

**MINUTES OF THE 58TH MEETING OF THE BOARD OF THE HEALTH AND SAFETY
EXECUTIVE FOR NORTHERN IRELAND HELD ON THURSDAY 03 DECEMBER
2009 AT 10.00 AM IN THE ROBENS ROOM LADAS DRIVE BELFAST**

Present:	Board Members: Professor P McKie CBE – Chairman Mrs S Lowry – Deputy Chairperson Mrs B Maitland Mr C Cleland Mr J Gillvray Mr P Lyons Mr L Fawcett Mr G Campbell	HSENI Officials: Mr J Keyes – Chief Executive Mr D Breen – Deputy Chief Executive Mrs L Thompson – Board Secretary
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Agenda Item	Record of main discussion and Actions Arising	Action by Board Members/ Official(s) and update on progress from actions arising
1. Apologies	Mr J Collins and Mr B Mackin.	
2. Corporate Health, Safety and Welfare	<p>Mr Keyes reported that:</p> <p>(i) the defensive driving training programme is now under way for new field staff. Those Board members who have expressed an interest in participating will be accommodated in the New Year.</p> <p>(ii) he led the quarterly inspection of Ladas Drive on 1 December - health, safety and welfare issues were satisfactory. Dr Monson will conduct a similar inspection of Avenue House in January 2010.</p> <p>(iii) the lease on Avenue House is up at the end of March 2010 and a floor in Longbridge House has been offered as alternative accommodation. HSENI is currently looking into the suitability of this accommodation, particularly the adequacy of floor space and storage provision.</p> <p>(iii) there were no injury incidents to report since the last report made in early September.</p>	
3. Declaration of Conflict of Interest(s)	None declared	
4. Minutes HSENI/22/09	The minutes of the 57 th Board meeting were approved and adopted.	
5. Matters Arising:	Mr Gillvray reported that he had not yet received a copy of the HELANI Strategic Plan. Mr Breen explained that the plan had still not been printed due to delays in	Action: Issue HELANI Strategic Plan to Board Members.

	obtaining information from the District Councils.	<i>Board Secretary</i>
6. Audit and Risk Management Committee Report - Oral report	Mrs Lowry, Chair of the Audit and Risk Management Committee (ARMC), reported that there had not been an ARMC meeting held since the last Board meeting, but that she would report instead on a meeting of the Departmental Audit Committee that she had attended in the interim. She informed the Board that the new DETI Permanent Secretary, Mr David Sterling, who attended the meeting, had indicated that he wanted a review of risk management in the Department, which Mrs Lowry felt may cascade down to HSENI. Mr Keyes reported that the Internal Auditors, PwC, are currently carrying out an audit of HSENI with the aim of providing draft reports in January.	
7. HELANI Committee Report HSENI/32/09	Mrs Maitland referred to the minutes of the HELANI meeting which took place on 8 September 2009. In acknowledging that the shared strategy would be a major piece of work she welcomed the fact that the HSENI Board would be taking a strong lead. While she recognised the importance of having the right representation from the District Councils, she cautioned the Board not to underestimate the impact the 'out workings' of RPA might have. Mrs Maitland informed the Board that through HELANI, HSENI was working with District Councils on the impact of the introduction to NI of the GB Regulators' Development Needs Analysis (RDNA) Tool.	
8. Chief Executive's Report HSENI/33/09	Mr Keyes highlighted the following: NIAO Value for Money Study: On 28 October 2009 the NIAO responded to the comments on the first draft of its report made by DETI/HSENI. However, NIAO has since advised DETI that it intends to re-draft the report following an internal quality review. In addition it now wishes to expand its consideration of HSENI by including FY 2008/09 and has sought a raft of information concerning that year. The re-drafted report is awaited. Gas Installers' Registration Scheme: The contract for the delivery of the Gas Safe Register (GSR) scheme and the brand licence agreement are being finalised. First stage of a major awareness campaign which focuses on gas engineers/installers will commence shortly. The public dimension of the campaign will commence in the early part of 2010. Petroleum Licensing: The Minister has met with representatives of SOLACE to discuss Councils adopting a more coherent and positive approach to petroleum licensing. SOLACE has stated its commitment to playing a full and active role in delivering a joint DETI/HSENI/Council based solution. This situation	

will be reviewed in 6 months time.

Ministerial Involvement:

- (i) Minister participated in the launch of the new HSWNI website at HSENI Omagh office on 9 October 2009.
- (ii) Minister along with Crosby Cleland launched the 2010 Child Farm Safety Calendar on 6 November at the Clinton Centre Enniskillen.

Mr Keyes asked Members to take a note of the date of the Spring Conference which is being held on 21 April 2010 in the Ramada at which the Minister has agreed to deliver the keynote address.

Departmental Liaison:

On 5 November the Deputy Chairman and Mr Keyes met with senior Departmental officials as part of the quarterly round of Departmental Oversight and Liaison meetings.

Referring to the Annex to the Report, Mr Lyons felt it was inappropriate to preface the single fatality reported during the period with the word "only".

Mr Gillvray considered the number of complaints about unsafe workplaces as being unusually high and enquired if HSENI investigated every complaint. Mr Keyes replied that complaints had been on the rise over the past number of years but had now plateaued. He went on to say that every complaint is considered fully and investigated if warranted. Mr Gillvray also pointed to an omission in the report whereby total RIDDOR reports had not been broken down into 3 day and majors.

Mr Keyes referred to the recent Ombudsman's case and informed the Board that the investigation has been completed and the complaint was not upheld against HSENI.

Prof McKie referred to the Asbestos Awareness Campaign and commented on the excellent work which has been carried out so far.

Mr Lyons referred to prosecutions and asked to what extent the client could be held responsible. Mr Keyes confirmed that the client would be recommended for prosecution if the evidence warranted it.

Mr Gillvray asked if HSENI has the manpower to investigate all the fatalities that arise. Mr Keyes indicated that this has always been possible because if HSENI was faced with increased demand, operational group staff would be drafted in to support the Major Investigation Team.

***Action: Reinstate the breakdown of RIDDOR reports.
Mr Toner***

Prof McKie drew the Board's attention to recent media coverage where the Deputy First Minister was seen being suspended high above the ground in a basket hanging from a crane, counter to good safety practice. He indicated that he was minded to write to the Deputy First Minister's office to point out that this type of behaviour was sending out the wrong message to the public as well as endangering the Minister. Mr Keyes suggested that he write instead to the Head of the Executive Information Service given the general principle of Ministers not being pressured into photo shoots that compromise safety.

Action: Chairman to write to the Head of the Executive Information Service concerning safety issues surrounding Ministerial photo shoots. Chairman

Referring to the Quarterly Monitoring Report appended to the CEX's report, Mrs Lowry pointed out that by the time it is presented to the Board at their meetings it has on some occasions been couple of months after the quarter end. Mr Keyes pointed out that the dates agreed by the Chairman and Deputy Chairperson for next year was an attempt to properly sequence Board Meetings with Audit and Risk Management Committee meetings. However to avoid this delay he was happy to revisit the dates.

Mrs Maitland asked if in the target under Vulnerable Groups regarding the "Older, Wiser, Safer?" awareness campaign, the use of the word eliminate was unrealistic. Prof McKie felt that this was the only acceptable outcome of what will be a long term campaign. In support of this Mr Breen pointed out that the actual target was to continue to deliver the campaign.

9. HR Report
HSENI/34/09

Mr Breen updated the Board in regard to the HR Report and highlighted the following items:

Sickness Absence

It is fully expected that NISRA will shortly be undertaking the production of an analysis of absence rates and this will provide more detailed information. Until that is fully operational the absence management statistics are based solely on provisional HSENI figures. During the month of October, 9 staff were absent for a total of 84 working days. This equates to an absence rate of 3.3%. No warnings were issued during this period. It should be noted that of these absences, 6 staff members were absent due to long term sick absence and this accounted for 74 of the 84 days. All but one of those on long term absences have returned to work.

Learning and Development

HSENI's Training and Resource Plan 2009/10 is being steadily rolled out and staff are registering for their required courses on the HR Connect portal.

Staff Numbers and Recruitment
 The staff complement for HSENI is 131 with a total of 7 vacancies. HRConnect is currently managing the recruitment of 2 PTO Compliance Officers. Initial meetings have taken place with HRConnect to commence recruitment for a Physiotherapist and a replacement Workplace Health Nurse. Work has also commenced to recruit an Assistant Scientific Officer for Scientific Services. The remaining two posts (typist and Administrative Officer) are currently under review.

Staff Attitude Survey
 The NICS wide staff attitude survey has recently been completed. HSENI staff registered an unprecedented 99% response rate. NISRA will now analyse the data and publish the results in the New Year.

HRConnect
 One significant breakthrough in dealing with problems associated with HRConnect has been the correcting of the software programming for registering vacancies. As a consequence HSENI is now able to avail of the on line registration facility which will help expedite future recruitment.

10. Finance Report
HSENI/35/09

Mr Breen referred to the Report and highlighted the following items:

DRC Expenditure: Because of unavoidable delays in filling a number of new posts during the year, a considerable underspend has been predicted on salary costs. As a consequence, £250k has been surrendered in the December monitoring round. A request has also been put through in the December monitoring round to reclassify £150k of DRC budget to Programme, to cover legal costs associated with a series of industrial tribunal appeal hearings concerning prohibition notices served in relation to substandard asbestos stripping operations. £22k was also put forward for reallocation to the Department to cover the cost associated with NI Judicial Appointments Commission setting up a Health and Safety Appeals Tribunal. The outcome of the monitoring round is not yet known so the budget has not yet been adjusted to reflect any of these items.

Programme Expenditure: Spend to date has been relatively slow due in the main to the lag time associated with projects and programmes commencing in year. A high proportion of this spend will be on major campaigns on asbestos and gas safety. Work is progressing well on these, with the tradesman asbestos awareness campaign having been launched in November 2009. The associated spend from these activities should become visible in the next few months.

As noted above, a request has been made in the December monitoring round to reclassify £150k of DRC

	<p>budget to Programme to cover expected legal costs. Once again, as the outcome of the monitoring round is not yet known, the budget shown has not yet been adjusted to reflect this.</p> <p>The bid for £35k for capital, as part of the June monitoring round, was successful. This funding will be used to procure essential laboratory equipment and a new accounting system for the organisation.</p> <p>New Accounting System: Work is ongoing to procure a new accounting system for use from 1 April 2010. This has been necessary because the shared accounting service AccountNI is unable to deal with VAT which HSENI is obliged to pay unlike government departments. A number of products are currently being considered. Once a suitable product has been selected, procurement will be carried out through the Central Procurement Directorate.</p> <p>IFRS: IFRS financial statements for the 2008/09 financial year have now been prepared and are currently being audited. All IFRS deadlines were met by HSENI.</p> <p>Mrs Maitland looked for reassurance that the budget would be spent by the end of the financial year. Mr Keyes explained that given the nature of government finance it was inevitable that the spend would be end loaded with the majority of the spend falling due in the final quarter of the financial year. He gave an assurance that the budget would be fully utilised by the end of the financial year.</p> <p>Mrs Lowry suggested that to aid the Board's understanding of the financial position, additional information might be considered. Mr Breen indicated that the present level of information came about because of a previous Board decision to simplify the presentation.</p>	<p><i>Action: Finance Report to include additional budgetary information.</i> <i>Mr Breen</i></p>
<p>11. Legislation Report HSENI/36/09</p>	<p>Mr Breen presented the Legislation Report. The Board noted the current position in relation to the delivery of current Legislative Programme and noted the position with regard to other matters highlighted in the report.</p>	
<p>Board Effectiveness HSENI/37/09</p>	<p>Prof McKie referred to Board paper HSENI/37/09 and asked if anyone had any comments to offer. A wide-ranging discussion ensued covering topics such as the usefulness of the one-to-one meetings with the Chairman, timings of meetings and the Board's participation in strategy development.</p> <p>Mrs Lowry referred again to the timings of the meetings and the need to align timely information such as the QMR. She suggested that it might be better to have six meetings per year instead of five so that information would be more up-to-date. Prof McKie advised that the</p>	

proposed timetable set for next year had tried to take these things into consideration. Mr Keyes added that the 2009 timetable had been distorted because the Joint meeting organised by HSA Dublin was in early September. As HSENI will be hosting this in 2010 there was an opportunity to make appropriate date adjustments. Prof McKie suggested revisiting the timetable for next year - this was agreed.

It was also decided that it would be useful if the Board could have sight of the final NIAO Report.

It was agreed that, given the assurances that existed on current board effectiveness, the proposition to have this externally assessed was not appropriate at this time and that the Board would continue to monitor its own effectiveness.

Prof McKie then introduced the draft Standing Orders and invited comments. The following issues were raised:

The main issue raised in respect to the operation of board meetings related to voting. After some discussion it was agreed that advice should be sought regarding the issue of whether the HSENI Board was constituted to operate exclusively on the basis of consensus or whether it could resort to voting and the draft standing orders amended accordingly.

Other issues raised concerned requests for the draft minutes of Board Meetings to be issued where possible within four weeks of the meeting taking place by email rather than issuing them as part of the Board papers one week before the next Board meeting and that if a Board member wished a particular matter considered at a Board meeting then they could submit this request in writing to the Chairman via the Board Secretary in good time to be considered for inclusion in the agenda. Failing this, it was accepted that matters can be always be raised under any other business.

*Action: Revise 2010 meetings timetable.
Mr Keyes*

*Action: Final NIAO Report to issue to Board
Board Secretary*

*Action: Revised Standing Orders to be considered at next Board Meeting
Board Secretary*

12. A.O.B.

Prof McKie informed the Board that the presentation on the Work of the Legislation Unit has been postponed due to Rosaleen McMullan's unavailability.

Prof McKie informed the Board that the development of new long term health and safety strategy for Northern Ireland would begin with a scoping event on 20 January 2010 in the Hilton Hotel, Templepatrick. He stressed that the day would be given over to articulating our shared vision for health and safety in NI. To that end he asked Members to bring with them any thoughts about what this

	<p>vision might look like. He added that Judith Hackitt, Chair of HSE (GB), will be the guest speaker at the event. Mrs Maitland suggested that anyone who could not make the event might wish to forward any ideas to the Chairman.</p> <p>Mr Lyons passed on his thanks for the very successful and well run Quarry Conference which was held recently and mentioned Colette Maguire's input in particular.</p>	
13. Date and Venue of next Board Meeting	The next Board meeting will be held on the morning of the 21 January 2010 in the Hilton Hotel, Templepatrick, before the HSENI Strategy Event.	
	There being no further business, the meeting closed at 12.30pm.	

Liz Thompson
Board Secretary

Board Minutes adopted and approved:

Signed:  Dated: ...21 January 2010.....
Peter McKie, CBE, HSENI Chairman