

**MINUTES OF THE 111<sup>th</sup> MEETING OF THE BOARD OF THE HEALTH AND SAFETY EXECUTIVE FOR NORTHERN IRELAND HELD ON THURSDAY 2<sup>nd</sup> JULY 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

**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  
Mrs D Mullan - Minutes

The Chair welcomed everyone to the meeting, and in particular Kevin Neeson, who was attending for the first time since being temporarily promoted to Deputy Chief Executive (DCE) over Services Division while Mr Burns undertakes the role of DCE over the EU Exit Division.

<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. ARMC Report to Board to include ARMC Self-Assessment Checklist and ARMC Annual Report to the Board <b>HSENI/19/20</b>	The ARMC Chair updated the Board on the latest meeting of the Committee which took place on 9 <sup>th</sup> April 2020. The Board was provided with the minutes from that meeting. The Chair also stated that the Board had been provided with a copy of the ARMC's Self-Assessment Checklist and Annual report to the Board, which detailed the workload undertaken by the Committee during 2019-20. The Chair advised there were two points from the report worthy of note.	

Agenda Item	Record of main discussion and Actions Arising	Action by Board Members/ Official(s) and update on progress from Actions Arising
	<p><b>1. The deferred laying of the accounts due to the current COVID-10 pandemic.</b></p> <p>SMT confirmed that HSENI was on track to have the Annual report &amp; Accounts laid before the Assembly by the revised deadline of 15th November 2020.</p> <p><b>2. Internal Audit</b></p> <p>The 2019-20 internal audit programme included review of six areas, five of which resulted in a 'satisfactory' assurance. One review, on Data Protection (GDPR) Arrangements, resulted in a 'limited' assurance. The Chair confirmed that the outcome of the report came as a surprise to the ARMC but confirmed that a detailed implementation plan was now in place to address the findings of the report. The Chair added that out of the five Priority 1 issues raised, two of these related to NICS wide Policies and that addressing these may be outside of HSENI's control.</p> <p>A discussion took place in relation to revised deadlines to address the recommendations and the ARMC Chair acknowledged that it was important to strike a balance between implementing Priority 1 issues and dealing with the current workload involving COVID-19, EU Exit and Chemicals work. Mr Burns confirmed that two Priority 1 and two Priority 3 issues could now be closed out. Three other recommendations are currently awaiting SMT or Assembly approval.</p> <p>The Chair asked for further detail on what was involved in addressing the issue raised in relation to 'Privacy Notices'. Mr Burns agreed to issue a note to all Board members to explain the issues raised on Privacy Notices, the current risks to the organisation and the steps being taken to address these. Mr Graham asked if there was an issue in relation to HSENI staff understanding of GDPR regulations. Mr Burns confirmed that since 2017, HSENI has been following NICS procedures, which have</p>	<p><i>Mr Burns to send Board members a note to explain the issues raised in relation to Privacy Notices</i></p>

Agenda Item	Record of main discussion and Actions Arising	Action by Board Members/ Official(s) and update on progress from Actions Arising
	<p>been fast-moving and complex and in the most part have taken the lead from the NICS. He stated that he was confident that the organisation does understand the GDPR principles but it is important to remain aware of the requirements.</p> <p>Mrs Singleton added that SMT had assured the Committee that the staff working on Data Protection are well trained and experienced. The issue of staff training had been raised at ARMC and it was agreed that Information Management Unit (IMU) staff would look into ensuring any new staff had undertaken the GDPR training course and that going forward, a staff training log would be developed and maintained to ensure all staff have completed all required training.</p> <p>Mr Kane asked, given the complexities surrounding the new GDPR principles, if HSENI was any different to other organisations in terms of the number of issues raised as a result of the audit. Mrs Singleton confirmed that the auditors had advised that audit reviews had raised a number of recommendations in all organisations. Mr Graham asked if there been any breaches of legislation. Mr Burns confirmed that in terms of adherence to GDPR regulations, there were no specific breaches within HSENI since the regulations came into effect. A discussion took place on the main risks associated with data protection. Mr Burns advised that the risk of malicious extraction of data was minimised by the encryption of HSENI devices and that paper documents remained the biggest risk.</p> <p>The ARMC Chair also advised the Board that during the ARMC meeting, Mr O'Neill from the NIAO confirmed that the high risk of HSENI underspending during 2019-20 would not be considered a major issue if it materialised, given the current circumstances.</p>	

Agenda Item	Record of main discussion and Actions Arising	Action by Board Members/ Official(s) and update on progress from Actions Arising
	<p>The ARMC Chair thanked the Committee members and Ms Nelson and Mrs Mullan for their support throughout 2019-20.</p> <p>Mr Mawhinney thanked Mrs Singleton and the Committee for the work undertaken during the year.</p> <p>Mr Mawhinney asked if the Committee and SMT had any concerns regarding the accurate reflection of 'proportionate autonomy' in the development of the current 'Partnership Agreement' by the Department. The Chief Executive confirmed that HSENI had a good relationship with the Department and was confident that the correct 'proportionate autonomy' would be applied when drafting the document. The Chair also added that his attendance at Oversight &amp; Liaison meetings has provided an insight into the good relationship between HSENI's senior officials and senior Departmental officials.</p> <p>Mrs Mullan provided the Board with an update on progress in the tender process to appoint a new Internal Audit Service provider. She confirmed that the tender competition had closed on 25<sup>th</sup> June and that the evaluation panel was currently evaluating responses with a view to holding a consensus meeting with CPD on Monday 6<sup>th</sup> July.</p> <p>The Board noted the Annual ARMC Report to the Board and all members were content to approve.</p> <p><b>Corporate Risk Register</b> Risks in relation to COVID-19 were discussed. Mr Mawhinney asked if there was a risk of reputational damage in relation to emerging risks on EU legislation. Mr Burns advised that the majority of legislation is UK wide and staff resourcing issues may lead to reputational damage should HSENI fail to have all amendments</p>	

Agenda Item	Record of main discussion and Actions Arising	Action by Board Members/ Official(s) and update on progress from Actions Arising
	<p>passed in the extremely tight deadlines set. It was agreed that HSENI should remain alert and aware of the potential reputational damage should we fail to meet the deadline in getting NI legislation passed. Mr Burns advised that a number of pieces of legislation would have to be passed in the July to September period and there may be problems obtaining slots to have legislation laid during this period. Mr Burns also advised that HSENI may be able to draw on support from DfE or the Departmental Solicitor's Office should we experience significant resourcing issues.</p>	
<p>5. Non-Executive Director's Report</p>	<p>The Chair stated that guidance issued in February 2020 included a requirement for the inclusion of a Non-Executive Director's Report on this year's Annual Report. The Chair's draft of the report was shared with all Board members. All members confirmed they were content with the report, and that it could be included without amendment.</p>	<p><i>Mrs Mullan to include the NED Report on the 2019-20 Annual Report &amp; Accounts</i></p>
<p>6. EU Exit update</p>	<p>Mr Burns confirmed that in relation to Chemicals, HSENI's risk exposure falls within five regimes:</p> <ol style="list-style-type: none"> <li>1. REACH Regulation</li> <li>2. CLP (Classification, Labelling and Packaging) Regulation</li> <li>3. Biocides</li> <li>4. PIC (Prior Informed Consent) Regulation</li> <li>5. Carriage of Dangerous Goods</li> </ol> <p>Mr Burns advised the Board that HSENI would come under a lot more scrutiny under the NI Protocol. HSENI will have to increase its staff complement to deal with the work mandated to HSENI. The organisation has relied on HSEGB for technical support but it may be the case that going forward, this support will incur costs. HSENI is the Competent Authority for Biocides and PIC regulations and DfE is the Competent Authority for REACH and CLP regulations. Mr Burns outlined the potential problems</p>	

Agenda Item	Record of main discussion and Actions Arising	Action by Board Members/ Official(s) and update on progress from Actions Arising
	<p>going forward including finance issues associated with the recruitment and training of HSENI staff, negotiations with HSEGB to secure technical support, and research needed to determine what chemicals are entering NI.</p> <p>Mr Burns explained that the remit of Product Safety covers a number of areas including pressure systems, and products at work such as PPE and respirators. HSENI currently only has one person in the organisation working on product safety. HSENI relies heavily on HSEGB to provide technical experts and going forward, this support would need to be formalised on an Agency Agreement and costs would be involved. Mr Burns advised that a lot would depend on the outcome of UK/ EU discussions.</p> <p>Mrs Singleton asked if financial issues had been flagged up with the Department on the draft position paper submitted. Mr Burns confirmed that this paper had gone to DfE before staffing costs had been considered but that a second paper had been submitted to DoF via DfE last week outlining expected staffing costs involved with EU Exit work.</p> <p>The Chair asked if there was any overall strategic thinking by the NI Government to put resources into a central EU Exit Body. Mr Burns advised that he was not aware of any plans to establish a central unit.</p> <p>Ms Smith asked if a brief paper could be issued to all members later in the year providing a basic overview of milestones from a governance point of view outlining the high level risks as we move towards the deadline date of 31<sup>st</sup> December 2020.</p> <p>The Chair confirmed that the Board was very supportive of the work being done by HSENI and asked if the Board</p>	<p><i>Mr Burns to issue a brief report to Board members at the end of August/ September outlining key milestones and high level risks associated with</i></p>

Agenda Item	Record of main discussion and Actions Arising	Action by Board Members/ Official(s) and update on progress from Actions Arising
	<p>could be kept informed of potential risks the organisation may be exposed to during the EU Exit process.</p> <p>Mr Wright asked if EU issues had been discussed at O&amp;L meetings with the Department. Mr Burns confirmed that the Department has an 'EU Readiness Board' and HSENI has and will continue to make the Department aware of any issues in relation to EU Exit work.</p>	<p><i>HSENI's EU Exit position</i></p>
<p>7. Finance</p>	<p>Mr Burns confirmed that the 2020-21 budget confirmation letter had been received from the Department. The pension uplift cost had been included on the budget but three areas were omitted:</p> <ol style="list-style-type: none"> <li>1. Historic pay uplift;</li> <li>2. National Insurance Baseline; and</li> <li>3. Uplift for trainees and agreed new posts</li> </ol> <p>HSENI has submitted a bid in the June monitoring round of £587k to cover these three areas. The situation is still under review.</p> <p>Mr Burns confirmed that Q1 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.</p> <p>Q1 programme spend has also been significantly lower.</p> <p>HSENI's Operating Plan was revised to take account of the COVID-19 crisis and will be issued to Board members within the next day for consideration in advance of the next Board meeting.</p> <p>Ms Smith welcomed the news that a revised Operating Plan had been developed and asked how it reflected the £587k deficit. Mr Burns advised that HSENI would have to hold back on discretionary programme spend and that</p>	<p><i>Mrs Mullan to issue revised Operating Plan to Board members</i></p>

Agenda Item	Record of main discussion and Actions Arising	Action by Board Members/ Official(s) and update on progress from Actions Arising
	<p>spend was being prioritised towards statutory and high priority targets. Focus on areas including farm safety and asbestos campaigns will continue although it is likely that the asbestos campaign development work will continue throughout 2020-21 and the campaign will launch next year.</p> <p>The Chair asked if the Q1 finance report would be available for the 30<sup>th</sup> July Board meeting. Mr Burns advised he was not hopeful that the outcome of the June monitoring round would be confirmed before this meeting but a Q1 finance report would be available.</p> <p>The Chair asked about whether or not SMT had been made aware of an O&amp;L meeting being arranged by the Department. The Chief Executive advised that due to current work priorities within the Department, there had been no mention of a meeting. The Chair asked if the Department could be contacted to arrange an O&amp;L meeting.</p>	<p><i>The Chief Executive to liaise with the Department to arrange an O&amp;L meeting</i></p>
8. HR	<p>A full list of all current vacancies will be provided at the next Board meeting on 30<sup>th</sup> July. Mr Burns highlighted the most serious issues in relation to vacancies, including the imminent retirement of two experienced Principal Inspectors and four Inspectors due to take place around September 2020. This will not only lead to a significant loss of experience but will also result in HSENI being reduced by six inspectors if two are promoted into Principal Inspector posts. HSENI has been in discussions with NICS HR as to how competitions can be run to fill vacancies while current COVID-19 restrictions are in place but no clarification on this has been received to date. Mr Neeson added that NICS HR is in consultation with Trade Union Side on the best way to proceed with interviews.</p>	

Agenda Item	Record of main discussion and Actions Arising	Action by Board Members/ Official(s) and update on progress from Actions Arising
<p>9. Staffing – Morale, Stress, T&amp;D of Trainees, Working remotely issues</p>	<p><b>Working remotely</b></p> <p>The Chief Executive updated the Board on ‘remote working’. The Head of the Civil Service issued guidance advising that where staff can work from home, they should continue to do so. Teleconferencing and videoconferencing facilities have been used to hold Board, SMT, Heads of Group and Team meetings. Inspectorate staff are carrying out inspections in pairs. Staff have been encouraged to take equipment from the office to make the workstation at home as comfortable as possible.</p> <p>A number of areas have been identified where staff need to access the building. These include the Major Investigation Team in order to carry out PACE interviews, OST staff who need to prepare prosecution files and Finance staff who can only access the ‘Navision’ system while in the building. Staff who need to access Ladas Drive can do so with approval from their line manager during a reduced number of hours each week.</p> <p><b>Staff Morale/ Stress</b></p> <p>Access to welfare facilities including Inspire has been communicated to staff. Mr Neeson also advised that staff have been encouraged to participate in Health &amp; Wellbeing Webinars. Heads of Group remain in regular contact with staff. Mrs Monson advised that mental health first aid training would be delivered online.</p> <p>A lengthy discussion took place as to whether HSENI should be considering a move towards reopening the building. SMT advised that the NICS guidance is to work from home where this is possible and, therefore, it would be difficult to go against this guidance. The issue of the organisation’s ‘effectiveness’ while staff work remotely was discussed. The Chief Executive advised that staff</p>	

Agenda Item	Record of main discussion and Actions Arising	Action by Board Members/ Official(s) and update on progress from Actions Arising
	<p>productivity has actually increased with these arrangements.</p> <p><b>Training &amp; Development of Trainees</b></p> <p>The Chair enquired about progress with RTP training to be undertaken by the trainees. The Chief Executive confirmed that HSEGB is currently carrying out updates to its online training system with a view to starting online training in September 2020. Mr Neeson and HSENI's Head of Trainee Mentoring are currently in negotiations with HSEGB to try to progress training for both trainee cohorts.</p> <p>The Chair asked whether there had been any engagement with Ulster University or Queen's in relation to the provision of legal training. The Chief Executive advised that whilst HSENI would be keen to have training provided specifically on the HSWO (NI), a move from the UK wide training programme may be difficult. The Chair indicated that it was important to try and progress training for both cohorts as soon as possible. Mr Monson reassured the Board that despite the delay in RTP training, trainees continue to gain on the ground experience, and have played a vital role throughout the COVID-19 crisis. Mr Neeson assured the Board that the one remaining module for the first trainee cohort should take place in October. The Chair asked that the Board be kept informed on progress with the reintroduction of RTP training. It was agreed that a brief paper would be provided to Board members providing an update on RTP training for trainee inspectors.</p> <p><b>Building Recovery Plan</b></p> <p>The Chief Executive advised of ongoing engagement with DoF Property Services on issues relating to the safe reopening of the building when 'remote working' guidance changes down the line. He advised that whilst business critical functions which require access to Ladas</p>	<p><i>Mr Neeson to issue Board members with a paper on progress with RTP training for trainee inspectors</i></p>

Agenda Item	Record of main discussion and Actions Arising	Action by Board Members/ Official(s) and update on progress from Actions Arising
	<p>Drive would continue to be accommodated, there were no immediate plans to reopen the building to staff. Consideration would need to be given to significant pressures on the cleaning regime. Communal areas and touch points would need to be sanitised on a regular basis and this would require an increase in the contracted cleaning hours. If the social distancing requirement reduces to 1m, mitigations would need to be put in place to reduce risks.</p> <p>Some Board members voiced concerns about complaints from the public about the lack of visibility of HSENI staff in Ladas Drive but the Chief Executive confirmed there had been no complaints on this issue and reassured the Board that the location of staff had no impact on HSENI's ability to work effectively and efficiently. Board members agreed they were content that the organisation was working effectively but asked that the matter be added to the Board agenda for an update to be provided at each Board meeting while the situation continues.</p>	<p><i>Remote working arrangements to be added to the agenda for an update at each Board meeting</i></p>
10. AOB	<p>Mr Graham asked if there had been an increase in the COVID-19 workload as businesses started to reopen. Mr Monson confirmed that the workload had eased slightly, but while complaints were less frequent, the nature of these had become a lot more complex and time consuming. The number of inspections being carried out is gradually increasing. HSENI continues to work with organisations including PHA and DAERA on high risk areas including meat production facilities. The Chief Executive stated that the number of technical enquiries and advice being sought in various formats, including Assembly Questions, is increasing as the lockdown eases.</p> <p>Mr Sinclair voiced his concerns about the number of farm accidents during the COVID-19 crisis, advising that the</p>	

Agenda Item	Record of main discussion and Actions Arising	Action by Board Members/ Official(s) and update on progress from Actions Arising
	<p>Air Ambulance had noted a significant increase in the number of call outs to farms.</p> <p>Ms Smith thanked the Chief Executive and SMT for their work during this difficult time.</p> <p>Mr Mawhinney asked if there had been a marked increase in the number of RIDDORS during COVID-19. Mr Monson advised that there was a significant decrease in the number of RIDDORS and major accidents during the period. There was a significant increase in the number of diseases (COVID-19) reported to HSENI but a number of these are not 'reportable' as it is impossible to confirm whether the virus was transmitted in the workplace or in the community.</p> <p>The Chair asked if any Board members were interested in participating in the Board Mentoring Scheme. He agreed that he would put himself forward to participate in the scheme.</p> <p>It was provisionally agreed that the Annual Report and Accounts would be reviewed and signed off at a Board meeting to be held following the ARMC meeting on 15<sup>th</sup> October to ensure the 15<sup>th</sup> November deadline was met for laying before the Assembly. The Board meeting scheduled for 29<sup>th</sup> October may be put back to a date in November to be agreed at the next Board meeting on 30<sup>th</sup> July.</p> <p>The Chair reiterated Ms Smith's comments on how the organisation had performed over the last three months and thanked SMT for their efforts throughout the COVID-19 situation.</p> <p>The Chief Executive advised that the Multi-Agency Gold Incident Command (MAGIC) training course he had been</p>	

Agenda Item	Record of main discussion and Actions Arising	Action by Board Members/ Official(s) and update on progress from Actions Arising
	looking into may now take place in September/ October 2020.	
11. Date of next Board Meeting	The next Board meeting will be held on Thursday 30 <sup>th</sup> July 2020 @ 11:30am.  The meeting ended at 12:50pm	

Board Minutes adopted and approved:

Signed: 

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

**Derek Martin, HSENI Chairman**

It was agreed that the minutes from both the Board meeting held on 24<sup>th</sup> April 2020 and this meeting would be agreed and adopted at the Board meeting to be held on 30<sup>th</sup> July 2020.