

DBR-SSDC-07-03-02

26 October 2009

JLC Members

MINUTES OF THE 17th JOINT LIAISON COMMITTEE (JLC) BETWEEN MOD and HSE HELD at MAIN BUILDING, 3 FLOOR, SPINE 2, HISTORIC 27 on MONDAY 12 OCTOBER 2009

Present MOD	Mrs J Hole [REDACTED] [REDACTED] [REDACTED]	SSDC-Head of Division CESO(RN) CESO(A) Representing CESO(RAF) CESO(DE&S) CESO(CTLB) DE-Prop SHEF DE Ops Int USF EM W9 CESO(PJHQ) DES SE DNSR-Hd Representing CFO DFRMO DBR-SSDC-SafetyAH DBR-SSDC-Safety3a	Chair Sec
USAF	[REDACTED] [REDACTED] [REDACTED]	USAF – 3 rd Air Force Legal Services USAF – 501 CSW Civil Engineers	
HSE	[REDACTED] [REDACTED]	HSE Government, Defence & Education Unit (MOD) Hd Government, Defence & Education Unit	
Apologies			
	[REDACTED] [REDACTED]	TES-Sys-D SGD-Strat Pol OM DSTL HSE -Hd of Public Services Sector (PSS)	

ITEM	DESCRIPTION	ACTION
1.	Welcome and Introductions	
	1. [REDACTED] as the new CESO(Army) and [REDACTED] [REDACTED] (DES SE DNSR-Hd) were welcomed to their first meeting of the JLC. This would also be [REDACTED] last meeting before retirement and the Committee wished him well. 2. Apologies are as above.	
2	Minutes of the Last Meeting	
	3. The minutes of the 16 th meeting of the JLC were agreed.	
3.	Matters Arising	


ITEM	DESCRIPTION	ACTION
	<p>4. <u>Item 3 – Para 11 - Revision of JSP 375 Leaflets 4 and 52</u></p> <ul style="list-style-type: none"> Leaflet 4 (Manual Handling) had been re-circulated (2nd Draft). Comments received were being considered and incorporated. New draft was expected by end of Nov 09 	SSDC-Safety
	<ul style="list-style-type: none"> Leaflet 52 (Work Related Upper Limb Disorders) - A draft had been proposed for mid May. SGD Strat Pol OM had been delayed in this work. The Chair asked for a draft of the leaflet by 01 November 09. <p>[Secretary's Note: Draft Leaflet 52 handed to SSDC for review 26 Oct 09]</p> <p>Action Complete</p> <p>5. <u>Item 4 – Para 17 - US Visiting Forces – Health and Safety Strategy -</u></p> <ul style="list-style-type: none"> Discussed under Item 5 <p>6. <u>Item 4, Para 19-20 – Position of the General Agreement with USVF –</u></p> <ul style="list-style-type: none"> <u>Discussed under Item 5</u> <p>7. <u>Item 5, Para 21 – Current Live Investigations by HSE –</u></p> <ul style="list-style-type: none"> Discussed under Item 6a. <p>8. <u>Item 8 – Para 28 – HSE Perspective on MOD Risks</u></p> <ul style="list-style-type: none"> JSP 375 Leaflet 2 – Occupational Health Surveillance and Monitoring. SGD Strat Pol OM had forwarded a copy to HSE for comment on 6 Oct 09. HSE confirmed receipt. Their OH experts were being consulted. <p>Action Complete</p> <p>9. <u>Item 8 – Para 33 – Discovery of Asbestos Base Plates in Lockers</u></p> <ul style="list-style-type: none"> CESO(A) advised the Army Infrastructure Organisation was now leading on this work; advice had been issued on the management of the lockers and a replacement programme was underway DE-Prop SHEF expressed concern that an infrastructure organisation were dealing with the issue. The Chair asked DE and CESO(A) to discuss out of committee and report back to the Sec. <p>10. <u>Item 8 – Para 35 – Any Other Business – Puma Helicopter Crash</u></p> <ul style="list-style-type: none"> CESO(A)'s said that information on the status of the Service Inquiry into the crash had yet to be provided to HSE. He undertook an action to pursue this with his team. <p>11. <u>Item 6d – Action List – 14JLCApr08-11 – Request for Copy of CHASP Reports</u></p> <ul style="list-style-type: none"> 14th JLC - HSE requested copies of the latest CHASP reports. The reports were issued by DASA in Sept 09, and. links forwarded HSE. HSE expressed thanks. <p><u>Action Completed</u></p>	<p>SGD Strat Pol OM</p> <p>HSE</p> <p>DE Prop SHEF to discuss with CESO(A)</p> <p>CESO(A)</p>
4.	Nuclear Statutory Corporation (NSC)	

ITEM	DESCRIPTION	ACTION
	<p>a. Formation of the NSC and effect on the MOD/HSE Relationship</p> <p>12. DES SE DNSR-Hd had produced a paper (DNSR/5/6 dtd 6 Oct 09) - distributed to members in advance of the meeting. The paper set out the intention to change the status of the HSE's Nuclear Directorate into an autonomous statutory corporation (to be called the Nuclear Statutory Corporation) and the implications of the MOD/HSE relationship.</p> <p>13. The proposed statutory corporation would be under the auspices of the HSE, but with its own legal identity, subject to parliamentary approval. A Legislative Reform Order (LRO) is being pursued. The Nuclear Directorate is leading HSE's input into this work. Subject to ministerial approval, the LRO will be made in Spring 2010 with the NSC being created in autumn 2010.</p> <p>14. A public consultation closed on 22 Sep 09. Consultation responses are broadly positive and are being assessed. There will be no substantive changes across existing legal framework, legislation and regulations. The NSC will be responsible for regulating nuclear and non-nuclear safety on nuclear sites. How this will be translated in respect of front line regulatory interventions is currently being addressed through ND, the wider HSE and MOD.</p> <p>15. It is likely that the responsibility for regulations of the transport of civil radioactive materials will transfer from the Dft dangerous goods division to the NSC. The transport of defence nuclear material will continue to be regulated by DNSR on behalf of the SofS. There will be no change to regulatory responsibilities of EA or SEPA or their relationship with MOD.</p>	
	<p>b. Position of the General Agreement Between MOD/HSE (Annex B)</p> <p>16. As the NSC will have a separate legal identity from the HSE, MOD will need a formal interface with the NSC in addition to its relationship with the HSE. Annex B to the MOD/HSE Agreement will be revised to become a standalone MOD/NSC Agreement, for signature by 2nd PUS and the Chief Nuclear Inspector. This agreement will refer to the principals set out in the MOD/HSE relationship.</p>	
	<p>17. Minor revision will be required to the parent MOD/HSE General Agreement when Annex B is removed. This work will be undertaken jointly by ND and DES SE DNSR and changed staffed through SSDC and the HSE Policy branch. The revised documentation should be in place by 31 March 2010.</p> <p>18. The parent MOD/HSE agreement once revised will need to be resigned by 2nd PUS and Chief Executive HSE.</p> <p>19. The Chair thanked DES SE DNSR-Hd for the briefing and asked for an update at the next JLC.</p>	<p>ND/DNSR/S SSDC to revise the Main GA</p> <p>DES SE DNSR-Hd to update at next JLC</p>
5.	USVF – Health and Safety Strategy	
	<p>a. Update on the Progress of the Adoption of the Health and Safety Strategy with the USVF</p> <p>20. Progress was continuing at staff level, Local TUs at a USVF Base short circuited the established committee structure and went directly to the HSE with some local issues and concerns. A meeting was arranged and in attendance was the HSE, Air Command, DE International Ops, national TU reps and local TU reps from the base. The outcome of the meeting was that the local TUs were to use the committee structure and issues that could not be dealt at the local level</p>	Secretary

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	<p>then they were to be raised to the strategic level Management Group. The HSE suggested an 18 month period to assess if the process was working; everyone in attendance was in agreement.</p> <p>21. The Personnel Director's policy letter was formally adopted and signed off by RAF and USVF at 2* level. A communications strategy is being developed to bring the process to the attention of MOD and USVF staff. Since the 16th JLC, the Management Group has agreed the communication strategy and the policy letter were promulgated to RAF Commanders for immediate implementation. An O and A Statement has also been promulgated to RAF Commanders which would be displayed in all work areas. The base O and A Statement embraces the principles which are outlined in CAS' Statement.</p> <p>22. The Chair said that the implementation of the strategy would be a 'culture change' and some could find it difficult. It was a hearts and minds exercise which was won through good open communications. The Chair was 'heartened' with the progress CESO(RAF) was asked to update at the next meeting.</p>	
	<p>b. Progress on the Revision of the USVF General Agreement</p> <p>23. The Secretary said that SSDC/DE/Air Comd and HSE had jointly produced a draft revision. This had been to the USAF representatives and comments were awaited.</p> <p>24. USAF 3rd Airforce Legal Services confirmed receipt of the draft and that there were areas for discussion. He advised that he was awaiting authority from USAFE at Ramstein to negotiate. Once this was received a meeting could be convened to discuss. The Secretary advised that it was his intent to have a revised Agreement ready for signature by the New Year.</p>	
6.	<u>Reporting of Major and Fatal Incidents within MOD</u>	
	<p><u>a. Status of Current Live Investigations with MOD</u></p> <p>25. HSE updated the committee on the status of live investigations by the HSE with MOD. The updated list is attached to these minutes.</p> <p><u>b. Definition of 'on duty/off duty' and 'at work' for Service Personnel</u></p> <p>26. HSE highlighted a recent case of a climbing fatality during an adventurous training exercise which was reported by MOD to HSE. The individual was deemed by MOD to be 'on duty' at the time although the incident occurred 'off timetable'. Following initial inquiries by HSE it was decided that although the individual may have been on duty, under HSWA 1974 he was was not deemed to be 'at work' and as a result HSE would not be investigating further. HSE expressed thanks for the input received from LAIT. HSE said that their involvement in similar cases would be decided on a case by case basis.</p>	
7.	<u>Learning Lessons and Sharing of Information</u>	
	<p><u>a. Slips and Trips in TA Barracks</u></p> <p>27. HSE said that there had been a slip and trip incident at a TA barracks (slipped on a highly polished floor). The inspector had noted that the floor had been marked for replacement. Within MOD there was limited availability of equipment to test the resistance of floors. CESO(RAF) SO2 HS/EP advised that RAFCAM had purchased some equipment (following the RAF Cottesmore incident) and following enquiries, he would investigate to see if the equipment could be loaned to other TLBs. He stressed that use by the RAF would take</p>	

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	<p>priority.</p> <p>28. CESO(RN) said that the galley floor at HMS Sultan was to be relaid in the near future with a non-slip floor. DE-Prop SHEF said that installation of non-slip floors was now part of any building refurbishments or new builds.</p> <p>b. Crown Censure in Prison Service</p> <p>29. HSE advised that the Prison Service was recently censured for an outbreak of Legionnaires Disease at Nottingham Prison.</p> <p>c. Corporate Manslaughter and Homicide Act</p> <p>30. HSE advised that the Crown Prosecution Service has authorised a charge of corporate manslaughter against Cotswold Geotechnical Holdings Ltd in relation to the death of a geologist on 5 September 2008, who was taking soil samples from inside an excavated pit when the sides of the pit collapsed. A director of the company has been charged with gross negligence manslaughter and with an offence contrary to Section 37, HSWA. Cotswold Geotechnical Holdings Ltd has also been charged with failing to discharge a duty contrary to Section 33, HSWA. The case comes to court on 17 June 2010</p> <p>d. HSE Inspections/Investigations in MOD at Local Level – Feedback</p> <p>32. HSE advised that their occupational health inspector had concluded her work at Prince William Barracks (Grantham) following a complaint that stress was not being managed. The inspector had found that stress policies were not being followed locally. Action plans were now in place and being adhered to.</p> <p>33. HSE said that following an investigation by the Procurator Fiscal Health and Safety Unit in Scotland arising from the death of a cadet in a training accident, HSE would be writing formally to MOD -CESO(A) to request more information in due course.</p> <p>34. HSE also reported a recent investigation at Sutton Coldfield following a complaint of RSI. The inspector had found that the procedures to access the civilian occupational health contract were apparently not known by management. HSE said that MOD was aware of its interest in occupational health provision. SGD Strat Pol OM was tasked to speak with PPPA and DCP OHW EF to highlight the need for ongoing publicity for the contract and report back to the JLC.</p>	<p>HSE to write to CESO(A)</p> <p>SGD-Strat-Pol-OM to speak with PPPA/DCP-OHW EF</p>
8.	Proposed Future Working Arrangements between MOD/HSE	
	<p>35. Following discussions with SSDC, HSE if there were nominations from MOD for a person to be seconded to HSE for between 3-6 months as part of HSE's proposal for better engagement with MOD in line with HSE's experience with other large organisations. HSE said that the secondees would assist HSE with this process and at the same time learn how HSE operates both at a policy and inspector level and HSE, in return would gain better understanding of how MOD operates.</p> <p>36. The Committee was supportive of the proposal. It was stressed that manpower availability was an issue across the MOD. The Chair asked for members' nominations no later than Monday 19 October 2009 to the Secretary.</p>	<p>Members to advise Sec on nominations by 19/10</p>
9.	Any Other Business	

ITEM	DESCRIPTION	ACTION
	<p>a. Striking the Balance Between Operational and Health and Safety Duties in the Police Force</p> <p>37. HSE and the police had jointly launched a policy statement entitled “Striking the balance between operational and health and safety duties in the Police Service”. The statement will assist senior police officers in balancing the risks involved in their duties to fight crime and protect the public, with meeting their health and safety obligations to their own employees and the public. HSE had previously said that they would share this work with MOD. A copy of the statement is available at: http://www.hse.gov.uk/services/police/duties.pdf</p>	
	<p>b. Move of HQ HSE to Bootle, Liverpool</p> <p>38. A question was asked if the move of HSE’s London policy team to Bootle has had any effect on the organisation. HSE responded that the majority of London personnel did not move to Bootle although these posts are now being filled with new people.</p>	
	<p>c. HSE Liaison Visits to CESOs</p> <p>39. HSE said they would restart their liaison meetings with the CESOs in the coming weeks.</p>	
	<p>d. Asbestos Campaign</p> <p>40. HSE said that they were relaunching their Asbestos campaign in Nov 09 and wished to bring this to the attention of MOD as there have been several asbestos incidents on MOD premises over the last 18 months.</p>	
10.	Date of Next Meeting	
	<p>41. The 18th meeting of the JLC agreed for Wednesday 7 April 2010, in Main Building. Room details to be confirmed.</p> <p>The meeting will commence at 10:30 for a MOD pre-meeting. HSE/USAF will join the meeting at 11.00.</p>	


 Sec to JLC
 C2
 SSDC&D-Safety 3a