

Health and Safety Executive Board		Paper No: HSE/09/25	
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INDEPENDENT INQUIRY INTO UNDERLYING CAUSES OF CONSTRUCTION FATAL ACCIDENTS			

Purpose of the paper

1. Background to the independent inquiry into the underlying causes of construction fatal accidents and the attendance of the Chair of the inquiry at the meeting.

Background

2. On 4 December 2008, the Rt. Hon James Purnell MP, Secretary of State (SoS) for Work and Pensions, announced an inquiry into the underlying causes of construction fatal accidents. The inquiry arose from concern over the number of construction fatalities, to examine what more could be done to tackle underlying causes. It is not an inquiry into HSE.

3. Rita Donaghy CBE has been appointed independent Chair of the inquiry. Rita was Chair of ACAS between 2000-07 and has held a number of other public appointments. The terms of reference are laid out in the letter dated 28 November 2008 from the SoS to the Chair of the inquiry, attached at **Annex 1**.

4. The SoS requested that HSE provide resource and expertise to the Chair throughout the work. Accordingly, Construction Division (CD) is providing the secretariat for the inquiry together with support and briefing from across CD and wider HSE as required. HSE is providing full funding for the inquiry, which includes the cost of external contracts to establish the peer review group and undertake Phase 2 work. DWP are providing communications support.

Phased Approach

5. The terms of reference from the SoS set out three phases. Firstly, a comprehensive review of existing work to consolidate the understanding of fatal injuries in the construction industry. Secondly, a deeper analysis of underlying causes, including factors outside the health and safety system, and, thirdly, review and reporting to Ministers and HSE's Board.

6. Three independent academic peer reviewers have been appointed to provide independent assurance and continuity throughout the work: Professor Andrew Hale (Professor of Safety Science, Delft University of Technology); Dr Sonia McKay (Reader, Working Lives Research Institute, London Metropolitan University); and Professor David Walters (Professor of Work Environment & Director of Cardiff Work Environment Research Centre, Cardiff University).

Progress against the Phases

7. The inquiry is proceeding rapidly and progress against the phases is as follows:

Phase 1 – A comprehensive review to consolidate current understanding

- a) HSE has completed a comprehensive review of its work spanning 10 years, to consolidate and summarise existing knowledge of causal factors in

construction fatal accidents, including learning from 25 migrant/foreign worker fatalities.

- b) The independent peer reviewers have commented on HSE's Phase 1 report, and have made recommendations to direct the conduct of Phase 2. HSE is updating the Phase 1 report to provide clarification and expansion in addressing the comments.

Phase 2 – Deeper analysis of underlying causes

- c) A university has been contracted to carry out an external review of industry / international / insurer / company / trade union evidence about root causes of construction accidents and levers within and beyond health and safety systems. They have begun gathering stakeholder information within the UK and internationally.
- d) The peer reviewers have selected a further 25 recent construction fatalities for detailed study to examine underlying causes and enrich and inform the inquiry.

Phase 3 – Review and Reporting

- f) The Chair will review all work, drawing particularly on the outputs from the academic peer reviewers, and will report to the Department of Work and Pensions (DWP) Ministers and HSE Board by 30 April 2009. The resulting recommendations may not be restricted to the health and safety system and may reflect wider issues. They may seek to strengthen existing work or may encourage new developments.

Argument

8. The Chair is engaged in widespread industry consultation, supported by HSE, to ensure stakeholder views are considered. She has already met with over 25 construction companies and stakeholder organisations, including unions, and over the course of the next few weeks will meet many more e.g. government departments, TU reps, campaign groups and bereaved families, etc.

9. The Chair undertook a day of construction site visits in London accompanying an HM Inspector of Health and Safety. She also attended a one day HSE Construction Division briefing with a contribution from Cross-Cutting Division. A further briefing day was then held with HSE and stakeholder representatives in Scotland and is being followed by a similar briefing day in Wales. She has met with Judith Hackitt, John Spanswick, Hugh Robertson, Geoffrey Podger, Kevin Myers, Stephen Williams, Alex Brett-Holt, Paul Stollard, David Ashton and Louise Brearey.

10. The Chair appeared before the Work and Pensions Committee on 26 January where she mentioned the significant work that had already been undertaken. She outlined her desire to build on existing knowledge, identifying where there are gaps, and to look at those areas where there is disparity between intention and reality of health and safety performance.

11. The current priority is to execute Phase 2 work as outlined at paragraph 7(c) and (d). This will additionally involve current and former construction Inspectors, HSE human factors staff and research management and procurement teams.

12. The Chair of the inquiry will take the opportunity of the meeting to update the HSE Board on the progress.

Paper clearance

13. Kevin Myers, Deputy Chief Executive.



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Rita Donaghy CBE

28 November 2008

**INQUIRY INTO FATAL ACCIDENTS IN THE CONSTRUCTION
INDUSTRY**

I am writing to outline my commission for an inquiry into of the underlying causes of construction fatal accidents and to confirm your appointment as independent Chair for this work.

Attached is the proposed approach for this work. Given the unacceptable level of fatalities in the construction industry I am keen that you proceed with this work as quickly as possible and I would like you to report to me by the end of April 2009.

As Chair I believe it is important that you are able to oversee all phases of the work of the inquiry and that you feel free to make any recommendations you see fit. My expectation is that, while the focus of the inquiry should be firmly set on fatalities in construction, stakeholders such as unions, industry and campaign groups should be able to contribute pertinent issues at each stage of the work and also be informed of progress.

I have written in similar terms to Judith Hackett at the Health and Safety Executive (HSE) asking her to ensure that the resources and expertise of HSE are made available to you throughout your work. HSE rightly plays a central role in preventing fatalities in the construction industry and to ensure you have a running start to your work HSE has already begun the process of reviewing existing information on construction fatalities. It is important that you feel able to properly examine their work.

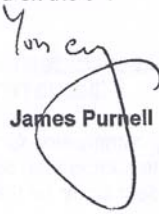
In addition to HSE's input you will no doubt find it useful to avail yourself of the independent academic peer reviewers who will help you in carrying out your work.

The Permanent Secretary will be writing to you separately about the terms of your engagement.

A formal announcement of your appointment is planned for 1st December. We are due to meet at 10.30am on 9th December and this will provide a good opportunity for us to discuss the inquiry in more detail.

A copy of this letter has been sent to Judith Hackitt, HSE Chair.

I look forward to meeting you on the 9th.

Yours sincerely

James Purnell

Inquiry - Reviewing of the underlying causes of construction fatal injuries

A phased approach is proposed.

Phase 1

a) Comprehensive review of recent work to consolidate and summarise existing knowledge of causal factors in construction fatal accidents. This will span at least 10 years and include work in 2008 examining the root causes of 25 migrant/foreign worker fatalities.

b) Independent peer review of Phase 1, report and recommendations for Phase 2. This review will be conducted by two respected independent academics. The peer reviewers will provide independence and continuity throughout the work, directing and providing oversight of the conduct Phase 2.

Phase 2

c) Research examining recent fatal accidents in construction and wider sources of evidence

- Review and analysis of a further 25 recent construction fatalities carried out by HSE with independent oversight
- External review of industry / international / insurer / company evidence about root causes of construction accidents and levers within and beyond health and safety systems to make further improvements.

d) Independent peer reviewers' summary interim report

Phase 3

e) Independent Chair to receive and review Phase 1 report and oversee Phase 2 work.

f) Independent Chair to review all work and report to DWP Ministers and the HSE Board by 30 April 2009.