

HEALTH AND SAFETY EXECUTIVE**CONSTRUCTION INDUSTRY ADVISORY COMMITTEE (CONIAC)****Minutes of the M1/2010 meeting
held on 3 March 2010 in Rose Court*****Present***

Philip White (Chair)
Anthony Lees (Secretary)
Richard Ash
Bob Blackman
Paul Bogle (substituting for
Bill Rabbetts)
Peter Caplehorn
Kevin Fear
Paul Haxell
Kevin Minton
Alan Muddiman
Chris Richards
Jason Rowley
Phil Russell
John Scott
Martin Winstone

Representing

Health and Safety Executive
Health and Safety Executive
Engineering Construction Industry Association
UNITE (T&G section)
National Federation of Builders

Construction Industry Council
ConstructionSkills
Home Builders Federation
Construction Plant-hire Association
Civil Engineering Contractors Association
Recruitment and Employment Confederation
United Kingdom Contractors Group
Federation of Master Builders
National Specialist Contractors Council
Construction Clients' Group

Departmental Observers

Andrew Butt
Clive Young

Office of Government Commerce
Business, Innovation and Skills

Officials

Gavin Bye
Joy Jones
Neil Stephens
Essien Ekpenyong
Michael Ryan (Secretariat)

Health and Safety Executive
Health and Safety Executive
Health and Safety Executive
Health and Safety Executive
Health and Safety Executive

Members of the public

11 were present

Apologies

Mike McCartney
Bill Rabbetts
Alan Ritchie

Representing

UNITE (Amicus section)
NFB
UCATT

Summary of Actions agreed:

1. **ACTION: Secretariat to circulate membership list to Members in due course.** (See paragraph 1.1)
2. **ACTION: Secretariat to ensure that CONIAC receives a report of the March 2010 refurbishment campaign.** (See paragraph 1.3(d))

1. Welcome and Chair's introduction to reconstituted CONIAC

1.1 Philip White welcomed attendees (CONIAC Members and members of the public) to the meeting and extended a special welcome to new Members. Philip asked Members to introduce themselves. He said that it was likely that one or two more persons would join the committee and following this a full Membership list with contact details would be circulated. He gave the apologies of absent members.

ACTION: Secretariat to circulate membership list to Members in due course.

1.2 An induction event would be held on 24 March for new Members (current Members who served on the pre-reconstitution version of CONIAC would also be welcome). The event would brief new members on such matters as administration (eg expenses claims), HSE strategy and structure, Construction Division's work and structure, and seek to provide a basis for Members to identify what they, and those they represent, can deliver in support of CONIAC's aims. [**Secretary's Note:** The induction event was subsequently postponed until 30 April.]

1.3 Philip briefed CONIAC on a number of issues of interest.

- (a) *The Notification of Conventional Tower Cranes Regulations 2010* (S.I. 2010/333) was laid before Parliament on 22 February and comes into force on 6 April.
- (b) A series of free leaflets (and supporting presentations) entitled *What you need to know as a busy builder* is available for download on the HSE website. The leaflets cover manual handling, roofwork, welfare and site H&S management.
- (c) A new HSE campaign, *Do your bit*, to encourage workers to get involved in their organisation's health and safety has begun and will run for a year. The campaign covers a number of industries, including construction, and will provide subsidised training to help workers develop a basic skill set to effect change in their workplaces. Additionally, there is a fully funded joint training course for managers and representatives aimed at helping to establish a shared perspective towards health and safety management. Philip expressed his gratitude

to ConstructionSkills and UCATT for their assistance. Full details of the campaign can be found at: www.hse.gov.uk/involvement/doyourbit

- (d) An intensive inspection initiative on refurbishment, with focus on domestic and small commercial roof work, will run throughout March. This is the third year that such an effort has been mounted and it will be interesting to compare the results with those obtained in previous years.

ACTION: Secretariat to ensure that CONIAC receives a report of the March 2010 refurbishment campaign.

2. Agreement of Agenda and matters arising

2.1 Members agreed the Agenda.

2.2 Philip asked if Members wished to raise anything under AOB. Kevin Minton said that he wished to raise the possibility that HSE's approved code of practice on fork-lift truck training may be extended to all rider-operated plant, including construction plant. Philip agreed to take this under AOB (see paragraph 7.1).

2.3 John Scott asked for an update in relation to Rita Donaghy's report into underlying causes of construction fatalities. Philip said that this was not a matter for HSE but for DWP which had commissioned the Inquiry and had the responsibility to make the formal government response.

3. Construction Division Plan of Work for 2010/2011 (Presentation by Neil Stephens, HSE, Programme and Communications Manager for Construction Division)

3.1 Philip said that Neil Stephens would speak on this item instead of Gavin Bye as described in the published Agenda. He asked Neil to give his presentation. Following the presentation Philip invited comments from Members.

3.2 Richard Ash enquired if there would be targeted activity on worker engagement. Neil said there would be a proactive focus on major projects and home building. With reference to respiratory risks, Richard suggested that emphasis be placed on designing them out, and it would be appropriate to keep this in mind during the review of CDM 2007.

3.3 Peter Caplehorn asked if activity in relation to domestic projects was supported by the LACE project. Neil said that there was continuing work to engage more closely with Building Control and Trading Standards, for example, at the rogue trader end of the spectrum. On the subject of fire, Peter suggested that the *Regulatory Reform (Fire Safety) Order 2005* be reconsidered, especially in relation to procurement issues. Gavin Bye

responded that fire is a key topic in the research project CIRIA is carrying out for HSE, with procurement an important aspect.

3.4 Bob Blackman referred to the last slide in the presentation and the issue of industry ownership of health and safety of the workforce. He observed that there was great difficulty in influencing parts of the industry, and that this went beyond the challenge of reaching them as the priorities of some small and micro businesses were such that even free training was unlikely to be taken up.

3.5 Phil Russell welcomed the free leaflets illustrating good practice for small builders, however, he noted that many clients focus on price to an extent that places firms who follow good practice at commercial disadvantage when quoting for work. Neil suggested that such firms may wish to use the leaflets to explain to clients how the work should be done. Phil approved the work with local authorities but pointed out that many projects do not come under the Building Control regime. Anthony Lees responded that the LACE program is looking at ways of providing basic health and safety information to householders, eg, a further development of the “interactive house” on CLG’s planning portal.

3.6 Alan Muddiman enquired about availability of the presentation. He was told that it would shortly be distributed to CONIAC Members and placed on CONIAC’s website: www.hse.gov.uk/aboutus/meetings/iacs/coniac/index.htm.

3.7 John Scott asked if the CD plan of work includes dedicated HSE “account managers” to liaise with specific firms. Neil said that this would feature, and Philip added that CD will look at refreshing its assignment of lead contacts for large firms.

3.8 Philip concluded the discussion by recalling the Construction Summit of 2001 hosted by John Prescott. HSE’s decision to concentrate on the top end of the industry had borne fruit but the hope that improved performance by larger companies would trickle down to smaller firms had not been realised, and it was now time to focus more attention on the smaller end of the industry. Notwithstanding the challenges in seeking to influence smaller firms, it was hoped that the next few years would bring evidence of some improvement.

4. CONIAC plan of work (Oral introduction by Anthony Lees, Secretary to CONIAC) [Paper M1/2010/1 – CONIAC plan of work]

4.1 Philip asked Anthony Lees to introduce this item.

4.2 Anthony referred to the paper. He said that the general aim of the reconstitution was to move towards greater accountability between CONIAC and its working groups, with all work demonstrably delivering against the new HSE Strategy. A draft work plan was annexed to the paper. A second annex set out planned activities for 2010/2011 by the Safety Working Group, the CDM 2007 evaluation Working Group and the Working Well Together

Steering Committee. Finally, draft Terms of Reference for CONIAC were annexed to paper **M1/2010/2**.

4.3 Anthony asked for views from Members on the paper and, specifically, on whether the Occupational Health (OH) Working Group should be revived. Additionally, he asked Members to begin to consider what they and their organisations could offer in the way of specific actions to further the aims of CONIAC. The induction event for new Members would seek to assist them with this question by giving appropriate background on the HSE Strategy and the work of the Construction Division.

4.4 Kevin Fear indicated his support for a working group looking at occupational health in construction. Phil Russell echoed this giving the example of silica exposure as an issue of concern. Bob Blackman was supportive also, believing that the industry has a poor record of looking after workers' health; he noted that health was a major issue also for UCATT and GMB. Kevin Minton agreed that formation of an OH Working Group was appropriate, and suggested that in addition to the effect of work on health the complementary phenomenon of the effect of health on work be considered. Richard Ash stressed the importance for any new OH Working Group of clear objectives. John Scott agreed and suggested that evaluation of *Constructing Better Health* or work on asbestos or silica be considered.

4.5 Paul Haxell cautioned on the need for working groups to avoid duplication of work going on in industry. In this connection, Gavin Bye recalled that the Safety Working Group had remitted work in relation to tower cranes to the relevant Strategic Forum panel, and Philip White added that the induction day would look at links with stakeholder health and safety groups with a view to aligning agendas.

4.6 Jason Rowley suggested that the Safety Working Group should give more attention to non-fatal accident risks. Richard Ash supported this, pointing out that the majority of injuries are due to slips, trips and falls. Moreover, the focus should be on eliciting behavioural change rather than the promulgation of generic H&S messages. Kevin Fear said that the close analysis in the Donaghy Inquiry of 28 fatal accidents had been very useful and wondered if this would be repeated. Philip White said that it would be.

4.7 Philip closed the discussion by confirming that Members had endorsed the Terms of Reference and agreed to the continuation of the existing working groups and to the establishment of a group on occupational health.

5. Presentation on tower cranes register (Presentation by Gavin Bye, Head of HSE Construction Sector)

5.1 Philip asked Gavin to give his presentation. Following the presentation Philip invited comments from Members.

5.2 Richard Ash noted that the Regulations placed the duty to notify on a broad class of persons and asked if the guidance had clarified who should make the notification in practice. Joy Jones said that the guidance advised only one of the duty holders need notify and typically this would be the person who arranges for the thorough examination.

5.3 Alan Muddiman thought that the £20 charge to notify was inappropriate. It was seen as effectively a tax. Philip said that the HSE Board had agreed to recovery of the cost to develop and operate the register and the charge was determined on that basis. The amount was small in comparison with the cost of hiring a tower crane.

5.4 Kevin Minton said that CPA membership included about 90% of the companies who rent out cranes. In order to publicise the new requirement CPA had sent members informational e-mails, links to the tower cranes register website and would supply copies of a poster for display on sites. The poster would aim to reassure the public by informing them that cranes on that site had been notified to HSE and by giving details of where they could obtain further information. In a further development, CPA is distributing a free DVD for duty holders entitled *The Safe External Climbing of Tower Cranes*. Philip encouraged the wide use of the site poster to increase public awareness of the register. In closing the discussion, he took the opportunity to record his gratitude to CPA for its help in bring the Register about.

6. Proposals for future work on falls from height from the CONIAC Safety Working Group (Oral introduction by Joy Jones, Safety Working Group Chair) [Paper M1/2010/4]

6.1 Philip invited Joy Jones to introduce this item.

6.2 Joy said that the paper contained proposals resulting from the deliberations of a subgroup of the Safety Working Group (SWG) which had considered the need for further work on falls from height. The subgroup had considered available statistics and other relevant information and concluded that to improve the situation a major campaign with simple messages about precautions targeted on tradesmen in small firms involved in short duration work should be considered. The campaign would be less generic than *Shattered Lives* and need long-term commitment. The SWG was now recommending to CONIAC that, initially, it agree to the development of detailed plans for such a campaign. Once plans had been developed the SWG would return to CONIAC for further consideration of the proposal.

6.3 Bob Blackman observed that the absence of a minimum entry requirement to the industry meant that anyone could buy a van and set up as a construction contractor. He suggested that in relation to the difficulties arising from the existence of so called hard to reach groups it may be necessary to look at registering contractors and workers.

6.4 Jason Rowley supported the general direction of the proposal on the basis that the difficulties in influencing sections of the industry should not preclude an effort to do so. He expressed reservations about specific barriers to entry, for example, how could they be enforced?

6.5 Peter Caplehorn also supported the general direction of the proposal. However, he suggested that some thought be given to clients, including householders. He thought there may be an appetite for the imposition of penalties on clients who employ deficient contractors. Alan Muddiman said that more should be done to prevent rogue traders from being used and to encourage a deliberate choice to use a decent builder. Richard Ash advised that design of the campaign could benefit from the inclusion of communications specialists in the working group.

6.6 John Scott said that NSCC would support the proposal. The statistical information considered by the working group, particularly on trades most affected by falls, would be of interest to NSCC as it would assist it in getting specific information to its own members. Additionally, issues relating to underlying causes should be kept in mind. Philip mentioned that work stemming from the Donaghy Recommendations would feed into the work of the SWG.

6.7 In answer to a question from Philip, Joy Jones clarified that five years was envisaged as the likely timescale for the campaign should it go ahead.

6.8 Philip said that it would be necessary to consider carefully any proposed measures in relation to domestic clients, although it may be possible to adopt an educational approach towards them. He concluded by recording that CONIAC had agreed that the SWG should work up detailed proposals, and said that Joy would return with these in due course.

7. AOB

7.1 Philip invited Kevin Minton to speak. Kevin said that HSE was considering revision of its approved code of practice (ACOP) on forklift truck driver training (L117). A workshop for a broad range of industries had revealed an appetite for extension of the scope of the ACOP to a wider class of driver-operated plant, including plant used in construction. If the extension was made it would impose the ACOP's prescriptive approach to driver training on this construction plant. CPA believes this would be a mistake since such plant is already covered by the competence-based approach enshrined in the CDM 2007 Regulations, ACOP and supporting schemes. CPA strongly opposes the possible extension of L117 and in drawing the attention of CONIAC to this matter suggests that the committee or one of its working groups provide appropriate feedback to the relevant officials within HSE.

7.2 Bob Blackman said that workers drive forklifts in the building materials industry and it was not clear to him why the training standard should not be applied on construction sites. Kevin responded that a construction site falls

within the ambit of L117 but that a trained operator is not necessarily a competent operator. Bob Blackman felt there was not a problem provided that the result was not a lowering of standards. However, Kevin Fear thought the proposal could be damaging to the CDM competence regime, and expressed support for the CPA position.

7.3 Philip White said that if the HSE Board proposed any changes to L117 then the proposals would be fully consulted on, including through CONIAC. The workshop was held to explore the issues fully before any further decision was taken.

7.4 Peter Caplehorn informed CONIAC that a launch of the new CSCS black card for professionals would take place at RIBA on 25 March. Hopefully this would help to remedy the poor take up of CSCS cards by professionals.

8. Conclusion

8.1 Philip confirmed that the next meetings of CONIAC would be on 21 July and 17 November in Rose Court. He thanked CONIAC Members for their contributions.

Annex

In relation to the following action point agreed at the November 2009 meeting of CONIAC:

ACTION: Secretariat to seek information on recent crane prosecutions and competence and advise CONIAC

The following information is provided to CONIAC:

- Worthing (February 2005) – training was a significant issue in the prosecution, which resulted in the convictions of the two companies concerned.
- Battersea (September 2006) – investigation is ongoing.
- London (New Fetter Lane - October 2006) - training/competence was not an issue.
- Liverpool (January 2007) – training/competence was not an issue.
- Croydon (June 2007) – training was a significant issue in the prosecution of the company concerned.
- Liverpool (July 2009) – investigation is ongoing.