

MINUTES OF THE 112th MEETING OF THE BOARD OF THE HEALTH AND SAFETY EXECUTIVE FOR NORTHERN IRELAND HELD ON THURSDAY 30th 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 C Lewis - DfE
 Ms L Nelson - Minutes

The Chair welcomed everyone to the meeting including Mr Lewis from the Department. Mr Lewis provided the Board with an update on the current position within the Department. It was agreed that Mr Lewis would provide his update first on the agenda to allow him to attend a meeting later in the morning. It was also agreed that Mr Burns would provide an update on the HR Report, Finance Report and Legislation Report as he also had to attend another meeting.

The Chair on behalf of the Board expressed best wishes to Mr Neeson on his marriage.

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1. Apologies	Mr K Neeson	
2. Corporate Health, Safety and Welfare	No significant issues to report.	
3. Declaration of Conflict of Interest(s)	None to report.	
4. Departmental Update	<p>Mr Lewis provided the board with a detailed update on the current position within the Department. Mr Lewis advised that there has been a lot of change since March 2020, the priority for the Department was to continue with business continuity while reacting to pandemic pressures as well as the Minister’s requirements.</p> <p>Mr Lewis highlighted the following:</p> <ul style="list-style-type: none"> • 98.9% of 1200 staff were working remotely; • Departmental advice is to work remotely until March 2021, however this is to be reviewed 	

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	<p>regularly, and depending on possible COVID-19 spikes this could change;</p> <ul style="list-style-type: none"> • HSENI's involvement in advice to the public at the beginning of the pandemic; • Three grant schemes set up, which in turn led to a huge increase in correspondence; • DfE's Business Plan had to be revised in light of COVID-19 to include a COVID-19 recovery plan; • Rebuilding the Economy post COVID-19; <p>A discussion took place in relation to EU Exit, budgets and the impact of these on HSENI. Ms Smith asked Mr Lewis if the Executive had any appetite to move budgets from 1 year to 2-5 years to allow business planning. A discussion took place in relation to budgets and Ms Smith thanked Mr Lewis for his clarity.</p> <p>The Chair thanked Mr Lewis for his very useful update, stating that HSENI appreciated the support received from the Department.</p> <p>Mr Lewis informed the Board that Mr Brennan, DfE Permanent Secretary was keen to engage with Arm's Length Bodies. It was agreed to invite Mr Brennan to the HSENI Board meeting on 29th October 2020.</p>	<p><i>Mr Brennan to be invited to HSENI Board Meeting on 29th October 2020.</i></p>
<p>5. Minutes HSENI/17/2020 HSENI/20/2020</p>	<p>The minutes of the Board meetings held on 28th April 2020 and 2nd July 2020 were circulated to Board members prior to the meeting. The minutes were approved and adopted.</p>	
<p>6. Matters Arising</p>	<p>The Chief Executive confirmed that numbers 3, 4, 5, 7, 8, 10, 11, 12, 14, 15, 16 and 17 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. Mrs Monson stated that in relation to number 2, the Principal Inspector for the Occupational Health & Hygiene Group was working on a virtual presentation for the next Board meeting. Numbers 6, 9 and 13 are ongoing.</p> <p>Mr Graham asked how the Trainee Inspector's feel about the delay in their training. Mr Monson explained that the trainees are currently working on written assessments and practical modules, as well as carrying out site visits.</p>	

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	<p>Mrs Singleton asked in relation to the delay in recruiting a further cohort of trainee inspectors and holding back on the inspector vacancy, if the Board could get assurance that HSENI will be able to fulfil their statutory role? It was agreed to cover this point on the HR Board report later on the agenda.</p> <p>The Chair said he was pleased with the comprehensive report in relation to the trainee inspector's training and asked that it be included on the agenda to update the Board at future meetings.</p>	<p><i>Ms Nelson to include Trainee Inspector training on future Board agenda.</i></p>
<p>7. HR Report HSENI/23/2020</p>	<p>The Board was updated in relation to the HR Report and the following items highlighted:</p> <p>Sickness Absence: Mr Burns reported that HSENI's absence rate was 2.25%. 97% of staff had no absence. The number of staff with an absence was 1.5, an estimated cost of £7,500.</p> <p>Vacancies: Mr Burns highlighted the following vacancies to the Board:</p> <ul style="list-style-type: none"> • Assistant Scientific Officer, Staff Officer (Planning / Complaints): there are no immediate plans to move on these; • Two EO1 Complaints Officers: this is progressing and posts should be filled by January 2021; • Four H&S Inspectors and one Business Advisor in Construction (EO1): these vacancies are on hold at present. A SMT decision is required; • One temp new DCE to cover EU Exit has been filled; • The Principal Inspector (PI) competition is progressing and interviews are due to take place late September / early October; • Trainee inspector competition: SMT have agreed this needs to happen but not likely this year due to COVID-19 and the ability to secure RTP training places with HSE, as well as the fact that the organisation would not have the capacity to manage such a high number of trainees. 	

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	<p>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. Mr Burns also explained that the 2 Principal Inspectors due to retire in September, after agreement with the Department, would now both partially retire and work within the EU Exit team. Their vacancies would be filled by the Principal Inspector competition. The Chair asked if HSENI could increase Business Advisors to cover the pressure. Mr Monson explained that trained Inspectors were more beneficial to the business. Mrs Monson assured the Board that SMT, in conjunction with heads of groups, was prioritising work areas with a constant movement of resources.</p> <p>Ms Smith asked when HSENI would reach full capacity of staff. The Chief Executive explained that there would always be a degree of turnover of staff.</p> <p>Mr Wright asked if it was possible to bring HSE staff over to Northern Ireland to deliver the training to the Trainee Inspectors. Mrs Monson explained that HSENI's Head of Trainee Mentoring was looking at getting access to training in conjunction with HSE and HSA.</p> <p>A lengthy discussion took place in relation to the RTP training places and alternative arrangements for delivery of the training. Dr Monson advised that he has been researching a new training model, either a sole or blended model, but it must be accredited by an appropriate body. 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.</p> <p>Mrs Singleton stated that she is reassured about how SMT is managing the situation.</p> <p>The Chair requested that the Board is kept up to date with any decisions made.</p>	

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<p>8. Finance Report HSENI/24/2020</p>	<p>The Board was updated in relation to the Finance Report and the following items highlighted:</p> <p>Staff and Operating Costs' expenditure amounted to 25% spend out of the total budget.</p> <p>The following bids were made in the June monitoring round;</p> <ul style="list-style-type: none"> • £92k - national insurance contributions. • £275k to fund historic pay increases. • £80k to fund the uplift of the previous cohort of trainee inspectors. • £140k to cover the PI post and 2 EO1 complaints officers. <p>These bids were not met, the budget has not been updated to reflect them.</p> <p>Since the June monitoring round bids were submitted, the following decisions have been made in relation to 2020-21 budget needs, in light of the current pandemic;</p> <ul style="list-style-type: none"> • Staffing of EU Exit posts from internal HSENI complement and permission granted to access £112k Domestic Readiness budget to cover part of this cost – the budget above has been updated to reflect this £112k increase. • Hold the current 4 Inspector and 1 Business Advisor vacancies. • Engage the services of a part-time press officer from within the NICS to assist with media management in the current climate. • Timing of vacancy filling reviewed in light of current climate. <p>The impact of these will be reflected in a reduced October monitoring round bid which will be in the region of £300k. An internal review is taking place to prioritise spends and develop contingency plans to deal with the potential of October monitoring bids not being met.</p> <p>Programme expenditure amounted to a 7% spend out of the total budget to 30th June 2020.</p>	

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	<p>In the revised Operating Plan HSENI has profiled to spend its budget but this will be monitored for potential underspend in the current climate.</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. Q1 programme spend has also been significantly lower.</p>	
<p>9. Legislation Report HSENI/25/2020</p>	<p>The Legislation Unit is continuing to carry out its EU exit work 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><u>EU Exit</u></p> <p>HSENI is involved in three areas (chemicals / product safety / legislation). Currently HSENI has Louis Burns and Norman Lyons (product safety) working on EU Exit. From September 20 there will be the equivalent of one more person assigned to work in this area.</p> <p><u>Chemicals:</u></p> <ul style="list-style-type: none"> • very likely to require funding for new compliance / enforcement staff (estimated to be circa £200k per annum recurring); • very likely to require a paid for back up service from UK Chemicals Authority for HSENI on enforcement (cost unknown at present); • will require UK Chemicals Authority to provide 'Competent Authority' role on behalf of HSENI by way of agency agreement on Biocides (cost unknown at present); and • will require UK Chemicals Authority to provide 'Competent Authority' role on behalf of DfE by way of agency agreements on REACH and CLP 	

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	<p>(estimated to be £300k recurring – this may cover some or all of c above but no certainty on this).</p> <p><u>Product safety:</u></p> <ul style="list-style-type: none"> • very likely to require funding for new staff (estimated to be circa £200k per annum recurring); and • very likely to require a paid for back up service from HSE (HSL) for enforcement / testing of products / analysis against EU product standards (unknown at present). <p><u>Legislation:</u></p> <p>May incur a cost for the ongoing maintenance of EU alignment for legislation in chemicals and product safety which are in Annex 2 of the NI Protocol (cost unknown at present).</p> <p>The first stage, which we are in at the minute, is working with HSEGB / BEIS / OPSS etc. to support ongoing UK/EU negotiations. This will hopefully determine what the EU will permit (e.g. the current big issue is allowing UK Government departments access to EU databases to discharge the above NI functions).</p> <p>There is a large piece of work upcoming for DfE and HSENI on stakeholder engagement and preparing industry for life after 1 January 2021 but HSENI is in something of a hiatus until we see the outcome of the trade negotiations. There are foreseeable difficulties if clarity does not come until late in the day.</p> <p>HSENI is currently receiving very good support from all GB Government departments on all fronts.</p>	
10.Chairman's Business	<p>The Chairman updated the Board on Board Appointments and the Boardroom Apprenticeship Scheme.</p> <p>Board Appointments</p> <p>The Chair reported that a meeting has been arranged for 10th August 2020 with the Public Appointments Unit to commence the process for the appointment of new Board members. It is hoped that new Board members will be appointed for 1st May 2021. The Chair is not</p>	

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	<p>aware of how many new appointments will be made, as further extensions to current Board members may be granted. The Chair agreed to keep Board members up to date with appointment progress.</p> <p>Boardroom Apprenticeship Scheme The Department of Finance (DoF) is running a Board Apprenticeship Scheme. Carol Mounce will be joining the HSENI Board as an apprentice on 1st September 2020. Mr Wright has agreed to be her point of contact for the Board. The Chair and Mr Wright have arranged to meet Ms Mounce next week for an introductory meeting. Ms Mounce will sit in on Board meetings and participate in discussions.</p>	
<p>11. Chief Executive's Report HSENI/22/2020</p>	<p>The following items were highlighted by the Chief Executive:</p> <p>Complaints Complaints received by HSENI are rising again.</p> <p>COVID-19 The Chief Executive advised that COVID-19 is still in the community due to the outbreak of cases in Moypark, Ballymena.</p> <p>Fatality Statistics The Chief Executive highlighted a discrepancy in the fatality figures in his report. The correct figure is four for quarter one ending 30th June 2020. Dr Monson explained to the Board that there are two methods of collecting the information and these are normally cross-referenced. Due to annual leave, this was not carried out. He assured the Board that the figure will be rectified before the next Board meeting. The Chair voiced his opinion that four fatalities is disappointing in such a short time. Dr Monson stated that four is not uncommon at this time of the year.</p> <p>The Chair asked if there was a hold up in the system in relation to prosecutions. Mrs Monson assured the Board that, despite the limitations in the court system, the work of the Major Investigation Team was still ongoing and they were doing their best to progress investigating cases including carrying out statements under caution and taking witness statements.</p>	

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	<p>Mr Mawhinney highlighted that the RIDDOR reports were significantly down on the same period last year. He asked if HSENI might have expected an increase in the food processing and health sectors. 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>12. HSENI Operating Plan HSENI/26/2020</p>	<p>HSENI's Operating Plan was revised to take account of the COVID-19 crisis and was issued to Board members for consideration in advance of the Board meeting. The Chief Executive explained that SMT along with Heads of Groups (HOGS) identified priority work areas.</p> <p>Ms Smith, after referring to NIAO Guidance issued to ARMC Members, asked the Chief Executive how HSENI would reconcile the budget with the new plan. The Chief Executive said that money could be spent in the Asbestos and Farm Safety campaigns along with advertising and media. The Chief Executive assured Ms Smith that SMT will re-evaluate the budget regularly.</p> <p>Mrs Singleton, also referring to the NIAO Guidance, stated that HSENI have to be able to reflect the impact of COVID-19 on objectives. Business Plans must be revisited and updated. SMT will encourage teams to look at Business Plans and record evidence of adjustments made. Mrs Monson assured Mrs Singleton that this was carried out by HSENI.</p> <p>Ms Smith asked what the biggest risk was in relation to COVID-19 and if the new Operating Plan was achievable. The Chief Executive said the biggest risk is adapting to different working methods.</p> <p>The Board was content and approved the revised Operating Plan for onward transmission to the Minister for approval and sign off to allow it to be published.</p>	

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<p>13. Remote Working Arrangements</p>	<p>Remote Working Arrangements</p> <p>The Chief Executive updated the Board on ‘remote working’. DfE Permanent Secretary, Mr Mike Brennan, issued an email to all staff advising that where staff can work from home, they should continue to do so until March 2021. This will be reviewed in September 2020. 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>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 Chair stated that his preference would be to hold face to face meetings, and that due to his concerns that staff would become disengaged from their line managers and team members, he would encourage face to face interactions.</p> <p>Mr Wright agreed with the Chair’s comments to re-establish the workplace. He asked would it be possible to hold the next Board meeting in Ladas Drive. The Chair agreed, stating that he is keen to show leadership and commence face to face meetings. Mrs Monson informed the Board that the T&R room has been set up to facilitate Interviews after Caution and Witness Statements. Even with the arrangements in place, it is still hard to socially distance in the T&R room. The current room set up would accommodate five people comfortably. It would therefore not seem feasible to hold a full Board meeting there.</p> <p>Mr Mawhinney said that as the next Board Meeting had a specific agenda to sign off the Annual Report and Accounts, he did not see a great advantage of using Ladas Drive to hold the meeting.</p> <p>Ms Smith asked what traceability facilities HSENI had on people entering the building. Mr Monson explained that</p>	

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	contact details were taken of each person entering the building along with questions in relation to COVID-19 symptoms.	
14. AOB	<p><u>Asbestos Campaign – Board Approval</u></p> <p>The Chief Executive explained that through focus groups, HSENI had identified a lack of knowledge in relation to Asbestos. Approval was sought from the Board to spend £90k on an Asbestos Campaign.</p> <p>A discussion took place in relation to lack of awareness and understanding of Asbestos.</p> <p>The Board was content and approved the Business Case spend of £90k for the Asbestos Campaign.</p> <p>Mrs Singleton advised the Board that the new Internal Audit contract has been awarded to Cavanagh Kelly. Mrs Mullan and Mr Ditchfield will have an introductory meeting on 30th July 2020. Further meetings will be arranged with HSENI's SMT and the ARMC Chair to discuss the details of the Internal Audit Charter and the three year Audit Strategy.</p> <p>Once developed, the Internal Audit Charter and Audit Strategy will have to be agreed by all ARMC members, and following agreement, the 2020-21 internal audit programme can proceed.</p>	
15. Date of next Board Meeting	<p>The next Board meeting will be held on Thursday 15th October 2020 @ 11:30am to review and sign off the Annual Report and Accounts. A full Board meeting will take place on Thursday 29th October 2020 @ 09:30am.</p> <p>The meeting ended at 12:40pm</p>	

Board Minutes adopted and approved:

Signed: 

Dated: **29th October 2020**

Derek Martin, HSENI Chairman