

DBR-SSDC-07-03-02

31 May 2011

JLC Members

MINUTES OF THE 19th JOINT LIAISON COMMITTEE (JLC) BETWEEN MOD and HSE HELD at MAIN BUILDING, 4 FLOOR, SPINE 3, MEETING ROOM 14 on Wednesday 11 May 2011

Revised: 07 June 2011

Present MOD	Mr Daniel Applegate [REDACTED] [REDACTED]	SSDC-Hd CESO(RN) Representing CESO(A) Representing CESO(RAF) CESO(CTLB) Representing CESO(DE&S) DIO SHEF Representing CFO - DFRMO DIO-Ops North DES SE DNSR SG-DMSD-Civ-OM CESO(CJO) SSDC-Safety-AH DBR-SSDC-Safety3a	Chair Sec
USAF	[REDACTED] [REDACTED]	USAF – 3 rd Air Force Legal Services USAF – USAFE 3 AF/SE	
HSE	[REDACTED] [REDACTED]	HSE Government, Defence & Education Unit (MOD) Hd Government, Defence & Education Unit	
Apologies			
	[REDACTED]	DSTL	

ITEM	DESCRIPTION	ACTION
1.	Welcome and Introductions	
	1. The Chair welcomed [REDACTED] (DIO Ops North) and [REDACTED] (USAFE 3 AF/SE). 2. Apologies are as above.	
2	Minutes of the Last Meeting	
	3. The minutes of the 18 th meeting of the JLC were agreed.	
3.	Matters Arising	
	4. (18th Mtg) <u>Item 4 Para 16 – Future Working Arrangements between MOD and HSE</u> <ul style="list-style-type: none"> HSE was asked to provide clearer direction on the proposed strategic engagement with MOD. HSE produced a draft document which was discussed under Item 4. <u>Item Closed</u>	


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	<p>5. (18th Mtg) <u>Item 8 – Para 31c – Update by MOD - US Visiting Forces – Petroleum Spirit Dispensing Installation</u></p> <ul style="list-style-type: none"> DIO USF said that clarification on the issue had been requested of Hd Defence Fuels Group, however, DFG Assurance didn't think that this was their remit & had referred matter to CESO RAF. CESO RAF understands Issue has been included in wider environmental issues workstream to be addressed at meeting between Hd DIO USF & Hd DIO Env Policy. DIO USF stressed that the enquiry on the licensing of the petrol stations on USVF sites didn't necessarily mean that the USAF military facilities were not being inspected, maintained & repaired as USAF have documented processes & procedures in place. There remains uncertainty as to implementation of management arrangements for AAFES Fuel Stations which dispense petroleum to the civilian component of USVF, these are outside of the USAF arrangements, but are also not licensed at present. He would update further at the next meeting. <p>6. (18th Mtg) <u>Item 11, Para 37c – HSE Inspectors Not Aware of General Agreement Protocol</u></p> <ul style="list-style-type: none"> HSE advised that their Inspectors had been reminded of the General Agreement (Annex A) protocol. <p><u>Item closed</u></p>	DIO USF
4.	Future Working Arrangements Between MOD and HSE	
	<p>MOD/HSE General Agreement</p> <p>7. HSE said that they had reviewed the General Agreement (signed in 2008) and believed that it was still fit for purpose. This was agreed. The Sec advised that the Annexes could be reviewed/amended without requiring the main document to be re-signed. HSE said that Annex B (the Nuclear Annex) may need to be reviewed in due course if and when the Office for Nuclear Regulation becomes a stand alone statutory body. Discussion continued under Item 5d.</p> <p>Strategic Engagement between MOD and HSE</p> <p>8. HSE had produced a draft paper building on the strategic engagement discussions from the 18th meeting. HSE welcomed comment from MOD on the document. The Chair said that the strategic level engagement was a good concept which directed attention towards managing the risk and he looked forward to building upon it.</p> <p>9. HSE said that they had identified a suitably senior person who would undertake the role of Strategic Corordinator (Stratco) who would engage with MOD as part of the strategic engagement process. The Chair agreed to engage further with HSE on how this might work in practice. There is no intention to replace the need for the JLC.</p> <p>The Chair invited members to comment</p> <ul style="list-style-type: none"> CESO(RN) said that the document didn't recognise the DESB or FSBs and the formation of the DSA may require a review of the document. He added that the Stratco might wish to hold discussions with staff other than the CESOs as they were fully supportive of the drive for better safety within the MOD. DES SE DNSR said that the content of the draft paper would help influence the Defence Safety Strategy. 	

ITEM	DESCRIPTION	ACTION
	<ul style="list-style-type: none"> CESO(CTLB) agreed with CESO(RN). He said in principal the document could assist in securing improvement however differences between MOD and HSE's priorities could lead to conflict. 	
	<p>10. HSE stressed that the document was a first draft for discussion and was adaptable. It had been drawn up with reference to previous HSE engagements with large organisations. In the past such approaches have had beneficial outcomes for the organisation and the regulator. Responding to CESO(CTLB)'s comment HSE said that the draft paper was designed to work in alignment with MOD risks and it would be jointly agreed. The arrangements would allow HSE to better engage with MOD strategically whilst allowing all parties to be clear on what the agreed priorities for delivery are. HSE stressed that agreeing priorities did not mean that any accidents would not result in HSE inspections; it was a targeted and transparent approach mindful of the limited resources in both MOD and HSE. The overall approach was towards smaller scale sampling to highlight whether there was continuous improvement, or areas which HSE could assist in enhancing, and allowing lessons to be learned across all MOD.</p> <p>11. The Chair thanked HSE for the clarification. He asked members to provide comments to the Secretary, particularly on whether the suggested priorities; were suitable, and what other priorities should be included.</p> <p>Secretary's Note: members to provide comments to the draft paper by 17 June 2011.</p> <p>12. HSE said that another area where large organisations can influence safety is through procurement; reducing the safety risks before equipment is introduced e.g. a reduction in use of hazardous chemicals. MOD's procurement power could be used to influence its contractors into adopting a safer mindset.</p>	All
5.	MOD Updates	
	<p>a. Defence Safety Authority</p> <p>13. The Chair said that the DESB had agreed to the formation of the Defence Safety Authority. The DSA would separate those responsible for policy and regulation from those responsible for delivery. The DSA would take current regulatory functions without change. Commonalities would be identified in slower time; including a more effective role of comparing risk from other domains.</p> <p>b. Defence Infrastructure Organisation</p> <p>14. HdSHEF-DIO said that the DIO stood up as of 1st April 2011. There were complexities with the transfer of staff and establishing what tasks were coming into the DIO. There was a steep learning curve for DIO as some of the services e.g. soft FM (catering, cleaning etc) were new to DIO. The necessary people should be in post by March 2012.</p> <p>15. HSE welcomed the new approach and trusted that it would establish clarity on the dutyholder role. HdSHEF-DIO said he would engage with HSE outside of the meeting to assure them that this area was being dealt with.</p> <p>c. United States Force Memorandum of Agreement</p> <p>16. USAF – 3rd Air Force Legal Services said that the MOA had been concluded and received consent from the US Administration. He said it had been a positive working experience and all sides had benefited from the exchanges during the drafting. HSE also confirmed that they were content. The USF offered to host the signing at RAF Mildenhall, he looked forward to the MOA being signed and</p>	HdSHEF-DIO to Liaise with HSE

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	promulgated. The Secretary advised that a submission to 2 nd PUS had been prepared.	
	<p>d. Office for Nuclear Regulation</p> <p>17. DES SE DNSR was supportive of the formation of ONR. Its status as an agency within HSE would not require review of Annex B of the General Agreement. Once the ONR becomes a statutory body the Annex would need to be separated from the General Agreement become a stand alone MOA. DNSR were to meet ONR in the near future and discuss working arrangements.</p>	
6.	HSE Updates	
	<p>a. LPG Inspections Within MOD</p> <p>18. As part of HSE's national LPG inspections HSE visited RNAS Yeovilton LPG fire simulation rig. A report was subsequently produced by HSE containing 11 recommendations. The report was sent to the site operators who were asked to provide an action plan. A copy of the report was also sent to DFRMO and CESO RN for wider MOD considerations / actions as necessary.</p> <p>19. The national LPG inspections has highlighted the following in MOD:</p> <ul style="list-style-type: none"> • There was a lack of clarity in roles and responsibilities and how the delegations are given to sub-contractors. A variety of approaches had been noted by the inspectors. HdSHEF-DIO said that this was pre-DIO and the new organisational structure would rectify this. • Evidence that safe systems were not being maintained. Inspectors reported concerns at the maintenance of infrastructure. <p>20. HSE advised that LPG Inspections would be continuing this year and a further 10 MOD sites have been identified. HdSHEF-DIO would liaise with HSE on facilitating these inspections.</p> <p>b. DWP Report – HSE brief on the DWP Report “ Good Health & Safety, Good for Everyone”</p> <p>21. HSE drew MOD's attention to this report for information. Some key points in the report are:</p> <ul style="list-style-type: none"> • Health and safety regulation will focus more on high hazard sites. (That does not mean low hazard sites will be exempt from inspection.) HSE will still investigate accidents and incidents. • This measure will cut the number of inspections carried out in GB by at least a third • A new register of qualified consultants will be made available to businesses, and those who are untrained or give false advice will be excluded from the approved list. • HSE will look at increasing its cost recovery – in particular where breaches of the law are identified. 	HdSHEF-DIO

ITEM	DESCRIPTION	ACTION
	<p>c. RIDDOR Reporting and Freedom of Information Act</p> <p>22. HSE advised as from 12 September 2011, all reportable work-related injuries and incidents under RIDDOR (the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995) will move to a predominantly online system. HSE's Information telephone service, which currently provides a basic information service to callers, will end on 30 September 2011.</p> <p>23. HSE reminded all present that the Freedom of Information applied to all RIDDORs received by HSE. A journalist recently produced a negative MOD story from the text fields in the RIDDOR reports submitted by MOD (HSE had liaised with MOD press office at the time). HSE suggested that MOD might like to bear this in mind when constructing text fields in future. The Chair thanked HSE for the information.</p>	
7.	Fire Safety Legislation – USF Premises	
	24. DFRMO HQ-FS-HDACO advised that the Regulatory Reform (Fire Safety) Order 2005 (FSO) applied to premises occupied by visiting forces as well as the MOD estate. Compliance is achieved by fire risk assessments (FRA). On MOD occupied premises the FRA is carried out by DFRMO. DFRMO is reviewing the policy on visiting forces sites. The Chair noted the review.	
8.	HSE Intervention and Enforcement	
	<p>25. The Live HSE Investigations List (Annex A) was discussed: Some key points raised were:</p> <ul style="list-style-type: none"> • WRULD case MOD Dental Services – CESO(CTLB) and SG-DMSD-Civ-OM said that there were some issues raised as a result of the HSE inspection and that they would engage separately with the inspector. • DE&S Bicester – Forklift Accident – HSE reminded MOD that individual MOD employees could be interviewed under caution. • Chair advised that the incident at the Royal Hospital School was not a MOD controlled site. HSE acknowledged and advised that they would follow this up internally. • Fatality – A Service person died from injuries sustained when his horse fell on him during a parade • Fatality – Royal Engineer died whilst dismantling a bridge. HSE advised that primacy has been passed back to HSE. The RE college had established communications with HSE so that they could pick up on any lessons learned. 	
9.	MOD Occupational Health Strategy	
	26. HSE was unsighted at the corporate level of how well MOD was delivering Occupational Health. Feedback from inspectors suggested that health surveillance was not provided at the same level across MOD. SG-DMSD-Civ-OM said that occupational health provision for the Services was reasonably comprehensive. He advised that occupational health on the civilian side was fragmented. Control of the civilian occupational health contract had moved to Director Civilian Personnel, this was seen at the time to be a good fit. However, DCP had concentrated OH provision on the areas most important to them; sickness absence, performance etc. This had led to health surveillance losing prominence. Work was on going to improve this situation.	

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	27. CESO(CTLB) had raised a paper at the OHSEB in July 2010 (copy attached) raising his concerns over occupational health provision and to establish closer links between DCP/PPPA and the OHSEB. He had made initial contact with DCP who managed the civilian occupational health contract and a strategy group was going to be formed. SG-DMSD-Civ-OM said that a combination of illness and conflicting requirements had delayed the setting up of this strategy group. He believed that a meeting was tentatively scheduled for June.	
	28. HSE asked for a meeting with DCP/PPPA to discuss the situation. The Chair asked the Secretary to organise.	Sec - to speak with DCP & organise meeting
10.	Any Other Business	
	29. HSE highlighted that the police can and will prosecute for gross negligence and manslaughter; HSE showed a press release indicating that three Warwickshire fire service managers are to face CPS charges of manslaughter by gross negligence over the deaths of four firefighters in a blaze in November 2007. Warwickshire County Council also faces a charge of failing to ensure safety at work-under section 2 of the Health and Safety at Work Act.	
11.	Date of Next Meeting	
	30. The 20 th meeting of the JLC would be held on either Wednesday 5/12 October 2011 , in Main Building dependent on availability of suitable conference facilities. Room details to be confirmed. The meeting will commence at 10:45 for a MOD pre-meeting. HSE/USAF will join the meeting at 11.00.	


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