

**MINUTES OF THE 110<sup>th</sup> MEETING OF THE BOARD OF THE HEALTH AND SAFETY EXECUTIVE FOR NORTHERN IRELAND HELD ON TUESDAY 28<sup>TH</sup> APRIL 2020 VIA TELECONFERENCE**

**Present: Board Members:**

Mr D Martin – Chair  
Mrs H Singleton – Deputy Chair  
Mr M Mawhinney  
Mr H Sinclair  
Mr T Wright  
Ms L Smith  
Mr J Kane  
Mr W Graham

**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  
Miss L Nelson – Minutes  
Mrs A Martin – HSENI Accountant

The Chair welcomed everyone to the meeting.

<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 issues to report.	
3. Declaration of Conflict of Interest(s)	None to report.	
4. Minutes <b>HSENI/09/20</b>	The minutes of the Board meeting held on 30 <sup>th</sup> January 2020 were circulated to Board members prior to the meeting. The minutes were approved and adopted.	
5. Matters Arising and Agreed Actions	The Chief Executive confirmed that number 3 of the matters arising had been completed. It was agreed that number 1 would be included in a future edition of SHINE and number 2 would be carried forward until the end of the Covid-19 crisis. No comments were received in relation to number 4.	
6. Chairman's Business <b>HSENI/11/2020</b>	The Chair updated the Board on the Board Apprenticeship Scheme and confirmed that all Board members had received their letters of re-appointment and extensions.	
7. Audit and Risk Management	1. The ARMC met on 9 <sup>th</sup> April 2020.	

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<p>Committee (ARMC) Report HSENI/12/2020</p>	<p>2. The following areas were highlighted by the ARMC Chair as having been discussed at the latest ARMC meeting:</p> <ul style="list-style-type: none"> <li>➤ <b>Internal Audit Reports</b> – the Internal Auditor reported on two final internal audits. Reviews of both Gas Safety CMS received a ‘Satisfactory’ rating. The GDPR audit will be finalised shortly. Management’s response to the report has been delayed due to a staff absence. Mr Burns assured the Board that a Management response will be issued later that day.</li> <li>➤ <b>Internal Audit Contract</b> – the Internal Audit contract will expire on 11<sup>th</sup> June 2020. Mr McKibbin from Grant Thornton informed the Committee that he will be happy to attend the June 2020 ARMC meeting to present the GDPR final report and the Annual Assurance Report. A discussion took place in relation to the Internal Audit contract tender process.</li> <li>➤ <b>External Auditors</b> - PwC has been appointed on behalf of the Northern Ireland Audit Office (NIAO) to carry out the external audit function for the next five years. PwC presented the external audit strategy to the Committee.</li> <li>➤ <b>Risk Register</b> – the following risks were discussed at the ARMC meeting - Finance Risk, Governance Risk, Reputational Risk and the Information Risk. The ARMC Chair advised that the Committee had discussed at length changes to the risk register in relation to the Covid-19 crisis and the financial underspend. It was agreed that SMT would record decisions made during the crisis to provide an audit trail. The ARMC Chair said that the Committee had agreed a new laying date of the end of October for the Annual Report and Statement of Accounts., This should ensure HSENI meets the new Department of Finance (DoF) Statutory deadline of 15<sup>th</sup> November 2020</li> </ul>	

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	<p>for laying the Annual Report and Accounts before the Assembly.</p> <p>➤ <b>Audit Recommendations Progress Paper</b></p> <p>There are currently three outstanding recommendations. The ARMC Chair assured the Board all three recommendations would be implemented by the June 2020 meeting.</p> <p>The Chair invited questions from Board Members in relation to the ARMC update. The GDPR audit was discussed. The ARMC Chair asked that the ARMC members receive a copy of the final report once it has been issued. Mr Mawhinney asked is there a reputational risk in the relationship between HSENI and N.I. Industry? The CEO advised that HSENI had dealt with a significant rise in complaints over the previous few weeks. HSENI's reputation has been well protected. It was agreed that SMT would review the wording of the Reputational Risk on the risk register.</p>	<p><i>ARMC Committee Members to receive a copy of the final GDPR report once it has been issued.</i></p> <p><i>SMT to review the wording of the Reputational Risk on the Risk Register.</i></p>
<p>8. Chief Executive's Report <b>HSENI/13/2020</b></p>	<p>The Chief Executive thanked Board Members for their questions in advance of the meeting. He also thanked Mr Burns for his comprehensive response to the questions asked by Board members. It was noted that the questions &amp; answers had been shared with the board in advance of the board meeting.</p> <p>He explained that there had been significant changes since the last Board meeting at the end of January 2020. During February 2020, SMT carried out daily discussions to prepare for Covid-19. During the period 15<sup>th</sup> March – 26<sup>th</sup> April HSENI received 911 complaints. 607 of the complaints were within HSENI's remit and the remaining 304 were passed on to the Local Authority after being triaged by the Notifications Team. The Chief Executive passed on his thanks to staff in the Notifications Team and Inspectorate Staff for their swift response in dealing with the complaints. It is expected that there will be an increase in complaints once people start returning to work.</p>	

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	<p>The CEO informed the Board that the draft Operating Plan had been drafted in advance of the Covid-19 crisis in response to business as usual. It is difficult to predict an end date for the current crisis. The draft Operating Plan feeds into the targets of the Corporate Plan.</p> <p>The CEO informed the Board that HSENI has been working with a variety of bodies delivering advice on Public Health Agency Guidance including Northern Ireland Chamber of Commerce, Institute of Directors, Northern Ireland Food &amp; Drink Association, Manufacturing NI, Construction Employers Federation. HSENI is also taking part in a cross sectoral working group in relation to the hospitality industry. Mr Graham commended the CEO and the HSENI team in the approach taken in very difficult times.</p> <p>The Chief Executive highlighted the statistical report detailing provisional figures for work related fatalities/accidents etc. for 2019/20. There were eleven work related fatalities in 2019/20. There were eleven prosecutions. The Chief Executive and SMT attended various meetings and conferences throughout the period. A significant number of these were in relation to the current Covid-19 crisis.</p> <p>The Chair asked Board Members for comments on the Chief Executives Report. A discussion took place in relation to HSENI staff working remotely, the effectiveness of the BCP, Health and Safety at Work Order 1978, the new Coronavirus Regs, RIDDORS, Business as Usual and how HSENI plans to react to this situation and potential data protection risks as a result of staff working remotely. Mr Burns agreed to send a reminder in relation to data protection out to staff.</p> <p>The CEO reported on the Pandemic Incident Management Team (PIMT) meeting that he attends</p>	<p><i>Mr Burns to send a reminder to HSENI staff on Data Protection.</i></p>

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	<p>every morning chaired by Mr Brennan, Permanent Secretary (DfE) in relation to the Covid-19 crisis. Mr Graham thought it may be useful to update the Board on any significant changes after any Government review meetings. The Chair welcomed this suggestion and it was agreed SMT would report on a monthly basis to Board Members</p> <p>Mrs Singleton thanked Mr Ditchfield for updating the Business Continuity Plan and also Mrs Mullan and Ms Nelson for arranging the ARMC and Board meetings in the current crisis. The Board thanked the CEO, SMT and HSENI staff for their swift response in dealing with the current situation enabling HSENI to continue to function.</p> <p>Mr Mawhinney proposed that, as it was a good time, a note on lessons learned with any positives coming out of a negative situation, be recorded. He also suggested that, in the light of Covid-19 and its impact on the work of HSENI, consideration be given to the need for additional meetings or updates to involve the Board, various possibilities were discussed. The Chair said that the option was available if a situation arises and there was a need to call an extra meeting of the Board.</p>	<p><i>SMT to update the Board monthly after Government Review meetings.</i></p>
<p>9. HR Report HSENI/14/2020</p>	<p>Ahead of the HR Board report the meeting observed a minute's silence for Worker's Memorial Day at 11:00am to remember all those who have lost their lives to Covid-19 and other work related accidents and diseases.</p> <p>The Board was updated in relation to the HR Report and the following items highlighted:</p> <p><b>Sickness Absence:</b> Mr Burns reported that HSENI's absence rate was 6%. A discussion took place in relation to HSENI's absence rate compared to the wider NICS. Mr Burns assured the Board that SMT has no concerns in relation to sickness absence within HSENI.</p>	

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	<p><b>Vacancies:</b></p> <p>Mr Burns highlighted the following vacancies to the Board:</p> <p>Assistant Scientific Officer;            Staff Officer (Planning / Complaints);            Two EO1 Complaints Officers (on hold COVID 19);            Two H&amp;S Inspectors;            Business Advisor Construction (EO1); and            H&amp;S Inspector (50%) from 17.03.2020.</p> <p>These vacancies are on hold at present. A SMT decision is required.</p> <p>One AO post in Information Management has been filled.</p> <p>The Principal Inspector (PI) competition is on hold due to Covid-19.</p> <p>The trainee inspector competition is under consideration.</p> <p>The temporary DCE position to cover EU Exit is on hold due to Covid-19.</p> <p>NICSHR has put all essential recruitment on hold at present.</p>	
<p>10. Finance Report  <b>HSENI/15/2020</b></p>	<p>The Finance Report provided the Board with an update on spend to 31<sup>st</sup> March 2020 and the impact of Covid-19 on the 2019-20 financial outturn.</p> <p>Mr Burns highlighted the following to the Board:</p> <p><b>Staff and Operating Costs</b> – projected underspend is £146,751. This is about 1.5% over the normal accepted tolerance.</p> <p>Key areas of underspend relate to salary holiday pay accrual being much less than anticipated due to staff having taken more leave by 31<sup>st</sup> March than had been considered and a reduction in pension % used in the holiday pay accrual calculation, and some planned overtime that was cancelled due to Covid-19.</p>	

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	<p>Some of the planned reallocation of budget, as reported in the previous report, to be invested in training, travel, staff equipment and premises costs that had been postponed, along with advertising costs for the external recruitment vacancies, was also impacted by the Covid-19 pandemic.</p> <p><b>Programme and Capital Expenditure</b> – projected underspend is £15,000 for programme expenditure and £1,000 for capital expenditure.</p> <p>The underspend on programme relates primarily to planned focus groups for Farm Safety and Asbestos campaigns that were unable to take place due to Covid-19 social distancing rules.</p> <p>A summary of activities unable to take place due to the Covid-19 pandemic is outlined below:</p> <p><b>Salaries</b> - Planned overtime unable to be carried out in the offices.</p> <p><b>T&amp;S</b> - Reduction in iExpenses claims as very limited staff travel from the start of March. Travel costs to England and associated training course costs were reimbursed following cancellation due to the pandemic.</p> <p><b>Training</b> - Training planned for end of March was unable to take place – this included media, mental health first aid and trauma training</p> <p><b>Staff wellbeing</b> - Staff health checks and other charged wellbeing work was unable to take place as planned at the end of March. Staff have been advised of free webinars and other support services that they can make use of during this difficult time.</p> <p><b>Premises</b> - Some planned maintenance work at Ladas Drive was unable to take place – some of this related to the entrance foyer.</p>	

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	<p><b>Staff Equipment</b> - Some planned expenditure on staff equipment, PPE and other items such as polo shirts and branded items was unable to take place as staff were unable to attend to check sizing. Other items such as protective covers for mobile phones were reduced in level of importance as attention was focused on ensuring appropriate safety items were purchased for the longer term Covid-19 response – these were not received within the current financial year.</p> <p><b>Advertising</b> - Recruitment advertising did not take place as the recruitment process could not be followed in the current circumstances.</p> <p><b>Programme</b> - Campaign related focus groups were unable to take place due to social distancing.</p> <p>Mrs Singleton inquired outside of the tolerance spend, what position will HSENI be in in terms of audit outcomes? The CEO will follow up this query with the NIAO and report back. A discussion took place in relation to the qualification of accounts. Mrs Martin reported that there should be no issue with qualification of accounts as the audit reports on a fair and true set of accounts showing transparency with no management manipulation of the accounts. The Chair emphasised the need for a clear paper trail of decisions made.</p> <p>The CEO confirmed that the Department had been made aware of the overspend.</p>	<p><i>CEO to follow up with NIAO in relation to position of HSENI in terms of audit outcomes.</i></p>
<p>11. Legislation Report HSENI/16/2020</p>	<p>Mr Burns highlighted the following in the Legislation Report:</p> <p>A significant amount of work has been ongoing in relation to EU Exit. Legislation team staff have been liaising with colleagues in HSE and Department for Business, Energy &amp; Industrial Strategy (BEIS) in relation to this.</p>	

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	<p><b>The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) (EU Exit) Regulations 2020.</b></p> <p>Provisions amending the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2010 were to have been folded into an SI along with amendments to the corresponding GB Regulations. However, the Westminster Sifting Committee concluded that the Regulations should be affirmative resolution rather than negative resolution. This means that they will have to be debated in Parliament before they are made. Given that the Regulations will now need to be redrafted it is unlikely that the Northern Ireland provisions will continue to be included. In line with current guidance, separate Northern Ireland Regulations will now be brought forward. These Regulations will mirror the carriage of dangerous goods element of the Great Britain Regulations but will also maintain alignment with the Transportable Pressure Equipment Directive as required by the Northern Ireland Protocol.</p> <p>Mr Burns reported that the Legislation team lost a few weeks due to a lack of remote working for staff. They are now playing catch-up. Ms Smith asked SMT on their thoughts in relation to succession planning and managing the flow of people within the organisation. A discussion took place in relation to succession planning. Mr Burns assured the Board that SMT discusses succession planning but at present it is out of their hands until NICSHR lift the embargo on recruitment.</p> <p>Mr Burns reported that there has been a slippage in relation to Product Safety and Chemicals due to the Covid-19 crisis. The effects of this are not yet known. At present, HSENI is prioritising the Chemical regime.</p> <p>The Board noted the remainder of the report.</p>	

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12. AOB	<p><b><u>HSENI Draft Operating Plan 2020/2021</u></b></p> <p>The CEO reported that the document had been drafted before the Covid-19 crisis. HSENI has included a commentary on Covid-19 in the introduction. HSENI may need to consider the impact on the Corporate Plan.</p> <p>Mrs Singleton asked if the following sentence in paragraph 11 of the introduction could be reworded “<b>Of course as we draw to the end of this reporting cycle</b>” to reflect the beginning of the reporting cycle.</p> <p>A discussion took place in relation to publishing the document as Covid-19 was likely to have a significant impact on achieving quarter one and quarter two targets.</p> <p>Ms Smith suggested that a short term Covid 19 action plan may be more appropriate to direct the organisation during the crisis.</p> <p>The CEO will seek advice from the Department in relation to publishing and feed back to the Board.</p> <p>Mr Graham and Mr Wright reported to the Board that they had both met the previous Chair, Mr Lucas over the last few weeks. Mr Lucas passed on his best wishes to everyone.</p> <p>The Chair thanked everyone for attending, he appreciated all Board Members’ comments. The Chair, on behalf of the Board, thanked all HSENI staff for their work in the current crisis.</p>	<p><i>Sentence in paragraph 11 to be reworded.</i></p> <p><i>The CEO to seek advice from the Dept. in relation to a publishing date.</i></p>
13. Date of next Board Meeting	<p>The Chair suggested moving the date of the next Board meeting. Ms Nelson will circulate dates to Board members.</p> <p>Board agenda business finished at 12:20pm.</p>	<p><i>Ms Nelson to circulate dates for Board meeting.</i></p>

Board Minutes adopted and approved:

Signed:  .

Dated: **30<sup>th</sup> July 2020**

**Derek Martin, HSENI Chairman**