Freedom of Information request: 2019/0069 BB

Following our initial response to you on the 6th March, UK Research and Innovation has identified new information that is relevant to your request. We extend our sincerest apologies for this oversight.

Please find attached two documents relevant to your request:

- Improvement notice – media statement
- TPI stakeholder briefing note

If you have any queries about this response please contact me, or if you are unhappy with the service you have received in relation to your request and wish to request a review of our decision, please write to:

Complaints Officer
UK Research and Innovation
Polaris House
North Star Avenue
Swindon
SN2 1FL
Email: foi@ukri.org

Please quote the reference number above in any future communications.

If you are still not content with the outcome of the review, you may apply to refer the matter to the Information Commissioner for a decision. Generally, the ICO cannot make a decision unless you have exhausted the review procedure provided by UKRI. The Information Commissioner can be contacted at:

Information Commissioner
Wycliffe House,
Water Lane
Wilmslow
Cheshire
SK9 5AF

Enquiry/Information Line: Between 9am and 5pm Monday to Friday 0303 123 1113 or 01625 545745
Further information about the Office of the Information Commissioner can be found at http://www.ico.gov.uk/

Yours sincerely,

UK Research and Innovation, Information Governance Team
Email: foi@ukri.org
The Pirbright Institute

Media Statement

The Pirbright Institute can confirm that on 6 December 2018 it received an Improvement Notice from the Health and Safety Executive (HSE). The notice was issued following an HSE investigation on 21-22 November 2018 into two separate and unrelated incidents which occurred at the Institute on 17 September and 1 November 2018. Neither incident caused any release of virus. The Improvement Notice was served by the HSE under section 21 of the Health & Safety at Work Act 1974 (HSWA), for maintenance activities being in breach of regulation 5 of the Management of Health & Safety at Work Regulations 1999.

The incidents, which were reported by Pirbright to HSE under Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR) and did not breach SAPO4 regulations, showed that certain Institute processes and actions had fallen short of the standards that the public, partners and the Institute itself expects. The Institute accepts full responsibility and is working closely with the HSE in order to ensure it is fully compliant with the regulatory requirements specified in the Notice by the deadline of 30 April 2019.

The Institute has undertaken two comprehensive internal investigations following these incidents. These investigations have resulted in the implementation of revised procedures and processes for planned maintenance works to prevent any reoccurrence. The Institute is also addressing all the recommendations by the HSE and will be in full compliance by the deadline.

The Institute will continue to deliver world-leading scientific excellence whilst complying fully to the stringent regulations in health, safety and biosafety necessary to remain a high reliability organisation with global impact in the prevention and control of some of the world’s most devastating diseases.

ENDS

Contact
Teresa Maughan, Head of Communications

Note to Editors

The Pirbright Institute carries out research and diagnostic surveillance on viral diseases of livestock and viruses that can transmit from farm animals to people. The majority of this research is carried out at the highest biological containment level under the authority of a Specified Animal Pathogens Order (SAPO 4) licence issued by the HSE. The Pirbright Institute is classified as a Major Hazard Site and is subject to a minimum of four planned intervention visits from HSE annually – based on the planned intervention visits in 2017/2018 HSE categorised Pirbright as Compliant.
Stakeholder Briefing Note

From Pirbright Institute Trustee Board and Senior Leadership Team

Concerning the HSE Improvement Notice served on Pirbright Institute on 06 December 2018

Background

The Pirbright Institute carries out research and diagnostic surveillance on high consequence viral pathogens of animals, such as Foot & Mouth Disease Virus. This work is carried out at the highest level of biological containment (Containment Level (CL) 4) under a Specified Animal Pathogens Order (SAPO) Licence and is also subject to the requirements of health and safety law. Pirbright’s SAPO Licence was renewed by HSE for five years in August 2018. Pirbright is classified by HSE as a Major Hazard Site, and as such is subject to a schedule of annual intervention visits by HSE. This is the type of oversight applied to other Major Hazard Sites such as chemical plant, oil and gas installations and explosives factories. Based on the planned intervention visits during 2017/18, HSE categorised Pirbright as fully compliant for containment and control of both its in vitro and in vivo work, and broadly compliant for maintenance and examination and competence management systems.

Incidents

There have recently been two significant incidents at The Pirbright Institute; both were notified to HSE in line with legal requirements.

The first incident on 18 September 2018: Decontamination of a CL4 animal isolation unit involved treating drains and effluent treatment system with a large volume of 12% sodium hydroxide. Some of this was inadvertently released because of an unforeseen activation of a system component. The released material was entirely contained within the effluent treatment facility, as per its design. At no time was there a breach or potential breach of biological containment. No one was harmed as a consequence. In conjunction with external experts in chemical clean-up, a programme of work was undertaken to remove, safely treat and dispose of the released material, and to make safe the facility. It was subsequently restored to normal operation. An internal investigation was carried out, causes and corrective and improvement actions identified.

The second incident on 01 November 2018: During planned preventative maintenance of part of the BBSRC National Virology Centre (Plowright Building) CL4 laboratory facility, a fumigation chamber was mistakenly operated whilst the associated air handling system was shut down. This resulted in a release of formaldehyde vapour. A controlled evacuation of the facility was undertaken as a precaution, whilst formaldehyde was vented via the air handling system until no formaldehyde could be detected. Regrettably, one member of staff became unwell and required medical treatment; the injured party is now well and back at work. No other staff experienced significant symptoms. At no time was there a breach or potential breach of biological containment. An internal investigation was carried out, causes and corrective and improvement actions identified.
HSE investigation

HSE carried out an investigation of these incidents on 21-22 November 2019. Although the HSE inspector was satisfied with the transparency and cooperation of Pirbright staff, the inspector concluded that formal enforcement action was necessary to provide stakeholders with the necessary assurance that the causes identified will be addressed by suitable corrective and improvement actions. The inspector therefore subsequently served an Improvement Notice on Pirbright requiring a number of improvements to the management of health and safety risks. Such a Notice is where a HSE inspector is of the view that there is a breach of health and safety law, and legally obliges the Institute to remedy the breach in a specified timescale. Failure to comply with such a Notice may lead to prosecution. The Improvement Notice will be published on a public database on HSE’s website. The breach in this instance is of regulation 5(1) of the Management of Health & Safety at Work Regulations 1999 which requires “effective planning, organisation, control, monitoring and review of preventive and protective measures”. The Notice specifies in its Schedule that action is required to ensure that:

- structured team based risk assessments are adequately planned and effectively managed
- visual inspections of vessels and pipework are of sufficient scope and undertaken with an appropriate level of scrutiny
- alarm monitoring and response procedures reflect the frontline operational context of the activity being carried out and applied as intended
- safety related communications contain relevant information that is pitched at the right level and formally delivered
- accidents and incidents are sufficiently investigated to ensure lessons are identified so that the potential for re-occurrence is minimised

The deadline for compliance with the Notice is 30 April 2019. Compliance will be assessed by HSE.

Pirbright action plan

Pirbright is planning and implementing a programme of corrective and improvement actions to comply with this Notice within the time specified. The Institute is actively liaising with the HSE inspector to ensure these planned actions meet the requirements of the Notice. Work is therefore underway to comply with the Notice.

Clearly, HSE enforcement action is an undesirable and disappointing outcome for Pirbright and for its stakeholders. The Senior Leadership Team at Pirbright will ensure that this Notice is fully complied with, within the timescale specified. The Trustee Board will be kept informed of progress towards compliance.