

Construction Industry Advisory Committee (CONIAC)

Minutes of the M1/2008 meeting of CONIAC held on 4 March 2008

Present

Stephen Williams – Chair
Richard Ash

Shelley Atkinson-Frost

Bill Belshaw

Peter Caplehorn

Kevin Fear

Paul Hayward

Clive Johnson

Peter Kent

Rob Miguel

Alan Muddiman

Bill Rabbetts

Phil Russell

Robert Sayers

John Tebbit

Dörthe Weimann

Martin Winstone

John Ioannou

Clive Young

Louise Brearey

Cathy Kerby

Michael Ryan

Representing

HSE

Engineering Construction Industry
Association

Construction Confederation

Specialist Engineering Contractors Group

Construction Industry Council

ConstructionSkills

Association of British Insurers

National Specialist Contractors Council

Local Authorities

Unite (Amicus Section)

Construction Confederation

Construction Confederation

Federation of Master Builders

Home Builders Federation

Construction Products Association

Union of Construction, Allied Trades and
Technicians

Construction Clients' Group

Office of Government Commerce (OGC)

Department for Business Enterprise and
Regulatory Reform (BERR)

HSE

Secretariat

Secretariat

Members of the public

(Total: 12)

Apologies

Bob Blackman

Shona Dunn

Alan Ritchie

Unite (T&G Section)

Communities and Local Government (CLG)

Union of Construction, Allied Trades and
Technicians (Dörthe Weimann was

Deputising)

Kevin Toner

Anthony Lees

HSENI

HSE

Summary of Action agreed:

- 1 Action: CONIAC Members to provide the Secretariat with contact details of individuals/organisations who would be interested in taking part in the pilot of the electronic F10. [Item 2]**
- 2. Action: CONIAC Members to submit, to Sue Parkyn, case studies for inclusion in COHME. [Item 5]**
- 3. Action: Secretariat to provide Members with a suitable version of Construction Division's Business Group Delivery Plan. [Item 6]**
- 4. Action: Secretariat to include, at the June CONIAC meeting, time for discussion of CDM 2007 embedding, particularly regarding the link between SMEs and public sector procurement methods. [Item 6]**
- 5. Action: Secretariat to seek information on the outcome of the Liverpool Accident and Emergency Reporting Pilot. [Secretary's Note: information at Annex 2.] [Item 6]**
- 6. Action: Secretariat to inform CONIAC about the Artificial Optical Radiation Directive. [Secretary's Note: information at Annex 3.] [Item 8]**
- 7. Action: Secretariat to inform CONIAC on the delay in updating the Working Well Together website. [Secretary's Note: information at Annex 4] [Item 8]**
- 8. Action: CONIAC Members to write to the Secretariat with views on proposed holding of some CONIAC meetings outside London. [Item 8]**

1. Welcome and apologies

1.1 Stephen Williams welcomed Robert Sayers to his first meeting following his nomination.

2. Chair's introduction and briefing on urgent business

2.1 Stephen reported on the following issues:

(i) Ministerial change

2.2 Stephen said that the Rt Hon James Purnell MP is the new Secretary of State at DWP, in succession to Peter Hain. He noted that Lord McKenzie continues as Minister with responsibility for occupational health and safety, a post to which he has brought great interest and energy, and listed some of his recent construction-related engagements.

(ii) The Construction Forum

2.3 Stephen began with some background on the Forum (see paragraphs 2.2 to 2.5 of the Minutes of the 22 November 2007 meeting for information on the origins of the Forum and the organisational arrangements for taking forward its agreed Framework for Action) and then asked Shelley Atkinson-Frost (Secretary to the Strategic Forum's Health and Safety Task Group) to report on progress to date.

2.4 Shelley stated that the Health and Safety Task Group had made an initial report to the Secretary of State on 11 January, which advised that the Group and its members had established a realistic agenda, delivered some targeted short-term actions and was developing the basis for delivery of longer-term actions.

2.5 She said that Health and Safety Task Group had received progress reports on 25 February 2008 from each of the three Working Groups it had set up:

- The **Sharing Best Practice** group had designed a web portal providing access to specific health and safety information, including best practice in some key areas. Additionally, it has allied itself with the offshore "Step Change" initiative for reporting near hits. The web pages for this will be on the Strategic Forum website and members will be asked to populate the site with 2-3 significant near hits.
- The **Competency** group had identified 5 key areas of work. **Induction** – develop best practice guidance on delivery and how induction could be made more effective. **Training** – suggested that principal contractors consider partnering with smaller contractors and offer support by including operatives in their training plan. **Client as leader** – seek to get professional institutions to encourage their members to help clients to give leadership on health and safety issues and to demand appropriate competence. **SMEs** – increase their awareness of health and safety issues and seek to increase take-up of organisational and individual competence schemes. **Safety Schemes in Procurement (SSIP) – Standardisation and compliance with core criteria** – this group is liaising with HSE regarding developments in this area.
- The **Worker Engagement** group has identified 11 priority areas but recognised that fewer would be taken forward in the short to medium-term. Key areas include creating a model template for worker engagement and consultation, and driving forward a national WSA scheme within the industry.

2.6 There was agreement that the SF H&S Group should focus the public sector clients' agenda and that its members should report back on experiences with government departments. The next reports to the Secretary of State are scheduled for April, August and November 2008 and John Spanswick (Chair of the SF H&S Group) has asked members to deliver action within that timescale.

(iii) Tower cranes

2.7 Stephen said that a number of tower crane incidents had occurred in 2006 and 2007. In response the Industry had set up a high-level group (the Tower Crane Group), chaired by John Spanswick, to develop and take forward an action plan. An initial meeting of the group on 9 August 2007 had identified a number of topics for inclusion in the plan. A further meeting had taken place on 23 November. Stephen asked Shelley Atkinson-Frost to update CONIAC on recent developments.

2.8 Shelley said that the following were in progress:

- **Inductions** – Site specific inductions will be created for tower crane operators.
- **Competency** – There will be a review of the Construction Plant Competence Scheme (CPCS) requirements for operators and a review of competency for other roles.
- **Maintenance and Thorough Examination** – Industry guidance will be published.
- **Operator Working Conditions** – A code of practice will be established.
- **Sharing information on Near Hits** – A e-mail address will be set up for the industry (or the public) to send incidence information to.
- **Improved Communication to the Public** – Consideration is being given to an alliance with the Considerate Constructors Scheme (CCS) for a tower crane logo on site hoarding backed up by CCS auditing. Would provide a route to further information for the public. CCS Board yet to confirm.

(iv) HSE Lifting Blitz in London and the South East

2.9 Stephen informed CONIAC that Construction Division inspectors in London and the South East had carried out a “Lifting Blitz” over the 5 days from 28 January to 1 February. The focus had been on:

- competence of banksmen;
- lifting over people (both workers and the public);
- mobile and tower cranes;
- crane collisions; and
- competence of persons involved in crane maintenance/inspection regimes.

In all, 91 sites were visited, 149 contractors spoken to about lifting issues; and 5 enforcement notices were served in relation to lifting operations.

(v) The Construction (Design and Management) Regulations 2007 (CDM 2007) update

2.10 Stephen reported on two issues:

(a) ***The Local Authority Construction Engagement (LACE) Project***

2.11 A Project Team had been established to take forward HSE's work on how Local Authorities (LAs) could influence the construction process, both as clients and enforcers. A major aspect of the work would be reviewing the potential for closer integration of the Planning, Building Control and CDM regimes.

2.12 Stephen said that LAs have local knowledge and HSE needs to be better aligned with them, particularly to influence SMEs. The project is:

- obtaining information on existing ways in which LAs intervene in construction to improve health and safety standards;
- identifying opportunities for extending such interventions;
- determining what mechanisms and materials are needed to support and LAs to do this work;
- establishing contact with CLG to pursue the integration agenda.

He reported that additional funding had been secured to permit the project's employment of three LA secondees to continue for another for another 6 months.

2.13 Peter Kent welcomed the LACE Project and expressed the hope that it would encourage LA officials to take a broad view across their own departments.

(b) ***Electronic F10***

2.12 Stephen reported that the eF10 is expected to go live in June 2008. Before then HSE would like to pilot it with a small number of companies. The details of the trial were:

- It would begin in late March and last for a month or so.
- Participants would submit completed eF10s by way of a web link which they would be given.
- Participants would receive a follow-up telephone call from HSE to discuss any difficulties or suggestions for improvement.
- Notifications made during the pilot by means of the eF10 will count for official purposes and the firms involved will not have to submit them in any other way

He asked that CONIAC Members provide contact details for any individuals/organisations they knew of that would be willing to participate in the pilot so that HSE could then approach a sufficient number of them.

Action: CONIAC Members to provide the Secretariat with contact details of individuals/organisations who would be interested in taking part in the pilot of the electronic F10.

(vi) Campaigns

(a) ***Falls from Vehicles (FFV) Campaign: Autumn 2007***

2.13 Stephen summarised results from this campaign, which ran from October to December 2007:

- Each Inspector was asked to carry out 5 days' worth of inspections during the campaign. Construction Inspectors visited 783 sites and contacted 1057 contractors.
- Seven FFV events were held in conjunction with Travis Perkins.

2.14 Peter Caplehorn asked if there was any feedback on common causes. Stephen responded by saying that a number of examples of good and bad practice had been identified with inspectors tracking back along the supply chain to resolve issues. A detailed evaluation will be prepared in due course.

(b) ***Slips, Trips and Falls Campaign 2008 ("Shattered Lives")***

2.15 Stephen gave details of the "Shattered Lives" campaign. He stressed that it had a strong construction element; falls from height remain a major source of injuries:

- "Shattered Lives" involves a major national advertising campaign based around a number of illustrative accidents. The advertising directs people to a website (www.hse.gov.uk/shatteredlives/index.htm) where they can learn more about the accidents and their consequences, and find guidance to inform action.
- The Campaign will be supported by a PR/media strategy and operational activity. The Falls and Trips Inspection Initiative provides an opportunity to address falls and trips in the construction sector and to introduce "Shattered Lives".
- Construction is one of 5 sectors targeted through the Campaign. Each sector is represented on the website and by clicking on "Phil" you can find out about his fall from scaffolding and access downloadable guidance.
- A number of stakeholders are helping to encourage action in the workplace, e.g. FMB and CIOB have both promoted the campaign through articles in their membership magazines and by mailshooting their members. HSE encourages further action by CONIAC members.

(c) ***Refurbishment Campaign***

2.16 Stephen turned to this Campaign. In the summer of 2007, Construction Division inspectors carried out almost 1300 targeted

refurbishment site visits nationally looking at issues of low falls and good order. Basic safety precautions on many sites were found to be poor.

2.17 In February 2008 HSE again targeted the refurbishment sector nationally with a Falls and Trips Inspection Initiative. The aim was to send a strong message to the industry that HSE will not tolerate poor standards. As before, the focus was on prevention of falls and site good order.

2.18 Stephen said HSE would issue a press release later that day but, as previously promised, he was giving information on the results of the Initiative to CONIAC first. A summary document - "February 2008 Falls and Trips Inspection Initiative Headline Results" – was given to Members [**Secretary's Note:** the document is reproduced at **Annex 1**. The press release is at: <http://www.hse.gov.uk/press/2008/e08018.htm>. Additional information is at: www.hse.gov.uk/construction/tripsandfalls/update.htm#feb08.] Key statistics were:

- 1108 sites and 1419 contractors inspected.
- A total of 395 Enforcement Notices served.
- 227 Notices related to work at height and 30 related to Good Order.
- 13 prosecutions were under consideration.

Stephen concluded by stating that while he was pleased that HSE's sources of intelligence had permitted such good targeting, the industry should be disappointed that, despite pre-campaign publicity, standards were not very good.

2.18 Rob Miguel asked if asbestos and health risks were covered. Stephen clarified that the Initiative targeted falls and trips. Alan Muddiman enquired if site access had been a problem. Stephen said that no difficulties had been encountered. Bill Belshaw wondered if the campaign would be repeated. Stephen responded by saying that Louise Brearey's presentation would explain Construction Division priorities for 2008/2009.

(vii) Construction fatal injury statistics to date 2007/2008

2.19 Stephen said that, as yet, no formal figures were available - but the construction press was not seriously incorrect when it suggested a figure in the mid sixties. While lower than last year, this number was disappointing. New build and refurbishment continue to create concern and this shows that targeting is correct.

2.20 Dörthe Weimann questioned HSE's policy on release of fatal accident figures for the construction industry.

2.21 Stephen referred to the need for analysis before fatal accident figures could be finalised.

(viii) Merger of HSC and HSE

2.22 Stephen reminded Members of the imminent governance changes in HSC/E. One consequence was that the role of the HSC's Industry Advisory

Committees (IACs) was being looked at. CONIAC's term expires on 31 December 2008 and, in the normal course of events, this would necessitate work to be done this year in order to reconstitute CONIAC with effect from 1 January 2009. However, this work could not progress until more was known about future arrangements for IACs and consequently there was a possibility of a delay in reconstituting CONIAC.

3. Agreement of Agenda, approval of Minutes of last meeting and matters arising

3.1 Members agreed the Agenda and formally approved the Minutes of the 22 November 2007 meeting.

3.2 Members raised a number of points for consideration under AOB (see section 8).

4. Presentation on REACH Regulation by Tim Harris of HSE's International Chemicals Unit

4.1 Stephen introduced Tim Harris and asked him to make his presentation. Tim outlined the origins and main features of REACH. Generally, REACH applies to dangerous substances made, or imported into the EU market, in quantities exceeding 1 tonne per year. Manufacturers/importers of such a substance will need to get it registered with the European Chemicals Agency (EChA) if they wish to continue to market it. Registration involves submitting a dossier of required information on the substance. It must be done at some time between 2007 and 2018 depending on the tonnage and the hazardousness of the substance. However, all substances should be pre-registered during 2008.

4.2 After 3 years EChA will draw up a plan for progressive evaluation of registered substances. The evaluation may lead to marketing restrictions and other actions. Additionally, EChA will identify Substances of Very High Concern (SVHCs) by the middle of 2009. Companies wishing to market a SVHC will need to obtain an authorisation from EChA. Generally, authorisation will be managed in such a way as to encourage the replacement of SVHCs with less dangerous substances.

4.3 REACH applies to substances and not generally to preparations (mixtures of substances) or articles (objects composed of or containing chemicals). However, in some cases substances in a preparation may need to be registered if they are "intended for release". Additionally, EChA may need to be notified if an article contains SVHCs.

4.4 Notwithstanding REACH, end users of chemicals that are hazardous to health will still be bound by the requirements of COSHH. In general REACH should improve the information reaching end users, by way of enhanced safety data sheets. REACH will provide a mechanism for end users to inform suppliers of their particular use of a substance so that this can be taken into account when preparing advice on safe use.

4.5 It is thought that REACH may drive about 40% of substances off the market. Consequently, end users of chemicals are advised to compile a full inventory of the substances used (typically these will be contained in preparations (mixtures of substances) and articles (objects composed of or containing chemicals)), and to consider how crucial individual substances/preparations are to the business in light of the possible impact of REACH. It will be sensible to contact suppliers and find out their intentions for key substances. Finally, end users should be prepared to revise their COSHH risk assessments.

4.6 Tim stated that REACH covered all hazards of a substance, i.e. physicochemical, health and environmental. Local authorities and the Environment Agency will enforce the environmental aspects with HSE enforcing the rest and managing UK registration.

4.7 Stephen thanked Tim for his comprehensive presentation. He said that it was clear that REACH would make a difference to the market. He suggested that in view of the shortage of time any questions be submitted to the Secretariat or direct to Tim Harris.

5. Occupational Health

5.1 With CONIAC's agreement, and in the interests of best use of time, Stephen Williams decided to reverse the running order of the Agenda by bring forward the item on occupational health and deferring until after it the item on Construction Division Priorities.

(a) *Demonstration of COHME web guidance and presentation by Sue Parkyn of HSE's Construction Division [Paper M1/2008/01]*

5.2 Stephen introduced Sue Parkyn and asked her to make her presentation. Sue pointed out that ill-health is a greater problem than accidents when measured in terms of working days lost. She said that COHME was launched on 4 February, although work began on it 3 years ago. The early work focused on management of ill-health but COHME focuses on preventing ill-health. The employer has a management role in the process of preventing ill-health but is helped by clinical professionals.

5.3 COHME is designed to help with the key occupational health issues: asbestos; dermatitis; hand-arm vibration; musculo-skeletal disease (MSD); noise; respiratory disease; and stress. The key point is to manage the risks, not the symptoms and COHME aims to help with guidance and case studies. It gives information to all construction dutyholders in a way that is relevant to their role, e.g. as client, designer, etc.

5.4 Sue demonstrated COHME by showing a number of screens relating to advice on prevention of MSDs, including a case study. She concluded by saying that it was HSE's intention to develop COHME further - the advice to designers, for example, needed more illustrative material; and more general feedback would be useful. She asked Members to send in additional case studies offering solutions to occupational health management issues. Stephen thanked Sue and stressed COHME's ease of use and its comprehensiveness. He commended it to all.

Action: CONIAC Members to submit, to Sue Parkyn, case studies for inclusion in COHME.

(b) *Update on work of Constructing Better Health (CBH) – presentation by Trevor Walker: Chair of CBH [Paper M1/2008/02]*

5.5 Stephen Williams introduced Trevor Walker and invited him to make his presentation. Trevor said that CBH stemmed from a pilot project held in Leicestershire in 2004-2006. The pilot had shown that the industry had a significant occupational health (OH) problem that could benefit from proactive approaches. CBH was a non-profit organisation working in partnership with the occupational health community to deliver OH solutions for the construction industry. CBH was developing a National Scheme, the main elements of which comprise: a website; a contact centre; industry standards; and a database and Smartcard.

5.6 The industry standards, which are a best practice guide for work-place health and fitness for work requirements, had been published. CBH was now accrediting OH providers who would be able to deliver in line with the standards. Development of the other aspects was ongoing, with the National Scheme expected to be operational during 2008.

5.7 Initially the Scheme would focus on larger enterprises, some of whom had already committed and others, e.g. ODA, were showing strong interest. In future years a planned marketing strategy and campaign would expand it to the smaller enterprises and self-employed which constitute the majority of construction employers. Stephen Williams thanked Trevor for the presentation and asked for questions from CONIAC Members.

5.8 Bill Belshaw asked if the scheme would link to cards other than CSCS. Trevor said that they would certainly look to include them. Peter Caplehorn enquired about the development of the industry standards and the consultation on them. He was told that the standards were developed in consultation with HSE, HSL and a variety of OH providers. Admittedly the consultation period was short at three months but the draft standards were circulated widely to, for example, government departments, local authorities, large contractors, OH providers and some construction clients.

5.9 Richard Ash suggested that among those not engaging with OH there was fear that, once admitted, it would bring in train many complications such as data protection, disability and employment rights, etc. How could CBH help? Trevor Walker accepted that many companies prefer not to engage but that CBH needed to convince them of the benefits. His hope was that CBH's marketing campaign would allay such fears. Shelley Atkinson-Frost asked what progress had been made in registering OH providers. She was told that 50 to 60 had applied, with checking of their competence in progress.

5.10 Rob Miguel expressed concern that health information on the Smartcard may create a risk of workers being excluded from work, as it tells employers that a person is unfit or has restrictions. He felt there were particular concerns regarding insurance company involvement and safety critical workers. In response, it was stated that the Smartcard will only have the information needed to manage OH on site (detailed health information

would be held quite separately on a secure database accessible only to qualified medical professionals). Experience at the Terminal 5 project had shown that only 3 out of 3000 workers had been precluded from doing work on the basis of OH considerations. On the other hand the availability of information on the card would be of enormous benefit to employers and workers in helping to identify and manage potential OH problems. The approach adopted had been agreed and approved by the CBH Board, whose membership included significant Trade Union representation.

6. Construction Division Priorities – presentation by Louise Brearey of HSE’s Construction Division

6.1 Stephen said that he wanted more openness on Construction Division’s priorities so that CONIAC would be better able to work with the Division and to influence, and even challenge, its priorities. He asked Louise to make her presentation.

6.2 Louise identified some ongoing cross-cutting strategic projects that would continue in 2008/2009. Among these were included the Local Authority Construction Engagement (LACE) Project and work focusing on vulnerable workers and small sites/small construction firms. She went on to say that while preliminary indications were that the proportion of fatalities occurring in the domestic sector (i.e. new-build housing and domestic refurbishment) was down from the high level seen in 2006/2007, it nevertheless remained high and that, accordingly, Construction Division would continue to target both of these areas.

6.3 In addition to home-build and refurbishment, a number of other work streams were included in the Division’s Business Group Delivery Plan (BGDP) for 2008/2009. These were: work with property developers and with micro and small businesses (this includes Working Well Together, which will look to focus on small housebuilders); major projects; public procurement/local authorities; musculoskeletal disorders; roadworks and temporary traffic management; and asbestos licensing. Particular themes to guide inspection would be: well-managed projects (evident planning and managing - including proper inductions for staff), embedding CDM 2007, worker engagement and equal management of both health and safety risks.

6.4 Louise concluded by stating that the aim was to deliver cultural change by way of encouraging industry ownership while employing targeted interventions, a mixture of intervention techniques and the sector working with stakeholders to support field work, all of this supported by an evidence-based approach. Stephen thanked Louise for her presentation. He said that proactive resource constraints resulted in a need to focus on identified key sectors. The identification was based on exhaustive analysis of accidents and other relevant factors. He promised that a version of the BGDP would be made available to CONIAC after it had been agreed internally.

Action: Secretariat to provide Members with a suitable version of Construction Division’s Business Group Delivery Plan.

6.5 Bill Rabbetts said that the checks on CDM 2007 embedding should track back to clients. Anecdotal evidence suggests that pre-CDM 2007

problems, e.g. with lead time and initial investigations, have not improved. This issue was also relevant in the context of public procurement, where more could be done to positively influence SMEs. Stephen accepted that, at its next meeting, CONIAC should review where we are with CDM 2007 embedding, what the initiatives are and what help CONIAC can give in targeting the less compliant.

Action: The Secretariat to include, at the June CONIAC meeting, time for discussion of CDM 2007 embedding, particularly regarding the link between SMEs and public sector procurement methods.

6.6 Rob Miguel asked whether work with asbestos, particularly textured coatings, was being targeted, as this was an area of concern. Louise replied that licensed contractors were currently being targeted. Rob said he would write to her on the issue.

6.7 Peter Kent noted that Construction Division's priorities were based on evidence but expressed doubts about the adequacy of the available evidence, particularly given the under-reporting of non-fatal injuries under RIDDOR. He wondered if anything could be done to improve the information received, for example by developing links to hospital accident and emergency departments. He believed there had been a study at the Royal Liverpool Hospital, that had compared workplace accident admissions with RIDDOR report records. Stephen said that the Secretariat would find out about the Liverpool hospital project and inform CONIAC.

Action: Secretariat to seek information on the outcome of the Liverpool Accident and Emergency Reporting Pilot. [Secretary's Note: information at Annex 2.]

6.8 Louise Brearey clarified that the evidence base was not limited to RIDDOR but included many other sources of data cross-checked with RIDDOR

6.9 Peter Caplehorn suggested that if inspectors track back health and safety issues to designers then the information gathered could usefully be disseminated to the design community. John Tebbit said that suppliers are also likely to be interested in such information, as it may suggest different ways to do things. Case studies of real projects showing resultant improvements or adverse consequences could be very beneficial.

6.10 Dörthe Weimann asked if bogus self-employment is taken into account by inspectors. While stressing that CDM applies regardless of employment status, Louise Brearey said that inspectors are well aware of issues around bogus self-employment and vulnerable workers. As an example, when dealing with migrant workers whose first language is not English, inspectors have telephone access to instant translation services. At present, inspectors are enquiring about the tax status of victims of fatal accidents; how useful this is will be reviewed at the end of the year. It is important to keep in mind that HSE's and CONIAC's focus is on improving standards of protection, not on discussing broader employment status and employment law issues, as such.

7. A Designers' CDM Proficiency (Competency) Test: Presentation by Clive Johnson (National Specialist Contractors Council)

7.1 Stephen asked Clive to make his presentation. Clive said that the test had been developed by the Building Research Establishment (BRE). It aimed to support the competence requirement in CDM 2007 by testing the knowledge of individual designers, particularly their ability to recognise hazards and the associated risks, and to be able to identify appropriate remedial design action. The test is taken online, with a mark provided immediately at its conclusion. It would cost about £50 to £60 per candidate. The test takes the form of a series of questions with the candidate selecting an answer from a number of possible answers. A large bank of suitable questions already exists and more are being developed. The questions are framed so as to be challenging and to force the examinee to engage with the issues being tested. Clive concluded his presentation by exhibiting examples of test questions and correct answers. Stephen thanked Clive for the presentation and invited CONIAC Members to put questions.

7.2 Shelley Atkinson-Frost asked about the test's relationship with the professional CSCS card - and whether there was duplication. Clive said the BRE test questions were more challenging. The test's low price and its web-based nature meant that was particularly suitable for SME's that did not want to incur the costs involved in sending staff on a one-day training event. John Tebbit suggested that some manufacturers, previously not regarded as designers, could use the test. Additionally, it would be useful to staff in Local Authority Planning Departments who, because they sometimes impose conditions in relation to planning approval, are also designers.

7.3 Alan Muddiman wondered what level of designer the test was aimed at. Stephen Williams observed that a designer within the meaning of CDM did not have to be a professional, e.g. an architect, and that the test would help many persons to develop their thinking. Alan Muddiman responded that the test should then be incorporated into CSCS.

7.4 Peter Caplehorn said that the test had been presented to CIC, which had taken the view that it was a good initiative but needed refinement. Other extant testing schemes included the Professionally Qualified Person (PQP) CSCS scheme currently being revised by ConstructionSkills. Consequently, there was a risk of confusion and conflict over what is, in fact, the standard to be attained. He felt it would help if the packaging of the test made clear that it was aimed specifically at SMEs. Also, much work is going on in the industry and he suggested that wider consultation and dialogue on the complexity of design is needed, to identify the role of this particular test, and help everyone involved.

7.5 Kevin Fear thought that while the BRE test could not be regarded as fitting into the CDM competency assessment framework as a test for designer competence, it might be a useful tool for the Institutions and universities in relation to professional membership and training.

8. Other Business

8.1 Peter Caplehorn asked when the CDM 2007 ACOP would be available free of cost, or online. Stephen Williams confirmed that there were no current plans for this. Peter also enquired about HSE endorsement of industry publications, mentioning the importance attached to such endorsement. He mentioned a particular publication HSE had chosen not to endorse. Stephen Williams replied that specific principles governed such endorsement, with the degree of endorsement expressed by way of standard phrases. There were particular reasons why the guide in question had not been endorsed by HSE.

8.2 Peter Caplehorn enquired about progress with implementing the Artificial Optical Radiation Directive. He noted that the Health Protection Agency (HPA) had written to RIBA in relation to this Directive. Stephen Williams said the Secretariat would inform CONIAC on this.

Action: Secretariat to inform CONIAC about the Artificial Optical Radiation Directive. [Secretary's Note: information at Annex 3.]

8.3 Richard Ash said that the European Commission had appointed a contractor to produce non-binding guidance on implementing the requirements of the Temporary or Mobile Construction Sites Directive. The specification looked as though it might lead to very prescriptive and burdensome guidance. He suggested that if CONIAC Members' organisations were approached by the contractor they should make the case for a CDM 2007 type of approach. Stephen said that he hoped that the UK's very practical approach would not be undermined; and mentioned that HSE's Andrew East was the Rapporteur for the committee which was monitoring production of the guidance.

8.4 Bill Rabbetts expressed concern at the delay in updating the Working Well Together website. Stephen said that the Secretariat would inform CONIAC on this.

Action: Secretariat to inform CONIAC on the delay in updating the Working Well Together website. [Secretary's Note: information at Annex 4]

8.5 Kevin Fear updated CONIAC on recent work by ConstructionSkills (CS). Firstly, CS was working with WWT on preparing free guidance on the Corporate Manslaughter and Corporate Homicide Act 2007 for Construction SME Directors. Secondly, CS was working with the HSE, Glasgow Caledonian University and with Loughborough University to undertake research and development on critical health and safety communication which could provide a framework for safety critical communication with persons whose first language was not English. Development of a lexicon is in progress and it is hoped that this will result in a language assessment tool and a training module for English-speaking managers and supervisors. Finally, CS is seeking to link in, through work being done by the SFfC Best Practice Working Group, to the offshore Step Change in Safety initiative. CS is in discussions with the contractor responsible for the offshore Step Change in Safety website (<http://stepchangeinsafety.net/stepchange/>) to explore the extent to which their approach is of use/interest to the onshore construction industry.

8.6 Stephen Williams mentioned that the Secretariat was considering whether CONIAC meetings should be held outside London occasionally. He asked Members to send in their views on the merits/demerits of this idea and with suggestions for possible venues, e.g. Birmingham, Edinburgh, etc.

Action: CONIAC Members to write to the Secretariat with views on proposed holding of some CONIAC meetings outside London.

9. Below the line item: A Brief Review of the Activities of CONIAC Sub-Groups April 2007 – March 2008 and current Programmes of Work [Paper M1/2008/03]

9.1 Stephen drew Members' attention to this paper.

Stephen concluded the meeting by thanking Members for their contributions.

To note: CONIAC's next meeting is at 10.00 am in the Globe Room on Monday 23 June 2008.

HSE CONSTRUCTION DIVISIONFEBRUARY 2008 FALLS AND TRIPS INSPECTION INITIATIVE**HEADLINE RESULTS PRESENTED TO CONIAC AT ITS MEETING ON 4 MARCH 2008****Introduction**

Throughout February 2008 inspectors from HSE's Construction Division took part in an inspection initiative in England, Scotland and Wales, with the continued goal of sending a strong message to the construction industry that HSE will not tolerate poor standards. The initiative targeted the refurbishment sector - responsible for disproportionately more accidents than any other sector of construction - and inspectors focused particularly on prevention of falls and site good order.

HSE Press Office, working with the Government News Network, ensured the initiative was widely trailed by maximising national, regional and trade publicity. As a result we are confident that a high percentage of target businesses were aware they might receive a visit.

ResultsOverall activity

Activity	Total
Sites inspected	1108
Contractors inspected	1419
Enforcement Notices served	395

Enforcement activity

Work at Height	
Prohibition Notices	208
Improvement Notices	19
All Notices	227
Good order	
Prohibition Notices	17
Improvement Notices	13
All Notices	30
Other	
All Notices	138
Prosecutions under consideration	
Total	13

Discussion

Averaged across all inspections, over 1 in 3 sites and over 1 in 4 contractors were considered to be working so far below the acceptable standard that inspectors felt it necessary to serve enforcement notices.

In 13 cases, inspectors believed the situation on site to be so poor that they have commenced investigations with a view to instituting legal proceedings.

208 prohibition notices were served to address inadequate precautions for people working at height - more than half of all the notices served. In addition a further 19 improvement notices were served

30 enforcement notices were served on good order issues.

138 enforcement notices were served on a range of other matters including inadequate fire precautions, failure to manage asbestos effectively, competence and training and use of petrol powered equipment in inadequately ventilated compartments.

Many of the contractors visited were aware that it was going on and had either seen the pre-publicity in the trade press or the Initiative-specific pages on HSE's website.

Given the high levels of enforcement there is little doubt that a significant proportion of those contractors inspected were made directly aware of HSE's commitment to use the enforcement tools at its disposal.

Background

The aims of the initiative were to:

- Achieve an improvement in industry standards
- Increase awareness of HSE's expectations of the industry
- Demonstrate that HSE is prepared to use the enforcement tools at its disposal
- Gain information on good practice

This was a repeat of a similar inspection initiative held in summer 2007 where inspectors found that conditions on nearly one in three sites were putting workers lives at risk

HSE's website was updated to include information on the initiative together with links to specific information on work at height and good order. Results from the summer 2007 initiative were also included. The good order pages include access to a downloadable toolbox talk with a case study video, and

the work at height pages include a link to a work at height safely in building maintenance video.

Annex 2

Secretary's Note on the Royal Liverpool Hospital study

This study investigated the under-reporting of accidents to HSE by matching patients attending the Royal Liverpool University Hospital with cases reported to HSE. Patients were followed up to establish time lost from work and this data together with severity of injuries established which accidents should be reported.

The largest number of reportable accidents was from occupations connected with the construction industry, both labouring and trades. Sales assistants and unqualified nursing assistants were also prominent. Reporting rates varied between sectors: local and central government had the highest reporting rate; the three lowest were catering/repairs, distribution/hotels and other manufacturing.

The comparison with accidents actually reported to HSE suggested that the main reason accidents were reported was time lost from work and that other factors were ancillary. Major injury and reduced duties on their own were largely ignored when accidents were reported, however major injury in conjunction with time lost increased the likelihood that accidents would be reported. Overall 30% of reportable accidents from the study were reported to HSE. Self employed workers were poor at reporting accidents, with a reporting rate of 12%, compared with 32% for employed workers.

This report and the work it describes were funded by the Health and Safety Executive (HSE). Its contents, including any opinions and/or conclusions expressed, are those of the authors alone and do not necessarily reflect HSE policy.

The report (34 pages) is online at: www.hse.gov.uk/research/rrhtm/rr528.htm.

Secretary's Note on the Artificial Optical Radiation Directive

Directive 2006/25/EC was published on 27 April 2006 (OJ L114, p 38, 27.4.2006). It makes provision in relation to risk assessment, control of exposure, health surveillance, provision of information, instruction and training, and specifies exposure limit values. The Directive must be implemented by Member States by no later than 27 April 2010.

The European Commission sought tenders for the production of non-binding guidance on good practice in the implementation of the Directive, and has now awarded the contract to the UK's Health Protection Agency (HPA).

HSE has begun work on implementing the Directive in Great Britain, and will in due course publish a Consultative Document containing proposals for Regulations.

Secretary' Note on the delay in updating the Working Well Together (WWT) website

The WWT website is not fit for purpose and the decision has been made and agreed to replace the current site with a new robust and updated site in October to December 2008. Whilst this development work is underway, HSE is also working with the Anglia WWT Group to develop and pilot new WWT Group Regional pages; a new feature being Regional Groups will now have access to the site to update their own pages.