HSE activity in Scotland

Purpose of the paper

1. To report to the Board on HSE’s operational activity, policy implementation and stakeholder engagement in Scotland. A detailed update is at Annex 1.

Background

2. This paper has been prepared to inform the Board’s regular discussions in relation to HSE’s work in Scotland.

Action

3. The Board is invited to note:

   i. The breadth of HSE’s activity in Scotland

   ii. That the context for HSE’s work in Scotland continues to evolve as the policy and stakeholder landscape diverges in a devolved nation

4. Cleared by the HSE Management Board on 15\textsuperscript{th} September 2015.
Annex 1

Update on HSE activity in Scotland

Scotland’s health and safety record

1. The three year average rate for work-related ill health\(^1\) in Scotland is 3,040 per 100,000 workers. This is lower than for GB as a whole.

2. The three year average rate for all non-fatal injuries\(^2\) in Scotland is 2,030 per 100,000 workers. This is no different to GB as a whole.

3. The five year average rate of fatal injury\(^3\) in Scotland is 0.81 per 100,000 workers. This is the same as for Yorkshire and the Humber region in England and at the higher end of all GB nations and regions.

4. There is a higher rate of reported serious injury (fatal and specified injuries) in Scotland than England. Serious injury rates in Scotland are however similar or lower than those in the Northern regions of England and lower than Wales. Examination of the health and safety profile of GB\(^4\) has already shown that if London and South East, which has a very different occupational mix, is excluded from analysis, injury rates in England and Scotland would look very similar. This is because industry and occupation are key drivers of risk rather than geographical variation in the performance of duty holders or regulators. To be meaningful, therefore, geographical comparison needs to be based on rates standardised for industry and/or occupation.

Leading others to improve health and safety in Scotland

5. HSE works with a wide variety of stakeholders in Scotland who have a role in understanding and promoting health and safety including individuals and organisations representing business and trade unions as well as organisations such as IOSH and RoSPA. Two more general health and safety stakeholder groups deserve special mention: PHASS (chaired by HSE) and Healthy Working Lives’ National Advocacy and Advisory Group (HWL NAAG – part of NHS Scotland). Both groups have expressed a need to collaborate better and to achieve a better balance of participation across business, trade unions and other organisations in a position to influence health and safety.

6. The value of PHASS has been as a well-established network for co-ordinating practical collaboration, for example, the project between HSE, HWL, Scottish Chamber of Safety and RoSPA to develop a simple tool – ‘Health Risks at Work’ - to help businesses understand how to manage occupational health risks. The tool has won several awards and has now been rolled out across the UK supported by Safety Groups UK and many trade bodies. PHASS also co-ordinated an Estates

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\(^1\) Labour Force Survey self-reported illness caused or made worse by work 2010/11, 2011/12, 2013/14

\(^2\) Labour Force Survey self-reported workplace non-fatal injury 2011/12, 2012/13, 2013/14

\(^3\) RIDDOR reported fatal injuries for five years up to and including 2013/14

\(^4\) An examination of the health and safety profile of Great Britain excluding London and the South East. HSE March 2014
Excellence project in Dundee this year which has created widespread interest amongst other Scottish local authorities.

7. PHASS has started discussion on developing a partnership action plan on health and safety and is keen to share examples of practical engagement with stakeholders in specific poorly-performing sectors to facilitate cross-sector learning on the characteristics of good industry partnership. Members have recently discussed the Scottish waste and recycling industry initiative (SWITCH) and at their next meeting will focus on Scottish agriculture, due to particular concern over the continuing high rate of fatal injury, with stakeholders involved in the relatively new Scottish Farm Safety Partnership.

8. The Scottish Aquaculture Industry Forum – industry-led with HSE in a supporting role – may also offer insight more widely. A recent Safety and Health Awareness Day held at the Northern Lighthouse Board premises in Oban presented different scenarios including working in confined spaces, cold water shock and diving risks to circa 100 workers from the industry. RNLI, the Marine and Coastguard Agency and Crown Estates contributed alongside HSE and industry representatives.

9. The most well-established industry partnership is Site Safe Scotland (SSS) in construction. SSS oversees delivery of Working Well Together (WWT) programme including Safety and Health Awareness Days. It now engages with the Scottish Construction Safety Group and the Scottish House Builders Health and Safety Forum who regularly attract around 100 representatives from house building companies and their sub-contractors to meetings.

10. HSE regularly attends Scottish Cell meetings of the CIA’s (Chemical Industries Association) 12 Responsible Care Cell groups across the UK. They are open to CIA members and non-members alike. This enables the regulator to engage with multiple Scottish operators. CIA also engages directly with Scottish Government on land use planning and Consent issues specific to Scotland as these are devolved matters.

Work with the Scottish Government and Parliament

11. Field Operations Directorate (FOD) in Scotland monitors Scottish Government consultations and Scottish Parliamentary activity on behalf of the whole of HSE, as well as informing DWP’s Health and Safety Stewardship Team. Regular bulletins are issued on items of reserved/devolved overlapping interest, recommending whether HSE needs to comment or take action. Over the past year, HSE has responded to the following Scottish Government consultations:

- The Fatal Accidents and Sudden Deaths etc (Scotland) Bill. HSE’s response addressed questions about extending the mandatory categories for a fatal accident inquiry to include deaths due to occupational disease; and making Sheriffs’ determinations legally enforceable (neither of these were supported by HSE). There is Member’s Bill going through Parliament that proposes similar changes that could have a significant impact HSE. HSE gave evidence on the Bill with other witnesses (the STUC, NUT and Mental Welfare Commission for Scotland and Police Scotland) at the Scottish Parliament’s Justice Committee in May. There are no Coroners Courts in Scotland.
• Proposals to introduce a new offence of Wilful Neglect or Ill-treatment in health and social care. HSE responded that some investigations we carry out in Scotland into patient and service user deaths could be interpreted as potential wilful neglect or ill-treatment offences, rather than health and safety offences. We requested clarity on the roles of Scottish bodies (many of whom have more relevant competences in these areas than HSE) in investigating such potential offences; and the need to reach agreement between parties to avoid compromising criminal proceedings.

• Revised guidance on Accessibility Strategies under the Education (Disability Strategies and Pupils' Educational Records) (Scotland) Act 2002. HSE provided a contribution advocating a sensible, balanced approach to risk management by education employers to ensure students, irrespective of their abilities, have the same learning opportunities, using reasonable adjustments where necessary.

• Post-corroboration Safeguards Review considered additional changes to law and practice necessary within the criminal justice system in Scotland following the planned abolition of the corroboration requirement. HSE drew attention to our role as one of the largest non-police ‘specialist reporting agencies’ to COPFS in Scotland. As the Review was heavily police focussed, this had been overlooked. Plans to remove corroboration have now been dropped and are not included in the current Criminal Justice (Scotland) Bill.

• Consultation on powers for the Scottish Environment Protection Agency (SEPA) to issue penalties and to change its charging scheme. HSE liaison with officials resulted in proposals under COMAH being removed as this is legislation reserved to the UK Parliament.

• HSE commented on Education Scotland’s work experience guidance to discourage unnecessary bureaucracy and avoid the impression that LAs are required to meet duties on employers.

12. The Chief Inspector of Construction will attend the Scottish Parliament's Cross Party Group for Construction in September. HSE also attends the Cross Party Group on Accident Prevention (which is supported by RoSPA). HSE’s Director of HID is to meet the co-convenor of the Cross Party Group on Oil and Gas.

13. HSE has been invited several times in the past couple of years to give evidence to the Scottish Parliament’s Health and Sport Committee and has also met them in private session. More recently, the HSE Director, Scotland met the Devolution (Further Powers) Committee to explain how health and safety regulation works; and in September HSE gave evidence to the Economy, Energy and Tourism Committee’s Inquiry into work, wages and well-being.

14. In May, the CE met the Chair of Scotland’s Regulatory Review Group which advises the Scottish Government on the regulatory landscape; he was invited to attend a future meeting. HSE also regularly attends COSLA’s Regulatory Forum.

15. HSE has worked closely with the Scottish Government to introduce new Agency Agreements under the regulatory regime for Plant Protection Products laid out in three pieces of European legislation that are transposed/underpinned by new
UK legislation. The existing Agency Agreements between Scottish Ministers, the Secretary of State and HSE have been amended to delegate authority for enforcement; to allow delegation of specified competent authority functions under Maximum Residue Levels Regulations 2008; and to enable charging for specific services that HSE provides to industry, including training and advice. These Agency Agreements are expected to have been signed by the end of quarter three 2015.

16. The work of authorising plant protection products for Scotland (and other Devolved Administrations) under this regime is already delegated to HSE. This will continue under the new Agency Agreements, since HSE’s Chemicals Regulation Directorate has the UK’s expertise in this area and the requirements and concerns involved are generally common throughout the UK. Scottish Ministers may, however, take a different view in some aspects of policy, requiring a different approach to authorisation in some cases. Most notably, they opposed emergency authorisation of products containing neonicotinoid active substances, because of concerns about their risks to bees. HSE officials liaise closely with their Scottish counterparts to ensure that differences are reflected in authorisation decisions.

17. Last year, the Scottish Cabinet Secretary for Justice announced a review of spectator safety at motorsport events in Scotland after three spectators were killed and one seriously injured at the Jim Clark Rally in the Scottish Borders in May 2014. HSE was represented on the review group. Their recommendations were announced by the Scottish Minister for Sport, Health Improvement and Mental Health in January 2015 and are aimed at improving spectator safety at multi-venue stage rallies - the main type of rally in Scotland.

18. With the continued support of HSE, the Scottish Government is working with the Sport’s Governing Body - the Motor Sports Association (MSA), on the transitional and full implementation of the recommendations in a sensible and proportionate way. They will form part of MSA UK-wide governing policies and procedures.

19. Separately, the investigation into the Jim Clark Rally incident is continuing. Scottish Borders Council is the enforcing authority (for leisure activity) but by agreement they transferred authority for the 2014 event to HSE on the grounds of potential conflict of interest arising from their enforcing authority responsibilities for devolved legislation concerning public safety.

20. HSE works closely with Scottish Government officials to ensure the effective regulation of contained use with microorganisms. As well as undertaking operational activities (including licensing and inspection) related to high containment laboratories in Scotland, HSE and Scottish officials work closely as the Competent Authority for contained use of genetically modified microorganisms. Notably, HSE has recently taken on the licensing of specified animals pathogens under an agency agreement with Scottish Ministers.

21. HSE is in contact with the Scottish Government in preparation for the publication of research on Shift Work and Disease. The study being undertaken by the Cancer Epidemiology Unit at the University of Oxford is using data from two existing large studies (i) The Million Women Study and (ii) EPIC-Oxford, to prospectively investigate the disruption of circadian rhythms, with a focus on shift working patterns (including long term night work) in relation to cancer and other chronic conditions in men and women. A final report is due in December 2015. The policy response may need to range more widely than HSE’s remit bringing in
devolved responsibilities. More generally, there is scope to work more closely with the Scottish Government and NHS Scotland within HSE’s reinvigorated occupational disease strategy.

Reducing the likelihood of low-frequency, high-impact catastrophic incidents

Offshore Industry

22. The downturn in oil prices has put pressure on the offshore oil and gas industry which is seeking cost savings by reducing manning, extending shift rotas and prioritising maintenance. HSE’s strategic approach to the industry remains relevant even in the current climate. Asset integrity and the associated control of hydrocarbon releases remain central to the issues we focus on. These will only be achieved through stimulating appropriate leadership, competence across all parts of employee groups and engagement of the workforce in health and safety decisions.

23. In order to regulate the sector effectively HSE needs a range of experienced professional engineers. When Energy Division was formed it was clear that inspection capability was falling off, inspectors were leaving and it was proving difficult to replace them. A review of staffing was undertaken in which the technical needs were closely analysed and defined and revised recruitment processes were put in place. Since April 14 the number of offshore inspectors has risen from 70 to 102 which HSE believes is the right level. New inspectors are still being trained in regulatory skills but the capability of the division is currently expanding and approaching full strength.

24. HSE is working with agencies including Scottish Enterprise, Scottish Council for Development and Industry and Aberdeen and Grampian Chamber of Commerce to safeguard jobs and skills through support for industry efforts to standardise and simplify processes, remove barriers to understanding of regulatory requirements and promote the maintenance of safe production.

25. A key element of securing sustained safe production is ensuring offshore installations are properly maintained. It is recognised across industry that failure to maintain will threaten the long term viability of the industry. In straitened times however an industry may attempt to save money by cutting back on maintenance. Energy Division inspectors have therefore increased their focus on maintenance as part of inspection. In 2014/15, 45 improvement notices were served. Four of these (9%) related to maintenance. So far in 2015/16, sixteen improvement notices have been served and of these four (25%) related to maintenance.

26. To further support industry and ensure maintenance is effective, Energy Division is forging links with the newly-created Oil and Gas Authority (OGA). Part of OGA’s remit is to encourage “asset stewardship” to ensure essential infrastructure remains available to support the exploitation of smaller reserves by smaller companies who will need to tie back to these services. Good maintenance is an essential part of asset stewardship, maximising economic recovery which is a core aim for OGA and supports Energy Division’s aim of playing its part in maintaining safe production.

27. The CE has signed a Memorandum of Understanding with OGA to facilitate cooperation to support our shared goal of securing asset integrity and stewardship offshore and has met a range of other regulators to agree shared approaches to the offshore industry.
28. Energy Division is stimulating the involvement of workers through the appointment of an elected Safety Representative on a two-year secondment as HSE’s Head of Worker Engagement in the industry. He was OGUK’s Rep of the year in 2013 employed by Petrofac and now holds a warrant to enable him to work on encouraging workforce engagement and to develop ways for inspectors to engage better with workers during inspections.

29. The change of shift patterns offshore from two weeks on followed by three weeks off is being altered by employers to a three on three off pattern to save money. This change of rota pattern can be raised as a health and safety issue by affected workers. Previous research by HSE indicates that simply extending the rota is not likely to be a health and safety issue. More important is the effectiveness of the management of the rotas, for example providing good welfare conditions including feeding and sleeping arrangements and effective consultation with the workforce before the implementation of the new way of working. Workers should be consulted before rota changes are made and appropriate change management processes should be in place around the introduction of changes to shift patterns.

Onshore oil and gas industry in Scotland

30. HSE has a key interest in two major oil terminals (Shetland and Orkney) and the refinery at Grangemouth. There are significant concerns at the oil terminals over asset integrity and plant operating in a harsh environment. Improvements have been identified at the Shetland site, but concerns remain owing to its scale. Formal action will have to be considered if these improvements are not maintained. Onshore operators also have offshore assets so information is shared with HSE offshore colleagues to ensure co-ordination of on and off shore regulation.

31. The traditional offshore shift pattern (two weeks on/two or three weeks off) is also worked at onshore oil terminals but with long commutes involving ferry travel to and from work there is a concern over fatigue with control room operatives. Follow up interventions involving human factors specialists and offshore colleagues will ensure a co-ordinated HSE response.

32. Interventions and regular dialogue continue at the Petro-Ineos/Ineos Chemicals operations at the Grangemouth complex to ensure that concerns raised by the Unite Trade Union and local MPs continue to be effectively managed. A meeting is planned for October between senior managers and HSE at which the company will also be explaining the investment going into the site and new developments. HSE will also meet with Trade Union and workforce representatives.

33. The ‘Ethane Project’ at Ineos Chemicals will supply fracked ethane gas to Grangemouth imported by sea from the USA. The project involves the construction of Europe’s largest refrigerated ethane storage tank and associated supply infrastructure to provide feedstock ethane for the Kinneil Gas (KG) Ethylene Cracker at Ineos Chemicals. This has included eight new seagoing tankers, newly constructed jetty facilities in Grangemouth and miles of refrigerated pipeline between the jetties and the storage facility at the North Tank Farm in Grangemouth. It is expected to be online and operating in September of 2016. HSE will assess a new Safety Report to be submitted during March of 2016 covering the new plant and management arrangements.

34. The Scotch Whisky Association (SWA) represents the interests of 90% of the Scotch whisky industry. Fifteen of its member companies operate 64 COMAH
establishments in Scotland (over 40% of the total in Scotland). Scotch whisky is Scotland’s leading single product export. The trade association is an influential political lobbying body. A SWA COMAH committee meeting is held quarterly and is attended by the SWA’s COMAH members along with HSE and SEPA who are the joint COMAH Competent Authority in Scotland. Examples of recent Competent Authority work with the SWA include:

- an inspection initiative to ensure emergency venting on spirit vats is compliant with the requirements of DSEAR;
- provision of advice on improving predictive modelling of warehouse fire scenarios;
- input to workshops on Competence Management and Asset Integrity;
- sharing findings from inspections and investigations to promote industry wide improvements (including human factors, safe tanker loading operations, warehouse racking standards, means of escape from fire in process areas);
- feeding back on general industry performance in order to focus SWA priorities; and raising awareness of new CA guidance and legislative changes related to COMAH 2015.

35. A revised Memorandum of Understanding providing for effective COMAH Competent Authority arrangements and high level collaboration has been cleared for sign off by HSE, SEPA and other GB environment agencies for the joint regulation of onshore establishments in scope of COMAH 2015.

36. The Scottish Government has issued a moratorium on granting consents for unconventional oil and gas developments in Scotland while further research and public consultation is carried out. The Scotland Bill includes devolution of onshore petroleum development licensing and responsibility for mineral access rights to Scotland which may result in future changes to HSE regulations to reflect the new licensing arrangements. HSE and SEPA have been asked to inform the research proposals and provide information on the health and safety (and environmental) regulatory regime in place for onshore oil and gas wells for the moratorium. It is clear from public surveys that HSE is trusted by the public, but continuing to act as an independent regulator is vital in maintaining this trust. While the moratorium is in place no fracking operations will take place in Scotland for the foreseeable future. However, PetroIneos have announced they are planning to invest $1 billion in UK onshore shale gas exploration including PR and lobbying work across the UK to try to embed a more positive and accepting attitude to the development of the shale gas industry. HSE has also been involved in discussions on coal bed methane and geothermal energy.

37. The Land Use Planning Web App is being deployed GB-wide but it delivers one of the commitments given to the Grangemouth Regulatory Review Group in Scotland (a sub-group of the Scottish Government Regulatory Review Group). HSE worked with Falkirk Council, a key Scottish council for the chemicals sector, in developing the App. In conjunction with the Scottish Government, as the Web App is rolled out HSE will be supporting Scottish councils as they take up its use.

**Securing compliance with the law**

The Scottish criminal justice system
38. In Scotland the Crown Office and Procurator Fiscal Service (COPFS) decides whether to bring a prosecution and whether a fatal accident inquiry (FAI) is appropriate. HSE submits reports to COPFS in relation to both. The Lord Advocate and COPFS have the duty to investigate sudden and unexplained deaths and COPFS direct the Police investigation of potential corporate homicide offences. HSE works closely with COPFS from the first report of a fatal incident onwards, with regular strategic meetings in line with the Work Related Deaths Protocol Scotland.

39. The tragic incident in which a Glasgow City Council bin lorry mounted the pavement resulting in six fatalities and injuries involving members of the public just before last Christmas was jointly assessed as a road traffic accident by COPFS, Police Scotland and HSE early on. HSE was not therefore involved in investigation but was asked by COPFS to provide a report and evidence on our policies and guidance to the FAI.

40. As the legal system and processes are so different from England and Wales, COPFS and HSE’s Legal Advisor’s Office felt it would be helpful to increase knowledge within HSE. The Head of COPFS Health and Safety Division therefore visited HSE, Redgrave Court in June and delivered a well-received insight into the Scottish legal system.

41. HSE and COPFS have delivered training - suggested by COPFS and requested by Scottish local authorities - to a network of ‘champion’ EHOs on managing investigations and the submission of reports.

Successful prosecution

42. Examples of recent convictions and sentences include:

- NHS Highland was prosecuted and fined £40,000 after a 51 year old patient died at Raigmore Hospital when he was served food by staff despite being deemed ‘nil by mouth’.

- An HSE investigation into improper removal of asbestos resulted in a common law conviction for reckless and culpable behaviour. This was the first prosecution of this type in Scotland;

- Sole trader, John Gordon Black was fined £2,660 for unsafe demolition that resulted in his employee being seriously injured. It is noteworthy that defence submissions included an attempt to mitigate the level of fine based on the FFI invoices already paid to HSE.

- There have been two recent prosecutions of skippers of shell-fishing vessels following the deaths of divers, one resulting in a nine month prison sentence.

- An animal feed transport company, Transpan (Scotland) Ltd, was fined £80,000 after one of its employees died when he was buried under tonnes of wheat being unloaded from a lorry.

- Pharmaceutical company, Macfarlan Smith Ltd pleaded guilty when an employee continued to be exposed to hazardous substances after he had been diagnosed with allergic contact dermatitis. After 17 years’ employment,
Macfarlan Smith decided it could not redeploy the man to alternative duties due to his sensitisation and terminated his employment.

- Scottish Fire and Rescue Service was convicted at Edinburgh High Court in relation to the death of firefighter Ewan Williamson in 2009.

- Bilfinger Salamis UK Ltd was fined £100,000 after pleading guilty to breaching the Work at Height Regulations 2005. Their employee died after falling 23 metres from a platform into the North Sea when the ropes severed because they were rigged against the sharp edge of the hatch he was working from.

- NHS Ayrshire and Arran was fined £50,000 after a vulnerable patient took her own life at a hospital in Kilmarnock. The patient was found hanged after being left in in a room on a psychiatric ward where a previously identified risk had not been addressed. This was one of a number of similar cases not reported to HSE but brought to our attention by the COPFS Scottish Fatalities Investigation Unit. HSE is in discussion with the Mental Welfare Commission (Scotland) about sharing information on risks involving vulnerable people.

- Adam Menzies was found guilty following Sheriff and Jury trial at Falkirk Sheriff court for unsafe working at height on refurbishment of a domestic dwelling. Adam Menzies, a self-employed roofer, sourced a friend who was an unemployed gas fitter, to help strip off the old roof tiles and boarding below. The friend fell from the roof sustaining severe head and spinal injuries that were so life-changing that he now lives in a care home. Sentencing will be in October and the Sheriff has stated that a custodial sentence is at the forefront of his mind.

Examples of proactive inspection and intervention

43. The Edinburgh legionnaires outbreak in which four people were killed demonstrated again the catastrophic outcome if cooling towers are not managed to the high standards in ACOP L8. HSE and LAs in Scotland completed the inspection of registered cooling towers in 2014. Enforcement action was taken in around a third.

44. Babcock Marine (Rosyth) Ltd owns and operates the Rosyth Dockyard site. They are submarine partner to the Royal Navy and are the sole in-service and deep maintenance provider for the UK fleet submarines. Babcock is also partner to the MOD within the UK’s Surface Ship Support Alliance (SSSA). This alliance covers current and future classes of warships, including the Queen Elizabeth Aircraft Carriers (QEC). The site is complex and has a wide variety of industry sectors operating under the Babcock umbrella. There are interests for several different parts of HSE - managed via an inspector based in Edinburgh as a single point of contact – in: conventional health and safety management and shipbuilding activity; nuclear submarine operations which fall to the Office for Nuclear Regulation (ONR); Construction Design and Management compliance, asbestos and some excavation activities on site that fall to Construction Division; and HSE’s Manufacturing Sector which meets Babcock through the Marine National Industry Group three times per year to discuss industry-wide issues and enlist their assistance in the promulgation of HSE’s strategy for the industry.

45. While the cause of the Bosley wood flour mill explosion is not yet confirmed, HSE has been identifying wood processing factories where dust explosion is a possibility given Scotland’s significant proportion of GB wood processing facilities. In
2014 James Jones sawmill group had a fire and explosion injuring seven people in a wood dust storage silo at the Forres plant near Inverness. Around 20 of the major factories will be inspected to look at wood dust control for both health which is a FOD workplan priority and for explosion as a priority local inspection to ensure that Dangerous Substances and Explosive Atmospheres Regulations (DSEAR) major accident hazards are properly managed.

46. In 2014/15, increased proactive inspection of agricultural premises was undertaken in Scotland only, specifically to test the validity of targeting using Scottish Government data on agricultural holdings. Premises were identified based on employment and activity combinations that give rise to a significant risk profile. For the farms visited, material breaches were identified in 41% of premises with a higher percentage identified in specific types of farms: dairy farming was found to be the least compliant. The exercise has indicated that targeting can succeed down to a level of detail, including type and size of farm, using inspection resources to best effect.

47. Electro fishing used in the harvesting of razor clams is an illegal fishing activity. Although the numbers involved in the industry are unknown, it is likely to be low; two fatalities in the last three years therefore indicates a very high fatal accident rate. HSE is working closely with Marine Scotland including joint patrols and boarding activities resulting in potentially three more prosecutions to date. HSE has commissioned a research project with Science Directorate to quantify safety issues to the divers. We are also preparing briefs for Marine Scotland and the Scottish Government over the question of diver safety if this fishing technique is legalised.

Construction interventions

48. The Shieldhall Tunnel project is constructing a new 4.9km long, 5.5m diameter sewer tunnel under greater Glasgow. Construction, specialist and mines inspectors were involved in pre-start meetings with the client, Scottish Water and Principal Contractor Costain/Vinci JV. Preparation works are now well under way. The construction of the Tunnel Boring Machine (TBM) is nearing completion in Germany with tunnelling due to start here Spring 2016. In addition to normal hazards associated with tunnelling, the highest risk hazard is methane – bore holes have identified high levels in coal seams and old mine workings. Methane is therefore expected to be present during tunnelling and will be controlled by the design of the TBM and tunnel lining, ventilation and purging and extensive monitoring and alarm systems.

49. The M8/M73/M74 motorway project is a three year, £500million project to upgrade and construct 37km of new motorway in the central belt of Scotland. The client is Scottish Roads Partnership and the Principal Contractor, Ferrovial/Lagan JV. Key risks identified are construction vehicle movements, public traffic interface with construction workers, overhead power lines and buried services, temporary works, deep excavations and old mine workings. There is a close interface with work to electrify the rail network. HSE’s objective is to engage the contractor to ensure legal compliance and bring about improvements where appropriate at key stages of the project in occupational health; high speed traffic interfaces; on-site traffic management; and the management of temporary works and lifting (bridge construction work).

50. A project to demolish two 31 storey residential tower blocks in the east end of Glasgow used a new system of demolition for the first time in the UK. Methods
considered included long reach Machine, explosives or full height scaffolding but close proximity to housing and the main rail line coupled with the need for a hydraulic levelling system meant another approach was required. Safedem the contractor therefore engaged Italian Company DESPE to demolish building using the TopDownWay. The system is lifted into place on top of the structural columns of the tower block by tower crane. The structure is then demolished internally and floor by floor the system lowers itself down the building. Being fully enclosed it prevents falls from height and falling debris. Prior to commencement, HSE met the client and contractors to learn about system and seek further information. HSE involvement brought about improvements around tower crane safety, control of dust, noise and vibration and fire safety issues. Two sites visits were made during demolition where excellent standards were observed. The system achieved demolition of three floors every two weeks.

A project to demolish eight high rise blocks of flats (the Red Roads flats) in the north of Glasgow by explosive demolition is the largest such explosive project in Scotland. This has been a five year project to soft strip and remove large amounts of licensed and non-licensed asbestos. HSE has already been involved with earlier single block explosive demolition due to the unique steel framed nature of building. HSE intervention with the licensed asbestos contractor - due to extent and nature of removal work - brought about improvements in manual handling of waste.

In Spring 2014, HSE made aware of plan to blow down most of the remaining blocks as part of Commonwealth Games Opening Ceremony. Meetings were held with the client and contractor to ensure the priority was safety rather than public spectacle. However, adverse public reaction due to the intention to leave a single block remaining occupied by asylum seekers meant plan was shelved. Since then HSE has been involved in meetings about exclusions zones, the interface with the rail line and the volume of explosives being kept on site. The project is on schedule for blow down of all the remaining blocks to take place soon.

The Forth Replacement Crossing is progressing with work at a stage where the road deck is being lifted into position on one of the three towers. There have been proactive inspections to look at the tower construction in addition to investigation of concerns around structural integrity of temporary works on the towers and accident investigation on approach road and infrastructure works.

Construction Division is leading HSE’s annual refurbishment initiative between 14 September and 9 October 2015 including in Scotland. During this period, visits to construction sites will be targeted where refurbishment work is being carried out, focussing on work at height, site good order, welfare, exposure to carcinogens such as silica and asbestos, manual handling, noise and vibration and exposure to other hazardous substances. During last year’s campaign, 35% of all enforcement notices served were for health issues. Inspectors will also follow up health and safety breaches with clients and designers to reinforce their duties under the Construction, Design and Management Regulations 2015 to ensure that all duty holders with on-site health and safety responsibilities understand and meet them.

Construction Division is also involved in work supporting the Office for Nuclear Regulation on non-nuclear aspects of construction work during the decommissioning of nuclear sites across the UK. This strategic intervention has already involved visits to Dounreay, Chapelcross and Hunterston A nuclear installation in Scotland.

Additional matters of interest
56. The Scottish Independent Undertakings (SIUs) are small, standalone, gas networks situated in Oban, Wick, Thurso and Campbeltown. In June HSE granted an exemption to the Gas Safety (Management) Regulations 1996 (GSMR) to allow Scottish Gas Network to test the use of out-of-specification gas in the Oban SIU. This followed a rigorous examination of the safety justification for the trial to ensure that no one was subject to an increased risk to their safety or health. Once this trial has been completed the evidence and knowledge gained will be used to support further exemptions to GSMR.

57. HSE continues to support the Hazardous Substances Consents Authorities (HSCAs) in Scotland (the Scottish local authorities) in exercising their responsibilities concerning hazardous installations. HSCAs must take account of the potential risks to people in the vicinity of hazardous installations when deciding whether to grant planning consent for building new hazardous installations.

58. HSE is the policy lead and regulator for the explosives sector in Scotland. We grant permissions for the manufacture and storage of larger quantities of explosives, license the movement of explosives and inspect sites to ensure that duty holders are controlling risks to workers and the public. HSE’s explosives teams provide advice and support to both Police Scotland and Scottish local authorities on explosives issues. We are currently working with industry representatives on the transposition of a recast of the EU Directive on Civil Explosives.

GB-wide work based in Scotland

59. HSE’s Local Authority Unit Entertainments, Leisure & Consumer Services Sector is based in Glasgow but has a GB-wide remit covering activities enforced predominantly by local authorities. This includes the entertainment and leisure industries as well as the hospitality, retail, catering and cleaning industries, with the exception of the fairgrounds, film and broadcasting industries which are HSE enforced. Local authority-owned or operated entertainment and leisure facilities also fall to HSE for enforcement. The Scottish Government has oversight of significant parts of this broad economic sector including, sport, leisure and tourism, as well as local authorities themselves.

60. HSE’s Asbestos Licensing Unit (ALU) is based in Scotland. It manages the regulatory function and collates inspection evidence of licensee performance from across GB in all work sectors including nuclear, off-shore, and from local authority inspectors. Information is used to support decisions on granting, renewing, amending and revoking licences. ALU works as part of the Asbestos Liaison Group (ALG), a formal body of trade associations, regulators and trade unions to develop technical and legal guidance for industry and inspectors. It also carries out the practical administration of licence applications, fees, coordinating asbestos inspection visits by HSE and provides training across the UK including for HSE Northern Ireland inspectors. ALU costs, inspections and training are fully funded through fees levied at licence application (under the Health and Safety and Nuclear (Fees) Regulations 2015).