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**HEALTH AND SAFETY EXECUTIVE
CONSTRUCTION INDUSTRY ADVISORY COMMITTEE (CONIAC)**

Reconstitution of CONIAC

Summary

This paper introduces the issues which need to be addressed in the re-constitution of CONIAC which was authorized by the HSE Chair in March 2009

Issue

1. In April 2009 Judith Hackitt, the HSE Chair agreed to proceed with the reconstitution of CONIAC, whose formal constitution expired at the end of 2008.

Timing

2. For discussion and agreement at the November 2009 meeting of CONIAC. It is expected that the reconstitution will be completed prior to the meeting of CONIAC in March 2010.

Background

3. Papers [2/2008/3](#) and [2/2009/2](#) provide background to the need for and approval of the reconstitution of CONIAC. These papers highlight the various factors which suggest that reconstitution of CONIAC is needed. In summary, these are as follows:
 - Expiry of the previous formal constitution at the end of 2008;
 - the merger of HSC and HSE, and the implications for the accountability of CONIAC this gives rise to;

- the new accountability of Industry Advisory Committees to the HSE Board for work planning and annual reporting;
 - the need to:
 - align future IAC plans of work to the new HSE strategy;
 - improve accountability between CONIAC and its working groups for delivery of work
 - review the adequacy of industry, government and worker representation at CONIAC;
 - coordinate the work of CONIAC, its working groups and the work of other industry representative bodies.
4. Draft terms of reference (TORs) for the reconstituted CONIAC are attached at **Appendix 1**. These TORs aim to reflect the intended future relationship between CONIAC, its Chair and the HSE Board. They also aim to reflect the move to increased accountability between CONIAC and its working groups.
 5. CONIAC has been asked, in common with other IACs, to submit a forward plan of work for approval by the HSE Board at its March 2010 meeting. It is intended that this plan of work will be cleared by correspondence with the CONIAC members prior to its March 2010 meeting. It is intended that this plan of work will be a composite of the plans of work of CONIAC's working groups.

Timetable

6. It is proposed that the March 2010 meeting of CONIAC is held under its new constitution and membership. The reconstitution exercise therefore needs to be effected between December 2009 and February 2010. This will require the agreement of the TOR by existing CONIAC members in advance of that date.
7. Following the November 2009 meeting of CONIAC, its membership will be suspended, and a process of seeking nominations for new members will commence.

Considerations for the process of reconstitution

- 8.** CONIAC members have previously indicated that the principle of a constitution based on tripartism remains sound. Similarly, in reviewing the future role of CONIAC, members have indicated that the broad and diverse nature of representation at CONIAC is highly valued by both member organisations and others. CONIAC Secretariat supports both of these as continuing features of CONIAC.
- 9.** However, it is clear that there is a need to consider the future membership of CONIAC, both the organisations represented and the individuals representing them – to ensure future effectiveness in delivery of key-workstreams. In taking this work forward CONIAC Secretariat will be mindful of the need to ensure adequate representation of the broad range of interests represented in the construction industry.
- 10.** It is accepted that it will not be appropriate to replace the entire membership of CONIAC, but some turnover will bring new perspectives. There are a number of considerations which should inform the process of reconstitution. The list which follows should be considered as non-exhaustive, and CONIAC members are invited to comment upon it:
 - a.** breadth and size of Trade Union representation;
 - b.** the balance between specialist, general and civil construction contractors and the umbrella bodies which represent their interests;
 - c.** the representation of relevant parts of the construction supply chain, including those supplying construction plant and agency staff;
 - d.** the role of other government departments and local authorities as observers;
 - e.** duplication of representation at other industry-led forums;
 - f.** the potential need for skills or interests which might not be seen to be core construction safety skills to be represented – such as communications or marketing.

The process of nomination and ratification of membership

- 11.** The process of seeking nominations for membership of IACs and their ratification has previously been a prescriptive and bureaucratic process, which was detailed in the HSE General Administrative Procedure GAP 2. This document is now obsolete, and has been withdrawn. However, GAP 2 promotes principles of openness and transparency of the appointment process, and these remain valid.
- 12.** The normal process for appointments to IACs is for the Chair or Secretary of the IAC write to appropriate organizations inviting suggestions for nominations. The process should aim to create an IAC which is constituted under Nolan/Neill principles regarding openness and transparency,
- 13.** An alternative approach which has been used by other IACs involves inviting nominations through public advertisement. This process could complement direct approaches from the Committee Secretariat. CONIAC members are invited to comment on the value of using such an approach.
- 14.** Appointment to the Committee should be on merit, and it is proposed that the decision to appoint or otherwise should be based on written submissions rather than interviews.

Action

15. CONIAC members are invited to
 - a. Agree the draft Terms of Reference at **Appendix 1**
 - b. Comment on the considerations for reconstitution contained in paragraphs 8-10
 - c. Comment on the proposals for seeking and ratifying nominations contained in paragraphs 11-14

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**HEALTH AND SAFETY EXECUTIVE
FIELD OPERATIONS DIRECTORATE
CONSTRUCTION DIVISION
CONSTRUCTION INDUSTRY ADVISORY COMMITTEE (CONIAC)
DRAFT TERMS OF REFERENCE**

Purpose

1. The Head of Construction Division has decided to appoint a committee to be known as the Construction Industry Advisory Committee ("CONIAC"). CONIAC shall:

- (a) consider and advise the Head of Construction Division on:
 - (i) the protection from hazards to health and safety of those at work in the building, civil engineering and engineering construction industry and the protection of the public from related hazards;
 - (ii) operational or other policy as it may be relevant to securing the health and safety of persons at work in the building, civil engineering and engineering construction industry, and of members of the public who may be affected by such activity;
 - (iii) associated matters as referred to it by the Head of Construction Division; and
- (b) seek to stimulate action aimed at securing better health and safety outcomes in the industry.

Term of office

2. CONIAC shall be established for a term of office of three years beginning on 5 April 2010

Membership of CONIAC

3. CONIAC shall consist of a Chair (who shall be an official of the Health and Safety Executive) and Members appointed by the Head of Construction Division. Before appointing Members, the Head of Construction Division shall seek nominations from such organisations and individuals representing employers, workers and others as he considers appropriate. In making appointments he/she shall seek to ensure appropriate representation of the views of employers, workers and other relevant stakeholders.

4. Members may be appointed for the full term of office of CONIAC or for a shorter period.
5. Members are required to submit information for inclusion in a Register of Members' Interests as set out in the Annex.
6. Where a Member is unable to attend a meeting of CONIAC he/she shall be expected to arrange for a suitable substitute to attend in his/her place. If a Member fails to attend, or send a suitable substitute, to two consecutive meetings his/her membership shall be subject to termination at the discretion of the Chair.
7. Members shall be entitled to reimbursement of travel and subsistence expenses as set out in the Annex.

Terms of Reference, Work Plan and relationship to Health and Safety Executive Board

8. The CONIAC Secretariat shall prepare terms of reference for CONIAC which shall be formally adopted subject to the agreement of CONIAC.
9. CONIAC shall agree and, following endorsement by the Health and Safety Executive Board ("HSE Board"), carry forward a Work Plan that will support the Health and Safety Executive's Strategy.
10. CONIAC shall report on its work annually to the HSE Board. The report shall include appropriate information on expenses incurred.
11. Members may request that the Chair brings such matters to the attention of the HSE Board as they see fit. The Chair shall have full discretion to decide his/her response to such requests.

CONIAC Meetings

12. CONIAC shall meet three times in each calendar year, usually in March, July and November. The meetings shall be open to the public under terms determined and administered by the Secretariat. Exceptionally, the Chair shall have discretion to vary the dates of the meetings, to increase or decrease their number and to exclude the public from all or part of any meeting.

Working Groups

13. Subject to the agreement of CONIAC, the Chair of CONIAC may establish Working Groups. Such Working Groups shall be the principal means for delivering practical outcomes in support of CONIAC's purposes and Work Plan. Subject to the agreement of CONIAC, the Chair of CONIAC may terminate the existence of a Working Group at any time.

14. Each Working Group shall be either a Task and Finish Group or a Standing Committee. Each Working Group shall have and, subject to its endorsement by CONIAC, carry forward a Work Plan. CONIAC shall monitor the activities of the Working Groups and hold them to account for delivery of their Work Plans. Reports from Working Groups shall be a standing agenda item for CONIAC meetings.

15. Task and Finish Groups shall be established for not more than 18 months for the purpose of developing specific deliverables. Each shall develop and agree its own terms of reference and work plan. Each shall agree a Chair from among its members, who need not be an HSE official.

16. Standing Committees shall be established for the consideration of issues in specific subject areas and with a view to supporting and encouraging appropriate action by HSE and/or the industry. Each shall develop and agree its own terms of reference and work plan. The Chair of each Standing Committee shall be an HSE official.

17. Before appointing the members of a Working Group, the Chair of CONIAC shall seek nominations from CONIAC Members. Additionally and exceptionally, at his/her discretion he/she may seek nominations from other persons or appoint persons who have not been nominated. In appointing persons to a Working Group, the Chair of CONIAC shall seek to ensure that they have appropriate expertise and knowledge and that there is appropriate representation of the views of employers, workers and other relevant stakeholders.

18. Subject to CONIAC's agreement, Working Groups established before the commencement of CONIAC's term of office shall continue in existence.

Secretariat and administration

19. CONIAC shall be administered by a Secretariat provided by the Construction Division. The administrative tasks carried out by the Secretariat shall include: development of an annual Work Plan; in relation to meetings of the Committee, the drawing up of Agendas, commissioning of papers and presentations, preparation of Minutes, provision of rooms and refreshments, and organisation of admission of the public; and processing of expenses claims from Members of the Committee. All papers and presentations for CONIAC are subject to prior clearance by the Chair.

20. The Secretariat shall carry out analogous functions in respect of its Working Groups.

21. The Secretariat shall liaise with other industry bodies in order to minimise unnecessary duplication of effort between them and CONIAC and its Working Groups. In doing so it shall seek to establish an annual liaison meeting with comparable external bodies.

ANNEX

Register of Members' Interests

In line with Government policy on standards in public life, openness and accountability the Secretariat will maintain a Register of Members Interests which each Member of CONIAC is required to complete on appointment.

The Register should, as a minimum, list direct or indirect pecuniary interests of each Member which may or may be perceived (by a reasonable member of the public) to influence his or her judgement when acting as a Member. Members may also wish to add a personal profile to their declaration, to explain the nature of their everyday work and what other positive interests they may have.

The Register will be placed on the HSE web site and will be made available to the public on request. Members must notify the Secretariat as soon as reasonably practicable of any changes to their declaration. Where a Member has declared an interest, he or she, with the agreement of the Chair, may contribute to the discussion of the matter under consideration if appropriate.

Reimbursement of Members' travel and subsistence expenses

Membership of CONIAC is unpaid, but incidental expenses and loss of earnings can be claimed. Members are entitled to travel and subsistence expenses incurred on official CONIAC business. The rates payable for expenses are set by HSE's Planning and Finance Directorate. Details and claim forms are provided by the Secretariat.

**Indicative relationship between CONIAC and other bodies
under its proposed new constitution**

