

**MINUTES OF THE 114<sup>th</sup> MEETING OF THE BOARD OF THE HEALTH AND SAFETY EXECUTIVE FOR NORTHERN IRELAND HELD ON THURSDAY 29<sup>th</sup> OCTOBER 2020 AT 09:30 VIA VIDEOCONFERENCE**

**Present: Board Members:**

Mr D Martin – Chair  
 Mrs H Singleton – Dep Chair  
 Mr M Mawhinney  
 Mr H Sinclair  
 Mr T Wright  
 Ms L Smith  
 Mr J Kane  
 Mr W Graham  
 Mrs C Mounce HSENI  
 Boardroom Apprentice

**HSENI Officials:**

Mr R Kidd – Chief Executive  
 Mr L Burns – Deputy Chief Executive  
 Mr B Monson – Deputy Chief Executive  
 Mrs N Monson – Deputy Chief Executive  
 Mr K Neeson – Deputy Chief Executive  
 Ms L Nelson – Minutes  
 Mr K Carrick – HSENI Principal Inspector  
 (Until 10:35)  
 Mr M Brennan – DfE Permanent Secretary

The Chair welcomed everyone to the meeting including Mr Brennan, Permanent Secretary, DfE. Mr Brennan provided the Board with an update on the current position within the Department. It was agreed that Mr Brennan would provide his update first on the agenda to allow him to attend a meeting later in the morning.

<b>Agenda Item</b>	<b>Record of main discussion and Actions Arising</b>	<b>Action by Board Members/ Official(s) and update on progress from Actions Arising</b>
1. Apologies	None.	
2. Corporate Health, Safety and Welfare	No significant issues to report.	
3. Declaration of Conflict of Interest(s)	None to report.	
4. Minutes <b>HSENI/28/2020</b> <b>HSENI/32/2020</b>	The minutes of the Board meetings held on 30 <sup>th</sup> July 2020 and 15 <sup>th</sup> October 2020 were circulated to Board members prior to the meeting. The minutes were approved and adopted.	
5. Matters Arising	The Chief Executive reported that all matters arising had been completed.	
6. Permanent Secretary Update	Mr Brennan thanked the Chair for the introduction and the invitation to speak with the HSENI Board.  Mr Brennan paid tribute to the Chief Executive and HSENI and the professionalism and dedication of the staff. He said that from the earliest days of the pandemic, HSENI was in the spotlight and they handled the	

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	<p>challenges calmly and with the utmost professionalism even though the volume of complaints and questions were going through the roof. Mr Brennan also said that while DfE has responsibility for 16 ALBs, HSENI will feature highly especially in the next 12 months with the role it has in relation to COVID-19 as well as EU Exit.</p> <p>Mr Brennan gave the Board an overview of the Department's current position and the direction in which he sees the Department going over the coming months. He highlighted the following:</p> <ul style="list-style-type: none"> <li>➤ COVID-19 and its impact on the economy;</li> <li>➤ EU Exit and the impact of this on HSENI in relation to Chemicals movement, along with the resourcing implications; and</li> <li>➤ The role of HSENI in relation to EU Exit and ensuring that officials are aware of HSENI's role.</li> </ul> <p>A discussion took place focusing mainly on EU Exit and its implications for HSENI. Mr Brennan assured the Board that the Department recognises the critical role that HSENI plays in EU Exit.</p> <p>The Chair, on behalf of the Board, thanked Mr Brennan for freeing up time to attend the meeting, stating that he is reassured the Department is aware of HSENI's position in relation to staffing and budgets.</p> <p>Mr Brennan left the meeting at 10:10.</p>	
<p>7. Mental Health &amp; Wellbeing Update</p>	<p>The Chair thanked Mr Carrick for attending the meeting to update the Board on the work of the Mental Wellbeing at Work Advisory Service (MVAWAS). Mr Carrick said he welcomed the opportunity to provide an update.</p> <p>Prior to the meeting, the Board members had been forwarded a video detailing the work of the MVAWAS.</p> <p>Mr Carrick highlighted the following areas covered by the team:</p> <ul style="list-style-type: none"> <li>➤ Highlighting to employers their legal responsibility;</li> <li>➤ Sharing the Management Standards; and</li> <li>➤ The availability of HSENI's advisory service.</li> </ul>	

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	<p>Mr Carrick informed the board that the MWAWAS have been working with the Public Health Agency (PHA), the Equality Commission, the Labour Relations Agency (LRA) and the Local Government Staff Commission (LGSC) to highlight and support the message of work related stress, as well as focusing on individual sectors eg. Extractive Industries/Quarry sector and the Agriculture sector.</p> <p>Mr Carrick informed the Board that there are three well trained and professional advisors working within the team to mentor employers through the process. He also stated that Mrs Monson had participated in the Protect Life 2 strategy to highlight the work of MWAWAS within the wider Northern Ireland circle.</p> <p>The Chair thanked Mr Carrick for a very informative presentation, stating that the video was very helpful and clarified a lot of questions he would have had as a former employer.</p> <p>Mrs Singleton commended Mrs Monson, Mr Carrick and the MWAWAS for production of the video. She was aware of the collaboration with LGSC and has shared the video with them to highlight the HSENI Management Standards.</p> <p>Mr Mawhinney stated that mental health was a huge area in all the Boards that he was involved with. He welcomed Mrs Monson's involvement with the Protect Life 2 strategy. He said that the video clarified the role of HSENI going forward. HSENI has been excellent in recognising the impact on the workforce if the issue of mental health is not addressed. He asked about mental health in the farming community and if there was any feedback on the 'Coping with the Pressures of Farming' publication. Mr Monson said that the publication was going for its second re-print and that feedback had been very positive. The Rural Support charity helped develop the publication and was promoting it within rural areas.</p> <p>Mr Graham said the video was very good and outlined employers' legal duty to manage work related stress. He asked if there was an obligation on employers to report work related stress. Mrs Monson advised work related</p>	

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	<p>stress was not reportable under RIDDOR. If a complaint was received, an Inspector would deal with it in the first instance and then refer to the MWAWAS if necessary.</p> <p>The Chair asked if employers are aware and supportive of mental health at work. Mr Carrick said that a significant amount of work is ongoing to educate employers. There is an appetite to deal with mental health at work and the MWAWAS will continue to promote it.</p> <p>Mr Wright asked if there had been interest from bodies such as trade unions on the issue of mental health at work. Mr Carrick said that there has been quite a bit of interest from union bodies. They are aware of the issue and are keen to draw its attention to their members.</p> <p>Mrs Monson paid tribute to Mr Carrick and his team, saying that they continue to evolve with new ideas and seize opportunities. She also informed the Board that Mr Carrick would be moving to the Major Investigation Team (MIT). She thanked Mr Carrick for the excellent work he has done within the MWAWAS. Mr Rafferty, after a recent promotion to Principal Inspector, will replace Mr Carrick. Mr Mawhinney said he was very impressed with Mr Carrick for the excellent work he has carried out and wished him well in his new role. The Chair endorsed these comments and also wished Mr Carrick the best of luck in his new post.</p> <p>Mr Carrick left the meeting at 10:35.</p>	
<p>8. Audit and Risk Management Committee Report <b>HSENI/35/2020</b></p>	<ol style="list-style-type: none"> <li>1. The ARMC met on 15<sup>th</sup> October 2020.</li> <li>2. The following areas were highlighted by the ARMC Chair as having been discussed at the latest ARMC meeting: <ul style="list-style-type: none"> <li>➤ Minutes were agreed and adopted.</li> <li>➤ Review of Annual Report and Accounts. No issues were reported on the Report to those Charged with Governance.</li> <li>➤ The implementation of outstanding audit recommendations was reviewed. There has been slippage with GDPR audit recommendations due to EU Exit work and staff absences. The Chief Executive assured the ARMC that all</li> </ul> </li> </ol>	

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	<p>recommendations will be closed off by the agreed date of September 2021.</p> <ul style="list-style-type: none"> <li>➤ The newly appointed internal auditors, Cavanagh Kelly, attended the meeting and presented the draft Internal Audit Charter and the draft Strategic Internal Audit Plan. The Committee had reviewed both documents. After some discussion, it was agreed the following areas would be audited:               <ol style="list-style-type: none"> <li>1. Key Financial Controls;</li> <li>2. Arrangements to address COVID-19;</li> <li>3. Complaints – external;</li> <li>4. Farm Safety Campaign; and</li> <li>5. Legislation.</li> </ol> </li> <li>➤ The risk register, focusing on bids made in the October monitoring round which have now been met, as well as emerging risks on Legislation and Operational work associated with EU Exit.</li> </ul> <p>A discussion took place in relation to the ability to carry out audits remotely and the timeframe for the internal auditors to complete all audits by the end of April 2021. The ARMC Chair stated that HSENI has already experienced the Annual Report and Accounts being audited remotely and that systems are in place to facilitate remote audits. The ARMC Chair also stated that the Internal Auditors had provided assurance that all audits would be complete by the end of April 2021.</p> <p>The Chair asked, as we are now in the third quarter of 2020, if HSENI's Senior Management Team was reasonably content that the preparing of accounts would be completed in the first quarter of 2021. The Chief Executive stated that HSENI will work to deadlines issued and that any movement of deadlines will affect all auditors. The ARMC Chair said this issue will be kept under review and that she will liaise with the Chief Executive and Mrs Mullan as to how audits are progressing.</p>	
<p>9. Chief Executive's Report HSENI/36/2020</p>	<p>The following items were highlighted by the Chief Executive:</p> <p><b><u>Fatal accidents / injury rates / prosecutions</u></b></p>	

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	<p>There has been a significant increase in fatal accidents compared to the same period last year. The Chief Executive said it was hard to explain the reason for this. There have been no prosecutions to date as there has been little court activity since the start of the pandemic. The court service is starting to open up again and the Major Investigation Team (MIT) has been working on carrying out witness statements and preparing files etc.</p> <p><b><u>Quarterly Monitoring Return</u></b></p> <p>The Chief Executive informed the Board that the HSENI Operating Plan and quarterly monitoring returns have been updated to reflect the impact of COVID-19. The changes reflect challenges for the organisation including that proactive inspections were no longer taking place as Inspectors were dealing with COVID related complaints.</p> <p>A general discussion took place in relation to the quarterly monitoring return. Mrs Singleton raised a concern over the organisation not meeting objectives. Mrs Singleton would welcome information to back up the reason for not meeting objectives. Ms Smyth agreed, adding that there needs to be accountability to show what HSENI has been doing and how HSENI has re-deployed its resources. It was agreed that the Chief Executive would produce a paper detailing an explanation for objectives not being met and a breakdown of the activities carried out.</p> <p>Mr Mawhinney commented on the new challenges HSENI will face during winter and during this period of lockdown. He asked will this mitigate on actions going forward. Mrs Monson stated that the second wave of the pandemic was different from the first wave even though the knowledge of COVID-19 has increased. She added that there are different issues to deal with such as the potential increase in the need for employees to self-isolate. Mr Mawhinney said this was useful to hear and helps the Board to understand what issues HSENI will have to deal with. Mr Neeson agreed with Mrs Monson's comments, adding that we are in a different place now as the public's perception has changed in relation to the pandemic. The emergence of 'track and trace' which didn't exist in the first wave, means that HSENI is now</p>	<p><i>The Chief Executive to produce a paper explaining why objectives not met and detailing a list of activities carried out.</i></p>

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	receiving a significant number of enquiries in relation to self-isolation.	
10. HR Report HSENI/37/2020	<p>The Board was updated in relation to the HR Report and the following items highlighted:</p> <p><b>Sickness Absence:</b> Due to NISRA's ongoing work on NICSHR statistics, no data is available. Mr Neeson assured the Board that SMT has no concerns in relation to sickness absence within HSENI.</p> <p><b>Vacancies:</b> <b>Mr Neeson highlighted the following vacancies to the Board:</b></p> <ul style="list-style-type: none"> <li>• Scientific Officer - On hold – SMT decision required</li> <li>• Staff Officer (Planning / Complaints) - On hold – SMT decision required.</li> <li>• Two EO1 Complaints Officers – Interviews held early October, letters of offer have been issued, should be in post early December.</li> <li>• Four H&amp;S Inspectors - On hold – SMT decision required.</li> <li>• Business advisor (Construction - EO1) - On hold – SMT decision required.</li> <li>• Higher Scientific Officer – HSENI Laboratory – Headcount and Funding Form submitted.</li> </ul> <p><b>Mr Neeson highlighted the following appointments to the Board:</b></p> <ul style="list-style-type: none"> <li>• Temp new DCE to cover EU Exit - Completed June 2020.</li> <li>• 2 x Principal Inspectors (Grade 7) appointed to fill Head of Group posts in Occupational Health Team and Operational Support Team) - Successful candidates take up their posts on 2<sup>nd</sup> Nov 2020.</li> </ul> <p><b>Mr Neeson highlighted the following other staffing issues:</b></p> <ul style="list-style-type: none"> <li>• There is a pressing need to establish a new Grade 6 command in HSENI, given the current work levels and also the significant increase in many</li> </ul>	

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	<p>areas, most notably the out-workings of the Northern Ireland Protocol (NIP).</p> <ul style="list-style-type: none"> <li>• Trainee inspector competition - agreement on this needs to happen but not likely this year due to COVID-19 / the ability to secure RTP training places with HSE / the capacity of the organisation to manage such a high number of trainees.</li> <li>• EU Exit Team – 2 x Principal Inspectors (Grade 7) moved from Manufacturing, Utilities &amp; Docks and OST Groups to the EU Exit Team and converted to 2 x PT Grade 7. Temporary arrangement.</li> <li>• 2 x PI (Grade 7) moves: 1 from Occ. Health Group to MIT and 1 from MIT to MUD.</li> </ul> <p>The following new posts are required for the EU Exit Team and are subject to funding approval:</p> <ul style="list-style-type: none"> <li>• Principal Officer / PPTO (Grade 7) EU Chemicals (new post required for EU NIP).</li> <li>• DP / SPTO EU Chemicals (new post required for EU NIP).</li> <li>• EO1 x 2 EO1 / PTO EU Chemicals (new post required for EU NIP).</li> <li>• Principal Officer / PPTO (Grade 7) EU Product Safety (new post required for EU NIP).</li> <li>• DP / SPTO EU Product Safety (new post required for EU NIP).</li> <li>• EO1 x 2 EO1 / PTO EU Product Safety (new post required for EU NIP).</li> </ul> <p>Ms Smyth asked when HSENI would reach its full staff complement. The Chief Executive explained that there would always be a degree of turnover of staff. He agreed to e-mail the current headcount to Board members.</p> <p><b>Agenda Item 15 – Trainee Inspector Training was covered at this point in the meeting.</b></p> <p>Mr Neeson reported to the Board that the five trainees who started in April 2019 have now been enrolled on the RTP training. The training will last for 2 years and they are on course to complete in the 2<sup>nd</sup> quarter of 2021.</p> <p>The three trainees who started in October 2019 are enrolled on the RTP training as of 1<sup>st</sup> October 2020. They have commenced the e-learning elements of the</p>	<p><i>The Chief Executive to email current headcount of staff to Board Members.</i></p>

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	<p>course. Work is also progressing via workshops and tutorials.</p> <p>Mr Neeson assured the Board that both sets of trainees are gaining on the ground experience and collecting evidence via on-site visits. Mr Neeson assured the Board that he is confident the training will be completed.</p>	
<p>11. Finance Report <b>HSENI/38/2020</b></p>	<p>The Board was updated in relation to the Finance Report and the following items highlighted:</p> <p><b>Staff and Operating Costs'</b> expenditure amounted to 46% spend out of the total budget.</p> <p>The following bid was made in the October monitoring round and has been met;</p> <ul style="list-style-type: none"> <li>• Bid for £300k in relation to baseline shortfall in salaries funding, offset by savings made and anticipated due to vacancies</li> </ul> <p><b>Programme expenditure</b> - Mr Neeson confirmed that Q2 DRC spend was significantly lower than normal. This was due to the fact that there has been no travel to HSEGB for training and a large reduction in travel and subsistence being claimed by staff. Q2 programme spend has also been significantly lower.</p> <p>Mr Neeson highlighted to the Board two proposed expenditure items in excess of £50,000.</p> <ol style="list-style-type: none"> <li>i. Recoverable expenditure with HSEGB in relation to the gas industry;</li> <li>ii. Examination work by HSEGB on behalf of HSENI.</li> </ol> <p>A discussion took place in relation to these two pieces of work. Mrs Monson assured the Board that HSENI will keep tight control over the expenditure in relation to the work with HSE GB. The Board was asked to note the two items of expenditure.</p> <p>The Chair expressed concern over the low programme expenditure. The Chief Executive assured the Chair that SMT was closely monitoring the spend and would consider surrendering excess money in the January monitoring round if necessary.</p>	
<p>12. Farm Safety Campaign</p>	<p>Approval was sought from the Board to spend £230k on a Farm Safety Campaign.</p>	

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<p><b>HSENI/39/2020</b></p>	<p>A lengthy discussion took place in relation to the farm safety campaign. Mrs Singleton suggested that it would be helpful for the Board to receive sight of the Post Project Evaluation (PPE) on an annual basis.</p> <p>The Chair stated that if Board members agree to the approval, Mr Monson to run an end of year report on the last four years on statistics and outputs and provide the PPE to Board members. Mr Monson said as he is waiting on final statistics and the analysis being run over the next month, he will have the end of year report ready for March/April 2021.</p> <p><b>The Board was content and approved the Business Case spend of £230k for the Farm Safety Campaign.</b></p>	<p><i>Mr Monson to run an end of year report to cover the previous four years and forward PPE on the Farm Safety Campaign to Board Members.</i></p>
<p>13. Legislation Report <b>HSENI/40/2020</b></p>	<p>Mr Burns reported that the Legislation Unit is continuing to work under significant pressure against the backdrop of uncertainties regarding the implications of the Northern Ireland Protocol and any future withdrawal deal between the UK and the EU which could follow the Implementation Period. There has also been inevitable disruption due to the Covid-19 crisis. Staff continue to maintain close contact with colleagues in both NI and GB to ensure that Northern Ireland legislative provisions comply with the Northern Ireland Protocol and are accurate and operable. The Legislation team is mostly focused on NI Protocol preparedness.</p> <p>Mrs Burns highlighted a risk to the Legislation team with the upcoming retirements of two Deputy Principals (DPs). One has been confirmed for late February 2021 and the second has yet to confirm a date. All work funnels through the two DPs and they will be difficult to replace due to their knowledge and expertise. The recruitment process has commenced to fill these imminent vacancies.</p> <p>The Chair stated that he recognises the risk to the organisation and the pressure the team is working under.</p> <p>The Board noted the remainder of the report.</p>	

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<p>14. EU Exit <b>HSENI/41/2020</b></p>	<p>Mr Burns updated the Board on EU Exit preparations:</p> <p>HSENI has two areas of work which are captured in Annex II of the NI Protocol (NIP). These are ‘Chemicals’ and ‘Product Safety’. These two areas are covered by five and twelve sets of regulations / directives respectively.</p> <p>Two of the chemical regimes and all of the product safety regimes fall under Regulation for Accreditation and Market Surveillance (RAMS) and the upcoming RAMSII.</p> <p>HSENI has traditionally done a very small amount of market surveillance work under these regimes. This has been because the majority of chemicals and products were coming from the EU (our work was mainly focused on items coming from outside the EU). In any event, HSENI has no option but to view this work as new both in nature and in volume. This means that under both regimes it will be necessary to stand up new teams to discharge HSENI’s statutory functions.</p> <p>A lengthy discussion took place in relation to staffing and finance for new staff posts as well as office space.</p> <p>HSENI is currently receiving very good support from all GB Government departments on all fronts.</p> <p>The Board noted all contents of the report and asked to be kept fully informed of any further developments. The Chief Executive thanked Mr Burns and his team for work carried out to date and this was endorsed by the Chair.</p>	
<p>15. Trainee Inspector Training</p>	<p>This update was covered under Agenda Item 10 – Hr Report.</p>	
<p>16. AOB</p>	<p><b><u>Building Safety Regulator</u></b></p> <p>The Chief Executive updated the Board on the Building Safety Regulator duties after the report from Dame Judith Hackett where this function now rests with HSEGB. The Chief Executive attended a meeting with Construction and Procurement Delivery (CPD). He informed the meeting that this function does not sit with HSENI. CPD have asked for a written response from the Chief Executive, endorsed by the Permanent Secretary in relation to this. The Chair agrees with this position, it</p>	

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	<p>does not sit with HSENI and the organisation has no plans to develop it.</p> <p><b><u>DfE Partnership Agreement</u></b> The draft Partnership Agreement was included with the Board papers. The Chair asked all Board Members to read the document and pass any comments to the Chief Executive ahead of the next Oversight &amp; Liaison Meeting on 11<sup>th</sup> November 2020.</p> <p><b><u>Board Appointments</u></b> The Chair reported that the Department is required to consult ahead of advertising Board appointments and the consultation process is ongoing at present. Advertisements will be placed during November 2020, interviews are planned to take place in January 2021 to allow new Board Members to commence on 1<sup>st</sup> May 2021. The Chair will keep all Board Members informed of the appointment progress.</p> <p><b><u>Schedule of Meetings 2021</u></b> The Board noted the schedule of meetings 2021. A few Board Members are awaiting confirmation of dates from other Boards. These dates may be subject to change. The Chair asked if Board Members thought it would be beneficial to carry out additional Board meetings. It was agreed that the Chair would discuss this with the Chief Executive.</p> <p><b><u>Annual Report and Accounts</u></b> Mrs Singleton reported that the Annual Report and Accounts were laid before the Assembly on 23<sup>rd</sup> October 2020. The printing and publication of the document is currently under way. A submission will issue to the Minister seeking approval to publish the document and associated press release.</p> <p>The Chair thanked all for attending.</p>	<p><i>Board Members to forward comments on the Partnership Agreement to the Chief Executive before 11.11.2020</i></p>
17. Date of next Board Meeting	<p>The next Board meeting will be held on Thursday 28<sup>th</sup> January 2021 @ 09:30.</p> <p>The meeting ended at 13:50</p>	

Board Minutes adopted and approved:

Signed: This document has been signed by the HSENI  
Chairman

Dated: **28<sup>th</sup> January 2021**

**Derek Martin, HSENI Chairman**