

Health and Safety Executive			HSE/23/A05
Meeting date	31-May-23	FOI Status	Open
CM9 Ref	2023/88298		
<b>AGENDA</b> <b>HSE Board Meeting</b> <b>31 May 2023</b> <b>Redgrave Court</b>			


### PRIVATE SESSION

**08:30-09:15** Board Forward Look HSE/23/FL

### GOVERNANCE

<b>09:45</b>	1	Welcome and apologies Declarations of interest Minutes of meeting 25 April 2023  Action Log  Matters arising - the Chair exercising delegated authority  Chair's update - Board Operating Framework update  Committee updates: Audit and Risk Assurance Committee meeting (9 May) Remuneration and People Committee meeting (25 May)	HSE/23/M04  HSE/23/AL  Spreadsheet  Verbal  Verbal Verbal	<b>Presenter</b> Chair       Martin Esom Claire Sullivan
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### ASSURANCE

<b>10:25</b>	2	Risk deep dives	HSE/23/24	
<b>10:55</b>	3	Chief Executive's report. To include verbal updates on Artificial Intelligence and REUL	HSE/23/25	Sarah Albon/Rick Brunt, all Directors and Kate Haire

**11:25** BREAK

**11:40** 4 Business Performance - April 2023 HSE/23/26 David Murray

### THEMED BRIEFING

<b>12:10</b>	5	Communications and stakeholder engagement update	HSE/23/27	Rick Brunt, 
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**13:10** 6 AOB/Meeting Review

**13:15** Meeting ends

Health and Safety Executive Board			HSE/23/M05
Meeting Date:	31 May 2023	FoI Status	Open
FoI Exemptions			
CM9 Reference:	2023/121507		
<b>Minutes of HSE Board Meeting</b> <b>31 May 2023</b> Redgrave Court, Bootle			

**Attending**

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

**Also attending**

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

██████████ - CEPS	██████████ - observing	██████████ - items 2; Kate Haire – item 3;	██████████ - item 5
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**Apologies:** Susan Johnson, Debbie Gillatt and Andrew Curran.

**Minutes** Joanne Webb

<b>Closed Meeting</b>	
1	<b>Welcome and Declarations of Interest</b> Sarah Newton welcomed everyone to the meeting. Apologies were received from Susan Johnson, Debbie Gillatt and Andrew Curran. <b>Chair’s update</b> The Chair welcomed Jane Lassey as the interim Director of Regulation and ██████████, who has recently joined CEPS and is observing the meeting. The Board also sent their best wishes to Dawn. The Chair reminded the Board of the importance of keeping the register of interests up to date and that any changes should be report to the Secretariat.

John McDermid declared an interest in agenda item 3 - Artificial Intelligence, and informed the Board that he is presenting a paper at an upcoming conference on this subject matter.

**Draft minutes of meeting April 2023 (HSE/23/M04), matters arising and actions (HSE/23/AL)**

The minutes of the previous meeting were cleared.

The action log was noted.

Matters arising

**Agency Agreements.**

The Chair updated the Board, retrospectively, on several agency agreements which she had signed on behalf of the Board in November 2021. These relate to HSE's work on REACH, Classification, Labelling and Packaging Regs and Biocides undertaken by Chemicals Regulation Division. They take account of the Northern Ireland Protocol. Prior to January 2021 HSE delivered regulatory functions under these regimes UK wide and continues to do so under refreshed Agency Agreements. A further agency agreement between Police Scotland and HSE relating to recipient competent authority documents was signed by the Chair in March 2022. The Board was updated on two recently signed agency agreements between the Department for Levelling-up, Housing and Communities (DLUHC) and HSE in relation to the BSR and an agreement between HSE and the ORR on enforcement functions arising in relation to Eleclink cable located within the Channel Tunnel Fixed Link.

The Chair informed the Board that copies off all AAs are available if required and confirmed that Secretariat have established a new process to ensure all AAs would be captured in the Board papers.

**Board Operating Framework**

The Chair noted that the Board Operating Framework is under constant review. A further amendment is needed to take account of the BSR committee quorum.

**Assurance**

*Audit and Risk Assurance Committee (ARAC)*

Martin Esom updated the Board on the proceedings at the previous ARAC meeting. A risk deep dive has been completed to review the concerns handling process, assurance was provided that a clear line of responsibility has been agreed between DLUHC and HSE relating to the CAT team's responsibilities for BSR and all documentation has been recorded for future reference. The Board discussed the importance of notifying residents/residents panel of HSE's service level agreements. ARAC will continue to monitor this piece of work. There was also a discussion on the assurance rating for the internal audit report - Management of the HSE Estate - Governance Strategy and Health and Safety, with the ARAC receiving assurance on implementation of the report's recommendations. The committee also discussed the recommendations from the ARAC Effectiveness Review.

*Remuneration and People Committee (RemCom) 22 May 2023*

Claire Sullivan provided an update on the proceedings from the May meeting which discussed the existing Terms of Reference. A further discussion will take place at the September meeting following the recommendations from the Risk Deep Dive Board paper. Assurance was provided to the Board that HSE is maintaining continuous strategic engagement with the relevant departments to progress the Pay Flexibility business case and HR updated the Board on the deep dive on HRD

	<p>performance data 2022-23, which received positive feedback from the Board.</p> <p>There were no other Matters arising.</p>
<b>Decision</b>	Minutes of previous meeting cleared.
<b>Action 1</b>	Board Operating Framework to be added to Forward Look following update on BSR quorum.
<b>2</b>	<p><b>Risk Deep Dives (HSE/23/24)</b></p> <p>██████████ introduced this paper, inviting a discussion on the outcome of the review and the suggestions for continuous improvement, and requesting the Board to confirm whether the deep dives reported to date have provided additional assurance in relation to the management of risks, and should continue.</p> <p>The Board sought and received assurance on the following:</p> <ol style="list-style-type: none"> <li>1. To ensure effective Board governance, the Chair of each Board committee to agree the purpose of the discussion prior to each Board deep dive/risk review to ensure that the Committee focussed its considerations on the right questions.</li> <li>2. The outcome from the deep dive should feed back into the consideration of the risk (likelihood, proximity etc) of the risk which will then be reflected in the Risk Register and reviewed by ExCo and the Board.</li> <li>3. Importance of balancing reviews of the mitigating risks appropriately across sub-committees in a realistic and achievable manner</li> <li>4. The extent to which a one-page summary which brought the outcome from key assurances together would be helpful for the HSE Board.</li> <li>5. Following ExCo's consideration and refresh of the Risk Register , which will focus on those risks which could put the delivery of the Strategy at risk, the Board will be updated and assured on Strategic Risks at a future Board meeting.</li> </ol>
<b>Decision</b>	The Board was supportive of Rachael's paper.
<b>Action</b>	██████████, Sarah Albon and Martin Esom to meet to consider the specifics of a simple Board Assurance Framework. This will take place after the development of the refreshed risk register to ensure alignment. ARAC to take lead in considering the Board Assurance Framework.
<b>Action</b>	To ensure a process of continuous improvement, ██████████ to provide the Board with a further review of the risk deep dive process in 12 months' time.
<b>3</b>	<p><b>Chief Executive's Report (HSE/23/25)</b></p> <p>In addition to her written report, Sarah Albon updated the Board on current issues including discussion on the ongoing work around financial pressures, future cost recovery/fee regimes and establishing metrics to determine how HSE campaigns effect people in the real world.</p> <p>The Board sought and received assurance on the following:</p> <ol style="list-style-type: none"> <li>1. That there is a process in place where the coroner refers cases of suicide, or other deaths, where there may be a work connection.</li> <li>2. The risks associated with drones malfunctioning when applying pesticides using drone technology</li> </ol> <p>Kate Haire provided an update on the amendments to the Retained EU Law (Revocation and Reform) Bill (REUL), which previously contained a sunset clause to revoke all RUELE and direct-acting RUELE automatically at the end of 2023 unless explicitly preserved by the departments via secondary legislation. The Government is proposing amendments to the</p>

	<p>Bill which included the removal of the sunset clause, ensuring the Bill reaches Royal Assent prior to entering the Lords Report Stage in early May. Policy Leads continue to work on identifying relevant judgements/principles/case law in to order to identify what HSE will need to retain.</p> <p>Rick Brunt updated the Board on HSE's involvement with the Office of Artificial Intelligence (OAI), in relation to developing a Regulatory Framework for AI, summarising HSE's activities so far, HSE's role as a regulator and highlighting issues with the OAI policy paper 'A pro-innovation approach to AI regulation'.</p>
<b>Decision</b>	EPD to engage with Coronial representatives to ensure effective systems for reporting matters to HSE are in place across the board.
<b>Action</b>	Rick Brunt to provide an update in the June Board pack on the 'applying pesticides using drone technology' report.
<b>4</b>	<b>Business performance (HSE/23/26)</b>
	<p>David Murray presented the Performance Report for April 2022/23, providing details of the Business performance, whilst recognising it was the first month of the financial year:</p> <ul style="list-style-type: none"> <li>• areas of strong performance against Business Plan milestones, including: pesticides and biocides evaluations are above target; non-fatal investigations (96%); data indicating that the rolling 12-month performance against the timeliness of investigation closures and the rate of enforcement on investigations proceeding beyond review stage are both exceeding target, major hazard activities (96%), major hazard safety cases/reports assessed within agreed timescales (80%) ; average working days lost (AWDL) (6.5 FTE) a small but continuous improvement, and all business plan deliverables are indicating on track, with detailed tracking commencing in May.</li> <li>• areas of focus including: proactive inspections at 781 with a material breach rate of 39%, key health campaign on dust skills has commenced which will significantly increase inspection number over the next 2 months, fatal investigations completed within 12 months of primacy at year end below target at (50%) with 4 cases missed, due to specialist resource issues.</li> <li>• HSE's financial position showing a £0.5m underspend with income lower than anticipated due to prosecution income and BSR registration fees. Both variances will correct as year progresses.</li> <li>• ExCo are discussing plans to address the pay inflationary pressures, and SR21 efficiency savings at the May Performance Hub.</li> </ul> <p>The Board sought and received assurance on the following:</p> <ol style="list-style-type: none"> <li>1. Assurance was provided to the Board that ExCo are developing an action plan with 4 key areas of focus highlighting possible efficiencies, new cost recovery regimes and additional FFI income following the implementation of Project 1.</li> <li>2. The action plan to address the financial challenges will be discussed at the July Finance and Performance Committee meeting in advance of Quarter 1 Performance Report to the Board.</li> </ol>
<b>Decision</b>	The Board noted the performance report, recognising it is the first month of the financial year.
<b>Action</b>	The Finance and Performance Committee July meeting to be rescheduled to discuss the financial challenges action plan.
<b>4</b>	<b>Communications and stakeholder engagement update (HSE/23/27)</b>

	<p>Rick Brunt, [REDACTED] presented the Communications and stakeholder engagement update highlighting the key communication activity during 2022/2023 and the upcoming BSR Stakeholder event, aims and objectives for the Annual General Meeting and an update on the One HSE Awards event.</p> <p>The Board sought and received assurance on the following:</p> <ol style="list-style-type: none"> <li>1. The importance of the Board's contribution and feedback when planning/implementing stakeholder engagement.</li> <li>2. The BSR Stakeholder Board event to include conversations on behaviours and culture alongside competence during the group discussions.</li> <li>3. HSE is measuring the impact of safety bulletins on the external audience/stakeholders.</li> <li>4. A lessons-learned exercise has been undertaken on the BSR campaign.</li> <li>5. Taking account of the 10-year strategy, consideration to be given to how HSE can continue to build and develop relationships with external stakeholders.</li> <li>6. Communications Team confirmed they are working with the HSW team to develop guidance for small business on how to manage stress in the workplace.</li> </ol>
<b>Decision</b>	The Board was assured of the activity during 2022/23 and plans for the upcoming events and at future events. For the AGM, the Board will be seated with stakeholders to allow for better conversations and feedback.
<b>Decision</b>	Board members will be provided with a point of contact for each Stakeholder event.
<b>Action</b>	Communications Team to provide Board members with a paper copy of Stakeholder event papers.
<b>Other Business/Meeting Review</b>	None

Health and Safety Executive Board			HSE/23/25
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Type of Paper:	For discussion	Exemptions:	None

## Chief Executive's Report May 2023

### International Workers Memorial Day 28 April 2023

International Workers Memorial Day (IWMD) is an important day for our organisation, trade unions, workers, and employers around the world. This year for IWMD, HSE, in partnership with its Trade Union colleagues, hosted ceremonies in Bootle, Buxton and Nottingham. Colleagues also took part in local ceremonies in Cardiff, Glasgow and Leeds. As part of this year's commemoration, colleagues shared thoughts and reflections on a number of themes, including how IWMD is commemorated in other countries; investigating a first fatal incident; how our health in work policy is helping to change the landscape in problem areas; and reflecting on the scale of our mission over the years.

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

**Communications activity:** A revised [Dust Kills](#) campaign has been launched (11/5) to raise awareness of Construction Division's dust focused inspections taking place May – July. Using media, HSE digital channels, and stakeholder engagement, the campaign highlights the dangers of working with dust and the advice and guidance HSE provides.

To increase the visibility of Dust Kills a new visual identity has been created, which will allow the campaign to be utilised across industry sectors rather than just construction. In the first seven days, the campaign has delivered 5,422 page views and more than 8.5k downloads of guidance.

The [Asbestos & You](#) campaign, which targets workers across numerous trades, will complete its initial three-month burst of communications at the end of May, with evaluation taking place in June.

To date the campaign has delivered:

- More than 10m Social media impressions
- 96k webpage views
- 28k downloads of the [Quick Guide for Trades](#)
- 4k views of [Asbestos Essentials](#)
- More than 500k views of videos from the On The Tools partnership on [YouTube](#) and [Facebook](#) and [Instagram](#).
- 470 Jewson branches displaying posters and shared messages across Jewson digital channels
- More than 1,800 registrants for a webinar in partnership with IOSH
- More than 3,272 completions of a new asbestos quiz in the first week

Our work-related stress and mental health campaign [Working Minds](#) continues to raise awareness of the issues and guidance HSE provides. In April, the campaign used Stress Awareness Month as the hook for communications creating a new social-sharable product that provides links to the support provided by HSE and our Working Minds partners – this has become the best performing campaign asset – with more than 22k downloads in six weeks. In May, we have been running similar activity in support of Mental Health Awareness Week (15-21 May). Working Minds now has 23 partners and 1,400 Champions, signed up to support and share the campaign.

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

**Retender of the Gas Safe Register Service Concession Agreement:** The current Gas Safe Register Service Concession Agreement will end on 31 March 2024. The HSE Retender Team held a supplier engagement day in January to stimulate market interest in the Concession for the following five years (1 April 2024 - 31 March 2029) and have since been compiling the Invitation to Tender and subsequent evaluation documentation.

The GSR3 Project Board has agreed that the tender documents will be released to bidders week commencing the 22 May ahead of award in September 2023. Producing the tender documents has required the Retender team to collaborate closely with ITF, Procurement and legal advisors.

**International Workers Memorial Day:** As part of International Workers Memorial Day on 28 April, representatives from HSE took part in remembrance ceremonies in Scotland and Wales. The Head of Field Operations (Wales and the Marches) laid a wreath on behalf of HSE at the ceremony in Cardiff, at which the First Minister of Wales and the Wales TUC General Secretary gave an address. The Director for Scotland laid a wreath on behalf of HSE at the memorial held at Glasgow Green, which was hosted by the STUC's Deputy General Secretary. Attendees were addressed by the GMB Scotland Organiser and by a family member, who complimented the communications and professionalism of HSE in investigating the death of her brother. The day was a poignant reminder of the importance of HSE's work.

**HSE's hosts International Drones workshop:** HSE's Chemicals Regulation Division hosted a two-day international conference and workshop (23-24 May) on the risks associated with the application of pesticides using drone technology. This event was sponsored by the OECD Co-operative Research Programme: Sustainable Agricultural and Food Systems. The UK plays a leading role in international efforts to ensure the safe and sustainable use of pesticides applied using innovative technologies, with HSE chairing the OECD sub-group on the application of pesticides by drone. The event, which aimed to share thinking and information between policy makers, regulators, industries, standard-setters and researchers was opened by Professor Andrew Curran, HSE's Director of Science and Chief Scientific Adviser and Dr Richard Daniels, HSE's Director of Chemicals Regulation. Delegates and speakers included international experts from North and South America, Asia, Europe and Australasia.

**UK REACH – HSE publishes final opinions for restriction of substances in Tattoo Inks and Permanent Make-Up:** HSE, as the Agency for UK REACH, will shortly publish the final consolidated opinions, comprising of the risk assessment and the final socioeconomic opinion, in respect of the proposed UK REACH restriction of substances in tattoo inks and permanent make-up. Restrictions under UK REACH are a powerful regulatory lever to control chemicals in supply chains and this is the first restriction to reach this stage of the process under the provisions of UK REACH since leaving the EU. HSE's Chemicals Regulation Division leads this work, with both final opinions reviewed by independent experts. The opinions will form the basis of HSE recommendations over the coming weeks to Ministers in Defra and the Welsh and Scottish Governments for them to make a decision if a new restriction should be introduced via a Statutory Instrument. HSE will recommend introducing a restriction that targets substances classified for carcinogenicity, mutagenicity, reproductive toxicity, skin sensitisation, skin corrosion, and severe eye damage with transition periods to allow for reformulations of new products and use-up of existing stocks.

### **Building Safety Regulator (BSR)**

**Code of Conduct and Professional Standard Rules:** A Code of Conduct (Code) for registered building inspectors (RBIs) and Professional Conduct Rules (PCRs) for private sector organisations (known as registered building control approvers (RBCAs)) have been developed to set out standards of professional conduct and practice for the profession. Drafts were publicly consulted

on at the start of this year. BSR's responses to the consultations ([Code of conduct for registered building inspectors - Health and Safety Executive - Citizen Space \(hse.gov.uk\)](#) and [Professional conduct rules for Registered Building Control Approvers - Health and Safety Executive - Citizen Space \(hse.gov.uk\)](#)) were published on 12th May 2023 and the amended Code and PCRs will be published at the end of June 2023. These will come into force in April 2024 when registration becomes mandatory for RBIs and RBCAs.

**Publication of Building Inspector Competence Framework:** The Building Inspector Competence Framework (BICoF) provides a structured framework against which RBIs will have to demonstrate their competence. It will apply to RBIs in both public and private sectors. The BICoF underwent public consultation at the end of 2022, the [response](#) to this consultation was published on 17 March 2023 and the revised BICoF was [published](#) on 28 April 2023.

**Industry Competence Committee:** The Building Safety Act 2022 enabled the BSR to establish an Industry Competence Committee (ICC) with a number of functions including monitoring industry competence, advising the BSR and industry, helping industry improve competence, and producing guidance to the public about assessing the competence of people in the built environment industry. The ICC will consist of a high-level steering group, underpinned by separate technical working groups, focusing on specific areas of work. The advertisement for a chair and members closed 28 April 2023 and 67 applications with 16 for Chair were received. This was slightly above expectations, attracting a wide range of applicants from different sectors. Appointments will be approved in July 2023.

## **Enable industry to innovate safely to prevent major incidents, supporting the move towards net zero**

**[Safety Notice – Hydrogen Sulphide](#):** HSE has issued a safety notice regarding the detection of high concentration levels (up to 16000ppm) of hydrogen sulphide in ullage spaces of cargo and slop tanks onboard some Floating Production, Storage and Offloading vessels and Floating Storage Units operating in UK Continental Shelf. Hydrogen sulphide concentrations over 1,000ppm can cause immediate collapse with loss of breathing, even after inhalation of a single breath. This corrosive gas can also pit and corrode steel, which can affect the integrity of cargo containment systems and hull structures. The notice advises on action required to be taken in controlling and managing the risks posed by hydrogen sulphide to ensure the safety of workers and the structural integrity of assets.

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

**Communications activity:** The new Work Right agriculture campaign: [Your farm your future](#), focusing on vehicle safety ended in mid-April, with detailed evaluation of the campaign underway.

The campaign delivered:

- **50 pieces** of media coverage
- More than **8m** Social media impressions
- **19k** webpage views
- **2.6k downloads**
- More than **298k video views**
- **845 downloads** of podcast episodes

**HSE and Trade Union Safety Representatives Event:** On 25 April, HSE's Director of Scotland and Head of Operations (Scotland) spoke at an online event hosted by the STUC. They gave an update on the role of HSE, HSE's relationship with unions and HSE's work in Scotland. They were joined by trade union and Environmental Health representatives, who discussed their experiences around health and safety issues, including stress. The STUC used the event to promote their request for HSE to regulate sexual harassment in the workplace. HSE reconfirmed the position that

sexual harassment at work is unacceptable in any circumstances and should be addressed through existing frameworks upheld by the EHRC and the Police.

**South Wales Safety Groups Alliance Annual Conference.** On 19 April, members of the Devolution Team attended the South Wales Safety Groups Alliance Annual Conference in Cardiff City Stadium. Chaired by HSE's Head of Field Operations (Wales and the Marches), the event carried the theme 'Always Think Risk' and featured a keynote address on the HSE strategy. The event was well attended by safety and occupational health professionals, health and safety representatives, HR professionals and other groups, including Working Well Together. HSE's contribution was received positively.

**Geographically targeted inspection campaign:** A team of HSE inspectors visited 33 workplaces on the Isle of Wight over a 2-day period during May. The sites visited ranged from small businesses to large industry-leading firms with hundreds of employees and covered sectors such as boatbuilding and repair, waste and recycling, engineering, and agriculture. In 84% of those businesses visited, Inspectors found breaches of health and safety regulations. Issues identified included badly maintained electrics, unguarded machinery, work at height taking place unsafely, lack of control of exposure to wood dust, welding fume or other substances hazardous to health and poor welfare facilities. This resulted in four Prohibition Notices, 37 Improvement Notices and numerous instances of written advice. Follow-up visits will take place in the coming months to ensure compliance aimed at delivering stronger health, safety and welfare standards for workers.

**Intervention at a brickmaking premises and positive stakeholder engagement:** Following a recent inspection of a brickmaking premises, the dutyholder attended a trade association conference in Stoke at the British Ceramics Federation. At the conference, the duty holder provided positive feedback to HSE's Sector Lead. In particular, the dutyholder praised the inspection style, i.e., the inspector was 'not ticking a clipboard'. The Sector colleague provided feedback to the Inspector and their line manager as an example of closing the loop with HSE's sector specialists and regulatory input in the ceramics industry. Duty Holder participation resulted in wider learning from the inspection being shared and a positive regulatory experience shared with other members.

**Health Unit Engagement:** Following a targeted campaign in relation to the control and management of noise at work in woodworking premises, analysis conducted by HSE's Noise and Vibration Team so far has established the following:

For baseline purposes, in 2009 HSE assessed the use of adequate and suitable hearing protection and found that 40% of dutyholder sites (on planned inspections) were failing, with the remaining 60% getting it almost right.

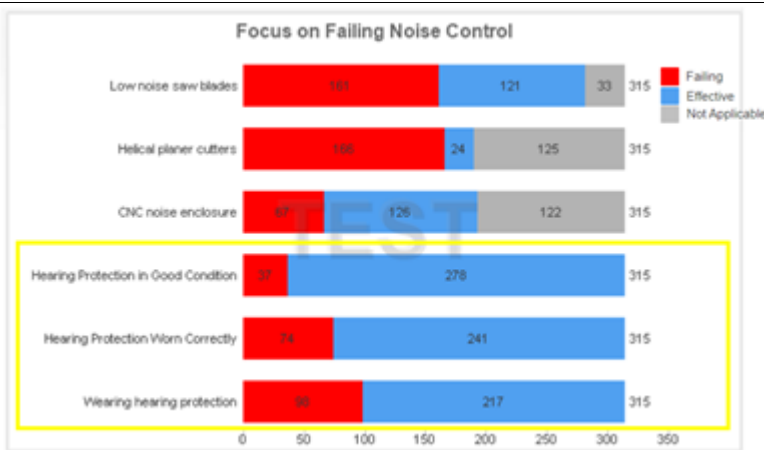
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**How many people use hearing protection correctly?**

Estimated % of worker getting adequate protection from HPE in Britain 2009 (RR720)



The 2022 Woodworking visits indicate the problem has been reduced, in some cases, to below 20%.



For the last 8+ years the HSE has been communicating and influencing to inform duty holders in relation to how to correctly wear hearing protection by:

- Consistent messaging at training events (SHAD, industry talks, etc.), using and promoting the acronym CUFF (Condition, Use, Fit the ear and, Fit for purpose).
- Influencing UKHCA ([UK Hearing Conservation Association](#)) to put out a consistent message on hearing protection (including the advice developed in association with HSE on hearing aids and hearing protection).
- More recently, providing video content on HSE's Science [website](#) on hearing protection [HSE Hearing Protection demonstration - YouTube](#)
- Posting on Social Media (example below with over 5000 views)

The emerging data on noise control allows us to identify potential focused interventions aimed at ensuring employers have appropriate measures in place to protect workers.

### Securing compliance with the law

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

**[Hawkeswood Metal Recycling Limited and Ensco 10101 Limited \(known at the time as Shredmet\)](#)**: After having been found guilty on multiple counts after a five-week trial at Birmingham Crown Court in November 2022, on 15 May 2023 company directors Wayne Anthony Hawkeswood and Graham John Woodhouse each received nine month custodial sentences following the deaths of five workers at a metal recycling site in Birmingham. Both directors were found guilty of four charges each – failing to discharge the duty to which they were subject by virtue of section 2(1) and 3(1) of the Health and Safety at Work Act 1974. The companies involved were fined a total of £1.6m, with £775k to be paid in prosecution costs.

**Prosecution following injury of a Young Person**: A 16 year old, working on an “assessment” day at a dog food manufacturer had his finger severed in a vacuum filling machine. The Managing Director had walked the young person around the building showing him welfare facilities and introducing him to other workers. He was not provided with any safety information or training. He stood on a step ladder 710mm high, leaned into the top of the hopper and used his gloved hand to scrape the side of the hopper and ‘splat’ the product into the base of the hopper whilst another operator turned the machine on/off. Both the company and the individual director pleaded guilty to two charges, firstly that they did not assess the risks to the young person and that they exposed them to dangerous parts of machinery. The case has been adjourned for sentencing.

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

Since the last update to the Board, **2** fatalities which occurred in 2021/22 and **6** fatalities which occurred in 2022/23 have subsequently been published on the HSE website. Please see table below for details.

<b>Date of incident</b>	<b>Name</b>	<b>Age</b>	<b>Description of incident</b>	<b>Local Authority</b>	<b>General Industry Sector</b>	<b>Employment status</b>
28/04/2021	Ahmed Wais Gani	38	The deceased was struck by a moving vehicle	Ealing	Services	Self employed
09/08/2021	Duncan Petty	66	The deceased was trapped by something collapsing	East Hampshire	Services	Member of the public
25/08/2022	Colin Williams	55	The deceased was trapped by something collapsing	Monmouthshire UA	Agriculture	Employee
01/09/2022	William McLean	55	The deceased fell from height	Argyll & Bute UA	Agriculture	Employee
18/01/2023	Alessandro Smaldone	27	The deceased was struck by an object	Thurrock UA	Extractive/Utilities	Employee
10/02/2023	Jason Holland	51	The deceased came into contact with something fixed or stationary	NW Leicestershire	Construction	Employee
22/02/2023	Paul Davies	44	The deceased fell from height	Babergh	Manufacturing	Employee
28/02/2023	Slawomir Szmeichel	46	The deceased died following an explosion	Perth & Kinross UA	Water/Waste Management	Employee

<sup>1</sup> In some cases, the publication of a fatality on the HSE website may be some months after the date of the initial incident. This is due to the verification checks that are carried out to ensure that the fatality is within HSE's enforcement remit and if so, the correct information is subsequently published. The complex nature of some fatality investigations may mean that it can take some time to verify this information.

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