

**MINUTES OF CONIAC MEETING – M3/2004  
HELD ON THURSDAY 18 NOVEMBER 2004  
AT ROSE COURT, LONDON**

**Present:**

Kevin Myers – Chair	Neil Moore
Bill Belshaw	Bill Rabbetts
Tim Gough	Philip Russell
Dennis Hands	Andy Sneddon
Paul Hayward	Craig Streak
John Ioannou	Clive Young
Clive Johnson	Gordon Crick – Secretary, HSE
John Jutson	Philip White - Construction Sector, HSE
Peter Kent	

**Apologies**

- Bob Blackman
- Alan Ritchie
- Frazer Clement
- Malcolm Bonnett
- Tom Mellish
- Chris Tisi
- Chris Morley

**In attendance:**

Simon Pilling	HSE CCSS
Stephen Wright	HSE CCSS
Cathy Kerby	HSE CCSS

**Item 1        Welcome and Introductions**

1.1    Kevin Myers welcomed members to the meeting and in particular Clive Young as an observer from the Department of Trade and Industry, who replaced Roger Evans.

**Item 2        Chair's Introduction**

2.1    Briefing Pack on Constructing Better Health

The Chair outlined the progress made with the formation of Constructing Better Health Ltd, and explained that the briefing pack provided to each member set out the services that Constructing Better Health will offer. The pack also contained information to promote further fundraising by the construction industry. Members were encouraged to consider what more could be done via their constituents to contribute to the funding of Constructing Better Health.

3.1 Trevor Allan presented this paper, describing the programme of research and intelligence gathering being carried out to support HSE's Construction Programme. The paper outlined the arrangements in place to manage research, the current approach of aligning research to directly support the Construction Programme, and the direction in which the Division intends to move over the next three years. Annexes to the paper contained the detail of the Construction Research Strategy, and details of the individual research projects currently under way.

3.2 Trevor Allan concluded his presentation by setting out three themes to guide future work:

3.2.1 Construction Division is currently developing proposals to draw together a summary of its intelligence on construction accidents and ill health into a new Construction Blackspot report. This could be a web-based document, capable of regular updating.

3.2.2 The HSE is carrying out a major review of the RIDDOR regulations, and this provides an opportunity to improve the effectiveness of RIDDOR for the construction industry.

3.2.3 The industry needs to consider its own information needs to provide better quality information on incidents accidents and ill health, to enable effective targeting of resources.

3.3 The Chair invited discussion on this topic. Members responded with the following points:

3.3.1 The total spend of approximately £1M on research on the topic of construction health and safety only amounted to a small proportion of gross value of construction annually in the UK.

3.3.2 The trade associations and industry bodies often find themselves asked to participate and provide information to HSE funded researchers. However there is currently little opportunity for the industry to get involved in the earlier planning stages of research.

3.3.3 The Association of British Insurers (ABI) has a cross sector programme of research that has interests in common with the HSE's Construction Programme. The ABI has some sources of data on ill health and accident statistics and it would be willing to share with the HSE. The ABI would be willing to act as a partner in research with the HSE.

3.3.4 Members raised the possibility of gaining intelligence on hard to reach sectors of the industry through working with the NHS, for example by gathering data from hospitals. Members were informed of an HSE a work stream under development aimed at collecting information from GPs on ill health issues and it was agreed that more details on this would be provided to CONIAC.

3.3.5 The CITB levy database was raised as another potential source of intelligence to the HSE.

3.3.6 Members noted the reference to the forthcoming RIDDOR review in the paper and agreed that it would be valuable for CONIAC to discuss this in order to identify how CONIAC could contribute to this review as the voice of the industry.

3.3.7 The Office of Government Commerce (OGC) is collecting data on health and safety performance on government funded projects which would also contribute to our intelligence base.

3.3.8 Members were informed that HSE had quality assurance systems in place to ensure as far as possible that published research is of a high quality. Poor performers are removed from HSE's approved list of research contractors.

3.4. The chair made the following points:

3.4.1 HSE has to ensure that research is based on the priority work areas which will deliver the targets to reduce accidents and ill health. Currently HSE is doing this by aligning the research programme with the four main portfolios of projects of its Construction Programme.

3.4.2 All finished research reports are published on HSE's website. Also on the website is a document 'The Strategic Research Outlook' which makes a general call for research contractors to submit bids in priority areas for the HSE.

3.4.3 Whilst reviewing the content of the RIDDOR form might provide extra data, account needed to be taken of current poor reporting levels and the fact that a requirement for more information must be balanced with the need to reduce the burdens on administration of business.

3.4.4 RIDDOR data can be supplemented with data from targeted research on specific projects or sections of the industry. Integration of both sets of data should lead to better quality intelligence and targeting of HSE initiatives.

**Action Point 1 Secretariat to arrange a bilateral meeting with the Association of British Insurers (ABI) to identify overlaps and areas of mutual interest in their research programmes.**

**Action Point 2 Secretariat to explore the current position on the RIDDOR review and identify how CONIAC can contribute.**

**Action Point 3 Members to approach CONIAC Secretariat with proposals to contribute to intelligence/research strategy.**

**Item 4 The Construction Summit 2005**

**Paper M3/2004/2**

4.1 Simon Pilling presented this paper, outlining the arrangements for the Summit to date:

- The date is set for the afternoon of 24 February at the QE2 Conference Centre in London.

- The event will start with lunch, followed by a programme of presentations and ending with an opportunity for delegates to network informally.
- Respect for People Code of Practice is being drafted by the Strategic Forum. This focuses on 8 core issues.
- The event is planned to accommodate 200 industry delegates at CEO, Board level from across the procurement and delivery spectrum.

4.2 The Chair added to this with an update from the most recent Strategic Forum meeting:

- The Construction Minister and the Health and Safety Minister will both be attending the summit, and John Prescott has been invited.
- When the network of key contacts established after the last CONIAC meeting met on 2 November, they were surprised at the extent and diversity of initiatives being taken forward by the industry.
- The summit will major on the significance of partnership as a means of improving risk management, this will be in the context of following on from the last summit in 2001 which stressed the significance of leadership and ownership by the industry.

4.3 The following points were made in discussion on this paper.

4.3.1 Invitations to delegates should be sent out before the new year.

4.3.2 Constructing Excellence will be developing a new website mechanism for sharing experience after the February summit.

4.3.3 The summit represents an opportunity to flag up the need for more research and joined up working in developing and carrying out research throughout the industry.

4.3.4 SME's will be represented at the summit mainly by trade bodies such as the FMB, NFB, NSCC, HFB and SEC. It will be necessary to ensure that sufficient resources are devoted to getting the message through to SME's.

**Action Point 4 Members to note progress made with Summit arrangements. Further progress to be made through the network of key contacts established following CONIAC M2/2004.**

**Item 5 Review of construction regulations – current position – Paper M3/2004/3**

5.1 This paper was presented by Stephen Wright who updated members with the current position. Latest drafts of the revised regulations were made available to members. The Working Group had discussed options for including domestic clients as dutyholders, but had not identified any practical or widely acceptable options. The new Regulation 19 is being redrafted with input from the Worker Engagement Working Group to present a more active regulation on Principal Contractors to engage in workforce consultation. Members of the Working Group are divided on the question of whether guidance should be presented as a mix of Approved Code of Practice and guidance, as at present, or simply as guidance.

5.2 Members made the following points in discussion:

5.2.1 There was perceived to be overwhelming support from industry for the option of presenting guidance in an Approved Code of Practice, as in the current CDM ACOP. This was seen to benefit smaller businesses and to provide essential guidance for the non-expert. The ACOP is seen as setting out authoritative standards for the industry. Consultation amongst the Construction Industry Council showed that many construction professionals want an ACOP.

5.2.2 Throughout the period of consultation the Working Group has been working on the assumption that the Regulations will be high-level statements, and that detailed guidance and interpretation will be presented as an Approved Code of Practice.

5.2.3 However the current three tier approach of providing Regulations, Approved Code of Practice and guidance is complicated and is not well understood by many in the industry.

5.2.4 A view was expressed that the Stuart Nattrass letter produced to provide clarity after the introduction of the CDM Regulations in 1994, did prove very valuable to businesses in interpreting and getting to grips with the new Regulations.

5.2.5 Concern was expressed over the competences required by the co-ordinator in his role under the new Regulations. This appears to be a requirement for an expert with exceptionally wide and deep knowledge.

**Action Point 5 Members agreed to comment on the draft Regulations, Guidance and Consultation Document directly to Stephen Wright or to their representatives on the Working Group.**

**Action Point 6 Agreed that HSE should use the Working Group to finalise proposals for the package of Regulations and Guidance to present to HSC in February 2005. Subject to approval of Regulatory Impact Assessment by Ministers.**

**Item 6 The CONIAC Declaration on Engaging the Workforce Paper M3/2004/4**

6.1 Gordon Crick presented this paper, which contained a draft of the CONIAC Declaration on Engaging the Workforce, developed by the Worker Engagement Working Group following comments from members at the last CONIAC meeting. The paper also outlined the plans to launch the Declaration at the 2005 Construction Summit in February with associated guidance and an action plan to be posted on the HSE Website.

6.2 Members present were unanimous in approving the declaration, and the arrangements set out in the paper for the launch of the declaration and supporting guidance. However, because no Union representatives were present a view was expressed that confirmation should be sought from them before the Declaration was approved.

**Action Point 7 Members approved the Draft Declaration as presented, subject to confirmation by Union Members.**

**Action Point 8 Members endorsed the arrangements set out for supporting the declaration launch at the 2005 Summit with guidance and a web based action plan.**



of this HSC decided to retain Regulation 12 (Inspection of Work Equipment) in the WAHR. This regulation was intended to carry over the existing provisions of PUWER and LOLER but some consultees read this as an entirely new provision, which they were not. Regulation 12 has been redrafted to reflect this decision.

12.2.2 At its July meeting HSC agreed to change the top height of guardrails in Schedule 2 to a minimum of 950mm (with fixed guardrails at 910mm). As a result of consultation feedback HSC has set aside plans for a wide-ranging guidance document, with examples, on the regulations. Instead it has agreed to a simple 'plain English' commentary which will be supplemented by sector specific guidance as necessary.

12.2.3 At its open meeting in October: HSC was given feedback on the consultation exercise and received a copy of the draft regulations which incorporate the decisions taken in July – see

<http://www.hse.gov.uk/aboutus/hsc/meetings/2004/121004/c04114c.pdf>

HSC also decided also that on the matter of the height of toe boards, the different standards that prevail currently required a flexible approach and so the regulations will incorporate a 'suitable and sufficient' standard. Following representations from some parts of the industry, further consultation would begin on the introduction from the CHSWR of the 2-metre rule to WAHR. The consultation started on 25 October and will end on 3 December.

**12.2.4 The Annual Statistics Launch** By co-incidence the HSE's annual launch of its official statistics bulletin was taking place elsewhere in Rose Court. The Chair provided a briefing pack for members. Key points are:

- The number of fatal accidents in Construction has fallen by 25% since the Revitalising Health and Safety Targets were set in the baseline year of 1999/2000.
- The number of major injuries to construction workers has fallen by 15% in the same period.

Although ahead of the Government's RHS target, these figures remain well behind the more challenging targets set by the industry at the last construction health and safety summit in 2001.

12.2.5 The Chair drew members' attention to the consultation document on the HSE Website - 'Regulation and Recognition'. This Consultation Document invites comments on the questions of which intervention strategies should be adopted by enforcement agencies enforcing health and safety.

**Action Point 10** The Minutes of the CONIAC Meeting M2-2004, held on 22 July 2004 were approved.

**Action Point 11** Members attention is drawn to is drawn to the presence of the Construction Statistics fact sheet on the HSE Website  
<http://www.hse.gov.uk/statistics/pdf/rhscon.pdf>

**Action Point 12** Members attention is drawn to the Consultation Document titled Regulation and Recognition, which asks for views on which interventions by enforcing

authorities will be most effective. See HSE Website  
<http://www.hse.gov.uk/consult/condocs/cd-interventions.pdf>

Dates of CONIAC meetings for 2005

31<sup>st</sup> March

21<sup>st</sup> July

24<sup>th</sup> Nov