

HEALTH AND SAFETY EXECUTIVE**CONSTRUCTION INDUSTRY ADVISORY COMMITTEE (CONIAC)****Minutes of the M2/2011 meeting
held on 13 July 2011 in Rose Court*****Present***

Philip White (Chair)
Anthony Lees (Secretary)
Richard Ash
Greg Brown
Peter Caplehorn
Phil Davies
Dennis Doody
Neal Evans
Lee Fisk
Paul Haxell
Kevin Minton
Alan Muddiman
Bill Rabbetts
Jason Rowley
Phil Russell
John Scott
Ian Simms

Representing

Health and Safety Executive
Health and Safety Executive
Engineering Construction Industry Association
Construction Industry Council
Construction Industry Council
GMB
UCATT
Unite (T&G section)
ConstructionSkills
Home Builders Federation
Construction Plant-hire Association
Civil Engineering Contractors Association
National Federation of Builders
UK Contractors Group
Federation of Master Builders
National Specialist Contractors Council
Construction Clients' Group

Departmental Observers

Roy Evans Cabinet Office

Officials

Gavin Bye Health and Safety Executive
Gordon Crick Health and Safety Executive
Michael Ryan (Secretariat) Health and Safety Executive

Members of the public

10 were present

Apologies

Mike McCartney
Gerry Mulholland
Susan Murray
Alan Ritchie
Martin Winstone
Tony Mulcahy

Representing

Unite (Amicus section)
Specialist Engineering Contractors Group
Unite (T&G section)
UCATT
Construction Clients' Group
Business, Innovation and Skills

Summary of Actions agreed:

1. **ACTION: Secretariat to provide a link to the new health and safety framework “*Good Health and Safety, Good for Everyone*” to CONIAC Members.** (See paragraph 1.2 (b)) [**Secretary’s Note:** A link was included in an e-mail to Members of 11 August 2011.]
2. **ACTION: Secretariat to provide a link to the Consultative Document on cost recovery to CONIAC Members when it becomes available.** (See paragraph 1.2 (b)) [**Secretary’s Note:** A link was included in an e-mail to Members of 11 August 2011.]
3. **ACTION: Secretariat to forward a copy of HSE Board paper updating on work of Construction Division to CONIAC Members when it becomes available.** (See paragraph 1.2(d)). [**Secretary’s Note:** A copy was included in an e-mail of 30 August 2011.]
4. **ACTION: Secretariat to send a link to discussion on work at height hosted by the Access Industry Forum to CONIAC Members.** (See paragraph 3.1) [**Secretary’s Note:** A suitable link was included in an e-mail to Members of 11 August 2011.]
5. **ACTION: Secretariat to forward a copy of the Health Risks Working Group’s nine-point paper to CONIAC Members.** (See paragraph 3.2) [**Secretary’s Note:** A copy was included in an e-mail to Members of 11 August 2011.]
6. **ACTION: Secretariat to send a link to Research Report 877 (“*A commentary on routes to competence in the construction sector*”) to CONIAC Members.)** (See paragraph 4.1) [**Secretary’s Note:** A suitable link was included in an e-mail to Members of 11 August 2011.]
7. **ACTION: Secretariat to copy Lawrence Waterman’s presentation to CONIAC Members.** (See paragraph 6.1) [**Secretary’s Note:** The paper was attached to an e-mail to Members of 11 August 2011.]
8. **ACTION: Secretariat to inform CONIAC Members with regard to dates of CONIAC meetings in 2012.** (See paragraph 8.2) [**Secretary’s Note:** Information was provided in an e-mail to Members of 11 August 2011.]

1. Welcome and Chair’s introduction

1.1 Philip White (Head of HSE Construction Division and Chief Inspector of Construction) welcomed everyone to the meeting. He gave the apologies of absent members and welcomed Lee Fisk, Neal Evans, Dennis Doody and Ian Simms who were substituting for some of them.

1.2 Philip briefed CONIAC on some recent developments:

(a) Provisional fatal injury statistics for 2010/2011 – There had been 50 worker deaths compared to 41 in 2009/2010. This was an incidence rate of 2.4 per 100,000 and was up from 1.9 in the previous year. While the rate for 2010/2011 revealed deterioration it was still below the 5-year average which was 2.8 per 100,000. The proportion of all deaths due to falls from height at 26% was well down from 56% in 2009/2010. However, the proportion of deaths due to collapses was substantially up at 26% compared to 5% in the previous year, although three multi-fatality events had contributed to this.

(b) Government reform of health and safety system and HSE's extension of cost recovery – On 21 March the Government published *Good Health and Safety, Good for Everyone* which sets out a new framework for health and safety in Great Britain. Additionally, the Government asked Professor Ragnar Löfstedt to review health and safety legislation to find ways of simplifying it to reduce burdens on business. Professor Löfstedt has now issued a call for evidence and, in addition, will consider the views on construction health and safety legislation submitted to the Red Tape Challenge web forum. Löfstedt is expected to report towards the end of the year. HSE will shortly issue a Consultative Document on extending cost recovery to all sectors in circumstances where there is a material breach. The document will seek views on how cost recovery is to be implemented but not on the principle of doing so as this has already been approved by Ministers.

Philip urged CONIAC Members' organisations to input their views to the Löfstedt Review, the Red Tape Challenge and the Consultative Document when it becomes available.

ACTION: Secretariat to provide a link to the new health and safety framework “*Good Health and Safety, Good for Everyone*” to CONIAC Members. [Secretary's Note: A link was included in an e-mail to Members of 11 August 2011.]

ACTION: Secretariat to provide a link to the Consultative Document on cost recovery to CONIAC Members when it becomes available. [Secretary's Note: A link was included in an e-mail to Members of 11 August 2011.]

(c) HSE public consultation on proposed amendment to RIDDOR – A large response was received to this proposal to increase the period of incapacitation that triggers a reporting requirement. A paper will be put to the HSE Board on 17 August. If the Board recommends the change to the Minister it is likely to become law on 6 April 2012. [Secretary's Note: The Board agreed to recommend to the Minister that RIDDOR is changed to increase the lost-time injury reporting threshold from 3 to 7 days and to extend the deadline for reporting from 10 to 15 days. Over three day injuries would still have to be recorded.]

(d) Paper for HSE Board updating on work of Construction Division – This will be put to the Board on 17 August.

ACTION: Secretariat to forward a copy of HSE Board paper updating on work of Construction Division to CONIAC Members when it becomes

available. [**Secretary's Note:** A copy was included in an e-mail of 30 August 2011.]

(e) Leadership and Worker Involvement Toolkit – This is now live on the HSE website. Philip asked Members' organisations to publicise it.

2. Agreement of Agenda and matters arising

2.1 Members agreed the Agenda.

2.2 Members made no requests for anything to be taken under AOB.

2.3 Philip reviewed the action points arising from the March meeting.

2.4 Members approved the minutes of the 16 March 2011 meeting.

3. Update on CONIAC working groups (Oral report by Anthony Lees, Secretary to CONIAC) [No paper]

3.1 Philip asked Anthony Lees to give his report. Anthony said that the Safety Working Group had met on 16 June and considered a draft business plan for a 25-year Work at Height Strategy. The plan will be considered again in September and then submitted for approval by CONIAC at its meeting in November. It is planned that the Strategy should go forward under the successful *Shattered Lives* brand and the SWG has begun to develop communications aspects.

ACTION: Secretariat to send a link to discussion on work at height hosted by the Access Industry Forum to CONIAC Members. [**Secretary's Note:** A suitable link was included in an e-mail to Members of 11 August 2011.]

3.2 The Health Risks Working Group met on 14 June and considered a paper setting out nine key points on health risks management.

ACTION: Secretariat to forward a copy of the Health Risks Working Group's nine-point paper to CONIAC Members. [**Secretary's Note:** A copy was included in an e-mail to Members of 11 August 2011.]

3.3 The funding level for Working Well Together in 2011/2012 has been agreed within HSE, with confirmation awaited from DWP. HSE believes that it will now be able to fund all 57 events that are planned.

3.4 The CDM 2007 Evaluation Working Group has not met since 11 May and no further meetings are planned at present. However, its members provided views by correspondence to inform paper M2/2011/2. Additionally, they have indicated a readiness to review the CDM ACOP and/or industry guidance if CONIAC so approves.

3.5 The Major Incidents Working Group is expected to have its inaugural meeting in September.

4. Routes to competence of site-based operatives and supervisors (Oral report by Gordon Crick, HSE Construction Sector) [Paper M2/2011/1]

4.1 Philip introduced Gordon and asked him to make his report. Gordon referred to the paper and the research report produced for HSE/ConstructionSkills by Pye-Tait and briefly summarised the main points. Philip said that the Secretariat would copy a link to the report to Members. He asked Members for comments/questions on the paper.

ACTION: Secretariat to send a link to Research Report 877 (“A commentary on routes to competence in the construction sector”) to CONIAC Members. [Secretary’s Note: A suitable link was included in an e-mail to Members of 11 August 2011.]

4.2 Dennis Doody enquired about formal qualifications of site workers. Gordon said that 20-30% of cardholders have some level of NVQ and all will have the health and safety test. Older workers often have City & Guilds. Generally, possession of NVQs is higher in the plant operating, plumbing and electrical trades.

4.3 Richard Ash approved a change of focus in competence assessment to include human factors. However, he was concerned that this could lead to the creation of more procedural issues, for example psychometric tests, and reminded everyone that the CDM ACOP allows for the use of informed judgement in the assessment of competence.

4.4 Phil Russell thought Pye-Tait possibly unkind to card schemes although he accepted that there are issues with the existing system of schemes and that the industry should discuss ways of addressing these. He endorsed the “new competence” and recalled that the former Worker Safety Adviser scheme had touched on some of the same issues.

4.5 Neal Evans asked about the “new competence” and how it would address the lack of formal qualifications that the report has pointed to? Gordon Crick said that the report is not so much seeking to parachute something novel into the existing system of qualifications as it is suggesting that consideration be given to regarding competence as including a process of continuous development that embodies situational awareness and human factors. Neal wondered if it would be appropriate for CONIAC to set up a competence working group? However, Philip said that it was not for HSE but for the industry to take this forward.

4.6 In connection with the proposed Card Registration Authority, Jason Rowley voiced UKCG’s grave concern at the possibility of increased bureaucracy slowing the pace of change and stifling innovation. He called for work to build a definition of competency that includes behaviour and to set out

what a safety passport scheme should look like, what a competency card should be, etc.

4.7 John Scott indicated support for common standards of competence and for nationally recognised qualifications. He suggested that it would be necessary to look carefully at the card schemes to find out what had gone wrong and to learn lessons from the better schemes.

4.8 Bill Rabbetts welcomed the suggested increased focus on behavioural issues. However, this should be a long-term objective since it would be necessary to work it into existing systems while avoiding a bolt-on approach. The proposed Card Registration Authority was a logical next step but work to take this forward must maintain independence from any of the existing card schemes. Additionally, there was the issue of funding.

4.9 Greg Brown said the report was the most significant paper put before CONIAC for a long time. He believed the industry has shown an appetite for step change in health and safety and could deal with the issues raised.

4.10 Kevin Minton also welcomed the report. He mentioned that the Strategic Forum's Plant Safety Group was doing some work on plant operator competence and would consult on it later this year. He expressed a concern that the proposed Card Registration Authority may add weight to carding to the detriment of the exercise of informed judgement.

4.11 Philip commended the report to Members. He urged Members to read it if they hadn't already done so and to encourage discussion of it within their organisations (the report had a helpful executive summary). The two key issues were the "new competence" and the Card Registration Authority and while HSE may be able to help with some preliminaries ultimately the responsibility to address the issue lies with the industry itself.

5. CDM 2007 evaluation (Presentation by Anthony Lees, Head of Construction Policy Unit) [Paper M2/2011/2]

5.1 Philip asked Anthony to give his presentation. Following the presentation he asked for comments/questions from Members.

5.2 Richard Ash said that there were clear links between issues arising from the Pye-Tait research and the CDM 2007 evaluation. He hoped that work to take forward recommendations of Pye-Tait would not be delayed by current uncertainties on the timing of further work in relation to CDM.

5.3 Bill Rabbetts drew attention to various issues including procurement, prequalification, sharing of information, etc. Anthony responded that the client side was represented on the Working Group and that examples of good practice had been identified.

5.4 Alan Muddiman stressed that, notwithstanding the outcome of the Löffstedt Review and the additional time involved in the new regulatory policy scrutiny processes described by Anthony in his talk, misinterpretation of the

ACOP was occurring everyday and this was something the industry would like to see addressed promptly. Anthony accepted that there was consensus in the Working Group that the ACOP is too long and complicated and that something should be done about it.

5.5 Peter Caplehorn asked if it was possible to map out the constraints to progressing the review. Anthony said that it would not be possible to provide a useful map as change was happening on an almost daily basis. Greg Brown inquired if industry for its part could do anything in the meantime to advance the necessary work? John Scott thought that the future may see a shorter ACOP and more industry guidance and suggested that it would be appropriate to take forward a review of the industry guidance. Philip responded that the industry did not need to wait for Löfstedt and there was nothing to stop it from challenging people now.

5.6 Philip concluded the discussion by saying that the industry could develop best practice now, for example in the areas of procurement and prequalification. HSE is reviewing its guidance and similarly industry can review its. The broader review of health and safety legislation provides an additional opportunity to reflect on how the issues (eg bureaucracy and co-ordination) that have been highlighted by the evaluation can be addressed.

6. Olympic Development Authority – health and safety legacy work (Presentation by Lawrence Waterman, ODA) [No paper]

6.1 Philip introduced Lawrence (Olympic Delivery Authority, Head of Health and Safety) and asked him to give his presentation. Lawrence summarised the scale of the Olympic Project, the organisational structure, the approaches adopted to ensure high standards of health and safety and the exemplary outcomes to date. He referred to the Public Accounts Committee's suggestion that Government and the ODA should identify lessons from the preparation for the Games and described the measures taken to provide a learning legacy in respect of health and safety. This legacy would be transmitted by a range of vehicles including research papers, micro-reports, case studies, etc. There would be a formal launch of the health and safety legacy work (including a website) on 17 October 2011. Philip thanked Lawrence and said that the Secretariat would copy the presentation to Members. He asked for comments/questions.

ACTION: Secretariat to copy Lawrence Waterman's presentation to CONIAC Members. [Secretary's Note: The presentation was attached to an e-mail to Members of 11 August 2011.]

6.2 With regard to dissemination of lessons, John Scott said that he had seen something that reminded him of the HSE busy builder sheets and used green cross/red tick symbols. Were these the micro-reports that Lawrence had mentioned? Lawrence thought that these were probably the champion products. Paul Haxell said that HBF had used the health and safety climate survey tool. He believed that the legacy materials would provide a lot of scope to customise for other sectors.

6.3 Phil Davies expressed his sincere congratulations to all involved in this huge project for the extraordinary level of health and safety that had been achieved. He mentioned that international trades unions colleagues were showing considerable interest. Lawrence said that the European Agency for Safety and Health at Work is also keen to learn from the Olympics project and has contacted ODA. However, he pointed out that not everything had worked and that, with the benefit of hindsight, some things would be done differently now.

6.4 Richard Ash said that he was glad that the micro-project reports had been picked out. There was a lot here for everyone, not just big contractors. Bill Rabbetts said that he was encouraged that much of the legacy material would be SME-friendly, but what about the health side? Lawrence responded that HSE is funding research on health provision by IES. There would need to be discussion on this can be disseminated.

6.5 Philip thanked Lawrence for his presentation.

7. **AOB**

Nothing was raised for consideration under this heading.

8. **Conclusion**

8.1 Philip said that the next meeting would be held on Wednesday 16 November in Rose Court.

8.2 He observed that the start of the London Olympics in July 2012 approximated to the likely date of a CONIAC meeting and on this basis it would probably be better to reschedule that meeting to early July or late June. The Secretariat would contact Members with information on meeting dates.

ACTION: Secretariat to inform CONIAC Members with regard to dates of CONIAC meetings in 2012. [Secretary's Note: Information was provided in an e-mail to Members of 11 August 2011.]

8.3 Philip thanked Members for their contributions and closed the meeting.