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## AN UPDATE ON THE WORK OF CONSTRUCTION DIVISION

### Purpose of the paper

1. This paper provides an update on the work of the Construction Division (CD) over the last 12 months and considers future priorities. The Board is asked to note its contents.

### Background

2. The environment in which CD seeks to improve health and safety standards has proved particularly challenging over the last 12 months. The impact of the economic recession on the construction industry has been severe. **Annex 1** provides details though the Board will want to note:
  - a) in 2009, the industry saw an 11.5% drop in output (compared to 5% for the economy as a whole);
  - b) it is estimated that the industry now employs 375,000 fewer workers than in 2008;
  - c) a further smaller fall in output and employment is expected in 2010 before a slow return to growth in the following years.
3. There have been, nevertheless, further welcome falls in numbers and rates of fatal, major and over 3-day injuries. This can, in part, be explained by lower levels of activity. Progress in reducing the numbers suffering ill-health remains a substantial challenge. **Annex 2** provides details, but the Board will wish to note:
  - a) in 2009/10, 41 workers died as a consequence of accidents arising from construction work. This is the lowest number on record, as is the fatal accident rate of 2.0 per 100,000 workers. However, this rate is still four times the average for all industries;
  - b) the latest Self-reported Work-related Illness (SWI) module of the Labour Force Survey estimated in 2008/9 that 93,000 people whose current or most recent job in the last year was in construction, suffered from an illness which was caused by or made worse by the job. This is up from 88,000 in 2007/8, although the associated prevalence rate of 3.7% is of a similar order to that for 2007/8 and previous years. The survey estimates that in 2008/9 2.4 million working days were lost due to ill-health. This compares with 0.6 million days due to workplace injury.

### Argument

#### The Construction Programme

4. CD delivers improvements in the industry's health and safety performance through its Construction Programme. The Programme is evidence based and

outcome driven. A wide range of evidence and sources of information are used to target high-risk work and maximise impact on all those in the construction procurement supply chain. The flexible design of each year's plan of work under the Programme allows action on issues such as poor standards in refurbishment which continue from year to year, while allowing a quick response to 'in year' pressures and potential trends (eg controlling fire risks in the construction of timber framed buildings). The 2010/11 plan of work is simpler than in previous years and gives a clear focus on what CD is delivering in achieving HSE's Strategy goals.

### Operational Activity

5. The 2010/11 plan of work focuses proactive operational activity on five work streams:
  - Asbestos licence holders;
  - Small construction sites;
  - Refurbishment;
  - Home-build; and
  - Major projects.
6. This activity is designed to help achieve the Strategy goals including building competence, creating healthier, safer workplaces and support for SMEs as well as investigations and securing justice. Each work stream identifies a number of risks on which the work is focused. There are five generic risks that are considered at all site visits: welfare; site transport; working at height; asbestos risks; and good order. In addition, other specific risks are targeted when they are present and include fire, lifting, roof-work and respiratory risks.
7. CD also runs a national intensive inspection initiative (in addition to supporting HSE-wide campaigns such as "Shattered Lives"). For the last three years, this has focused on refurbishment work to ensure that key risks in this poor performing sector are properly controlled. The March 2010 initiative found that standards remain poor: 2014 sites were visited and 691 enforcement notices were served, with inspectors ordering work to be stopped immediately in 359 cases. The results are, if anything, worse than in previous years and underline the extent of the continuing challenge to ensure that certain aspects of construction work meet even minimum standards. Refurbishment therefore remains a high priority for CD, particularly in the current economic climate when this activity is more likely to take place than new build.
8. The high risk profile of the industry and CD's commitment to delivering and securing justice means that the Division contributes significantly to the overall inspection and enforcement work undertaken by HSE. CD serves around 30% of all enforcement notices issued by HSE and takes around 40% of all prosecutions. **Annex 3** provides details of the number of enforcement notices issued (Table 5) and of informations laid (Table 6) in the years 2004/5 to 2008/9 as well as a selection of recent prosecutions.
9. Over the last 12 months, other significant operational interventions which reflect local as well as national priorities have been successfully delivered. These include:

- a) an outreach worker campaign targeted at migrant construction workers in London. Over 100,000 pocket information cards in Gujarati, Polish and Romanian have been distributed providing basic information about health and safety and the help HSE can give them. This has been supported by and publicised through community events, press articles and other media events;
  - b) collaborative work with other agencies (eg local authorities) to ensure that the huge amount of refurbishment work needed to be carried out in Cumbria following floods in December 2009 is done quickly and safely;
  - c) a series of visits to sites in London using timber frame construction following two major fires. This resulted in eight enforcement notices being served and early indications that standards of fire protection are improving considerably;
  - d) a significant increase in enforcement work on silica-dust related issues. Over 100 enforcement notices were served in 2009/10 (compared to 13 in 2008/9) and 33 builders merchants and tool hire events have been arranged to raise awareness of the health risks of working with silica.
10. The level of operational resource devoted towards delivery of this work was sustained through the year, despite the contraction of industry output in the same period, reflecting the continuing high risk profile of the construction industry. The Board is also invited to note the substantial commitment of operational resource throughout the year to the training of the fixed-term appointee Inspectors of Construction who were recruited in June 2009. Aside from this commitment the training workload of Construction Division remains high.

#### Other Work

11. CD's sector and policy teams set priorities for the Field through the plan of work and also deliver a wide range of other work. Again, these are designed to help contribute towards achieving the goals in the HSE Strategy. Details of this work and associated operational activity is set out in **Annex 4**, the Board may wish to note this includes:
- a) further work to ensure safer use of tower cranes. This has included work to improve standards of competence as well as delivery of the Notification of Conventional Tower Cranes Regulations 2010. The latter, together with the supporting on-line register, was delivered to a tight deadline. The register is proving effective in satisfying requests from the public about the registration and inspection status of tower cranes, and is also providing a useful source of intelligence to HSE;
  - b) re-constituting CONIAC. Aside from refreshing its membership, this process has broadened the industry representation by expanding trade union membership and bringing in for the first time representatives of the labour supply chain. It has also established new working groups for health risks and the evaluation of CDM. In addition, the CONIAC Secretariat is forging better links with other industry bodies in order to align industry priorities and agendas;
  - c) the establishment of the Safety Schemes in Procurement (SSIP) Forum and the agreement by members of the Forum to mutually recognise schemes which adopt the CDM Core Criteria for organisational competence;
  - d) the development of a Field project on improving procurement performance in projects where local authorities are the client and commissioning research on

public sector procurement to better understand current practice and so help inform future interventions;

- e) taking forward a small sites strategy through the publication of customised guidance for SMEs, including a revamp of construction advice on HSE's website and directing over 20% of field resource to small site inspection work. This work has benefited considerably from the appointment of fixed term appointees from the industry.

### Construction Programme beyond 2010/11

- 12. The industry is currently in considerable flux, investment by the public sector which has, until now, mitigated the full impact of the recession, looks set to fall away quickly. The modest recovery forecast from 2011 onwards assumes increases in levels of private investment in construction that more than compensates for the drop in public sector investment. The sectors forecast to benefit from this are, in particular, private housing, infrastructure and work to develop the low carbon economy.
- 13. HSE's Construction Programme is being reviewed to ensure CD responds to changes in the industry over the coming years and the implications they have for regulating health and safety. The challenges include:
  - a) ensuring improvements are not reversed on the industry's emergence from recession;
  - b) responding to the rapidly changing face of the industry, the work it is engaged in and the risks to the health and safety of its workforce;
  - c) continuing to seek improved work-related health protection across the industry;
  - d) developing and improving ways to reach those involved in construction work on small sites;
  - e) improving engagement with larger dutyholders to ensure consistency of approach and making best use of resources;
  - f) responding to the construction health and safety implications of the low carbon economy; and
  - g) working in an environment of reduced public sector resources.

### **Action**

- 14. The Board is invited to note the contents of this paper.

### **Paper clearance**

- 15. This paper was cleared by the SMT on 4 August 2010.

## Current State of the Construction Industry and future prospects

### The industry before the recession

1. The latest data available for the construction industry comes from the Annual Business Inquiry (ABI) run by the Office for National Statistics (ONS) and is revised data for 2008, based on the Standard Industrial Classification (SIC) 2007. This data is taken from the revised ABI published in June 2010.

**Table 1: Information showing contribution of construction to the UK economy**

	<b>Construction &amp; Construction Products</b>	<b>% of Whole Economy</b>
Number of Enterprises	301,392	
<b>Total Turnover</b>	£301,633m	
<b>Gross Value Added</b>	<b>£107,234m</b>	<b>8.3%</b>
<b>Average Employment</b>	2,589,000	
<b>Total Net Capital Expenditure</b>	£8,139m	

*\*Please note changes from 2007 to 2008 data may have been affected by changes in classification of trades from SIC 2003 to SIC 2007*

2. In addition to the numbers directly employed in the industry, there is considerable self-employment. The Labour Force Survey estimate of construction contracting self-employment was 940,000 in September 2008 and 893,000 in September 2009.

3. The age profile of the workforce is increasingly old. In 1990, those over 55 represented 11% of the workforce. This proportion rose to 17% in 2007. Similarly, 36% of workers in the industry were under 30 in 1990 with only around 25% today. The increasingly older age profile is most pronounced in the manual workforce, but professions such as architecture and mechanical and civil engineering could also lose 20% of their resource in the next 10 years. While there has been an increase in the overall numbers of women and ethnic minorities, the proportions have only kept pace with the overall growth (to 2008) of the industry – 10-12% women and 2-4% ethnic minorities since 1990. These are significantly below the current all-industry figures of 46% and 8% respectively.

### Impact of the recession

4. Since 2008, the industry has suffered substantial contraction. The Construction Products Association (CPA) puts the drop in output in 2009 at 11.5%. This compares to 5% drop for the economy as a whole and is the second largest fall since records began in 1955. Private sector construction output fell by almost 20%, but this was partly offset by a 4% rise in public sector construction in 2009. ConstructionSkills estimate that the industry now employs 375,000 fewer than in 2008.

5. All sectors of the industry were hit severely with the possible exception of public sector infrastructure. The housing sector was particularly hard hit with the fall from the peak of housing starts in 2006 to the trough in the 1<sup>st</sup> quarter of 2009 being 71%, although there has since been a recovery in private housing starts. There were falls in repair and maintenance work in addition to those for new work.

### A best look forward

6. The CPA forecast (in Spring 2010) a further drop in output of around 3% in 2010 and a modest recovery thereafter with increases in output of around 1% in each of the next three years. The forecast assumes increases in privately funded construction output of around 5.5 - 6.5% over the next three years, partly offset by falls in publicly funded construction. They see the recent recovery in private housing extended beyond 2010 and a recovery in commercial and industrial construction from 2011 onwards. They see infrastructure development as one of the most buoyant sectors of construction with work on projects such as Crossrail, the M25 widening and other projects in transport, utilities and energy generation. Work to develop the low carbon economy is also seen to have potential to provide a substantial boost to the industry.

7. There are a number of challenges in responding to these changes. These include:

- a) the industry needs to drive out waste and become more efficient both to save money and meet the low carbon challenge;
- b) Government, as a major customer for construction, will need to lead by example when procuring new projects;
- c) the need to equip the industry with a workforce of both the required size and range of skills; and
- d) greater collaboration to take advantage of the new opportunities – particularly those presented by the need to develop the low carbon economy.

## State of Health and Safety in the Construction Industry

1. The overall picture is an encouraging one in relation to improvements in safety. However, the progress made in improving levels of awareness of the risks to health and greater action by the industry to control them is more limited.

### Safety

2. The following tables give figures for the number and rates of deaths, major injuries and over 3-day injuries reported since 2004/5 which are available. The rates are more comparable since they take account of the size of the industry's workforce at the time.

**Table 2: Numbers of death, major injuries and over 3-day injuries suffered by workers and members of the public following construction accidents 2004/5 to 2009/10**

Year	Deaths			Major Injuries			Over 3-day Injuries*
	Workers	MoPs	Total	Workers	MoPs	Total	Workers
2004/5	69	8	77	4496	200	4696	8288
2005/6	60	4	64	4472	200	4672	8384
2006/7	79	7	86	4457	191	4648	7915
2007/8	72	3	75	4415	195	4610	8188
2008/9	52	4	56	3913	195	4108	7351
2009/10(p)	41	4	45	[Not yet available]			

\* = statistics on over 3-day injuries sustained by Members of the Public (MoPs) are not collected  
p = provisional statistics

**Table 3: Rates of reportable injuries per 100,000 construction workers\* 2004/5 to 2009/10**

Year	Deaths	Major Injuries	Over 3-day Injuries
2004/5	3.5	326.9	654.1
2005/6	3.0	307.8	627.6
2006/7	3.8	300.7	577.3
2007/8	3.4	291.8	588.6
2008/9	2.5	254.1	524.9
2009/10(p)	2.0	[Not yet available]	

\* = for major and over 3-day injuries, the rate is per 100,000 employees

3. These figures are an extension of a longer-term, general downward trend in the number and rates of injury. For example, there were 105 deaths in 2000/1 and a fatality rate of 5.9 per 100,000 workers. This general downward trend shows that the industry is making sustained improvements to its safety practices.

4. It is, however, too soon to say whether the significant drops in numbers and rates of injury in the last 2 years reflect accelerated improvements in the safety culture of the industry, or whether this is due in part to the recession. The evidence from previous recessions is that injury rates fall during periods of reduced economic activity. Although such periods may see some 'corner-cutting' by employers, this appears to be outweighed by factors such as an increased average level of experience in the workforce and a reduction in workers working long hours. This has implications for the industry as it moves out of recession, takes on less experienced workers and longer hours are worked. In the past, there has been an increase in

worker deaths in these circumstances. Given the age profile of the workforce, this effect could be compounded by a disproportionate number of older, more experienced workers retiring at the same time.

### Health

5. The following table gives figures for the prevalence of work-related ill-health in the construction industry since 2004/5 taken from the Self-reported Work-related Illness module of the Labour Force Survey (SWI).

**Table 4: Estimated prevalence and rates of self-reported illness caused or made worse by the current or most recent job in each of the years in construction 2004/5 to 2008/9**

<b>Year</b>	<b>Estimated prevalence</b>	<b>Rate per 100,000 employed in the year</b>
2004/5	89,000	3940
2005/6	86,000	3760
2006/7	90,000	3870
2007/8	88,000	3640
2008/9	93,000	3720

6. These figures show no significant trend. The estimated prevalence rate in 2008/9 is of a similar order (not statistically significantly different) to the rates for the previous years. A similar picture is found when looking at estimated incidence rates (the number of new cases of work-related illness occurring at any time in each of the years 2004/5 to 2008/9).

7. The associated prevalence rate in 2008/9 of 3720 per 100,000 workers (3.7%) is of a similar order to that for all industries (3300 per 100,000 workers or 3.3%). Again, the picture is similar for incidence rates for the year. This indicates that the general level of ill-health in the construction industry is no worse than other industries. However, the average annual incidence rate of work-related ill-health within construction over the period 2006-08 as measured by THOR-GP is 2038 per 100,000 employed (2.0%) – higher than the average across all industries (1551 per 100,000 employed (or 1.6%). THOR-GP specifically indicates that the construction industry exhibits higher than average incidence rates of asbestos-related diseases and upper limb disorders than the average for all industries for the period 2005-07. In addition, a recent report from a project set up to estimate the current burden of occupational cancer in Great Britain estimates that construction accounts for more than 50% of the total of more than 8000 new occupational cancer registrations each year.



## Construction Division's Enforcement Activity

### Enforcement Activity

1. The following tables provide information about the level of formal enforcement activity carried out by CD in the context of overall HSE enforcement activity in each of the years 2004/5 to 2008/9.

**Table 5: Enforcement Notices (Improvement, Deferred and Immediate Prohibition) served on all industries and on the construction industry 2004/5 – 2008/9(p)**

Year	Construction Industry (% of all industries total)	All industries
2004/5	2484 (29%)	8471
2005/6	1846 (28%)	6593
2006/7	2343 (28%)	8274
2007/8	2539 (33%)	7758
2008/9(p)	2435 (30%)	8054

(p) = provisional

**Table 6: All Informations laid by HSE – for the construction industry and for all industries 2004/5 – 2008/9(p)**

Year	Construction Industry (% of all industries total)	All industries
2004/5	574 (43%)	1320
2005/6	453 (43%)	1056
2006/7	441 (42%)	1051
2007/8	433 (41%)	1058
2008/9(p)	418 (38%)	1090

(p) = provisional

2. In addition, the following is a selection of successful, completed construction prosecutions since September 2009:

#### Companies and director fined after worker is paralysed

Two companies and a managing director were fined a total of £170,000 following an incident in Glossop where a 23-year old worker, fell more than nine metres when he was installing a new racking system at a construction site when he fell, leaving him paralysed from the chest down and likely to be in a wheelchair for the rest of his life.

SDI Group UK Ltd pleaded guilty to breaching HSWA S3(1) and was fined £80,000 with costs of £20,000. Steel Construction Ltd pleaded guilty to the same offence and was fined £50,000 with £22,000 costs. Richard Mark Berwick, Managing Director of RM Berwick Steel Erection Services Ltd, pleaded guilty to breaching HSWA S37 and was fined £40,000 with costs of £5,000. He was also disqualified as a director for four years.

#### Council and contractors fined for unsafe asbestos removal

A local authority and its contractor were fined after a worker left a family exposed to dangerous asbestos fibres for three days. The City of Lincoln Council was fined £10,000 and County Waste (Lincs) Ltd, was fined £4,250 and ordered to pay costs of £12,000 and £6,000 respectively after pleading guilty to a number of health and safety breaches.

The city council was refurbishing the bathroom of a property in Lincoln and contracted County Waste (Lincs) Ltd to investigate the fixing of asbestos insulation boards, with a view to their removal. However, County Waste (Lincs) Ltd was not licensed to work with asbestos.

### **£200,000 fine after worker falls to his death**

Ashtead Plant Hire Co Ltd, trading as APlant, admitted breaching HSWA S2(1) and were fined £200,000 and ordered to pay costs of £15,698.30.

This followed the death of an employee. The company provides portable accommodation units to the construction industry and the deceased's job was to prepare the accommodation units - including site huts, welfare units and storage containers - which were then hired out to construction companies. With two units stacked on top of each other, the deceased climbed onto the top of the stack to help attach lifting chains so that the top unit could be lifted down. He fell more than five metres and died at the scene. HSE's investigation showed that the company failed to follow its own health and safety guidelines for work at height.

### **Construction company fined after workers taken to hospital with lead poisoning**

Blairish Restorations Limited of Aberfeldy pled guilty to offences under HSWA S3 and was fined £10,000. The company failed to identify that lead paint was present during a renovation project in Strathtay and failed to ensure suitable precautions were taken whilst the old paintwork was sanded down and removed. Consequently, workers inhaled and ingested lead dust over several months during the summer of 2008. Two workers were admitted to hospital with acute lead poisoning and the dust was also spread to workers' homes, potentially endangering workers' families, from their overalls.

### **HSE issues warning to crane companies after major crane collapse**

Select Plant Hire Company Ltd was fined £100,000 and ordered to pay costs of over £33,000 after pleading guilty to breaching regulation 9(2) (b); regulation 9(2) of the Provision and Use of Work Equipment Regulations 1998 and HSWA S3(1).

This followed an incident where the jib of a tower crane owned and operated by Select Plant Hire toppled backwards becoming detached from the mast. The jib together with the drivers cab fell through the air, crashing onto the roof of the Croydon Park Hotel. The incident happened during a relatively rare operation to extend the height of the tower crane using a piece of equipment known as a climbing frame. The team employed to extend the height of the crane had not used the equipment before and had not had any specific training on its use. The crane driver was trapped on the roof for over an hour and suffered extensive injuries, including three compression fractures of the spine, a fractured lumbar vertebrae, two broken ribs and a fractured skull.

The court also heard how the crane collapse caused extensive damage to the hotel. Fortunately, no one in the hotel was injured.

### Other Work of Construction Division

1. The following paragraphs set out in more detail the work carried out by CD. The Strategy goals towards which the work contributes are indicated in italics against each heading.

**Rita Donaghy Inquiry** - *leadership, building competence, safer, healthier workplaces and support for SMEs*

2. This inquiry was commissioned in December 2008 to investigate the underlying causes of fatal accidents in construction. The report published in July 2009 made 28 recommendations. The previous Government responded to these recommendations in March 2010. We are in the process of reviewing what actions might sensibly be taken forward, this includes the methodology established as part of the research and reviews undertaken in Phase 2 of the Inquiry as a tool for assessing the underlying causes of fatal accidents.

**CONIAC and its Working Groups** - *safer, healthier workplaces, worker involvement, support for SMEs, competence and leadership*

3. CONIAC was reconstituted and held its first meeting in March 2010. In terms of changes to stakeholder organisations represented, the Recruitment and Employment Confederation, the Construction Plant-hire Association and the GMB have been added while the Construction Products Association has voluntarily relinquished its membership. The Construction Industry Council retains its former single seat and has been offered a second to represent regulatory professionals (eg building control officers). An induction event for new members was held in April.

4. The reconstituted CONIAC will deliver primarily through its working groups, which it will monitor, direct and hold to account. Additionally, CONIAC members have been asked to consider and come forward with proactive initiatives by their organisations to advance CONIAC's aims and the HSE Strategy. The working groups (WGs) comprise: the Safety WG, the CDM evaluation WG (which is expected to conclude and report towards the end of the year) and the Working Well Together Steering Group. The Health Risks WG has been reconstituted and held its first meeting on 12 July. At its meeting on 21 July, CONIAC also agreed a new working group to take forward the findings of a research project on the potential for major incidents in construction.

5. The CONIAC Secretariat is working with key construction health and safety committees outside HSE (eg Strategic Forum H&S Task Group, ConstructionSkills HS&E Group, ICE H&S Expert Panel, CIC H&S Committee) in order to exchange information and better align agendas and priorities.

**Public Sector Procurement** – *leadership and healthier, safer workplaces*

6. As part of the 'major projects' operational work-stream in the 2010/11 work plan, the procurement of projects where local authorities (LAs) are the client is a focus of inspection work. The aim of this is to improve compliance with duties on the client under the Construction (Design and Management) Regulations 2007 (CDM) and that procurement is in line with OGC guidelines – in particular guide 10 in OGC's series of guides "Achieving Excellence in Construction".

7. HSE has commissioned some research on public sector procurement which follows-up earlier work on the same subject. The new piece of research is aimed at improving the understanding of current procurement practice in public sector bodies, the extent to which such practice follows CDM's client duties and OGC guidance and what barriers are being experienced to achieving exemplary performance. The research is expected to report later this summer. Its findings will be used to help inform future interventions by HSE in this area.

### **Regulating SMEs - worker involvement, competence, healthier, safer workplaces and support for SMEs**

#### Small Sites Strategy

8. Delivery of the small sites strategy has continued through two main strands; inspection of small sites - particularly by Fixed Term Appointee inspectors, and the publication of four pieces of customised guidance for SMEs with supporting PowerPoint presentations. These one-page guidance sheets, covering general health and safety duties, manual handling, roofwork, and site welfare facilities, contain straightforward advice and use photos to illustrate good and bad practice.

9. The 2010/11 plan of work has made the inspection of small sites a priority for all inspectors, second only behind the inspection of asbestos removal work. The original strategy of concentrating efforts on three subjects; roofwork, manual handling, and welfare facilities has been expanded to include competence.

#### Working Well Together

10. The Industry and HSE partnership, Working Well Together (WWT) campaign marked its 10<sup>th</sup> anniversary in 2009 by delivering 74 events and achieving face-to-face contact with nearly 9000 individuals – 23% of those attending were from micro-SME's. At the start of the year there were 15 regional groups with two new groups formed during the year - a significant achievement in a period of industry recession.

11. For the coming year there are already 37 events planned (out-turn will inevitably be lower than 2009 as the local groups made a significant effort to mark the 10<sup>th</sup> anniversary). We aim in 2010 to increase the percentage attending from micro-SME's. We have written to all those in the construction industry who have signed the Strategy pledge to encourage them to become involved in WWT.

### **Construction (Design and Management) Regulations 2007 (CDM) - securing justice, competence and healthier, safer workplaces**

#### Embedding CDM

12. Work continues to embed CDM. Proactive work includes:

- a) developing a CDM training course for field inspectors aimed at inspectors new to construction to ensure they are equipped to use the CDM Regulations effectively across all duty holders;
- b) developing a strategy for engaging with external stakeholders to improve health and safety competence amongst designers and CDM co-ordinators;
- c) jointly funding a research project with RIBA, to establish the health and safety content of undergraduate architectural courses with a view to identifying and promoting best practice.

## CDM Evaluation

13. The planned evaluation of CDM 2007 started in mid-2009. The aim of the evaluation is to test the extent to which CDM 2007 has met HSE's original aims for the regulations. These are broadly: simplifying the regulations to aid clarity; maximising their flexibility; making their focus planning and management; strengthening the requirements for coordination and cooperation; and simplifying the assessment of competence. The evaluation is not about the detailed development of any new provisions. Depending on the comments received, there would be a separate consultation exercise on this later.

14. To assist with wider evaluation, a CONIAC CDM evaluation working group has also been formed. Members are gathering information to feed into the evaluation. Consultants are undertaking the work with a view to providing a final report in late 2010/early 2011.

## **Leadership**

15. Construction inspectors have been taking up the issue of leadership with directors/board members in both planned inspection, examining how effective they are at leading health and safety, and reactive inspection, examining their contribution to failures which led to incidents or circumstances giving rise to justified complaint.

16. Inspectors continue to identify cases where it is appropriate to take enforcement action against directors in appropriate circumstances.

## **Local Authority Construction Engagement** - *competence, healthier, safer workplaces, support for SMEs and taking a wider perspective*

17. The Local Authority Construction Engagement (LACE) project continues to promote closer working relationships between CD and those local authority (LA) functions that could have an influence on health and safety standards in construction.

18. In late 2009/10, flexibly-warranted Environmental Health (EH) staff in Buckinghamshire took part in inspections of construction work involving small clients, contractors and projects which HSE staff were not inspecting. Publication of an independent evaluation of this pilot is due shortly. Further groups of flexibly-warranted EH staff have been dealing with construction-related matters of evident concern, while an increasing proportion of others have been providing advice to clients identified through planning applications or Building Control (BC) submissions.

19. CD and the Building Control Alliance (BCA - the umbrella body for the BC profession in England and Wales) have now formally adopted the text of an Agreement for cooperation. An official signing will take place in September. The national Agreement includes arrangements for BC professionals to report to HSE serious health and safety concerns identified during the course of their work. Local agreements are already in place with a number of BC departments. Once signed, the Agreement should facilitate arrangements for cooperation between CD and BC locally and encourage more local agreements to be reached. CD has also discussed arrangements for cooperation with the Scottish Association of Building Standards Managers, although no formal agreement is in place.

20. Visiting staff in CD have worked with LA BC departments to establish links from BC websites to a specially designed page on HSE's construction website providing

targeted information to make it easier for hard-to-reach dutyholders, especially from smaller firms and clients to obtain relevant health and safety information. Around 30% of BC websites now have these web links with a target of establishing a further 30% in the current year.

21. Discussions are underway at a national level with the representative LA body for scaffold licensing, with a view to establishing a standard set of licensing conditions including guidance on appropriate health and safety standards for adoption by LAs. This builds upon earlier successful local and regional interventions with scaffolding licensing authorities and should not only improve public safety, but also reduce the burden of compliance for scaffolders by establishing consistent licensing requirements across LA boundaries.

### **Health Risk Management in Construction** - *healthier workplaces, competence, securing justice, worker involvement and support for SMEs*

22. The following work has been carried out or is currently underway:

- a) Construction Occupational Health Management Essentials (COHME) - This is a web-based tool aimed at the various dutyholders under CDM with many case study control scenarios demonstrated. More case studies are to be added and there are plans for a revamp of the website to improve its usefulness as a tool;
- b) Supply chain work - This includes initiatives relating to silica, lifting heavy blocks, kerb cutting, plasterboard handling, drainage products and hand-arm vibration. Independent evaluation of the approach taken has been undertaken. Although the overall approach of getting industry to devise and agree a benchmark standard method for a task is sound, some initiatives have been more successful than others. The future direction for this work is currently under review taking account of the evaluation and the outcome of stakeholder meetings;
- c) Guidance - Construction Information Sheets are being updated on lead, welfare and cement. Work is also in progress with the Lead in Paint Safety Association to raise awareness of lead issues in construction;
- d) Research - An initiative has been taken to look at all hazardous substance exposures in construction to improve our evidence base on which to base future targeted efforts. Much effort has particularly been placed on reducing respiratory risks in construction by focusing on silica risk control with the 'time to clear the air' initiative. This has resulted in substantially raising the profile of silica risk control: signs of a cultural change in this area are evident.

### **Competence** – *competence and healthier, safer workplaces*

23. Work is taking place on two fronts: on organisational competence, through the Safety Schemes in Procurement (SSIP) and the development of PAS91; and secondly, on promoting the importance of individual competence of workers, supervisors and front line managers, in health and safety.

#### Organisational Competence

24. The purpose of the SSIP Forum is to combat wasteful duplication of effort and paperwork at the prequalification stage of the tender process, and to help smaller businesses in particular to improve their standards of health and safety. The Forum was launched publicly in November 2009 following agreement between the four founding member schemes (CHAS, Exor Management Services, NHBC and

Constructionline) to sign mutual recognition agreements. The schemes agreed to adopt the CDM Core Criteria as a common threshold standard for their health and safety prequalification assessments.

25. In the first year of operation the SSIP Forum has grown from four to fifteen member schemes, including arrangements with BSI and NQA for SSIP to recognise that a business that has achieved OHSAS18001 through a UKAS accredited certification body, can be deemed to satisfy the SSIP assessment standards. The SSIP Forum arrangements now cover around 60,000 suppliers and 10,000 buyers or clients in the construction industry.

26. HSE is funding a project for the International Register of Chartered Auditors to develop an individual certification scheme to ensure a consistent standard of training and performance by individual assessors employed by the SSIP member schemes. CD has contributed to the development of PAS 91, a Publicly Available Specification for construction procurement, which spells out agreed standards in all the areas of prequalification, including health and safety. The PAS 91 has adopted the same standards as the SSIP Forum for health and safety and is due to be published later this year.

#### Individual Competence

27. CD is jointly funding research with ConstructionSkills to map out the current routes to competence in the construction industry, and to find out the levels of qualifications associated with construction occupations and card schemes. This research will investigate the various stakeholder views of what competence means and will comment on the likely impact of the move from a NVQ framework to a Qualifications and Credit Framework (QCF). This research will report by Quarter 3 of 2010, and a summary report particularly aimed at informing HSE inspectors, will be produced.

#### **Worker Engagement - *worker involvement and support for SMEs***

28. CD has been involved with a number of initiatives to promote worker engagement in construction. These include working with HSE's Worker Involvement Team to develop the 'Safe and Sound Do Your Bit' campaign. A pilot training exercise was undertaken with Higgins Construction to develop some straightforward training modules for non-union health and safety representatives. A second initiative was piloted to provide training on a regional basis for local SME's in construction. The construction industry is taking up most of the subsidised training places available, as part of the 'Do Your Bit' campaign.

29. The final stage in development of the Leadership and Worker Engagement Toolkit is under way, with the launch due in December 2010. This toolkit will present good practice guidance derived from a study of members of the Leadership and Worker Engagement Forum, including many of the leading UK contractors, clients and consultants. The Toolkit provides a seven-step framework which covers the full scope of health and safety management, viewed from the perspective of leadership and worker engagement. The target audience is small, medium and larger construction businesses, particularly those who employ more than 11 staff.

#### **Construction Website - *worker involvement and support for SMEs***

30. In September 2009, the Construction Programme was asked to be at the forefront of HSE's Easier Access to Services (EASe) Programme in reviewing and

redesigning CD's webpages. The aim of EASe is to improve and make more consistent the ways in which customers contact us. The objectives for the redesign were to address specific dutyholders and dovetail with HSE's Strategy, in particular on worker involvement and SMEs, and ensure that the language, style and technical detail is suitable for hard to reach small and micro businesses. The revamped site is designed to be easily navigable by a wider audience, with information presented in a more accessible way. The feedback so far has been positive and new pages will be added to the site throughout the year.

## **Safety - safer workplaces, competence and securing justice**

### Tower Cranes

31. The Notification of Conventional Tower Cranes Regulations 2010 came into force on 6 April 2010. An online database was developed so that dutyholders could register their cranes directly, although paper notifications are also accepted. A leaflet was produced to provide guidance to dutyholders on compliance with the Regulations. In addition, a downloadable poster has been developed for contractors to display on site hoardings confirming that their crane has been registered.

32. CD has also undertaken work into the behaviour of luffing jib cranes in gusty weather conditions (this work follows the circumstances around the collapse of a crane in Liverpool in 2007). Modifications have been made to the particular cranes affected and work is now underway to feed the conclusions of the research into European Standards which we do not believe fully address the particular issue.

33. More generally, work on tower cranes (including competence standards) has continued through HSE representation on the Construction Plant-hire Association Tower Cranes Interest Group and field inspectors' work to assess safety standards on site. A safety alert was recently issued to address a manufacturing defect identified following two separate mast section failures which fortunately did not cause any injuries. Information on the defect and the action taken by HSE has been shared with European colleagues.

### Quick hitches

34. Following a voluntary ban on semi-automatic quick hitches in October 2008, CD continued to work on amendments to the appropriate standard (EN 474). Specialist and sector inspectors have been undertaking market surveillance to consider the new products which are under development in advance of the standard. We have worked closely with the Strategic Forum for Construction Plant Safety Group to produce good practice guidance on managing quick hitches of all kinds. The guidance was launched in February 2010 and has been well received. Further work is underway to promulgate the guidance including to hard-to-reach groups.

### Mobile Elevating Work Platforms (MEWPs)

35. CD has been working with the Strategic Forum for Construction Plant Safety Group to produce guidance on avoiding entrapment accidents between guard-rails on MEWPs and adjacent obstructions. There is evidence of a growing number of serious and fatal accidents from this cause. This is a controversial topic with wide differences between users and manufacturers and few identifiable specific equipment issues. Despite this, agreement was reached on good practice guidance which was published in mid July.



36. Positive feedback from hirers of MEWPs has also been received about the value of a supply chain forum and, in particular, the involvement of contractors. As a result, the International Powered Access Federation has established a new health and safety forum on a supply chain model to challenge manufacturers into improving equipment design including considering standardisation of key controls. In parallel with this, HSE has commissioned research into human factors causes of incidents and into the person/machine interface. The results of the research will be used to support further work on MEWP design including a possible challenge to the standard EN280. This work is receiving international attention.

#### Telehandlers

37. CD is involved in the Strategic Forum for Construction's Plant Safety Group in preparing good practice guidance for use of telehandlers on site. The process for developing this guidance follows the same model as for quick hitches and MEWPs and has been created in response to industry need. The guidance is expected to be published before the end of 2010 and a plan has been developed to disseminate key messages as widely as possible.

38. CD works in very close partnership with the Construction Plant-hire Association which chairs the Strategic Forum for Construction Plant Safety Group. By doing so, we are able to reach key parts of the supply chain relatively easily, have access to a range of expertise, can ensure workers are represented through these fora (UCATT is represented) and see guidance produced efficiently and effectively. HSE's involvement in these fora provides authority and status to the work and avoids duplication of effort. The work of this Group reports to CONIAC.

#### Fire in construction

39. CD has revised the guidance 'Fire in Construction' (HSG168) in consultation with industry and other key stakeholders. The document is due to be published in the autumn. The revision follows two recent major timber frame fires in London that raised the profile of the issue. We also contributed to a London Assembly inquiry into fire safety standards. Following delivery of two courses on fire safety for HSE inspectors in February 2010, CD's enforcement profile on this issue increased considerably.