

Presentation – HSE Progress Report and future plans

Rosi Edwards, Regional Director, HSE Midlands Region

Following on from the Chairman’s appeal for more contributions to Members’ corner, **Mark Hoare, of the University of Birmingham**, then made a short presentation to describe the facilities and operation of the BHSEA website. The BMI projector is now on-line’ so this enabled Mark to carry out a live demonstration of how to conduct an “Alphabetical search” of the guidance on the site, to find out about the BHSEA Meeting programme and how to find out details of the Annual Seminar.

After Mark’s presentation, the Chairman asked **Rosi Edwards, HSE Regional Director**, to give her presentation. Rosi started by looking back to last year to get a perspective on 2011/12. The strategy was to prioritise attention on important activities and industrial sectors, taking into account the austerity measures demanding a 35% cut in budgets over four years. They would learn from the European enforcing authorities who had faced similar cuts, drive forward efficiency measures and spend a higher proportion of time on investigative activity. It is probable that HSAOs would give more support to investigations, with more help from industry experts. This would also see a reduction in media campaigns and reduced publicity, probably accompanied by a move towards making more charges for Asbestos licensing and Major Hazard consultation. They would be complying with the Government policy to reduce the burden on business, at the same time as influencing others to take responsibility for their own H&S. Underneath all of this would be strong move to manage the HSE’s resources more effectively.



Rosi Edwards

On the subject of accident performance, the UK’s was consistently one of the best in Europe, albeit this was against a long-term knowledge that there was 60% under-reporting on RIDDOR. In 2009/10 there were 152 fatalities and 26,061 major accidents, continuing the downward trend compared to the 5 year average. In Construction there were 42 deaths – a reduction of 32% from the average for the previous five years! Manufacturing saw a 24% reduction from the previous five-year average, to 25 deaths, whilst the 41 deaths in Services was a 33% reduction. In contrast, Agriculture saw a 3% reduction.

When it came to fatal diseases, Rosi went on, it is no surprise that Asbestos still dominates with 4,000 deaths, although the Mesothelioma cases are likely to peak in

2016 with over 2,000. the most recent analysis is for 2008 where 117 deaths were from asbestosis and 2249 from Mesothelioma. The statistics for other health results were not as good with a statistically significant increase in prevalence back to the 2007-08 levels. Data from GPs and Specialists confirm the Labour Force Survey (LFS) proportion and prevalence figures.

On the enforcement side of the HSE activity, there were 1026 prosecutions, with 735 convictions. Local Authorities prosecuted for 287 offences with 254 convictions. HSE issued 9734 Notices and Local Authorities issued 6147. In the West Midlands, the statistics were: -

- 9 workers killed
- Reportable Injuries rate 105.8 per 100,000
- 108 prosecutions by HSE – 85 convictions
- 2,375 major injuries (2,578 in 08/09)
- 106,000 people made ill by work (LFS) – 4030 per 100,000 people Similar to 08/09)
- 29 prosecutions by LAs – 24 convictions.

If you ask “are things getting any better?”, Rosi added, the facts speak for themselves.

- Ill-health – long term fall from 2001/2 to 2009/10 of 15%
- Fatal and Major Injuries – on track at 22% fall (target 10%)
- Construction – fatal number and rate lowest on record; 14% fall in major injuries rate since 2008/09
- Working days lost – 30% fall

When looking at specific actions in 2010/11, Rosi quoted the investigation into LPG pipework, following the large accident in Scotland. In Midlands the targets for inspection of commercial installations were met. Surprisingly they found that even some of the newest installations used metal pipes instead of plastic pipes. 2,770 sites were visited and 1234 notices were issued for serious non-compliance.

On the Asbestos activity, the Construction Group had a priority to visit a proportion of notified licensed jobs because that’s where the problems lie! They also held SHADs for occupiers to explain the new duty to manage asbestos risks in premises with good quality of surveys, procedures and information. There was a focus on Schools.

On the question of Leadership, there was good follow-up after prosecutions to look at worker involvement to assess tangible improvements. Considerable effort was put into vulnerable workers in the food processing industries, typically where migrant workers were not sure of their rights or where there were pregnant workers. A Polish outreach worker had been appointed to help in this area. Fresh emphasis was also being made in the waste industry with more investigations and inspections.

In conclusion, moving forward to 2011/12, Rosi announced an Intensive Inspection Initiative in the high risk Refurbishment Construction activity, due to start in February for a month. Other big issues are likely to be: -

- Promoting leadership – within individual firms and sectors of industry
- Vulnerable and migrant workers involvement
- Inspection and enforcement – during management inspections and post – enforcement senior reviews to see if the lessons have been learnt and changes embedded.
 - Asbestos – as before
 - LPG – further visits
 - Waste industry
 - Food processing

Members' Questions

George Allcock enquired about feedback on the implementation of the Corporate Manslaughter and Corporate Homicide Act 2008. Rosi said that the first and only prosecution had been brought against Cotswold GeoTechnical Holdings after a Junior Geologist had been killed in an excavation collapse. The case involved both Corporate Manslaughter Act and offences under the Health and Safety at work Act. However, this prosecution was not being pursued, due to the serious illness of the Director involved, resulting in him being unfit to plead.

Robin Powell, of DSM Demolition, referred to the total Asbestos related fatality statistics and those for Mesothelioma and asked to what the remaining figures related. Rosi said they referred to other Asbestos diseases.

Malcolm Copson of Geopost UK asked if Large CDM projects featured on the HSE Work Programme and Rosi replied that their focus would be on small refurbishment jobs where there was a relatively higher priority.

Mark Hoare of the University of Birmingham asked if there would be any problems with changing the RIDDOR reporting criteria from “Over 3 Days” to “Over 7 Days”. Rosi replied by saying that the statistics were more reliable for the longer absences, because of the serious ‘under-reporting’ experienced with 3-Day periods. The Government was also in favour of the changes because they would reduce the cost burden on industry, in line with its current Business Policy on reducing ‘red-tape’. There was also the fact that HSE did not respond to Over-3-day reports with any investigations.

Brian Higgins of the West Midlands Police Federation commented that the Independent Police Complaints Commission (IPCC) were responsible for investigating the actions of Police Officers after instances of deaths, but that there was no feedback on Management failures that might have lead to the cause of the incident. Rosi indicated that these investigations were prescribe by law and not referred to HSE.

Robin Powell asked why HSE tended to use barristers in court cases. Rosi commented that it was very often the most cost-effective option for HSE. The barristers came from their Bootle office, were more experienced on court procedures and freed up time for Principal Inspectors to carry out their other work.

An 'anonymous' member asked about the intimidating impact of barristers, and the court process at Tribunals, on the small businesses. Rosi said they were not intended to intimidate at all, and urged anyone faced with a Tribunal to talk to the Principal Inspector bringing the action before the day in court. Very often problems with enforcement notices can be sorted out beforehand and notices altered to reduce the ordeal in court.

As there were no further questions, the Chairman thanked Rosi for her very welcome and informative presentation and asked the members to show their appreciation.