

## HEALTH AND SAFETY EXECUTIVE

### CONSTRUCTION INDUSTRY ADVISORY COMMITTEE (CONIAC)

**Minutes of the M3/2015 meeting  
held on 18 November 2015 in Rose Court**

<b><i>Present</i></b>	<b><i>Representing</i></b>
Peter Baker (Chair)	HSE, Chief Inspector of Construction
Geoff Lloyd (Acting Secretary)	HSE, Construction Sector and Policy
Richard Ash	Engineering Construction Industry Association
Terry Boniface (Observer)	Business, Innovation and Skills
Edward Fendt	Specialist Engineering Contractors Group
The Rev. Kevin Fear	CITB
Ian McNally	Home Builders Federation
Kevin Minton	Construction Plant-hire Association
Alan Muddiman	Civil Engineering Contractors Association
Susan Murray	Unite
David Parsons	National Federation of Builders
Tony Putsman	Construction Industry Council
Clive Johnson	Construction Clients' Group
Jason Rowley	Build UK
John Scott	Build UK
Dan Shears	GMB
Peter Wilson	UCATT
Rob Gutteridge	Federation of Master Builders
<b>Officials</b>	
Simon Longbottom	HSE, Head of Construction Sector and Policy
Ian Strudley	HSE, Head of Health Unit
Ray Cooke	HSE, Head of Safety Unit
Russell Adfield	HSE, Head of Construction Management Unit
Jo Anderson	HSE, Construction Division, Operations 3
Harjit Tiara (Secretariat)	HSE, Construction Sector and Policy
<b>Apologies</b>	
Peter Caplehorn	Construction Industry Council
Paul Haxell	Home Builders Federation
Jerry Nelson	GMB
Kevin Williamson	Unite
<b>Members of the public</b>	7 were present

## **Summary of actions agreed:**

**ACTION: Secretariat to send Members the link to the evaluation report of the Asbestos Campaign**

**ACTION: HSE officials to put a paper to the Board in the spring setting out CONIAC's views on how a CDM ACOP could add value and seeking their direction**

**ACTION: Secretariat to send the presentation on the construction strategy or other document**

**ACTION: Members to provide initial comments on CONIAC's future role and constitution to deliver the new health and safety system strategy.**

**ACTION: Secretariat to send members the dates for CONIAC meetings in 2016**

### **1. Welcome and Chair's introduction**

1.1 Peter Baker welcomed members to the meeting and gave the apologies of absent Members. He thanked Ian McNally for standing in for Paul Haxell. He also welcomed members of the public who were attending as observers – in particular Karlheinz Bauer who was visiting HSE from the equivalent regulator in Austria.

### **2. Agreement of Agenda and matters arising**

2.1 Members agreed the agenda for the meeting.

2.2 Members formally approved the version of the draft minutes of the 14 July 2015 meeting of CONIAC which took account of the changes to the initial draft requested by members. Peter noted that all actions from the July meeting had been carried out.

### **3. Recent activities of CONIAC's Working Groups**

3.1 Peter drew Members' attention to paper **M3/2015/1** and invited updates from Working Group representatives.

3.2 Ray Cooke gave a report on the work of the **Working Well Together Group**. His report focused on the new evaluation procedures and the results of analysis of feedback forms received from attendees at WWT events since July 2015 set out in the paper. It was clear from the figures that WWT continued to have a positive impact, both in terms of its reach to new SME businesses and in encouraging them to make changes to better manage health and safety risks. Work continued to set up groups in the areas where there was no coverage.

3.3 In thinking about ways of extending the reach of WWT groups, the Rev. Kevin Fear commented that while DIY and equipment rental stores were reluctant to place leaflets advertising WWT groups on their counters, they were content to have links

added to their websites. Ray Cooke agreed and was also considering the feasibility of seeking these stores' agreement to including links on invoices issued to builders.

3.4 Ray also updated CONIAC on the work of the **Safety Working Group (SWG)** which last met in September 2015. To ensure the work it carried out was achievable, the Group was limiting it to work developing guidance on the construction of tall buildings and an inspection initiative focusing on fragile roof work. On the tall buildings work, there had been discussion of how to define such buildings. But, because of difficulties in doing so, it had been decided that guidance should not define tall buildings so as to prompt dutyholders to think for themselves how they should be defined. Jason Rowley asked if Build UK could have a representative on the Group and he was asked to liaise with Ray on this.

3.5 The discussions about undertaking a fragile roof week were at an early stage. It had been agreed that there should be action leading up to, and after, the week of the initiative itself to maximise its impact. Alan Muddiman said that any week focusing on roof work on agricultural buildings would need to be during the winter when maintenance of such buildings was normally done. Ray agreed and said that this point had already been made within the Group.

3.6 Simon Longbottom reported on the work of the **Asbestos Liaison Group (ALG)** which had last met on 20 October 2015. Of the issues discussed and set out in paper M3/2015/1 Simon picked out the work on the competency framework which had now been agreed, was ready for publication and placing on the Asbestos Removal Management Institute (ARMI) website. He also mentioned the Analysts Project which had raised concerns about analysts completing the 4-stage process properly and about managing risks to their personal health. Indications are that analysts are under pressure to complete the process with insufficient time and may compromise their own safety. The report evaluating the last Asbestos Campaign was now available on the HSE website. The report had concluded that the campaign had been successful and had been put forward for an award.

3.7. Richard Ash asked about the section of the paper reporting on the Technical Working Group. He was interested in the papers relating to other trades going into enclosures and asked to be pointed in the right direction for these. Simon explained that the material referred to would be available on the asbestos communities web pages.

**ACTION: Secretariat to send Members the links to the evaluation report of the Asbestos Campaign and asbestos communities web page.**

3.8 Kevin Minton provided an update on the work of the **Health Risks Working Group (HWG)**. He highlighted the guidance on managing occupational health risks which was now available on the HSE website. A press release announcing this would be released in the near future. [Secretariat Note: this was released on 20 November –see <http://press.hse.gov.uk/release-type/press/page/4/> ].

3.8 Kevin also provided an update on the arrangements for the forthcoming Construction Health Summit on 21 January at the Royal Institute in London. Kevin Fear said that 100 invitations had been sent out and it was being considered whether a further 100 should be sent as the event was attracting considerable interest. He

had heard of Chief Executives changing their diaries to ensure they could go. It is likely that the event will be fully signed up by the time it is held.

3.9 Susan Murray said that she thought it was important that the summit was seen as an initiative arising from CONIAC's discussions on what more the industry could do on managing health issues. Ian Strudley said that Judith Hackitt will be speaking at the event. Peter Wilson asked if the trade unions were invited. Ian Strudley said that the aim of the event was to secure the commitment of construction companies' Chief Executives to do more to help reduce occupational disease in construction. This would be followed by a further event for practitioners on 21 April which would provide an opportunity where union participation might be more appropriate. Alan Muddiman suggested that invitations to general secretaries of the unions could be sent out and it was agreed that this suggestion would be fed back to the organisers of the meeting.

3.10 Lastly, Kevin Minton said that the Group had set up a sub-group to look at how they could contribute to improving mental health issues in construction. The first discussions were being held after this meeting of CONIAC had concluded.

#### **4. Possible ACOP for CDM 2015**

4.1 Simon presented paper M3/2015/2 which summarised the results of consultation of Members' views on the need for and content of an Approved Code of Practice (ACoP) to support CDM 2015. This recommended that CONIAC should advise the Board that a case has not been made that an ACoP is needed and that any clarification to achieve compliance with CDM 2015 and secure health and safety outcomes is addressed primarily by means of industry guidance.

4.2 Peter asked for members' views. Richard Ash asked about how the recommendation would be taken to the Board. Would it recommend no ACoP for the present but that HSE would keep its need under review; or would it make proposals on what guidance might be developed instead? Peter said the Board would want to focus on whether there is evidence that an ACoP is needed but they may also want to discuss it in the context of the new HSE Strategy.

4.3 Susan Murray fundamentally disagreed with the paper and its recommendations. She said that it was very important that there was an ACoP. She wanted to know what evidence there was that prosecution outcomes could be affected by the absence of an ACoP. She felt the paper did not cover all of the comments received from the unions; nor did it cover any neutral opinions expressed. Peter Wilson supported all that Susan had said and said that he would be discussing the situation with the TUC. He also asked if HSE could provide figures for the number of times ACoPs were used in prosecutions.

4.4 Dan Shears also supported Susan's position. He:

- took issue with the idea that the CDM Regulations are established. While past iterations of the CDM Regulations may have become so, CDM 2015 was not yet;
- was not confident that industry guidance should be relied on as an alternative to an ACoP. He had seen some bad industry guidance;

- agreed with the point raised earlier about a lack of evidence on the use of ACoPs in prosecution cases, but did not, in any case, agree with an argument that ACoPs did not always add value. What was more important was that ACoPs provided good, authoritative guidance; this was what dutyholders needed;
- was concerned about the recommendation when the consultation on the draft CDM 2015 Regulations had shown a substantial majority in favour of having an ACoP.

4.5 Other members were ambivalent about the need for an ACoP. While the current suite of guidance was suitable for their needs it would not be detrimental to have an ACoP. Alan Muddiman suggested that a way forward would be to issue streamlined guidance badged by CONIAC.

4.6 Peter Baker summed up the discussion. There was no consensus across CONIAC on this issue, and HSE would have further discussions with TU members to better understand their position to inform the paper to the HSE Board in the spring/summer.

**Action: HSE officials to have further discussions with TU representatives and put a paper to the Board in the spring setting out CONIAC's views on how a CDM ACoP might add value, and seeking their direction**

## 5. General discussion on construction strategy

5.1 Simon Longbottom introduced this item by giving a presentation on the review of the present construction strategy. The background to this was that over the summer the Board had been discussing a revised strategy for the health and safety system, and the construction strategy would need to be consistent with this. The new health and safety strategy would be launched in early 2016, following a series of stakeholder engagement events and meetings, and will focus attention on making health and safety integral to good management. Much had been done in recent years by modernising and simplifying the regulatory framework. Although more needed to be done on this, attention was switching to the wider health and safety system as a means of achieving improved outcomes. This would entail a shared responsibility across all industry for matters such as ensuring risk management is proportionate, providing simple guidance to SMEs and improving the management of health risks.

5.2 To ensure that the work Construction Division carries out is effectively targeted at those areas of health and safety management where improvements are needed it had been looking at the evidence base for its activities. This involved looking in greater detail at information taken from enforcement notices, notices of contravention, prosecutions and RIDDOR, to develop a revised risk profile. These discussions would also take account of the UK Construction Strategy (*Construction 2025*) and its objectives such as improving competence, the use of BIM and improving client capability. The aim would be to have a new construction strategy approved and endorsed by CONIAC.

5.3 Peter Baker added that while many of the objectives of the new health and safety strategy would be little changed, there would be a new approach to *how* those objectives would be delivered. Discussion with stakeholders would soon be initiated and he asked Members to reflect on what the challenges are and how CONIAC might tackle them bearing in mind the need to be selective about what goals should be targeted. The discussions about the new construction strategy would also have a bearing on the reconstitution of CONIAC later in 2016.

5.4 Kevin Fear asked what the new Government's view of '*Construction 2025*' was and how much weight was now being placed on it. Terry Boniface replied that, although it was not viewed as definitive, it had a number of important elements. There was now more focus on improving health and productivity, and objectives such as that of improving competence in the workforce were still important. Health and safety was still a key element in taking matters such as these forward.

5.5 Peter Wilson suggested that the new strategy should consider increasing the numbers of inspections, address bogus self-employment, increase the levels of employed (rather than self-employed) workers in the industry, provide more training for younger workers and look at the protection of those who have limited English. He also asked if the unions could provide information which could contribute to the issue of providing effective guidance to SMEs. Much of the guidance was available via the HSE website, but not everyone had access to this. Cascading health and safety messages to SMEs via workshops and seminars might for example be of benefit. Peter Baker answered that although HSE already uses a range of methods to communicate relevant message effectively, we are always open to any ideas.

5.6 Susan Murray asked what was meant by the reference to self-regulation by industry. Simon Longbottom replied that it involved spending less time and resource intervening with duty holders where construction risks were being proactively managed, while targeting finite resources at those dutyholders who may not be managing the risks. Susan also asked if the emphasis on equality in the current strategy would be maintained and Peter said that he believed this would not change in the new strategy.

5.7 Richard Ash suggested that the new construction strategy should provoke industry to try new ways of improving health and safety. This would, however, involve providing substantial support to those innovating. At the same time, the strategy should recognise that, for the majority of dutyholders, the most that could be expected is their compliance. The approach should nevertheless be positive – providing 'pats on the back' for those stepping up to the mark as well robust enforcement of those not managing the risks. CONIAC could become a promoter of good practice. Peter Baker agreed that it would be good to promote good practice more widely. Kevin Minton added that, from discussions within the Health Risks Working Group, there were a lot of examples of good practice. The Health in Construction Leadership Group had suggested creating a website or a logo/kite mark promoting such practice and this was being discussed in conjunction with the Health Risks Working Group.

## **6. Role of CONIAC and its reconstitution**

6.1 Given that consideration of the role of CONIAC and its reconstitution needed to follow on after the construction strategy had been finalised, substantive discussion of this item was not yet appropriate. CONIAC's reconstitution needed to reflect CONIAC's role in delivering the construction strategy. Peter Baker nevertheless asked for any initial points that members had.

6.2 Peter Wilson said that this was the only body discussing construction-wide health and safety issues on which trade unions sat. He thought that it was important that this continued so that decisions taken could take account of trade unions' views. Peter Baker confirmed that the unions would be invited to be members of the reconstituted CONIAC.

6.3 Alan Muddiman suggested using CONIAC as a means for promoting good practice and guidance in a way similar to that used for the dutyholder guides published by CITB. Kevin Fear said that CONIAC is widely respected in the industry and that any reconstitution should hold on to the value that CONIAC brings to industry. Richard Ash asked if the presentation could be circulated to help frame members' consideration of the new construction strategy. Peter Baker said that HSE would circulate something on this, although it may not necessarily be the presentation.

**ACTION: Secretariat to send the presentation on the construction strategy or other document**

**ACTION: Members to provide initial comments on CONIAC's future role and constitution to deliver the new health and safety system strategy.**

## **7. Refurbishment inspection initiative 2015**

7.1 Jo Anderson gave a presentation on the results of this initiative. This was the 10<sup>th</sup> year HSE had carried out initiatives designed to improve health and safety standards in a sector with poor standards in which dutyholders were hard to reach and influence. Material breaches had been found at more than half of the 1900 sites visited; more than half of improvement notices served related to the control of health risks; three quarters of the prohibition notices served to control work at height risks; and more than half of the safety related improvement notices issued addressed management and competence issues. Further detailed analysis of the results was being undertaken to identify areas of good and poor compliance, and whether the interventions resulted in changes in behaviour. The use of wider stakeholder engagement and social media in conjunction with the initiative would also be evaluated. These assessments would influence and inform future interventions.

7.2 Peter Wilson commented on the examples of bad practice illustrated in Jo's presentation and suggested such examples should be balanced by examples of good practice. Peter Baker agreed and said that HSE is looking to do more of this. Kevin Fear said that CITB would be willing to work with HSE to produce examples of good practice and publicise them through guidance such as the Busy Builder leaflets.

7.3 Alan Muddiman expressed his support for the intervention strategy, but felt there needed to be a clear statement that HSE will target all dutyholders who are not getting the management of risks right, whatever their level, while just keeping a watching brief on those who comply. Jason Rowley said that the discussion had

illustrated the need to praise those parts of industry who are complying, while vigorously enforcing those parts who do not. There was a need to find better ways of sharing good practice and using it in ways that encourage such practice.

7.4 Susan Murray asked what the results were in relation to any enforcement of welfare facilities that had taken place. Jo Anderson replied that 30% of the notices served related to inadequate welfare facilities. Peter Baker said that HSE would keep members in touch with developments on future refurbishment initiatives and results of the ongoing evaluation of this one.

### **Any Other Business**

8.1 Susan Murray informed members that the All Party Parliamentary Group on Occupational Safety and Health had published a report on why Britain needs a law to eradicate asbestos – see <http://www.unitetheunion.org/unite-at-work/informationresources/healthsafetyresources/welfare-facilities-time-for-a-toilet-break/>. Members may be interested in reading it.

8.2 Peter Wilson said he was organising workshops as part of a European Health and Safety campaign on stress. There was also a meeting of members of the CONIAC Health Risks Working Group later that day to discuss the issue of mental health.

### **Conclusion**

9.1 The next meeting of CONIAC would be on Wednesday 16 March 2016. Members asked if they could be sent the dates for other meetings in 2016 when they had been finalised. It was agreed that this would be done. Peter Baker then concluded by thanking everyone for coming to the meeting.

**ACTION: Secretariat to send members the dates for CONIAC meetings for 2016**  
[Secretariat Note: Dates sent via email on 14 January 2016]