

HEALTH AND SAFETY EXECUTIVE

CONSTRUCTION INDUSTRY ADVISORY COMMITTEE (CONIAC)

**Minutes of the M1/2015 meeting
held on 18 March 2015 in Rose Court**

<i>Present</i>	<i>Representing</i>
Philip White (Chair)	HSE, Chief Inspector of Construction
Anthony Lees (Secretary)	HSE, Head of Construction Policy Unit
Richard Ash	Engineering Construction Industry Association
The Reverend Kevin Fear	CITB
Edward Fendt	Specialist Engineering Contractors Group
Rob Gutteridge	Federation of Master Builders
Paul Haxell	Home Builders Federation
Clive Johnson	Construction Clients' Group
John McClean	GMB
Kevin Minton	Construction Plant-hire Association
Alan Muddiman	Civil Engineering Contractors Association
David Parsons	National Federation of Builders
Tony Putsman	Construction Industry Council
Dylan Roberts	UK Contractors Group
John Scott	National Specialist Contractors Council
Peter Wilson	UCATT
Officials	
Peter Baker	HSE, Head of CEMHD
Simon Longbottom	HSE, Head of Construction Sector and Policy
Ray Cooke	HSE, Head of Safety Unit
Adebayo Ige	HSE, Construction Sector
Robert Parkes	HSE, Head of Communications Unit
Michael Ryan (Secretariat)	HSE, Construction Policy Unit
Apologies	
Gilbert Barron (Observer)	Business, Innovation and Skills
Peter Caplehorn	Construction Industry Council
Steve Murphy	UCATT
Susan Murray	Unite
Jerry Nelson	GMB
Jason Rowley	UK Contractors Group
Kevin Williamson	Unite
Members of the public	3 were present

Summary of actions agreed:

ACTION: Secretariat to copy links to FFI review report and press release to Members. (See paragraph 2.1)

ACTION: Secretariat to send Members a link to the summary of the plan of work on the HSE website. (See paragraph 5.1)

ACTION: Secretariat to circulate pdf versions of the industry guidance to Members. (See paragraph 6.1)

ACTION: CONIAC Secretary to initiate discussions with industry stakeholder representatives on issues around the need for a CDM 2015 ACOP. (See paragraph 6.2)

1. Welcome and Chair's introduction

1.1 Philip White (Head of Construction Division, Chief Inspector of Construction and Chair of CONIAC) welcomed everyone to the meeting and gave the apologies of absent Members. In particular, he welcomed John McClean, Peter Wilson and Dylan Roberts who were substituting for Jerry Nelson, Steve Murphy and Jason Rowley respectively.

1.2 Philip introduced Peter Baker who would shortly be succeeding him as Chief Inspector of Construction. He asked Peter to say a few words about himself. Peter said that he had been with HSE for 30 years. Most of this time he had been in operations and for the last 6 years he had led HSE's onshore major hazards division where he had experience of CDM from the perspective of COMAH operators' duties as clients and in engaging with developers over projects near to major hazard sites and pipelines . He looked forward to working with CONIAC.

2 Agreement of Agenda and matters arising

2.1 Philip began by mentioning a matter he said he would like to have brought up at the previous meeting; this was the review of *Fee for Intervention* (FFI). The Triennial Review of HSE had recommended an independent review of FFI and a panel of stakeholder representatives had been set up for the purpose. After concluding its work the panel issued a short report in September. The review found that FFI has been implemented consistently and fairly with no evidence that HSE's enforcement approach was distorted by FFI. Dylan Roberts asked if the report had identified positive aspects of FFI. Philip responded that FFI was seen as providing another lever for encouraging health and safety improvement and feedback from SMEs showed appreciation for the level playing field which FFI created.

ACTION: Secretariat to copy links to FFI review report and press release to Members. [Secretary's Note: Links were included in an e-mail to Members of 19 May.]

2.2 Members agreed the agenda for the meeting.

2.3 Philip agreed to a request from the Reverend Kevin Fear for a brief slot under AOB to mention the issue of non-English speaking workers.

2.4 Members formally approved the text of the minutes of the 19 November 2014 meeting.

2.5 Philip stated for the record that the actions from that meeting had all been carried out.

3. Recent activities of CONIAC's Working Groups (Updates from various persons)

3.1 Philip drew Members' attention to paper **M1/2015/1** and invited updates from Working Group representatives.

3.2 Simon Longbottom gave a report on the work of the **Asbestos Liaison Group** (ALG) of which he is chair. Peter Wilson stated that UCATT's asbestos campaign is ongoing as it is clear that many workers fail to appreciate the continuing risk. However, he added that he was heartened by recent responses from industry representatives, especially in connection with worker engagement issues. John McClean mentioned a perception that the second *Hidden Killer* campaign was not as successful as the first and said that he would be interested to see the evaluation in May. John Scott asked if the Analyst's and Licensed Contractor's guides were likely to be useful to those engaging licensed contractors? Simon clarified that these documents were too specialised to be useful to others.

3.3 Ray Cooke reported on the work of the **Safety Working Group** (SWG) of which he is chair. Clive Johnson referred to evidence from insurance surveys that fire safety during construction is not always well managed. In particular there appears to be a lack of training/knowledge at site level. His organisation had met with its principal contractors and asked them to review their approaches. Kevin Fear stated that CITB has no course for site managers on fire safety as there appeared to be no demand for one and asked if there was a need? Alan Muddiman considered that fire safety courses were needed for all CDM duty holders, as leaving fire safety to site managers is too late. John Scott believed that this was an issue not just for site managers but construction managers generally. He supported proposals for better training on fire safety throughout construction. In particular, he mentioned that flat roof contractors are raising enquiries about interpretation of the *Regulatory Reform (Fire Safety) Order 2005*. Philip White mentioned that HSG168 (*Fire safety in construction*) will be up for revision soon. With regard to the general approach to be taken by the task and finish group on tall building issues, Richard Ash urged that it focus on management of risks, rather than standards work.

3.4 On the subject of fragile roofs, Kevin Fear reminded CONIAC about the free-to-view-online joint HSE/CITB video "*Fragile roofs, fragile lives*" for awareness raising.

3.5 Kevin Minton reported on the work of the **Health Risks Working Group** (HWG) of which he is a member. He said that further progress has been made with the 20-page guide on OH Risk Management and emphasised that the WG particularly wished to see HSE's logo on the document, as it adds credibility and its

presence could settle disagreements on site. He reported that more than 100 companies have now signed up to the DoH's *Responsibility Deal* and that the WG will receive a report from HSE following the conclusion of the *supply chain project*. Additionally, BOHS now had a membership place on the WG. Philip asked that the WG consider how the OH Risk Management guide could be promoted across the industry. As a point of clarification, Kevin Fear observed that *occupational hygiene* denotes risk control whereas *occupational health* means monitoring the health condition of workers. As a former occupational hygienist, Philip agreed this distinction.

3.6 Clive Johnson gave a brief report on the work of the industry's **Health Leadership Group**. He said that its membership had expanded and it would hold a meeting in April to plan a construction industry summit in September. The summit would reserve one hour for discussion of OH issues. Clive said that great progress had been made in a short time and good energy and commitment from participants was evident.

3.7 Adebayo Ige gave a presentation to update CONIAC on the operation and review of **Working Well Together (WWT)**. John McClean asked why Cambridgeshire (as well as other areas on the south coast of England) was not covered by WWT – there was a lot of construction work going on there. Robert Parkes indicated that in such cases the challenge is to find someone local to start the ball rolling. Peter Wilson said that when he promotes WWT micro businesses tell him that they cannot afford to take the time to attend. However, he noted as an example of good practice a case where a construction client had paid for his contractors to attend a WWT safety and health awareness day. John Scott said he would talk to a key client in Cambridgeshire about the possibility of setting up a group. Philip said that looking ahead HSE must try to reduce its financial input to WWT and move it to a cost-neutral basis. He thanked Members for their comments and closed the discussion.

4. **Update on Construction 2025 Strategy (Presentation by Anthony Lees, HSE)**

4.1 Philip introduced this item and explained that due to non-availability of BIS officials the presentation would be given by Anthony Lees.

4.2 Anthony recommended that Members examine the Strategy which had developed out of government work to identify sectors where a strategic approach might be helpful. He gave his presentation. Kevin Fear said there was broad support for a framework for competence. Such a framework should not be one-size-fits-all but seek to make it easier to assess the skills, knowledge and experience that a person should have. This work is about to start and it is open to everyone to engage in developing a framework. Richard Ash expressed surprise that the Construction Leadership Council has decided that for all publicly funded work CSCS will be required. Philip said that this was an interim, not permanent, decision. Dylan Roberts suggested that under the Strategy, health and safety had not got the attention it should have. Philip responded that there was a view that health and safety (HSE with CONIAC) had made good progress over several years. However, there is an opportunity for traction that we must not lose. He added that Peter Hansford is very committed to health and safety.

5. Construction Division Plan of Work 2015/16 (Presentation by Robert Parkes, HSE)

5.1 Robert Parkes gave his presentation. Philip clarified that 50% of work is reactive and 50% is proactive. Of the latter, 20% is licensed asbestos work and 60% is small sites and/or refurbishment. John McClean observed that many schools are to be refurbished and noted that among other things this can involve asbestos and cross-departmental working. Philip agreed and indicated that HSE works closely with the Department for Education. More generally, Paul Haxell encouraged as much use of track back to the original source of a problem as possible. Richard Ash added that HSE can make a real difference in projects if it gets in early. In response to a question from Peter Wilson Philip said that there would be an intensive inspection initiative in September/October with emphasis on health. Peter Wilson said that the publicity arising from a “blitz” is helpful for influencing SMEs who will probably never see an inspector. Peter Baker agreed and emphasised the need to sustain the beneficial effects of such messages. Philip concluded the discussion by thanking Robert Parkes for his presentation and wishing him all the best in his retirement.

ACTION: Secretariat to send Members a link to the summary of the plan of work on the HSE website.

6. CDM 2015 (update from Anthony Lees, HSE)

6.1 Anthony gave his presentation. He stressed that CDM 2015 does not change inspection priorities or approaches or what constitutes a material breach. He mentioned, in passing, an error in the industry guidance for clients had now been corrected.

ACTION: Secretariat to circulate pdf versions of the industry guidance to Members. [Secretary’s Note: Links to the guidance were included in an e-mail to Members of 19 May.]

6.2 With regard to an ACOP to support CDM 2015, Anthony reminded CONIAC that the HSE Board’s support for replacing the ACOP was conditional on it being short and adding real value to the management and control of construction risks. HSE would contact CONIAC members for one-to-one discussions on ACOP options including a guidance only approach. He noted that the guidance only approach offered significant advantages, including greater flexibility and much easier updating whenever necessary. Anthony stressed that HSE was very much open to CONIAC Members’ views on these issues and will seek them between now and the next CONIAC meeting.

ACTION: CONIAC Secretary to initiate discussions with industry stakeholder representatives on issues around the need for a CDM 2015 ACOP. [Secretary’s Note: The discussions have been initiated.]

6.3 Dylan Roberts mentioned that he had some concerns around facilities management and contractual issues and would submit a note on this. Richard Ash urged the value of guidance that includes clear statements on what does not have to

be done by duty holders. Alan Muddiman suggested using HSE's mythbuster's website to dispel any mistaken interpretations that may arise about the CDM 2015 changes. Philip recalled that when this had been tried before it had not really worked but accepted that it might be worth reconsidering it. John Scott expressed gratitude to Kevin Fear and the many colleagues who had created the industry guidance. He asked for publication of clear and proportionate examples of construction phase plans. Peter Wilson said that he supported an ACOP for CDM 2015 and wished to be involved in any discussions on this point. Philip said that the ACOP/guidance issue would return to CONIAC in July with further proposals. HSE would reflect on the use of mythbusters as suggested earlier.

6.4 Philip said that he would write to the Chairs of the groups that had produced the industry guidance to express his thanks for their work. In particular, he took the opportunity to express gratitude to Kevin Fear and Lee Fisk for their central role in the project. Finally, he noted and thanked the very large number of HSE staff and others who had been involved in the successful delivery of the CDM 2015 project. In this context, he mentioned specifically the lawyers, economists, communications specialists and Anthony Lees and his team.

7. Conclusion

7.1 Under AOB, Kevin Fear drew CONIAC and HSE's attention to enquiries from employers about support for workers with English not as a first language. He suggested that possibly 10% of the construction workforce fell into this category. John McClean said that this issue was not confined to construction and suggested that mentoring can be useful. Peter Wilson added that health and safety standards and practices may be different in migrant workers' countries of origin from those found here and that this can also be a source of risk. He drew CONIAC's attention to Workers Memorial Day on 28 April and said that there would be a service at Tower Hill. Dylan Roberts said that he would take the language issue to UKCG for consideration.

7.2 Philip gave the date of the next CONIAC meeting, thanked everyone for their contributions and closed the meeting. [Secretary's Note: The date of the next CONIAC meeting was subsequently altered from that announced to **Tuesday 14 July.**]