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HEALTH AND SAFETY COMMISSION

An update on the work of the Construction Division

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Issue

1. To update the Commission on the work of the Construction Division and other recent developments.

Timing

2. Routine.

Recommendation

3. The Commission is invited to note the contents of this paper and provide continued support to the work of the Division.

Background

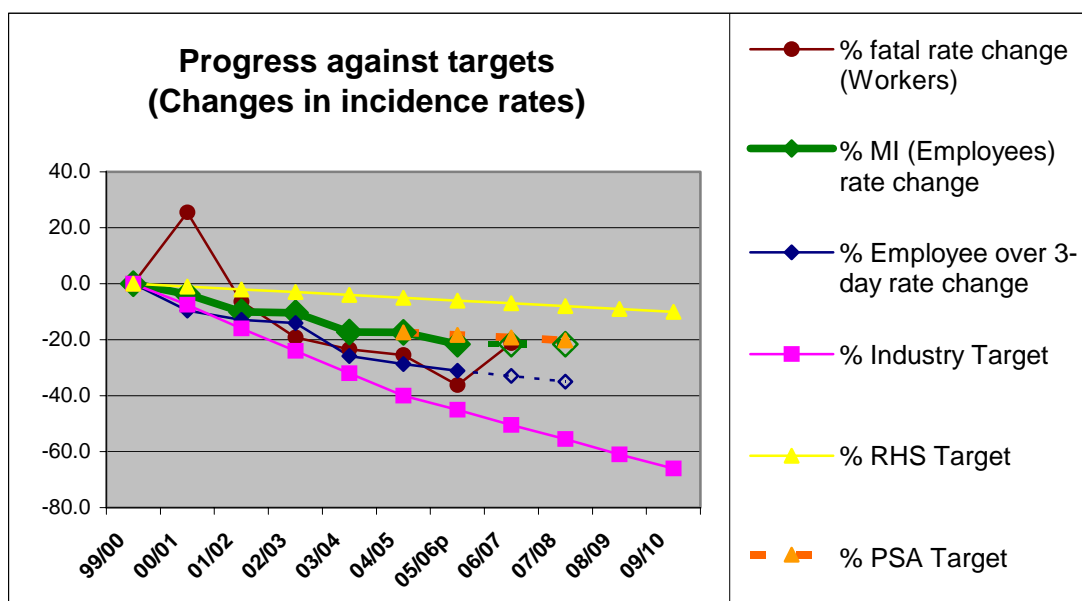
4. An update on the Construction Programme was provided in March 2006 (HSC/06/31). At earlier HSC meetings in May, June and July 2007, discussion included reference to the increased number of construction fatalities for 2006/07p. It was agreed that an update on developments, including HSE's work would be brought to the Commission in the autumn. The Commission also questioned whether the rise in fatalities was linked to the increase in migrant labour or a change in activity levels. Following a request in July, Commissioners were sent a copy of the construction injury statistical analysis presented to CONIAC on 25 June 2007.
5. The Construction Programme developed in response to the Revitalising Agenda, in part due to the significant increases in fatal and major accidents during 1999 - 2001. Concern about the level of fatal and major injuries also led to the Construction Health and Safety Summit in 2001. Within HSE, and to provide a clear focus and responsibility for construction work, FOD set up the Construction Division (ConD).
6. The Programme directs the proactive work of the ConD and a percentage of reactive work also delivers programme aims e.g. tracking back to designers. It was anticipated to last at least ten years and is now in its sixth year, which is also the final year of the current PSA target period. It has evolved and matured, building on experience, and now forms part of the PSA1 Strategic Programme under the Fit3 governance mechanism.

- Since 2001, the Programme has delivered considerable changes in the way health and safety is managed, particularly with the larger and more structured part of the industry. To increase effectiveness still further, earlier this year a strategic review of the Construction Programme was undertaken. The overall aims were to maintain progress where this was having good effect and refocus effort in areas which give rise to the biggest risks.

Argument

The Accident Picture

- A summary and commentary of statistical analysis is provided in **Annex 1**. The fatal accident figures for 2006/07p, published on 26 July 2007, showed a rise from 60 to 77; an increase of 28% over the exceptionally low figure in 2005/06. Over the last 15 years there has been a statistically significant downward trend in the rate of fatal injury to workers. Although, over the last 5 years this trend has flattened.
- Despite the sobering rise in fatal accidents in 2006/07, overall very good progress has been made in recent years and it is anticipated that we will meet our contribution to the PSA target for major injuries in construction. The incidence rates for fatalities, major and over 3 day injuries for 2005/06 were the lowest on record. The Construction major injury rate for 2006/07p will not be released until 1 November 2007.
- This needs to be viewed against a backdrop of a buoyant construction industry where in some sectors there has been considerable increased activity over a number of years, in particular the housing sector (housing output increased by some 97% between 2001 and 2005). It is therefore best to compare injury and fatality rates year on year, which reflect activity levels. Thus, whilst there has been an extreme and disappointing rise in the number of fatal accidents and consequently the rate of fatalities, the bigger picture shows a broadly continuing downward trend.



11. Turning to the issue of migrant workers, analysis of the small number of fatal accidents has shown no clear evidence that migrant workers are disproportionately represented amongst the fatal accident numbers. Both the number and percentage of migrant workers in the fatal accident statistics decreased in 2006/07p compared to the previous year. The influence of migrant workers on construction health and safety forms part of our continuing monitoring of developments in the industry. For example, the Chief Inspector of Construction has met with the Director General of Poland and ConD is engaged with work on vulnerable workers, which is taking place across government. **Annex 2** summarises work with migrant / vulnerable workers.

The Construction Programme

12. The Programme aims to ensure that the risks to those working in the construction industry or who maybe affected by it are properly controlled. We seek to reduce the rate of fatal and major injuries suffered by workers and to contribute to the reduction in work related illness and working days lost in line with the PSA targets. Central to the strategy are the objectives of **ownership** by the industry, **leadership** from senior industry figures and **partnership** working between those who create, manage and are exposed to risks.
13. The Programme is evidence based and outcome driven. We use a wide range of statistical information and intelligence to target our work at the greatest risk and to maximise impact on all those in the construction procurement and supply chain. It has led to key initiatives and a wide variety of intervention techniques tailored at achieving the outcomes which we have set. Continued, regular discussion with CONIAC (including employers and Unions) informs Programme development e.g. the establishment of the SME and Vulnerable Workers CONIAC Working Groups. Full aims of the Programme and examples of recent achievements are provided in **Annex 3**.
14. Enforcement is also an integral part of the Programme and inspectors are provided with materials to support enforcement led initiatives. For example the recent intensive inspection initiative targeting falls and trips (site good order) led to 426 notices being issued and 15 possible prosecutions.

Current Work

15. The Construction Programme for 2007/08 builds on previous work to develop sustainable improvement within the industry. Current work is summarised in **Annex 4**. As refurbishment/repair/maintenance (RRM) represents 51% of fatal accidents in 2006/07p, refurbishment activities have been allocated proportionately the largest amount of proactive time. This has included an intensive inspection initiative targeting falls and trips (site good order) in the traditional refurbishment sector. **Annex 5** summarises the results of the initiative.
16. The effectiveness of CDM2007 is central to delivering much of the overall Programme in 2007/08 and future years. Following the Ministerial launch with major stakeholders, the Regulations came into force on 6 April this year. The revised regulations have generally been very well received, with a new ACOP and information on the HSE website, which includes a training package. The ACOP included a "Core Criteria" for competence, and an early success for CDM has been the alignment of some industry pre-qualification schemes to the Criteria, which is helping to eliminate bureaucracy in competence assessment. The Commission had requested that industry produce their own guidance, which

has now been developed and is freely available via the Construction Skills website. It has been very well received.

17. Work continues to make CDM2007 a reality. We are aware of over 280 CDM presentations and seminars to industry this year, two thirds of which involved HSE speakers, attended by over 11,500 people. Work continues to raise the awareness of clients and SMEs, and there is close liaison with LACORS (Local Authorities Co-ordinator of Regulatory Services) to ensure consistent and appropriate local authority enforcement.
18. ConD has been working closely with other government departments, Strategic Forum for Construction, Olympic Delivery Authority and other key stakeholders to raise awareness of the importance of construction health and safety, good procurement practice and integrated teams in the construction of the facilities for the 2012 London Olympic and Para-Olympic Games and legacy. Health and safety is now one of six key principles, as well as being integral in all others principles in the industry's "2012 Construction Commitments". Following the principles of CDM2007, the next focus is ensuring health and safety is adequately taken account for in the design of the new facilities, as well as continuing site inspection of the enabling and remediation works.
19. Importantly, the flexible design of the Programme allows quick response to 'in year' pressures and potential statistical trends. The Programme had already been refined to target new build housing and RRM which saw the greatest rise in fatal injuries. As a result of the success of the recent initiative reported in **Annex 5**, and to keep up pressure on this sector, plans have been amended to include another falls and trips inspection initiative for early next year. Our work will also take into account the changing patterns of employment in the industry, emerging work streams and to address future challenges such as activity connected to the Governments plans to build two million new homes by 2020.

Future work

20. Over the previous 18 months close monitoring of statistics available to us has shown a decrease in the rate of improvement or even a reversal of some previously positive trends. Accordingly, work was set in hand by the Division to engage with stakeholders to review the Programme. Five new key areas of work were identified; necessary we believe to make a step change in the industry. Our review and proposals were presented to CONIAC who provided comment and endorsement. Activity to deliver these key work streams is now in hand. An outline of the new cross-cutting strategic projects is in **Annex 4**.
21. Overall, the Construction Programme and the work of FOD's Construction Division have, with partners and key stakeholders, brought improvements to the construction industry since 2001. We recognise that a regular process of monitoring and review of the Programme is required if continued improvements are to be achieved and sustained.

The Construction Forum 17th September 2007

22. Following a meeting with UCATT and during his July appearance at the Work and Pensions Select Committee, the Secretary of State announced that there would be a Construction Forum in September to consider the rise in construction fatal injuries in house building and domestic RRM during 2006/07p. To inform discussion at the Forum, a paper (**Annex 6**) was prepared and circulated to

delegates. This was followed by in depth discussion with each delegate to identify common agreement on action to reverse the trend in fatal injuries in the sector.

23. During the successful Forum, discussion focussed on suggestions for action where there was less consensus and led to agreement of a 'Framework for Action' (**Annex 7**) that will be monitored and reported on by the Strategic Forum for Construction Health and Safety Task Group, chaired by John Spanswick.

Construction Division Resources

24. A summary of Band 3/4 inspector resources available to the Division, as a proportion of FOD's total, is shown in **Annex 8**. Whilst ConD was treated equally with the rest of FOD in the affordability exercise during 2006/07, and therefore both parts of FOD will see a small reduction in numbers between this year and next, over the period from 2003/04 to 2007/08 the proportion of both frontline staff and financial resource devoted to construction work has been constant, with some protection for construction where possible. Discounting Corporate Health Specialist Division (which is a Division of corporate specialists soon to move from FOD) approximately a quarter of FOD's financial resources are being devoted to its construction work in 2007/08. Around 50% of available inspection time in the ConD is devoted reactively to investigation of fatal accidents, injuries, health problems and complaints. Reactive work provides opportunity to reinforce our programme and health and safety messages. A roughly equal proportion of time is devoted to proactive work; the Construction Programme.
25. ConD are also recruiting on secondment, personnel with Building Control and Local Authority experience to enable us to enhance the programme capacity to deliver through others. Particular benefits will include enabling us to understand the role of Local Authorities with respect to construction activity.

Consultation

26. Within HSE.

Presentation

27. Construction fatality and injury statistics, particularly last year's significant rise in fatalities, continue to attract governmental, media and stakeholder attention. There is a risk that HSE will be further criticised over the rise in fatalities, resourcing of the Construction Programme and the targeting of its work. The key overriding messages in relation to such criticisms are:

- HSE continues to successfully use a wide range of methods to encourage the construction industry to take responsibility for managing the health and safety risks it creates and to seek improvements in construction health and safety
- HSE routinely monitors and analyses injury and ill-health statistics and continues to target its resources where it will have most impact
- Further improvements in construction health and safety can be made if all those involved in construction work take greater ownership of the risks they create, show leadership and work in partnership. A good example of which is the industry action plan agreed at the recent Construction Forum
- HSE will not hesitate to use formal enforcement action where they find poor standards of construction health and safety.

28. Key communication activities for the year include a successful launch of the CDM 2007 regulations and significant partnership working on awareness raising events; further expansion and delivery of a wide variety of awareness and training events to micro and small construction businesses through the Working Well Together Campaign (a CONIAC inspired industry led and HSE co-ordinated initiative); the launch of a new occupational health model for the construction industry, which will include partnership events throughout the country with key stakeholders; and further development of the construction website, which is already the most popular sector specific HSE site. Work is now commencing to develop a strategy for embedding construction health and safety messages within property development / DIY / Rogue Trader type TV programmes and associated web and printed media.

29. ConD will take full advantage of the opportunities presented in the additional corporate slips, trips and falls communication campaign in February 2008 to press home the messages in the construction industry. Once scope and resources have been agreed, construction will represent a significant strand of the whole campaign. UCATT have agreed to work with HSE on the construction elements of this corporate campaign.

Costs and Benefits

30. Failure to sustain progress of the Construction Programme could jeopardise achievement of HSE targets and could alienate sections of the industry that have achieved substantial progress. The potential benefits include significant ongoing reductions in the numbers of injuries and ill health as well as improved efficiency and effectiveness through working with others.

Financial/Resource Implications for HSE

31. The resource implications of further work will be assessed as plans develop. The most significant cost of the ConD is payroll. In 2006/07 the payroll cost for all staff in ConD was just under £10M and the forecasted costs for 2007/08 is about the same based on the October pay award. This equates to 20% of FOD's total payroll spend. Our budget for the Construction Programme Communications in 2007/08 is £486,000, which is augmented by spend, for example, on corporate campaigns such as slips and trips. The Programme also benefits from other Fit3 communications programmes that target cross-sector risks which appear in the construction industry e.g. slip and trips, backs etc.

Environmental and Other Implications

32. None.

Action / Next Steps

33. The Commission is invited to:

- Note the position on statistics and activity levels
- Note the achievements made to date
- Endorse the current and future work of the Construction Programme.

INDEX FOR ANNEXES to HSC/07/71

- Annex 1 Accidents in Construction
- Annex 2 Work on vulnerable workers in construction
- Annex 3 Aim and objectives of the Construction Programme and recent achievements
- Annex 4 The Construction Programme: Current Work 2007/08 and cross-cutting strategic projects
- Annex 5 The Construction Programme 2007/08: Results from the falls and trips inspection initiative 2007
- Annex 6 Construction Forum background paper: Health and safety in the housing sector
- Annex 7 Construction Forum: Framework for action
- Annex 8 Construction Division resources.