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HSE's REGULATION OF THE CONSTRUCTION INDUSTRY

Purpose of the paper

1. This paper provides an update on HSE's regulation of the construction industry. The Board is asked to note its contents.

Background

2. The construction industry was severely affected by the recession. Although there was some recovery in 2010, 2012 saw a further decline particularly in private residential and commercial activity, along with industrial construction and repair and maintenance work. Output rose in 2013/14 and continues to grow in this current work year. Housebuilding is showing strong growth, and, supported by infrastructure and private commercial activity, industry forecasters expect the industry to grow through to 2017. **Annex 1** provides further details.
3. Progress continues to be made in reducing injuries arising from construction work. **Annex 2** provides details, but in summary:
 - a) In 2013/14, the provisional number of fatal injuries to workers is 42; a small increase on the previous year, which had been a record low. This equates to a rate of 1.98 per 100,000 workers. The rate of major injuries fell to its lowest on record in 2013/14, with a rate of 150.1 major injuries per 100,000 employees. This rate compares with an average major injury rate of 176.8 over the previous five years.
 - b) Ill-health and occupational disease deaths statistics continue to far outweigh those resulting from safety incidents and fatal injury. Although there is some suggestion of an overall downward trend in incidences of ill-health when looking at Labour Force Survey (LFS) data over the last few years, with an estimated 29,000 new cases of work-related ill-health in construction in 2013/14, preventing ill-health during construction work remains an issue.
4. Historically as the construction industry has come out recession incident rates increase, in part due to workers entering the industry for the first time, skills shortages and additional hours worked. An increase in incidents has not manifested itself over the last 12 months. However, the coming 2-3 years will be a significant test of how far the cultural changes achieved by the industry over the last 10 years are truly embedded. As growth continues all parts of the industry need to be vigilant on its impact on health and safety.

Argument

5. The inherently hazardous environment of construction, its diverse nature and its accident and ill health profile require a strategic approach. The Sector Strategy

for construction segments the industry primarily on size, whilst also focusing on asbestos and falls from height as cross-sectoral issues.

6. HSE's Construction Division (CD) delivers engagement with the industry through work that supports industry in managing its risks effectively, encourages those who are striving to develop and promote best practice and takes robust enforcement action with those who are not. Ownership by the industry, leadership from senior industry figures and partnership working are vital in all of this, and industry commitment remains strong in these areas.
7. CD's work is set out in a 3 year Plan of Work. Work has started on the next three-year plan taking account of the projected upturn in the industry. The emphasis will remain on the priority areas of small sites, refurbishment, major projects/large contracts and working with asbestos, but will include increased scrutiny of clients, both large and small, in construction projects.
8. Another main aim, with the support of CONIAC (Construction Industry Advisory Committee), will be to further push the health agenda. CD is taking forward research, (eg. on the effects of diesel, and paint solvents), stakeholder partnership and operational work to improve health outcomes in the industry.

Operational Activity

9. CD continues to deliver over one-third of all enforcement activity in HSE. Details on enforcement are in **Annex 3**.
 - In 2013/14, CD inspectors delivered 11,557 inspections (including inspections of higher-risk sites, of poor performers, and those following investigations) against 11,000 planned.
 - 43% of proactive inspection effort was spent on small sites and a further 34% on refurbishment, (mostly carried out by SMEs) where the majority of fatal accidents occur and standards are often poor.

Fee for Intervention (FFI)

10. FFI has now been embedded in the work of CD Inspectors, although complex multi-dutyholder inspections and investigations can still be challenging with respect to determining relative responsibilities and overlapping breaches, and notifying contraventions to dutyholders. CD will be working with FOD HQ on revised multi-dutyholder guidance for FFI application.
 - In 2013/14 CD issued 6960 invoices with a total value of £2,545,477.
 - There were 232 FFI queries in 2013/14 relating to CD. The majority of queries were in the 'not the correct dutyholder' category. 34.9% of queries resulted in an amended or altered invoice.
 - Of the 5 disputes relating to CD raised in 2013/14, 2 resulted in an amended or altered invoice.

Health inspection

11. In 2013/14 CD raised its emphasis on health within construction, in June 2014 a national Health Inspection Initiative was undertaken. This sent out a strong

message of the need for improved workplace control and HSE's determination to enforce established standards. Details are in **Annex 3**.

- 570 sites were visited over the 2 weeks, and more than 890 contractors were inspected.
- Almost 1 in 4 contractors were served with a Notice of Contravention (NoC) on health issues and 121 health related Enforcement notices were served.

12. Asbestos is the biggest contributor to new occupational cancer registrations in construction. These registrations reflect historical exposures. CD's work is focused on areas where the risk of exposure occurs now and includes the licensing regime for asbestos.

- CD's proactive inspections in 2013/14 included 1,275 inspections of licensed asbestos work (11% of CD's total inspections). Improved targeting resulted in the inspection of 91% of licensees, a higher proportion than ever before.
- At the end of March 2014, there were 458 licensed asbestos contractors. This includes 58 new licenses granted in 2013/14.
- In 2013/14 220 formal license assessments were made, 25 license refusals were made.
- In 2013/14, HSE began a project which will inform future guidance and provide reassurance that standards are being met by analysts who inspect areas where asbestos has been removed. This work is due to conclude in 2014/15.

Refurbishment

13. The refurbishment sector's poor health and safety performance remains a concern for HSE. CD's annual intensive inspection initiatives targeting refurbishment work are now being carried out in the autumn. An initiative was carried out in September/October 2014. Throughout the four weeks, social media was used to publicise the initiative and photographs of some of the conditions found were posted on Twitter #safersites. Inspectors specifically considered high-risk activities such as working at height, exposure to harmful dusts and structural stability, as well as checking for good site order and basic welfare facilities.

- Enforcement notices were served at just over 1 in 5 of the 1,748 sites visited (almost 550 notices in total)
- Material breaches were found on 691 sites.

14. Details of this and past initiatives are in **Annex 3**

Major projects

15. Examples of interventions delivered by CD in the last 12 months include:

- a) Over the last eighteen months, CD, in collaboration with the Office for Nuclear Regulation (ONR), has held a number of meetings with Horizon Nuclear Power in respect to the new nuclear plant at Wylfa, on Anglesey. This is to ensure that the non-nuclear risks associated with the construction phase will be properly managed.

- b) CD began engagement with NNB Genco, a subsidiary of EDF and the client in the Hinckley Point project when the project was announced in 2008. CD and ONR have been engaging with NNB Genco to set the health and safety standards for the project. There have been a number of joint, targeted, site visits at key stages in the design and early construction phases. These, and future, key intervention points were identified following discussions with ONR, NNB Genco as the principal contractor and the Tier 1 contractors to ensure a proportionate and risk based approach.
- c) CD has an ongoing intervention focussing on the non-nuclear risks associated with the decommissioning of nuclear power stations. This involves close working with ONR and engagement with the Nuclear Decommissioning Authority.
- d) Engagement continues with other major projects including Crossrail, the Thames Tideway Tunnel and the redevelopment of Battersea Power Station. The strategy has been similar to the approach taken with both the London Olympics and the Commonwealth Games 2014, engaging primarily with the clients and principal contractors.

Work with stakeholders and other activities

16. In addition to operational work, CD's Sector and Policy work with industry stakeholders on a range of activities. Details of this work and associated operational activity are set out in **Annex 4**. Work of note includes:
- a) CD's Asbestos Licensing Unit's (ALU) work with industry and the Asbestos Liaison Group (ALG). A series of leadership events were held to engage directly with senior executives in the licensed asbestos industry in improve leadership;
 - b) the Retail Asbestos Working Group has published guidance on the management of asbestos-containing materials in the retail sector, and held a training day for contractors and retail staff.
 - c) further supply chain work to improve the management of health risks by developing practical solutions to control risks at source, in partnership with suppliers, contractors, clients and designers. The current initiative is targeting control solutions on all health risks in paving, road and highway work.
 - d) work with the Strategic Forum for Construction Plant Safety Group (PSG), which has the participation and support of all sectors of the industry including trade unions. This has continued to prove itself as one of CD's most important and productive stakeholders in relation to safety guidance. PSG has again published a range of new and revised industry guidance and safety alerts on plant and equipment in the last year;
 - e) continued support and delivery of the country-wide Working Well Together (WWT) campaign, including Site Safe Scotland. The planned total of 60 WWT events was again exceeded in 2013/14 with the delivery of 69 events across the country.

Better Regulation

17. Work to revise the Construction (Design and Management) Regulations 2007 (CDM) has continued. A paper was presented to the Board in August, following public consultation. Details for the implementation of the Regulations and publication of the Guidance package are in **Annex 4**.

18. The electronic form used for F10 notification is over 6 years old and is being upgraded to meet the Government's 'Digital by Default' agenda. Improvements aim to achieve 99% take up of the F10 e-Form. The form will reflect the new duty holder description in CDM 2015 and improve the clarity of information collected to help target inspections. The new form is expected to be launched to coincide with the commencement date for CDM 2015.
19. The ASB5 form for the notification of licensed asbestos work has been developed to simplify the notification process and allow for online submission. New notification arrangements were launched on 1 October.

Construction Programme 2014/15 and beyond

20. CD's over-arching plan of work has been brought in line with the timing of HSE's Business Plan ending in 2015. Work has started on the plan for 2015-2018. While anticipating some work will be concluded and other work will be introduced, one of the stated aims of the plan is that of continuity.
21. In July 2013 the government published *Construction 2025 Industrial strategy: government and industry in partnership*. Competence features highly in this document, and CD's plan of work will outline work on this topic. The emphasis remains on: reducing bureaucracy and providing simplified, SME friendly guidance; the targeted inspection of high-risk and poor performing dutyholders; embedding change and enabling self regulation by clients and contractors involved in large, complex projects; and retaining the flexibility to address local issues as required. It is based on the analysis of existing evidence. It is anticipated that the new three year plan will include greater focus on health, and embedding the new CDM Regulations, with particular emphasis on the roles of client and designers (including principal designer).
22. Operational priorities in 2014/15 will include small sites/dutyholders, asbestos licensing, refurbishment and major projects/large contractors. As before, new elements have been introduced and others will evolve, including:
 - a) building on the first national Health Inspection Initiative in June 2014, inspectors will continue to address awareness of control of the most common health risks, and underline the importance of proper welfare provision as fundamental.
 - b) homebuild, from small scale and one-off developments to the volume builder and larger projects, will be inspected. The recent downturn has led to fewer competent workers in the industry, and a possible gap in the knowledge and understanding of expected standards.
 - c) loft conversion contractor briefing events will be held, followed by sample inspections.
 - d) Inspection of fragile roofwork whether notified or seen whilst carrying out other work (including farms), will be inspected. This is the second year of the project and inspectors from across FOD will be involved;
 - e) commercial solar panel installer briefings, followed by sample inspections. This sector has a poor accident history, with increasing commercial work on, or near fragile roofs.
23. The commitment to making information easier to understand and more accessible remains, and aligns with a number of wider drivers. This includes:

- a) continuing to support industry-led WWT Groups with the aim of creating new groups when opportunities arise and delivering at least 60 events during 2014/15. Despite the downturn in the industry, the groups and their members have maintained their commitment to, and support of, WWT. Events in 2014/15 will focus as much on health issues, such as control of respiratory risks and asbestos;
 - b) continuing the development of simplified, straightforward guidance as detailed in **Annex 4**, including: new 'Busy Builder' sheets, toolbox talks, the use of digital and social media, particularly during and following inspection campaigns, and the construction e-bulletin.
 - c) updating HSE construction related publications and providing support to stakeholders in their production of guidance.
24. The agreement between HSE and the Building Control Alliance has been reviewed and includes an agreement that Building Control Officers will provide HSE with commencement lists on request. This addition will improve access to intelligence to enable better targeting of small sites.

Devolved Administrations

25. CD implements its plan of work according to the nature and circumstances of construction work across GB, with two teams of inspectors in Scotland and one in Wales.
26. Construction in Scotland
- a) Overall employment in the construction sector in Scotland in 2012 was 164,200, or 6.9% of total Scottish employment. The output from the Scottish construction industry is forecast to continue to grow, with the private housing, infrastructure and commercial construction sectors predicted to have particularly strong growth.
 - b) HSE works with the industry through Site Safe Scotland (SSS) along with other key stakeholder groups and partners. SSS was set up in the 1980s to achieve improved standards of health and safety within the Scottish construction industry. It has developed into a group that includes representatives from major and specialist contractors, small builders, professional bodies, trade associations, training organisations, construction clients, trade unions and Local Authorities.
 - c) There is a successful Scottish Working Well Together Group. This group operates as a sub-group of Site Safe Scotland and aims to assist in developing the knowledge and skills of the smaller builder. 5 events were delivered in the last year with approximately 100 delegates at each event. The group also collaborated with the Scottish Government to run an event aimed specifically at industry apprentices.
 - d) CD and geographic FOD worked closely with the Commonwealth Games Organising Committee and Glasgow City Council in the lead up to the Commonwealth Games 2014. CD's early intervention, focussing on the construction and refurbishment of venues and infrastructure, ran for several years leading up to the Games. Interventions were targeted to secure strong leadership on the part of the principal dutyholders and the development of a health and safety strategy for all construction work. The

team focussed on leadership skills, their role in developing competence within the industry, worker involvement and the creation of a healthier and safer workplace. CD also worked closely with the principal contractor and the events industry on the design and construction of temporary structures including buildings and seating stands.

27. Construction in Wales

- a) Overall employment in the construction sector in Wales was around 90,000 in 2012. Output is expected to rise over the next five years, although this is significantly dependent on the start of the main construction work on a new nuclear power station at Wylfa on Anglesey. There are also expected to be increases in house building and in regeneration work, reversing the previous large falls in public housing output during 2012 and 2013.
- b) In 2013, the Federation of Master Builders in Wales, *FMB Cymru*, lobbied the Welsh Government (WG) for small builders working on domestic properties in Wales to be licensed. This was triggered by *Meg's Campaign*, set up by the parents of three-year-old child after she was killed when a wall collapsed on her. The Welsh Government set up a working group to look at the proposals. Whilst providing advice to the WG, HSE's stated position was that existing health and safety legislation was sufficient. The WG commissioned research to examine the issue and put forward options. The Minister decided against a mandatory scheme, and will be "improving consumer awareness and looking to strengthen voluntary schemes"
- c) In recent years, the CD team has been targeting refurbishment work in student areas of Cardiff. Standards of health and safety have been found to vary greatly and enforcement action, including prosecution, has been taken against developers. The team will continue to target poor performers in this area.
- d) There are two very active Working Well Together (WWT) groups in Wales run by 50 partner companies from the Welsh construction industry. In the year to the end of July 2014 the partners delivered 7 events across 23 sites, attended by over 800 workers and students.

Action

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

Paper clearance

29. This paper was cleared by the SMT on 11 November 2014.

Current state of the construction industry and future prospects

1. The construction contracting sector¹ was severely hit by the 2008-09 downturn, with output falling peak-to-trough by around 21%. Despite an initial recovery in 2010, output declined again in 2012 to around the same volumes seen near the end of the 2008-09 downturn. Output has since risen in 2013-14, with the most recent quarterly output figures (2014Q1) being around 12% below the peak (2008Q1). According to the latest ONS Annual Business Survey (ABS), Gross Value Added (GVA) in the whole construction value chain² fell by around 23% between 2007 and 2010, the peak and the trough of the cycle. Over the same period, turnover and employment also suffered substantial falls, declining by 14% and 17%, respectively. Figures indicate some recovery since 2010 (see Table 1).

Table 1: GVA, Turnover, Employment and Number of Enterprises in Construction 2007 - 2012

	2007	2008	2009	2010	2011	2012
GVA (£ million)	111,742	108,535	87,455	86,335	90,482	90,300
Turnover (£ million)	300,911	314,064	262,260	259,032	266,900	272,522
Employment (million)	2.24	2.20	2.05	1.87	1.96	1.89
Number of enterprises	298,049	304,110	291,072	281,547	283,470	279,672

Source: ONS Annual Business Survey (June 2014)

Notes:

i. UK, current prices, seasonally adjusted

ii. Construction comprises construction contracting (Divisions 41-43 of SIC 2007), the construction products sector and construction-related professional services such as architectural, surveying and project management.

2. ONS data covering the construction contracting sector reveal that the two driving forces behind the slowdown in construction activity during the recession were the private residential and commercial sectors, the two main engines of growth in the pre-recession period. These two sectors together accounted for most of the 21% peak-to-trough decline in overall construction output seen during the downturn. Industrial construction and the repair and maintenance sector were also hard hit, as manufacturing activity was severely affected by the recession and households responded to the uncertain outlook by cutting back on expenses. By contrast, infrastructure and public housing construction expanded during the recession. Public non-housing construction expanded following the recession, to a peak in 2010Q4, but has since fallen back to pre-recession levels.

Outlook

3. Trading conditions in the construction sector are improving, primarily due to strong growth in the house building sub-sector. Industry forecasters, such as the Construction Products Association (CPA) and Experian expect the industry to grow by around 3-4% in 2014 and 2015, driven by private house building, infrastructure and private commercial activity.

¹ Construction contracting is the largest component of total construction, accounting for around 70%, according to the latest ABS data.

² The construction sector here refers to the whole value chain, which comprises the construction contracting sector (i.e. construction of buildings, civil engineering and specialised construction activities such as demolition, site preparation etc.), the construction products sector and construction-related professional services such as architectural, surveying and project management.

4. In the longer term, both expect growth to continue in 2016 and 2017, with eventual increases in government capital investment expected to lead to rises in public sector construction. In April 2014, CPA forecast growth in 2016 of 4.3% and 2017 of 3.6%, whilst Experian forecast growth of 3.0% in 2016.

Industry workforce

5. ABS figures indicate that there were around 280,000 enterprises across the whole construction value chain in 2012, down from 283,000 in 2011 and down from the pre-recession peak of 304,000 in 2008. Employment in the sector fell from a pre-recession peak of 2.24 million in 2007 to 1.89 million in 2012.

6. Self-employment is a notable characteristic of the construction sector. According to the ONS Workforce Jobs series, there were 808,000 self-employed jobs in construction contracting in December 2012 in the UK, down 12,000 from the same time a year ago. By December 2013 the figure rose to 854,000 self-employed jobs.

7. Construction Skills Network (CSN) predicts that construction employment will begin to rise again in 2014, with annual average employment growth of 1.2% over the period 2014 to 2018. According to CSN, the industry will require 36,400 construction workers per year over the next four years (until 2018) over and above demand met through usual employee turnover rates.

State of health and safety in the construction industry

Safety

1. Tables 2 and 3 below show the number and rates of deaths and injuries since 2008/9. They show that provisional figures for the number and rate of fatal injury to workers in 2013/14 have risen slightly on the final figures for 2012/13. Although this is disappointing, the figures for 2012/13 were the lowest worker fatality figure on record, and in any case, one year's figures should not be viewed in isolation.

Table 2: Numbers of deaths, major injuries and over 3-day/over 7-day injuries suffered by workers and members of the public following construction accidents 2008/9 to 2013/14

Year	Deaths			Major Injuries	Over 3-day Injuries*	Over 7-day Injuries
	All Workers	MoPs	Total	Employees only**	Employees only**	Employees only**
2008/09	52	5	57	3318	6860	n/a
2009/10	41	4	45	2601	5712	n/a
2010/11	50	2	52	2307	4813	n/a
2011/12	48	2	50	2124	5014	n/a
2012/13	40	6	46	1937	n/a	3213
2013/14p	42(p)	4(p)	46(p)	1900(p)	n/a	3293(p)

* = over 3-day injuries only apply to workers and were not reportable under RIDDOR after 2011/12 when over 7-day injuries became available instead.

** = Self-employed statistics omitted due to known under-reporting

p = provisional statistics

Table 3: Rates of reportable injuries per 100,000 construction workers* 2008/9 to 2013/14

Year	Deaths	Major Injuries	Over 3-day Injuries	Over 7-day Injuries
2008/09	1.9	200.1	413.6	n/a
2009/10	2.0	180.9	397.3	n/a
2010/11	2.3	173.8	362.6	n/a
2011/12	2.3	163.7	386.4	n/a
2012/13	1.94	157.9	n/a	262.0
2013/14p	1.98(p)	150.1(p)	n/a	260.1(p)

* = for major and over 3-day/over 7-day injuries, the rate is per 100,000 employees only

p = provisional statistics

2. All figures should be seen in the context of a longer-term decline in numbers and rates of injury. For example, in 2000/01 there were 105 worker deaths with a fatality rate of 5.9 per 100,000 workers. Numbers and rates of fatal injury for 2013/14(p) are lower than the previous five-year averages.

Health

4. Progress continues to be made in the reduction of ill-health in the construction industry. Examination of the rates of total cases over time from the Labour Force Survey (LFS) suggests a downward trend. In 2012/13, the ill health data collection was suspended but from 2013/14 returned to annual data collection.

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 2006/7 to 2013/14.

Year	Estimated prevalence	Rate per 100,000 employed in the year
2006/07	101,000	3960
2007/08	97,000	3700
2008/09	97,000	3720
2009/10	85,000	3660
2010/11	79,000	3560
2011/12	57,000	2570
2012/13	No available data	
2013/14	76,000	3370

5. Ill-health and occupational disease deaths statistics continue to far outweigh those attributed to safety incidents and fatal injury. Of the 2.3 million working days lost to both workplace injury and self-reported work-related illness, 1.7million were because of the latter (LFS 2013/14). Construction also saw an estimated 29,000 new cases of work-related ill health in 2013/14.

6. Over 5,000 occupational cancer cases are estimated to arise each year as a result of past exposures in the construction sector (Cancer Burden Study, 2010). A recent epidemiological study of mesothelioma in Great Britain (RR696) confirmed the high burden of disease among former building workers, suggesting that about 46% of currently occurring mesotheliomas among men born in the 1940s were attributable to such exposures, with 17% attributed to carpentry work alone.

7. Airborne materials from spray painting, welding or cutting/grinding metals; dusts from stone, cement, brick or concrete, all common in construction, were implicated by respondents to the LFS (2012) as significant causes of "breathing or lung problems". Vibration white finger, carpal tunnel syndrome, occupational deafness and dermatitis are the most common cases of non-lung diseases in the construction industry under the Industrial Injuries Disablement Benefit Scheme.

Construction Division's enforcement activity

1. Tables 5 and 6 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 2008/09 to 2013/14. Table 7 sets out detail of CD's inspection and enforcement activity during its annual intensive inspection initiatives, taking into consideration 'fee for intervention' work for the first time in 2013. A two-week long construction health risks inspection initiative took place for the first time in 2014, and Table 8 details the related enforcement activity.

Table 5: Enforcement Notices (Improvement, Deferred and Immediate Prohibition) served on the construction industry* and all industries 2008/09 – 2013/14

Year	Construction industry (% of all industries total)	All industries, including construction
2008/09	2490 (31%)	8077
2009/10	3451 (35%)	9727
2010/11	3882 (35%)	11038
2011/12	3316 (34%)	9908
2012/13	2614 (30%)	8807
2013/14(p)	3500 (35%)	10119

p = provisional figures

* = Industry classifications have been updated to reflect SIC 2007 coding

Table 6: Proceedings instituted by HSE (in Scotland the Crown Office and Procurator Fiscal Service) – for the construction industry* and all industries 2008/09 – 2013/14**

Year	Offences for which legal proceedings have been instituted		Convictions	
	Construction industry (% of all industries total)	All industries, including construction	Construction industry (% of all industries total)	All industries, including construction
2008/09	404 (39%)	1034	315 (37%)	841
2009/10	344 (39%)	885	279 (38%)	730
2010/11	367 (40%)	912	305 (40%)	771
2011/12	456 (46%)	991	359 (46%)	781
2012/13	402 (41%)	985	348 (41%)	855
2013/14(p)	431 (44%)	988	392 (44%)	881

p = provisional figures

* = Industry classifications have been updated to reflect SIC 2007 coding

** = Prosecutions heard in relevant year and where prosecution has been completed

Table 7: CD's Intensive Inspection Initiative Results 2008 – 2013

Year	Inspections carried out, sites where NoCs* served, and enforcement notices (INs and PNs**) issued				
	Sites Inspected	Contractors Inspected	Sites where NoCs served	Sites where Enforcement Notices served	Total Enforcement Notices served
2008	1108	1419	-	Not available	395
2009	1759	2145	-	Not available	491
2010	2014	2414	-	470	691
2011	2128	2526	-	475	735
2012	3237	4092	-	581	870
2013 (Feb/March)	2363	2976	753	433	631
2013 (Sept)	2607	3266	1105	644	953
2014	1748	2180	691	360	548

*NoC = Notice of Contravention

**IN and PN = Improvement Notice and Prohibition Notice

Table 8: Construction Health Risks Inspection Initiative Results 2014

Year	Inspections carried out, sites where NoCs* served, and enforcement notices (INs and PNs**) issued						
	Sites inspected	Contractors inspected	Sites where NoC served	Total health NoCs served	Sites where health Enforcement Notices served	Total Enforcement Notices served	Health NoCs without Enforcement Notices
2014 (Jun/Jul)	570	896	204	242	86	121	146

Health enforcement notices - by topic	54 COSHH
	10 Noise
	9 Vibration
	17 Manual handling
	31 Other health

*NoC = Notice of Contravention

**IN and PN = Improvement Notice and Prohibition Notice

2. The following provides examples of the wide range of successful, completed prosecutions brought by CD since September 2013:

12 month jail term for Company Director

The sole director of R M Developments (2005) Ltd was sentenced to 12 months in prison and disqualified from being a director for 6 years after supplying second hand asbestos cement roof sheets and failing to take any measures to protect workers during their installation. A construction worker fell 6 metres through one of the fragile sheets, later dying in hospital of his injuries. Mr Marsh entered last minute guilty pleas to two charges under HSWA Section 37(1) and Article 67(1) of REACH.

HSE had won an earlier abuse of process hearing brought by Mr Marsh over the prosecution of him as an individual, a decision taken because of his role as sole director and his history of winding up companies after HSE enforcement. A Newton Hearing was narrowly avoided when Mr Marsh finally accepted that his actions had significantly contributed to the death and that he had put profit before safety. Other aggravating features included his deliberate attempts at blame diversion, which the judge described as callous and wholly reprehensible, and the prosecution in 2004 of another company that Mr Marsh had been the sole director of, again following a fall through a fragile roof. He was also ordered to pay £10,000 towards the prosecution costs.

Jail term following conviction for manslaughter

A sole trader was found guilty of Gross Negligence Manslaughter after a four week trial and sentenced to 3 years imprisonment. Mr Allan Turnbull was engaged to dismantle a large portal frame building at the former Swan Hunter ship yard, Newcastle upon Tyne. He failed to adequately plan the taking down of the frame and a large steel beam fell striking a worker in a cherry picker who suffered fatal injury as a result of this. The work had been sub-contracted by North East Maritime Cluster Ltd (NEMOC). One of the Directors of NEMOC was found guilty of breaching Section 2(1) and 3(1) of the Health and Safety at Work Act 1974, by virtue of section 37 and fined a total of £30,000 and ordered to pay £50,000 costs. NEMOC was also prosecuted, found guilty in their absence and fined a nominal £1 as the company was in liquidation.

Fragile Roof Prosecution

Bradford Magistrates' Court imposed a maximum fine of £20,000 on Duncan Plumbing, Heating and Electrics Ltd, following one of its employees falling 7 metres through a fragile rooflight on a farm building in West Yorkshire. The worker had been installing solar panels when he fell, suffering a punctured lung, fractured skull, broken collar bone, broken ribs, broken pelvis, fractured hand and chipped bones in his spine and hip. The presence of rooflights had been identified by the company during surveying work prior to its employees arriving on site; however it failed to take any precautions to prevent falls through them

Safety failings land firm in court

An engineering firm was fined a total of £24,000 and ordered to pay £1,146.80 in costs by South Tyneside Magistrates' Court after pleading guilty to two breaches of the Work at Height Regulations 2005. The prosecution followed an inspection of UTS Engineering Ltd by a FOD Inspector. When the Inspector visited the premises following a complaint, they found that some work had already been carried out by one of the company's employees, to inspect the roof, re-felt the canteen and clear gutters. Further roofwork was being carried out in an unsafe manner with employees at risk of falling from unprotected edges or through fragile roof materials. The Court heard that although the roof contained Georgian-wired glass roof lights, which are fragile materials, there was no safe system of work for the activity. The work had not been properly planned and was not carried out by a person competent in this type of work.

Developer goes to prison after repeatedly flouting safety laws

A developer, Eze Kinsley, was sent to prison for 30 months after repeatedly breaching prohibition notices while redeveloping a former office block in Essex. Following complaints from local residents, an inspector visited site and found that there were no measures in place to prevent debris falling from height and there was a risk of injury to members of the public using the pavement and workers. Mr Kinsley, the developer in control of the site, verbally abused the Inspector who returned with Essex police officers later to serve prohibition notices. Mr Kinsley then physically assaulted the inspector. After further reports that work had not stopped, another prohibition notice was issued, which was breached within one hour of being served. Eze Kinsley, was given a 30 months prison sentence after being found guilty of two breaches of section 3(2) of the Health and Safety at Work etc Act 1974, to be served concurrently with three 12-month prison sentences after being found guilty of three counts of contravening a Prohibition Notice contrary to section 33(1) (g) of the same Act. He was also ordered to pay costs of £5,000.

At a separate court hearing, Mr Kinsley was found guilty of assaulting an inspector.

Firm fined £250,000 over worker fall death at warehouse

A logistics firm was fined £250,000 after a worker was killed when he fell through a warehouse roof as he was cleaning out the guttering at Aramex (UK) Ltd in Manchester. The client, Aramex, had ignored its own health and safety guidelines and failed to supervise the work or assess how it would be carried out, despite knowing the roof was fragile. Mr Edwards, the employer, admitted that the only safety equipment he had provided to the worker for cleaning the warehouse roof had been a pair of gloves. Aramex (UK) Ltd and Gary Edwards each pleaded guilty to breaches of the Health and Safety at Work etc Act 1974. Aramex, was fined £250,000 and ordered to pay costs of £20,000. Gary Edwards, received a four-month prison sentence suspended for one year, which means he will be sent to prison if he commits another offence in the next year.

Builder in court for concrete burn failings

A builder, Geoffrey Cinko, was fined £10,000 and ordered to pay £10,000 in costs after being found guilty of breaching Section 2(1) of the Health and Safety at Work etc Act 1974. Two labourers working as casual labourers on a development in south west London sustained second degree chemical burns. They had been working knee-deep in wet concrete in a basement excavation for more than four hours. When one of the workers complained of severe pain to his legs, he found there were no welfare facilities to wash the concrete off his legs. One of the workers required skin grafts to both ankles. Mr Cinko had failed to provide instructions and information about the work, personal protective equipment (PPE) or welfare facilities.

Other work of Construction Division

1. CD's Sector team provides a focus for contact between HSE and the construction industry and supports operational staff. CD's Policy team is responsible for leading on construction health and safety legislation. Both teams deliver a substantial amount of work in support of HSE's strategic goals. The Strategy goals towards which the work contributes are shown in each heading.

CONIAC and its Working Groups - *Strategy Goals: leadership; building competence; involving the workforce; healthier, safer workplaces; support for SMEs; and avoiding catastrophe*

2. CONIAC is an important mechanism for engagement between HSE and industry. Its industry profile is high, and its public meetings consistently attract significant public interest.

3. The committee continues to represent a broad range of industry stakeholders, including CITB (Construction Industry Training Board) and Trade Unions. All the stakeholders involved are committed to being part of the process to improve health and safety within the building, civil engineering and engineering construction industry, Recent CONIAC discussions have focussed on the health agenda, and all members are showing interest and commitment to progressing this.

4. CONIAC also provides an opportunity for collaborative working with worker representatives including UNITE, UCATT and GMB trade unions. Trade union members are represented at all CONIAC meetings, and they contribute TU perspectives to agenda discussions and bring to CONIAC's, and thus to HSE's, attention non-agenda items of significance to the TUs, including points regarding worker engagement, TU safety representation on site and the importance of health and safety regulation and enforcement.

5. Following strengthening of links between CONIAC and its working groups (WGs), the WGs have been productive in 2013/14. There are now five active WGs; the:

- i. CDM Industry Guidance Steering Group aims to produce guidance for the industry, aimed at the smaller business.
- ii. Health Risks WG is a well-established group of industry representatives with a committed interest in raising awareness of common health risks and influencing behaviour to eliminate hazards or improve control of risks;
- iii. Safety WG has continued with its long-term plan for reducing risks from work at height, and retains oversight of the Strategic Forum for Construction's Plant Safety Group;
- iv. Working Well Together (WWT) Steering Group continues to provide leadership for the 18 regional WWT groups;
- v. Asbestos Liaison Group promotes good standards and practice in relation to control and work with asbestos.

Better Regulation - *Strategy Goals: leadership; building competence; healthier, safer workplaces; support for SMEs; and taking a wider perspective*

6. The Board agreed in December 2011 that CD should develop a package of proposals using copy-out of the Temporary or Mobile Construction Sites Directive as its starting point, but retaining elements of the existing regulations where these add value. The findings of the public consultation were presented to the Board in August 2014.

7. There was good engagement with industry through CONIAC during the public consultation on CDM 2015.

8. The CDM Guidance package, including the 'L' Series and Industry Guidance is progressing. CD aims to publish the draft 'L series' guidance on HSE's website early January 2015. Publication of draft Industry Guides to follow as soon as practicable.

9. The review of the CDM Regulations attracted a great deal of interest from the industry and received 1427 responses. CD engaged in a broad range of industry events in advance of the public consultation, and supported efforts by representative bodies in the construction industry to engage with their members. Stakeholders were emailed directly with a link to the consultation document inviting them to respond to the consultation and make their members and contacts aware of it. Details were included in CD's construction '*Infonet*' ebulletin in the lead up to the consultation launch, which reached over 68,000 subscribers and a press notice was sent out to the trade press. A series of reminders were also posted on twitter throughout the consultation period. These tweets were re-tweeted 102 times reaching over 75,000 accounts and directly generated 236 requests of the consultation page. Feedback from such events informed the development of HSE's consultation proposals and improved HSE's understanding of how stakeholders viewed HSE's proposals.

10. Following the consultation, a revised set of communications objectives has been produced. The objectives include to:

- Communicate the results of the consultation and the proposed way forward for amending the regulations
- Build industry support for the new regulations and guidance
- And ensure the target audience understand what the changes will mean for them and are able to comply with the new regulations

Review of guidance

11. CD has continued to review external guidance from its own portfolio and that of other parts of HSE as part of HSE's 'External Guidance Review' to ensure a practical and proportionate approach for organisations to help them comply with health and safety law. CD has also continued with the review of its internal operational guidance as part of the HSE-wide project to ensure that front-line staff have accurate and up to date material to support their enforcement work more effectively.

The CONIAC Industry Guidance Steering Group

12. The Industry Guidance Steering Group is working to deliver a suite of industry guidance to complement the 'L' Series and aimed at smaller businesses. These are dutyholder specific, covering the roles of the: client; principal designer; designer; principal contractor; contractor; and workers.

Construction Clients' Strategy - Strategy Goals: leadership, building competence; and healthier, safer workplaces

13. Construction clients have significant influence over procurement and delivery of any construction project. However, the knowledge, ability and will of clients to influence and set standards for any project is extremely variable. CD has developed a Construction Clients Intervention Strategy liaising with key stakeholders to determine its objectives. The aim is to influence clients, from major corporations ('frequent' clients) through to small one-off commercial clients ('one-off' clients), to discharge their responsibilities to a minimum standard and exert the influence they have towards an effective health and safety system.

Health Risk Management – Strategy Goals: investigation and securing justice; leadership; building competence; involving the workforce; and healthier workplaces

14. There has been a real shift in industry attitudes over the last year, particularly in relation to a much wider awareness and action on respiratory risks including silica eg adoption of on-tool extraction as an alternative to water suppression control.

15. The health risks inspection initiative in summer 2014 (**see Annex 3**) sent out a real message to the industry of improved workplace control and the consequent reduction in occupational disease. Much work was carried out by CD's Health Risk Management Unit (HMRU) in preparation for this initiative, to equip inspectors with comprehensive operational guidance on key health risk issues.

16. HMRU is developing a 'total' package of health risk management information. The major portal will be through revised webpages. The guidance on significant issues – dust, other hazardous substances, noise, vibration and manual handling, will mirror the web content to ensure consistency of approach on guidance and enforcement.

17. Work continues with the industry to deliver further understanding of work-related health risks and, crucially, to promote the active management of health risks rather than a symptomatic treatment of health effects. Significant progress has been made in the following areas:

- a) UKCG initiative to '*bin the broom*'. This does not mean simply avoid sweeping up, but to ensure that, for example, at the design stage more is done to eliminate the production of dust from cutting or sawing activities. An added benefit is that if dust is not generated, prevented from escaping or captured at source there is less clearing up to do, an improved tool life and often faster finish time.
- b) There has been an improved adoption of face fit testing and the use of correct RPE amongst larger contractors. HMRU believes that this represents a real step change in the industry.
- c) Construction Information Sheets CIS36 (providing assistance on managing risks from all hazardous dusts) and CIS69 (giving guidance on on-tool extraction and its use as an alternative to water suppressive methods) have been very useful in building good stakeholder engagement. In particular, HMRU has worked very closely with HSE's Long Latency Health Risk Division (LLHRD) for the launch of the Construction Dust Partnership.
- d) In October 2013, HMRU provided UKCG with a respiratory risks briefing day which had a significant impact on pushing the health message. Many UKCG

members are now doing their own initiatives eg Kier have produced a DVD on the issues..

- e) Manual handling – Busy Builder sheets in Plasterboard and Handling heavy blocks have been produced. A Construction Information Sheet on the handling of concrete products is currently approaching publication.
- f) Supply chain work. Initiatives have been undertaken which aim to bring about improvements in the health risk supply chain by developing practical solutions in partnership with suppliers, contractors, clients and designers. The project to improve the management of all health risks associated with paving, road and highway work will conclude in 2014/15. A health risk management matrix has been developed. Risk Matrix and Health Surveillance/exposure monitoring working groups have been set up with industry partners.

Research

18. HMRU is leading or engaged in a number of research projects, including:

- a) HeRMMIn (Health Risk Management Maturity Index) will be a Leading Indicator self-assessment tool for the industry to assess how health risks are managed. This has been piloted with 250 construction companies.
- b) Following Dr Lesley Rushton's work on the burden of occupational cancer (which identified a peak of cancer registrations due to exposure to polycyclic aromatic hydrocarbons (PAH) in construction i.e. bitumen materials and coal tar pitches), this research is looking at all PAHs. It will seek to establish whether this is a historical issue (as coal tars are no longer used), or whether there is a real risk of exposure to hazardous substances, for example in the roofing industry. HMRU has engaged with Crossrail on their proposed research into Diesel Engine Exhaust Emissions (DEEE) as potential collaborating partners, and CPA/UNITE in their writing of industry guidance on control of DEEE.
- c) HMRU is also participating in research into wood dust exposure. Previously this focussed on manufacturing, but it now includes construction work. The unit has good relationships with House Builders Forum (HBF) and UKCG, and is currently arranging site visits with their members.

19. HMRU continues to build on the recent success of raising the profile of health in construction. The message about ill health is promoted using WWT and key stakeholders. Increasingly, WWT SHADs concentrate on health issues, and there has also been participation in other events eg major contractors, IOSH, RoSPA and Constructing Better Health.

The CONIAC Health Risks Working Group

20. The work with the main group is underpinned by that of an active CONIAC Health Risks WG and is looking at various risk issues highlighted by Dr Lesley Rushton's occupational cancer burden study.

Safety – Strategy Goals: *investigation and securing justice; leadership; building competence; involving the workforce; safer workplaces; and avoiding catastrophe*

21. Construction Safety Unit (CSU) provides CD's lead on product safety matters, including the issues of safety alerts. Safety alerts have been issued on:

- a) The fixing of installed fire places, following several instances where heavy stone components forming part of a modern fireplace surround have fallen causing damage and injury. In two separate incidents this resulted in the tragic deaths of young children.
- b) The dismantling of lifts, following investigations into incidents, including fatalities, which have suggested that poor work practices are commonplace during the dismantling or demolition of lifts in buildings due for demolition or refurbishment.
- c) Mobile elevating work platform (MEWP) calibration following preliminary findings after a machine overturn investigated by FOD colleagues.
- d) Preventing catastrophic failure of luffing jib tower cranes in high winds following the collapse of three luffing jib tower cranes in high winds. There is an ongoing investigation into several luffing jib crane failures where CSU is supporting field Inspectors with product safety work, notably contact with the manufacturers and assessing the conformity assessment procedures.

22. The Strategic Forum for Construction Plant Safety Group (PSG), chaired by the Construction Plant-hire Association (CPA), has continued to be productive with the launch of revised or new guidance on a number of topics. This guidance has included:

- a) Safe use of telehandlers, including information on the importance of tyres on the stability of the machine, the use of seatbelts and the development of 'key point' summaries which can be used as pocket cards or posters
- b) Medical fitness for plant operators, developed in conjunction with UK Contractors Group, Constructing Better Health, Occupational Health providers and others, dealing with the management of medical fitness issues for people operating plant.
- c) Management of competence of plant operators, developed with CITB and others, to clarify methods for employers to manage, develop and record employees' competences to operate plant.

23. The Construction Plant-hire Association Shoring Technology Interest Groups has launched industry guidance replacing HSG185 Safety in excavations. It is aimed at anyone involved in the planning, management, design, and supervision of excavation works during any stage of the construction process including site investigations.

24. In addition to providing routine operational support, CSU has delivered a training programme for CD and HSG47 Avoiding Underground Services has been revised and published.

The CONIAC Safety Working Group

25. The WG's long-term focus continues to be work at height risks, focussing on falls through fragile roofs. It also retains oversight of Plant Safety Group's work.

Major Accident Potential in Construction – *Strategy Goals: leadership; building competence; support for SMEs; and avoiding catastrophe*

Fire in Construction

26. Industry is beginning to implement the model for timber frame construction in the UK Timber Frame Association (UKTFA) guidance launched in 2012. CD inspectors continue to carry out interventions to ensure that this is the case.

Temporary Demountable Structures

27. Work has continued with the Events and Entertainment Industry Working Group on temporary demountable structures (TDS). The key safety issues were identified at the outset and work is ongoing to achieve industry wide agreement on safe working practices and management of TDS (stages, temporary seating etc). This will involve changing technical standards in an industry that operates outside of the conventional construction industry, particularly in relation to work at height standards. Further visits are planned in 2014/15.

28. CD is continuing to consult with the Events and Entertainments Industry regarding the implementation of CDM 2015. A Business Engagement Assessment has been commissioned to inform decisions on continuing HSE's and industry's proportionate approach to CDM 2015.

Temporary Works

29. Temporary works (TW) - e.g. falsework, scaffolds, propping schemes and tower crane foundations - are a common theme of many significant accidents and can affect both workers and members of the public. CD has continued to work with the industry and includes:

- a) CD assisted a joint TWf (Temporary Works forum) and CITB (Construction Industry Training Board) working group in the development of a national training scheme on the management (coordination) of TW which has now been launched.
- b) The National Access and Scaffolding Confederation (NASC) published TG20:13 – scaffold design standard. It allows companies to produce designs from a bespoke modelled systems rather than paying for one-off designs. The software needed means it is a high financial investment, but the industry view is that there are cost benefits as well as producing higher standards.
- c) Support was given to the Prefabricated Access and Scaffolding Manufacturers Association 'Towers Week' with an appearance at the launch event, a videoed interview was provided and CSU took part in a 'Twitterchat'.

Supporting SMEs - *Strategy Goals: leadership; building competence; involving the workforce; healthier, safer workplaces; support for SMEs; and taking a wider perspective*

30. Small and Medium Enterprises (SMEs) still form the largest section of the construction industry and small sites (where fewer than 15 people work) continue to be responsible for a high proportion of fatal and other injuries in the industry. CD's Small Sites Strategy continues to encourage small construction sites to improve health and safety performance via a combination of HSE inspection activity; communications activity in the form of simple customised guidance (new and existing); and delivery of the WWT campaign events with industry partners.

Working Well Together (WWT) campaign and CONIAC Steering Group

31. HSE continues to co-ordinate the activities of WWT through its CONIAC Steering Group. It is a mature and widely respected model to deliver key health and safety

messages to large numbers of construction workers. The Steering Group, which includes group chairs and other stakeholders, meets twice a year to report on the progress and to ensure HSE's priority messages are promulgated to the groups. The industry's commitment to WWT remains, providing substantial investment in both time and money. In 2013/14 WWT once again exceeded its planned delivery of 60 events, by delivering 69 events to around 4,000 delegates across the country within a reduced budget of £50K. Targets for 2014/15 are to deliver 60 events with a plan to start two new WWT Groups.

32. In 2013/14 WWT worked with two colleges, Gwynedd University, Bangor, and South Devon College, Paignton, to pilot a new approach to events, in which the colleges had a more active role in the organising of SHADs. These College SHADs were held on the campuses, and attended by students and apprentices. Following evaluation, these proved very successful and relevant to both students and lecturers. Further College SHADs will be rolled out across other groups in 2014/15. Groups continue to follow HSE's plan of work by delivering events linked to the plan, with the emphasis this year on preventing ill health and falls through fragile roofs. The groups are planning specific health events but the topics will be incorporated across the spectrum of the WWT programme, ie, SHADs, Mock Trials, White Van Roadshows, College SHADs and Designer Awareness Days.

33. Other examples of WWT events include: a 'Face Fit Day' in the Sheffield area aimed at managers of construction companies of all sizes. Training was provided to nominated personnel to enable them to do face fits for respiratory protective equipment (RPE) for workers who are exposed to dusts from a variety of sources such as silica and asbestos. An event was also held in the area to promote the safe operation of Mobile Elevated Working Platforms (MEWPs) where HSE and industry gave presentations, and exhibitors displayed hardware.

Communications – Strategy Goals: involving the workforce; and support for SMEs

34. CD continues to update and simplify the advice and guidance it publishes for industry, focusing on hard-to-reach groups and smaller builders. Priority continues to be given to the development and publication of 'Busy Builder' sheets and toolbox talks to publicise and explain such topics as,

- preventing falls through fragile roofs,
- protecting the public,
- keeping sites organised,
- preventing injury when handling heavy building blocks,
- preventing injury during plasterboard handling
- construction dust, and
- old paint containing lead.

Further Busy Builders sheets on other priority topics are planned for 2014/15.

35. Updated Managing Construction Health Risks webpages were published.

36. CD's webpages are under constant review to ensure they meet the needs of small and micro businesses. These continue to be the most popular industry specific pages on HSE's website. In the year ending 31 March 2014, they attracted **over 1 million** (1,251,414) visitors and **almost 4 million** (3,851,331) page requests

Infonet e-Bulletin

37. The Construction Infonet e-Bulletin remains extremely popular, with over 68,000 subscribers at 31 March 2014. CD continues to look at ways to improve and develop this. For example, the e-Bulletin subscribers' database was used to create tailored e-Bulletin messages to construction designers and small businesses to publicise the CDM consultation.

Competence – Strategy Goals: building competence; and healthier, safer workplaces

Design Competence

38. CD has continued to work with a sub-committee of the Construction Industry Council (CIC) looking at improving the teaching of undergraduate architecture students. This work builds on research commissioned by HSE and RIBA, carried out by Sheffield University *Healthy Design, Creative Safety (RR925)*. The aim is to follow through the key recommendations of the research.

39. A symposium was held in Sheffield in early 2014 where academics and construction industry professionals exchanged ideas on the needs of academic institutions and the industry. The CIC sub-committee is considering whether the recommendations of the research and subsequent symposium can also be transferred to the teaching of other construction professionals. A previously developed tool, the risk education network, developed by HSL, provides an opportunity for industry and academics to share good practice and teaching materials, one of the key recommendations of the research.

40. This work has provided some fresh thinking and approaches to health and safety teaching. It considers the placement of health and safety within an ethical context. It is supported by the RIBA Director of Education.

Competence on site

41. CD has been engaged in the difficult task of working to promote a competent construction workforce, whilst at the same time trying to mitigate against the worst excesses of the industry in both the way that it has adopted third party accreditation, and in the proliferation of pre-qualification questionnaires and card schemes.

42. CD Sector has continued to support the Safety Schemes in Procurement group, which includes the major suppliers of third party accreditation services in the UK. This scheme aims to ensure that these suppliers all use the same standard for prequalification assessment, (i.e. CDM 2007 Approved Code of Practice (ACOP) Appendix 4) and operate a transparent, free, and straightforward system of mutual recognition of each others assessments.

43. CD Sector has also worked with the industry to support the development of individual competence, and the judgement of competence of individuals by employers.

- The Strategic Forum Plant Safety Group has published a guidance note, endorsed by HSE, on competence to operate construction plant. This document contains a framework, agreed by all the major stakeholders in construction plant and equipment, which will help employers understand competence, under the four headings of selection, training, development of experience and lifelong learning.

- Joint funding of research with CITB, has been carried out by Pye Tait to follow up their influential 2010 research report “Routes to Competence in the Construction industry”
- Supporting CSCS in its reform programme, particularly the initiative to ensure that achievement of labourer’s green card is linked to a Level 1 NVQ.
- Consulting and working with industry working groups to ensure that the new CDM package of guidance does support the aim of strengthening the provision of information, instruction and training, for contractors in the industry.

Leadership and Worker Involvement – Strategy Goals: leadership; involving the workforce; and support for SMEs

44. Worker involvement has continued to be a priority for CD in planning its work with larger contractors and clients. The Leadership and Worker Involvement Toolkit (LWIT) has been established on HSE’s website. CD continues to work with several large contractors who, as part of the UK Contractors Group (UKCG), have each volunteered to mentor three smaller supplier businesses, using the principles contained in the Toolkit.

45. CD’s former Improving Dutyholder Compliance project, in which individual businesses were supported by inspectors to use LWIT, has become Improving Leadership Performance. A series of workshop events will be held for groups of identified dutyholders using LWIT to improve their health and safety performance.

Asbestos licensing activity

Improving and simplifying notification requirements for licensed asbestos work - Strategy Goals: healthier workplaces; and support for SMEs.

46. Licensed asbestos work is the most geographically spread and peripatetic of the permissioning regimes regulated by HSE. In 2013/14 there were 37,553 licensed asbestos removal jobs formally notified to HSE, Local Authorities and other regulators across the UK by 470 companies. To monitor the work carried out by this industry and inform HSE’s role as the licensing authority, HSE and fellow regulators achieved the widest inspection of the industry in 2013/14 (91% of all licence holders inspected). To support this work and further improve targeting of inspections by all the regulators involved HSE is developing an on-line mechanism to allow statutory notifications to be uploaded directly by licensees. This will also contribute to government objectives of “digital by default” and be a simpler system for the industry.

Analysts Project. Strategy Goals: healthier workplace, building competence;

47. An important final stage in licensed asbestos removal is the examination of the area by an analyst to certify the area is free from asbestos and ensure the health of building users after the removal. Small scale studies questioned the quality of some of this work. In 2013/14 ALU initiated a project in which inspectors are examining the standards being achieved on a sample of removal jobs. ALU has worked with the professional body for analysts and trade bodies within the Asbestos Liaison Group (ALG) to develop this project and a report is planned for the end of 2014-15. The

results will also be used in the updating of the published guidance for analysts' businesses and clients.

The CONIAC Asbestos Liaison Group

48. During 2013-14 Asbestos Liaison Group (ALG) amended its workplan to reflect the current work of the group. This work includes:

- Producing a competency framework to support training needs analysis in ensuring workforce competency.
- Agreeing a process for sharing and publishing information for the industry.
- Support the updating of key HSE guidance (including the Licensed Contractor's Guide, The Analyst's Guide).
- Provide advice for the industry through a technical subgroup.

Asbestos Licensing Leadership Events – *Strategy Goals: leadership, building competence; involving the workforce; healthier workplaces; and support for SMEs*

49. During the year, the Leadership Events (designed to reinforce the roles and responsibilities of senior management and to promote the Asbestos Removal Management Institute (ARMI)) ran nationally (22 in total). 441 licence holders were invited and 354 attended (80%) – giving an 88% positive response to joining ARMI and a 97% positive response to their understanding of HSE/ALU licensing action. 99% of those who attended found the event useful. Attendees/non-attendees are recorded on COIN and this information is provided to ALPIs for the licence assessment process.