); ██████████
(items 5b and 6);

██████████ (items 7&8).

██████████ - Secretariat

Apologies: None

Minutes

Dawn Hepworth

Closed Meeting	
1	Welcome and Declarations of Interest
	<p>Sarah Newton welcomed everyone to the meeting. In particular, she welcomed ██████████ from the Information, Technology and Facilities Management Division, who was attending to observe the meeting as a development opportunity.</p> <p>There were no 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 updated the Board on the recruitment of two new Board members. She also confirmed that she had signed an Agency Agreement on behalf of the Health and Safety Executive relating to HSE's provision of the Competency Training Scheme for use of Dichloromethane based paint stripper in Northern Ireland.</p> <p>Draft minutes of meeting 26 April 2022 (HSE/22/M04), matters arising and actions (HSE/22/AL)</p> <p>The minutes of the previous meeting were cleared subject to confirmation, for the record, that Debbie Gillatt had joined the Remuneration and People Committee.</p> <p>The action log was noted and the following updates provided:</p> <ol style="list-style-type: none"> 1) Action 2 of 29 March – The Strategy was published on 24 May. 2) Action 1 of 1 March – A paper was listed for the July Board meeting. <p>There were no other Matters arising.</p> <p>Claire Sullivan provided an update on proceedings at the People and Remuneration Committee meeting 30 May 2022. At its next meeting, the Committee will review people-related risks to identify any areas requiring greater assurance. There will also be a discussion around potential recruitment risks and any actions were being taken to mitigate those risks.</p> <p>Martin Esom provided an update on proceedings at the Audit and Risk Assurance Committee meeting on 25 May. The Committee considered and received assurance around a number of areas; the committee also considered GIAA's audit opinion; and revised its Forward Look to ensure it obtains assurance on the key mitigating actions being taken against those risks for which the Committee has primary oversight.</p>
Decision	Minutes cleared.
2	Revised Board Operating Framework (HSE/22/24)
	<p>The Chair introduced this item, supported by [REDACTED]. She clarified that the revisions were intended to be minimal, primarily updating the framework to reflect the current Board sub-committee structure following the cessation of SEEAC and introduction of the Finance & Performance sub-committee. The update also introduced some additional text clarifying roles and responsibilities. The intention is that the framework will be further reviewed, if necessary, to take account of any recommendations that may arise from the forthcoming independent review of HSE and will be circulated to the Board by correspondence for final agreement.</p> <p>The Board sought and received assurance on the following:</p> <ol style="list-style-type: none"> 1. Arrangements for providing the Board with assurance on items of exceptional expenditure. 2. Drafting amendments suggested for paragraphs 10, 13, 20 and 25.
Decision	Subject to the requested amendments and noting that a further review may take place towards the end of the year, should there be any recommendation in the independent review, the Board agreed the revised Board Operating Framework.
Action 1	Drafting amendments to the Framework be adopted.
Action 2	Circulate the final revised version, which takes account of any independent review recommendations, to the Board for agreement in due course.

3	<p>a) Chief Executive's Report (HSE/22/25)</p>
	<p>Sarah Albon updated the Board on recent activities. This included: the publication of HSE's new Strategy and Business Plan; engagement with the British Chambers of Commerce on how to raise awareness of mental health matters among Small and Medium Enterprises; the timeline and emerging scope for the independent review; and her forthcoming appearance before the Public Accounts Committee, alongside the Chief Executive of the Food Standards Agency and a senior representative of the Competition and Markets Authority.</p> <p>The Board sought and received assurance on the following:</p> <ol style="list-style-type: none"> 1. That the Terms of Reference for the independent review would be shared with the Board once settled. 2. Preparatory work being undertaken following recent announcements about the Civil Service.
	<p>b) HSE Science Assurance: Update (HSE/22/26)</p>
	<p>Karen Russ and Andrew Curran presented this item, which set out the proposed interim approach to providing the Board with assurance on the quality of the science delivered by Science Division. They confirmed that the proposals were endorsed by both John McDermid (former Chair of SEEAC) and Ken Robertson (former SEEAC member).</p> <p>The Board sought and received assurance on the following:</p> <ol style="list-style-type: none"> 1. The line of sight between the Science Quality Assurance Group (SQAG) (once established) and the Board. 2. The appointments process for the new Chair of SQAG. The Board asked to see to the recruitment material for the role. 3. The extent of expertise available to support this interim approach, including that provided by the Workplace Health Expert Committee (which conformed to the Code of Practice for Scientific Advisory Committees).
Decision	The Board agreed the interim approach.
Action 3	Provide the Board with the recruitment material for the new Chair of SQAG.
4	<p>Business Performance April 2022 (HSE/22/27)</p>
	<p>David Murray presented the performance report for April 2022, providing details of both Business Plan targets and financial performance:</p> <ul style="list-style-type: none"> • areas of strong performance where new Business Plan targets were exceeded, including the completion of pro-active inspections; promoting the Working Minds Campaign; Chemical Regulation evaluations; fatal and non-fatal investigations closure; Energy Division safety cases and issues resolved; and Major Hazard activity and timeliness; and • areas of focus, including development of new performance measures and average working days lost (AWDL). • HSE's financial position, recognising that this report related to month 1 2022/23. <p>The Board sought and received assurance on the following:</p> <ol style="list-style-type: none"> 1. The various approaches to workplace health and mental health interventions and how the latter would develop over the period of the new Strategy. Evidential data on the impact of the Working Minds Campaign would be included in next month's performance report. 2. How further analysis of material breach rates would inform future targeted intervention strategies.

	<ol style="list-style-type: none"> 3. How the new format for the report would continue to develop, providing relevant and informative management information. Feedback from the Board was welcomed and would be taken into account during this early development stage. 4. The development of new KPIs and the role of the Finance and Performance Committee on seeking relevant assurances. 5. How the Board would consider risk at its meetings, allocating more agenda time for discussion. 6. The impact of (long-)covid on sickness absence rates and the measures being put in place to ensure absence trigger points were being properly actioned by managers.
Action 4	Include in the next performance report data on the impact of Working Minds.
5	BSR Programme update to the HSE Board (HSE/22/28 and presentation)
	<p>██████████, joined by representatives of PA Consulting, who are undertaking work in this space under contract, and later by ██████████, provided the Board with a presentation of the work undertaken to deliver the Discovery Phase of the BSR Programme. Following the presentation, the Board thanked the PA Consulting representatives, who then left the meeting.</p> <p>The discussion then moved on to the “Design and Delivery” phase. The next steps roadmap of activity, taking the programme through to full implementation in 2024/25, was outlined to the Board.</p> <p>The Board sought and received assurance on the following:</p> <ol style="list-style-type: none"> 1. How stakeholder views (users/residents/other regulators) had been and would continue to be taken into account, including via interviews for the Impact Assessment and the Residents Panel. 2. How HSE had would blend its significant historical experience of being a regulator with new ways of working, ensuring that it would have assurance activity embedded within it. 3. The risks associated with the delivery timetable of the secondary legislation and how HSE was mitigating them and influencing others. 4. That consideration would be given on how the Board would be kept informed on progress against the key Programme risks.
Decision	The Board commended those involved for the significant progress made to establish the new Regulator.
6	BSR Fees and Charges consultation package (HSE/22/29)
	<p>Peter Baker introduced this item, confirming that colleagues in PFPD had supported this work; and that DLUHC had asked HSE to take responsibility for delivering the regulations on the basis of HSE’s significant policy expertise, recognising also the significant HSE interest in the regulations’ purpose. ██████████ was present to respond to any questions on detail.</p> <p>The Board sought and received assurance on the following:</p> <ol style="list-style-type: none"> 1. That informal consultation had taken place to develop the proposals and impact assessment. 2. The regulations were future-proofed and all costs would be recoverable. The Board asked for confirmation that any science and engineering costs incurred would also be recoverable. 3. The target audience was professional advisors to large development companies who would understand the drafting of the regulations. Communications activity would, however, be appropriate for a broader audience.

	<p>4. That should material changes to the regulations be required post consultation, the Board would be given the opportunity formally to consider them, otherwise clearance of the regulatory package would be by correspondence.</p>
Decision	The Board agreed for the consultation package to be submitted to the Minister.
Action 5	Confirm that the costs in relation to any science and engineering activity would be recoverable.
7	<p>Workplace interventions for the Control of Occupational Exposure to Substances Hazardous to Health: Setting Exposure Limits in Great Britain and Intervention Design (HSE/22/30)</p>
	<p>Rick Brunt and ██████████ presented this item explaining that the proposals reflect the process in place when the UK was a member of the EU.</p> <p>The Board sought and received assurance on the following:</p> <ol style="list-style-type: none"> 1. The robustness of the Intervention Framework and how safety standards would be maintained. 2. Communications activity would be clear and unambiguous on confirming that safety standards were being maintained. 3. The role of the Workplace Health Expert Committee (WHEC) in determining the appropriate intervention for specific substances. 4. The way in which EU expertise, both from published data/information and working level relationships, would be taken into consideration and how HSE was building its own capacity and capability. 5. The extent of engagement with employee representatives both in implementing the Framework and in determining future interventions.
Decision	The Board agreed the proposed approach.
8	<p>Workplace Interventions for the Control of Occupational Exposure to Substances Hazardous to Health: proposed Approach to the Legacy of EU Exposure Limits negotiated whilst the UK was a member of the EU (HSE/22/31)</p>
	<p>Rick Brunt and ██████████ presented this item, clarifying the factors taken into account in recommending what controls should be in place for those legacy substances where Workplace Exposure Limits were set when the UK was a member of the EU but had not implemented them.</p> <p>The Board sought and received assurance on the following:</p> <ol style="list-style-type: none"> 1. The sequencing of the decision-making process, including the Board's agreement to the setting of WELs based on evidence considered by WHEC, and the opportunity to review decisions as and when further evidence emerges. 2. The Communications activity would be targeted to include worker representative groups and clearly articulate the reasons for decisions and provide reassurance that safety standards were being maintained.
Decision	Having considered the proposals, the Board was satisfied that the proposed approach to the specific legacy substances was sufficiently evidence-based and could proceed.
Other Business/Meeting Review	The Board noted HSE's contribution to the response to the Work and Pensions Committee Inquiry into HSE's approach to asbestos management (HSE/22/31).

Health and Safety Executive Board			HSE/22/23
Meeting Date:	31 May 2022	FOI Status:	Open
Type of Paper:	For discussion	Exemptions:	None

Chief Executive's Report

31 May 2022

Provide an effective regulatory framework

Fusion Power: A government Green Paper on fusion power regulation (lead by Department of Business, Energy and Industrial Strategy (BEIS)) was published October 2021 and the consultation closed 24 December. HSE worked closely with BEIS officials during the drafting. The Green Paper supported the current regulatory framework, with HSE continuing to regulate fusion technologies (along with the environment agencies). The Government's response will be published soon. HSE has worked with BEIS on the response. An operational fusion plant is not expected until the next decade at the earliest, however, fusion regulation is embedded in HSE's Net Zero Hub. Fusion power would offer clean, almost limitless energy and is a potentially key contributor to Net Zero commitments and the wider post-Cop26 agenda.

Lead and engage with others to improve workplace health and safety

HSE supporting independent survey to find Britain's healthiest workplaces: Professor Andrew Curran, HSE's Chief Scientific Advisor, is on the advisory panel, Chaired by Dame Carol Black, of an independent survey to find Britain's Healthiest Workplaces. This involvement demonstrates HSE's commitment to health at work. Membership of the advisory panel enables HSE to ensure that the survey includes measures which ensure regulatory compliance as one of the criteria required of participants, and also provides an opportunity to promote HSE's developing activities in this space e.g. Working Minds.

Stress and Mental Health activity: The HSE partnership campaign on workplace stress to improving mental health in the workplace is now into its second phase. April was Stress Awareness Month and HSE launched a quiz based around managing stress and to date almost 900 people have completed it with 96% of those who provided feedback finding it useful. In addition, Working Minds onboarded two new partner organisations representing the hospitality and manufacturing sectors: Make UK and the Burnt Chef Project. As part of the partnership announcement, Make UK launched a series of podcasts on the importance of mental health with episode 1 featuring HSE's Minister Chloe Smith MP which was supported with quotes on HSE's social media. In May, during Mental Health Awareness Week, a blog from one of our partners, Mind's Caroline Bradshaw, on the Mental Health at Work website and LinkedIn reached 400k followers creating 850 engagements with HSE Working Minds messages. The campaign also reached one of its agreed impact targets of recruiting 500 Working Minds champions.

Building Safety Act 2022 communications: On 28 April, the Building Safety Bill received Royal Assent becoming an Act of Parliament. This paves the way for the HSE to build a more rigorous and robust regulatory regime for high-rise buildings in England. HSE and the Department for Levelling Up, Housing and Communities (DLUHC) worked jointly over plans to mark this significant milestone. DLUHC is using this important milestone to extend the story on leaseholder protection and industry pledges. HSE now has the powers to set up the new regulator and is preparing the next phase of 'get ready' messaging for specific audience groups e.g., designers and clients.

Alongside social media activity, external stakeholders were contacted directly via email correspondence and through our BSR ebulletin, and [Construction News](#) posted an article following an arranged interview with Peter Baker, HSE's Chief Inspector of Buildings. The article includes a clear message that the new regulator expects them to change the way they think and act. HSE's suite of [Building Safety webpages](#) has been updated to reflect the implementation of the Act. Over the coming months, communications will focus on publicising the success and impact of the statutory Planning Gateway One process and the timeline for when the various processes and changes under the Building Safety Act will come online.

Engagement in Scotland: HSE recently held a webinar for trade union health and safety representatives in Scotland. The event arose from HSE's regular meetings with the Scottish TUC (STUC) and their membership of PHASS (the Partnership on Health and Safety in Scotland). HSE and Environmental Health gave presentations focussing on why and when an inspector calls. HSE covered risk-based selection of

premises for inspection, our policy on engaging local reps on visits, factors involved in investigating incidents, our relationship with the Crown Office and Procurator Fiscal Service and legal constraints on being able to give a running commentary on progress of cases.

We also explained our broader worker engagement across the Scottish health and safety community and in specific industry sectors. HSE promoted the Working Minds campaign and our role in supporting employers to manage work-related stress - which many trade union reps consider a high priority risk.

Trade union representatives spoke about their own experience of HSE involvement leading to good outcomes and also when they would have liked more contact with us. This presented an opportunity to emphasise the employers' duty to facilitate communication between worker representatives and inspectors. The valuable role of safety representatives and how they, themselves, can increase their positive influence on healthy and safe working conditions was a running theme.

The event was co-organised with the STUC, Scottish Hazards and TUC Education Scotland. Once survey feedback is received and analysed, consideration will be given to making this an annual event.

Secure effective management and control of risk

Planning Gateway One (PGO): On 5 May, under the Planning Gateway One process, HSE advised a Local Planning Authority (LPA) to refuse planning permission relating to a full application for an 'in scope' student housing development which contains a single firefighting shaft. HSE provided four substantive responses to the LPA between November 2021 and May 2022. On each occasion HSE raised concerns about the fire safety design matters that the applicant was unwilling to resolve. It is likely the LPA will refuse planning permission for the application in its current form which they can do so on design quality grounds. HSE has reviewed the Council's development plan policies and identified design quality policies that were relevant to protecting the health, safety and wellbeing of the future intended occupants. If the LPA does refuse permission and the applicant subsequently appeals, this would provide an opportunity to test HSE's approach to fire safety design matters in the context of their relevance to planning.

Safety Alerts: After engagement with other relevant stakeholders, two targeted safety alerts have been issued over recent weeks. The [first](#) was a warning that ear loop respirators do not provide adequate protection as tight fitting respiratory protective equipment. The [second](#) concerned Mast Climbing Work Platforms (MCWP), after a serious technical fault was identified when two cases of the platforms descended without warning.

Reducing cases of ill health, update on Occupational Lung Disease interventions: On the 1st April 2022 the Woodworking Inspection Campaign launched which aims to reduce worker exposure to wood dust, and achieve a reduction in the prevalence of woodworking-related cases of occupational asthma and sino-nasal cancer. Evaluation of the interventions will continue on a monthly basis until all 700 planned visits are complete, culminating in a final evaluation report in June 2023. The Construction Dust inspection campaign is due to start on the 6th June 2022 for four weeks. It aims to support the continuing strategy to improve the health of GB's construction workforce through raising awareness of health issues in the construction industry, particularly in relation to respiratory risks. A total of 1000 visits are planned, which will be supported by a communications campaign involving collaboration with industry partners. The focus will be on highest risk businesses which are mostly found in the refurbishment sector.

Securing compliance with the law

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

Published fatalities update¹

Since the last update to the Board, 7 fatalities which occurred in 2021/22 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
18/07/2021	Clarice Berry	77	The deceased was trapped by something collapsing	Wigan	Services	Member of the public
01/10/2021	Paul Lloyd	59	The deceased died following a fall	Bromley	Services	Employee
02/10/2021	Alexander Sinclair	69	The deceased died following a fall	Highland UA	Services	Member of the public
04/01/2022	Richard Hughes	84	The deceased died following a fall	Gwynedd UA	Services	Member of the public
22/02/2022	Jack Skill	30	The deceased came into contact with machinery	Newark & Sherwood	Construction	Self employed
25/02/2022	Christopher Mann	57	The deceased was trapped by something collapsing	Ipswich	Services	Self employed
14/03/2022	Liam Gallon	32	The deceased was trapped by something collapsing	Angus UA	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](#).