

Partnership on Health And Safety in Scotland

**Minutes of the steering committee held on
20th March 2009 at HSE's Glasgow Office**

In attendance:

Danny Carrigan	PHASS Chair (HSE Board member)
Steve Bell	SCHWL, Director
Paul Stollard,	HSE Director, Scotland
Carole Boyd	South Ayrshire Council, Corporate Safety Manager
David Evans	SoCOEH
Linda Aitken	HSE, Health and Safety Awareness officer
Kathy Jenkins	Scottish Hazards
Sarah Jones	HSE, Director's Office, Scotland (Secretary)
Karen McDonnell	POOSH Scotland
Roddy Duncan	Scottish Government - Public Health and Well-being Division
Katy Jeffrey	COI
Russel Griggs	CBI Scotland
Alan Crawford	Scottish Government, Occupational Health and Safety Advisor
Robert Atkinson	SCHWL Development Manager

Apologies:

Harry Frew	STUC and UCATT
Rory Mackail	Federation of Small Businesses
James Hynd	Scottish Government, Corporate Facilities Management
Fiona Smith	UNISON

In attendance for the joint item -

Members of the Healthy Working Lives National Advisory and Advocacy Group:

Sir Andrew Cubie	HWL NAAG Chair
Margaret Burns	Chair NHS Health Scotland
Aileen Simpson	SCHWL
Ewan MacDonald	SALUS and HWL Research Group (Glasgow University)
Ian Taylor	JobCentre Plus
Helen Tyrell	SCVO

Welcome and Introductions

1. Danny Carrigan welcomed everyone to the special joint session of HWL NAAG and PHASS.

Establishing a clearer working relationship between HSE and SCHWL (PHASS 13/02)

2. Paul and Steve introduce the paper as an expression of the discussion between SCHWL and HSE over a period of months. The aim was to clarify the relationship between the two organisations, to play to each other's strengths, avoid duplication of effort and fill in any gaps which could add value to work to engage businesses about their health and safety performance. Both organisations recognised their distinctive spheres of influence within a health, safety, work and well-being continuum which stretched from regulating high hazard industries to promoting the health and well-being of people in work and out of work.

3. Andrew added that the paper was timely in view of the Scottish Government's review and refresh of its Healthy Working Lives strategy and HSE's recent workplace health and safety strategy consultation. He emphasised that the health and well-being of people out of work and needing support to return was an equally important aspect of SCHWL's work.

4. David agreed that the paper represented the right direction of travel which should encompass the role of LAs in thinking about the detailed implementation. Russel felt that although more organisations could be included in such an approach over time, one of the aims should be to reduce confusion amongst businesses of who does what. It was agreed that the paper represented a template for further discussion on developing the relationship between SCHWL and LAs but that work on the HSE/SCHWL bilateral proposals should go ahead – as Margaret said - to see what worked.

5. Margaret also felt there was merit in exploring a merger of the two stakeholder bodies as both were involved in advocacy for the benefits of safe and healthy work to improve health and well-being.

6. In welcoming the paper, Ewan mentioned the HWL remit covered the whole of the working age population. He felt that during the economic downturn, an important test of the proposals would be in whether they could strengthen the protection of vulnerable workers clinging on to tenuous employment.

7. Kathy said that Scottish Hazards and the trade unions were on record as seeking more enforcement action to prevent work-related injury and ill health. If the proposals supported that she would be content. Kathy also mentioned the need to advise and support individual workers as well as employers.

8. In conclusion, the paper was agreed in principle. Further work would now be done to develop the operational detail. This would be based on piloting and choosing issues which would demonstrate shared thinking while putting into practice a clearer division of responsibilities. Consideration of merging PHASS and HWL NAAG would await the outcome of the Scottish Government's HWL review. A progress report including a joint project around a particular theme to illustrate the approach would be presented at a further joint session of PHASS and HWL NAAG on 9th December 2009.

Action: HSE and SCHWL to develop detailed arrangements based on the ideas proposed in the paper. PHASS and HWL NAAG Secretariats to arrange a second joint session to coincide with their meetings on 9th December at the Scottish Government offices St Andrew's House, Edinburgh.

Joint session ended. HWL NAAG members retired.

PHASS meeting

9. Danny introduced and welcomed a new member of PHASS - Carol Boyd, South Ayrshire Council representing LAs as employers.

Minutes of the meeting on 12th December 2008

10. These had been agreed and published on the Partnership section of HSE's Scottish web pages.

Matters Arising

11. **HSE involvement in SEARS** (Scotland's Environmental and Rural Services). Paul reported that he had been considering the potential for involvement in SEARS. This is a Scottish Government initiative to bring together all the agencies and departments (e.g. SEPA, animal health, farm payments) that have to visit farms to reduce the number of visits. SEARS is a partnership of nine public bodies aiming to provide Scotland's rural land managers with an efficient and effective service by:

- co-ordinating when they need to contact and visit;
- providing easy access to information and advice;
- providing a consistent and responsive service; and
- delivering a service which focuses on needs.

Although it would not be appropriate for HSE to be fully involved as there is no programme of planned visits to every farm, however there might be opportunities for other government agencies, which do make such visits, to reinforce the health and safety message. Further work is to be done to see if this is possible.

12. **Enforcement policy with regard to stress.** Sarah informed members that enforcement action was likely to be limited in relation because of significant challenges in applying health and safety legislation to work-related stress, namely:

- making a strong evidence-based link between the harm suffered and the triggering stressor(s) at work;
- the onerous burden of proof required for health and safety legislation; and
- the lack of well defined or established standards of control for workplace stressors: all organisations are different, and it is important for them to develop locally relevant solutions to their problems, in consultation with their employees rather than looking for 'off the shelf' risk control strategies. The HSE publication, Managing the causes of work-related stress (HSG218) provides advice on solution generation.

In some circumstances, however, action will be taken to secure compliance with Regulation 3 of the Management of Health and Safety at Work Regulations 1999, requiring completion of a suitable and sufficient risk assessment.

13. **HSE policy on IOSH membership.** Sarah informed members that although HSE did not pay staff for membership of IOSH (or similar bodies with a broad base of members) unless they were required to be a member in connection with official duties - membership and attendance at IOSH branch meetings was encouraged as part of staff's continuous professional development as well as to share experiences and news of developments within HSE. Danny and Paul had both recently attended and spoken at IOSH branch meetings; and IOSH hosted regular speaking engagements for inspectors. Karen said she would pass on the HSE position. IOSH was a very important network of professional practitioners with about 2,500 members in Scotland.

HSE Scotland Director's report (PHASS/13/03)

14. Paul highlighted and added a couple of items:

- the aquaculture event was a first of its kind in an important industry with significant risks in Scotland. It was hosted by the Northern Lighthouse Board in Oban.
- the refurbishment inspection campaign was a major undertaking involving significant inspector resources targeting thousands of premises across GB. Many Improvement and some Prohibition Notices had already been served.
- the C difficile work demonstrated HSE's willingness to participate in such an investigation to learn and apply lessons elsewhere. However, the level of resources that could be required to investigate all similar outbreaks was simply not available. Consideration was being given as to the best way to manage expectations of HSE as the potential regulator – in these circumstances - with criminal enforcement powers of last resort.
- the new specialist prosecuting division within COPFS had been created on 2 March. Fiscals would be joining HSE and working from HSE offices one day a week. There would be three teams on Edinburgh, Glasgow and Aberdeen.
- the response to the HSE strategy consultation would be published in May. Scotland's workplan for 2009/10 was almost finalised to include some reflection of the new strategy. However plans would evolve over the year to fully take it into account in 2010/11.
- new inspector recruits would be joining HSE in Scotland next week
- HSE – Paul and Judith Hackitt – were due to give oral evidence to Calman Commission on 3rd April. Developing the relationship between reserved functions and devolved service as envisaged in the HSE/SCHWL paper would provide important context for that debate.

15. David raised a question about the handover of 'conventional' health and safety inspection at nuclear sites to mainstream inspectors. It was confirmed that this was happening without transfer of, or additional, resources but would of course release more specialist staff for licensing work and reassurance on a new generation of civil nuclear installations. Nuclear Safety Directorate already charged the industry for their work.

16. Kathy picked up on the plan to set visiting targets for the new Environment and Care Inspectorate and drew comparison with similar approach to care home inspection but not HSE inspection. In fact, the Care Commission had since recognised that visits needed to be targeted at poor performers. HSE inspection would continue to be based on risk so far as intelligence allowed. Paul reported that HSE would continue to clarify its relationship with other scrutiny bodies; the landscape was soon to change as a result of the Crerar review recommendations with the merger of some bodies and the creation on new ones. HSE's safety and health awareness days for care home operators had been a great success. They had been oversubscribed and more events were likely to take place later in the year.

17. David reported that the recent annual LA/HSE Partnership conference had heard from the UK Better Regulation Executive. Interesting debate had been around the need to raise the profile of public health and safety. No-one had seemed to be making the case for a change in the reserved status of health and safety regulation.

Scottish Centre for Healthy Working Lives update: development of the Sickness Absence Management tool

18. Robert described the origins of this initiative in presenting his paper. IOM had developed SART for HSE who had commissioned the Glasgow University Healthy Working Lives research group to pilot it. Pilot businesses were selected largely from SCHWL's existing client base.

19. Feedback on the need for this kind of support to SMEs had been good. The wider benefits were also recognised of using it to collect data for analysis of the causes of sickness absence. HSE had decided not to fund further development work – in line with new policy to encourage others better who were placed - but were happy to relinquish ownership for others to take it forward.

20. Discussion ranged from the need to engage workers in developing positive benefits from sickness absence management policies to seeking CBI and FSB support for promoting uptake. As a tool to develop evidence-based policy Roddy cautioned that self-selecting employers may be unrepresentative. He reported on the agreement to fund the Glasgow Centre for Population Health to develop a work and health observatory facility.

21. Sarah said that this initiative recognised the value of passing issues between organisations as appropriate to maximise the return on initial investment by one or the other. Timely relinquishing of ownership was as important as working together.

22. PHASS members noted and welcomed the proposals for further development.

HSE Board Update

23. Danny reported that the HSE Board was now based in Bootle but would continue its policy of periodic meetings in other HSE locations around GB. Its forthcoming residential meeting would be held at the Health and Safety Laboratories in Buxton. Topical issues were the proposal for a voluntary register of tower crane erectors after several serious incidents. UCATT and FACK had been lobbying. The potential for new build and new design nuclear installations required a lot of careful work and resource in HSE's nuclear installations inspectorate. They were engaged in ensuring that designs which might be imported from other countries would meet stringent safety standards established by the UK licensing regime. Alongside this, the case for re-positioning and re-structuring nuclear safety expertise and resources was being considered.

Y2 EU campaign funding

24. Sarah reported that funding was available for the second year of the EU risk assessment campaign. Scottish partners were looking at designing events to promote risk assessment for particular sectors and topics which would qualify for funding. Robert described a possible candidate as being the Health Risks at Work – Do You Know Yours? initiative to develop and deliver a free package of DVD and rapid reference cards to SMEs via Local Safety Group members. The approach would raise awareness of the main occupational health risks amongst SMEs and provide easily-accessible guidance on control measures and where to go for further support.

Date of next meeting

25. The next meeting would be held in mid-August. Norma Naismith would seek dates. Danny asked members to propose items for discussion and presentation. The following meeting was agreed for 9th December at St Andrew's House, Edinburgh to include a joint session with HWL NAAG.

Action: Post meeting note – date for next meeting is 12 Aug in HSE offices Glasgow. Members to propose agenda items. Members to enter 9th December in their diaries as a confirmed date.

March 2009