

HEALTH AND SAFETY EXECUTIVE

CONSTRUCTION INDUSTRY ADVISORY COMMITTEE (CONIAC)

**Minutes of the M3/2014 meeting
held on 19 November 2014 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
Peter Caplehorn	Construction Industry Council
The Reverend Kevin Fear	CITB
Rob Gutteridge	Federation of Master Builders
Paul Haxell	Home Builders Federation
Clive Johnson	Construction Clients' Group
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
Paul Reeve	Specialist Engineering Contractors Group
Jason Rowley	UK Contractors Group
John Scott	National Specialist Contractors Council
Peter Wilson	UCATT
Officials	
Simon Longbottom	HSE, Head of Construction Sector and Policy
Ray Cooke	HSE, Head of Safety Unit
Russell Adfield	HSE, Head of CDM Unit
Robert Parkes	HSE, Head of Communications Unit
Michael Ryan (Secretariat)	HSE, Construction Policy Unit
Apologies	
Gilbert Barron (Observer)	Business, Innovation and Skills
Edward Fendt	Specialist Engineering Contractors Group
Steve Murphy	UCATT
Jerry Nelson	GMB
Kevin Williamson	Unite
Members of the public	14 were present

Summary of actions agreed:

ACTION: Secretariat to send link to press release on appointment of new Chief Executive to Members. (See paragraph 2.2)

ACTION: Secretariat to copy the statistical report on health and safety in construction for 2013/14 and send a link to the relevant press release to Members. (See paragraph 2.3)

ACTION: Secretariat to send Board paper **HSE/14/94** to Members for information. (See paragraph 2.4)

ACTION: Secretariat to copy link to safety alert **FOD 5-2014** to Members. (See paragraph 3.6)

ACTION: Secretariat to copy Kevin Fear's presentation to Members. (See paragraph 4.1)

ACTION: Secretariat to copy refurbishment initiative presentation, press release and links to photographs and an inspector's video diary to Members. (See paragraph 5.2)

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.

1.2 Philip introduced himself as a former Head of Construction Division who had returned to the Division temporarily following the resignation of Heather Bryant. He expected to be in place for a few months until HSE makes a permanent appointment to the post.

2 Agreement of Agenda and matters arising

2.1 Members agreed the agenda for the meeting.

New HSE Chief Executive

2.2 Philip informed CONIAC that HSE had a new Chief Executive, Dr Richard Judge. He gave some background on Dr Judge and referred Members to HSE's press release announcing the appointment.

ACTION: Secretariat to send link to press release on appointment of new Chief Executive to Members. (Secretary's Note: The link was included in an e-mail to Members on 24 November.)

2013/14 health and safety statistics

2.3 Philip said that HSE had issued a statistical report on health and safety in construction for 2013/14. In summary, the headline figures were:

- 42 fatal injuries (annual average of 46 in the previous 5 years)
- 1900 major injuries (annual average of 2457 in the previous 5 years)
- 76,000 cases of work-related ill health
- 2.3M working days lost (1.7M due to ill health and 592,000 due to workplace injury)

While these figures are encouraging, especially given the growth in the industry over the last 12-18 months it is evident that more needs to be done.

ACTION: Secretariat to copy the statistical report on health and safety in construction for 2013/14 and send a link to the relevant press release to Members. (Secretary's Note: The report and link were included in an e-mail to Members on 24 November.)

Annual report by Construction Division to HSE Board

2.4 Philip informed CONIAC that the HSE Board would take a paper (**HSE/14/94**) at its meeting on 3 December reporting on HSE's regulation of the construction industry. The paper will comprehensively review Construction Division's work, assess progress to date and indicate priorities for the coming year.

ACTION: Secretariat to send Board paper HSE/14/94 to Members for information. (Secretary's Note: The paper was included in an e-mail to Members on 2 December.)

2.5 Philip said that the Board will be informed that progress is moving in the right direction but achieving further improvements will be much more challenging given the improvements seen over the last 10-15 years. The new CDM 2015 Regulations are expected to provide a launchpad for further development. He asked CONIAC for its thoughts on what should be raised with the Board at the meeting.

2.6 Richard Ash agreed that the picture was encouraging and accepted the difficulty of obtaining further significant improvement. He urged initiatives to give dutyholders more confidence to try doing the right thing rather than avoid doing something wrong. John Scott said that with the upturn in construction new people and firms were coming into the industry and HSE must be aware of this and maintain a steady hand.

2.7 Susan Murray was in favour of the continuance of inspection blitzes. Additionally, she considered that stress should be addressed. Peter Wilson said that 75% of site managers he spoke to told him that paperwork gave them the most stress and kept them from site work. Alan Muddiman wished to see a commitment from HSE to help industry in the battle against paperwork. Peter Caplehorn hoped that the new CDM Regulations would help with the problem of bureaucracy. On communications, he suggested that HSE should look outside the box and make its messages more accessible.

2.8 Members formally agreed the minutes of the 23 July meeting.

3. Update on recent activities of CONIAC's Working Groups

3.1 Before turning to CONIAC's Working Groups, Philip asked Clive Johnson to give an update on the work of the industry's health task group.

3.2 Clive said that a first meeting had been held. A document was tabled describing an industry group with genuine CEO representation for the purpose of encouraging industry action to better manage health risks. The meeting was positive with good momentum and a further meeting is scheduled for 16 December to put together more specific objectives.

3.3 Turning to CONIAC's working groups, Philip drew Members' attention to paper **M3/2014/1**.

3.4 Susan Murray reported on the work of the Asbestos Liaison Group. Following which, Philip took the opportunity to mention HSE's recent Ministerially-launched asbestos awareness campaign. The campaign is aimed at tradespersons and includes free asbestos safety packs distributed at builders' merchants and a free web app giving basic risk advice to workers who suspect the presence of asbestos. Jason Rowley suggested that while regulation of licensed asbestos work is good there are issues around compliance with the duty to manage asbestos in premises, particularly local authority premises, and this needs to be a priority. In response, Philip mentioned the inspection work that HSE has carried out on management of asbestos in schools. Susan Murray considered that workers should be informed (by those with the duty to manage asbestos) of the presence of asbestos at their place of work, as often they don't find out until licensed contractors appear. She mentioned that Unite is currently running a campaign on asbestos.

3.5 Robert Parkes reported on Working Well Together. He referred to paper **M3/2014/1** which gave facts and figures about events and regional groups. More generally, he said that WWT groups are endeavouring to align their activities with Construction Division's health agenda and other HSE programmes. A meeting of the WWT Steering Group had considered, among other things, how best to communicate messages, eg workers and smartphones. Finally, an evaluation of WWT is in progress with a form sent out for comment by event attendees.

3.6 Philip introduced Ray Cooke who has succeeded Joy Jones as Head of Construction Division's Safety Unit and asked him to give his report on the work of the Safety Working Group. Ray began by noting increased concern around the construction of tall buildings. Consequently, the SWG is looking to produce guidance with industry (Berkeley Group) on fire and possibly other issues. He mentioned that Justine Lee had moved on and that Mhairi Lockwood had replaced her on the work at height portfolio. In connection with WAH, the SWG plans a fresh look at fragile roof risks. He noted that the Strategic Forum's Plant Safety Group in conjunction with CPA had held a conference which had gone very well and there was a possibility of two more next year covering strategic and technical topics respectively. A safety alert (**FOD 5-2014**) had been issued on tower crane slew brakes. The next meeting of SWG was set for February 2015. Finally, he was looking for CONIAC views on what SWG should consider/prioritise.

ACTION: Secretariat to copy link to safety alert FOD 5-2014 to Members.
(Secretary's Note: A link to FOD 5-2014 was included in an e-mail to Members on 18 December.)

3.7 Clive Johnson said that his organisation would meet with principal contractors in January to discuss tall building issues; HSE would be welcome to attend. Paul Reeve mentioned a joint campaign of SEC Group and Unite on work at height accidents.

3.8 Paul Haxell noted the absence of an update on the *Occupational Health Working Group* and enquired about progress with the guidance on occupational health that the group was producing. Simon Longbottom said that HSE's *Publications Governance Group* (PGG) had seen and commented on the draft. The working group was now further considering the draft with a view to resubmission to PGG early next year.

4 Presentation on Pye Tait updated competence report

4.1 Philip White introduced this item. He recalled that the original report by Pye Tait had appeared three years ago and, among other things, it had provided a good baseline on various card schemes. The 2025 Construction Strategy had committed to revisit the subject and further work, mainly funded by CITB, had now been carried out, with a new report published recently. He asked the Reverend Kevin Fear to give his presentation. Kevin began by noting that Miranda Pye had, because of prior engagements, unfortunately been unable to attend CONIAC and that it had fallen to him to stand in for her. He commended Pye Tait's research for its rigour and gave his presentation.

ACTION: Secretariat to copy Kevin Fear's presentation to Members.
(Secretary's Note: The presentation was attached to an e-mail to Members on 24 November.)

4.2 Paul Reeve expressed gratitude for the helpful presentation. In connection with Recommendation 3 of the report he cautioned that human factors are understood differently by different people. He added that we need to go forward as an industry and therefore representation must be industry-wide.

4.3 Peter Caplehorn said that many felt they were not part of the design of the current system and therefore this new system must be fully representational. In this connection, he observed that not everybody is at the table at the Construction Leadership Council.

4.4 Richard Ash said that he had no disagreement with the analysis of competence. However, the solution proposed includes a Construction Competency Council which, in his view, could create new complications that replace or add to existing ones. The Council would be an attempt at a top down solution but he suggested that the problem is one of confusion from the bottom up and change is needed there. Kevin responded that his presentation is on the research report and this is not necessarily the same as an answer to the problem. However, he noted that the concept of a framework for competence is quite flexible. He added that the

Construction Leadership Council would take a paper in January 2015 that would set out next steps.

4.5 Peter Wilson thought that the report was good. However, he feared confusion at workforce level and said that clarification was needed on worker role. Jason Rowley said that managers need to understand and therefore the goal must be simplification. He was not sure that the proposals would provide it. Kevin said that the proposals seek to provide transparency of equivalence of cards. However, clients and others may continue to set requirements as part of their procurement process that may work against these proposals.

4.6 Alan Muddiman insisted that the current system is broken and therefore we must start again. Susan Murray added that there is no option to do nothing. Philip said that cards show an industry commitment to health and safety but have become splintered over time. Tightening up and mutual recognition is needed but CDM is not a vehicle for this. Instead, the industry must take ownership of the issues and in his view it is appropriate that it should go forward to the industry's own Leadership Council.

5. Presentation on HSE refurbishment initiative

5.1 Robert Parkes gave his presentation which included headline figures for the campaign and a number of photographs of health, safety and welfare issues found on sites. He said that a press release had been issued. Philip thanked Robert. He asked Members if they thought the annual refurbishment initiative should continue, and if they had any suggestions for getting key messages across.

5.2 Richard Ash asked if the press release included links to the pictures. Robert said that the press release linked to many pictures of good and bad practice.

ACTION: Secretariat to copy refurbishment initiative presentation, press release and links to photographs and an inspector's video diary to Members. (Secretary's Note: These items were copied to Members in an e-mail of 24 November.)

5.3 Kevin Fear was dismayed that welfare was inadequate at more than 10% of sites visited. He said that it is morally unacceptable in the 21st century for workers not to have somewhere suitable to go to the toilet and wash their hands; we would not treat animals this way. He suggested that building inspectors could check welfare provision when they visit sites. Philip agreed and said that HSE has an agreement with the Building Control Alliance to feedback intelligence. Susan Murray said that welfare failures are disgraceful and must also be seen as an equality issue.

5.4 Peter Wilson enquired if inspectors ask people why they work unsafely, and how many safety representatives or worker representatives were met? Robert responded that inspectors do ask and try to understand motivations for unsafe work. From experience very few representatives were encountered. Jason Rowley urged a critical look at good and bad sites to identify what the triggers are for behaviours that advance compliance.

5.5 Tony Putsman asked if inspectors trackback to underlying causes? Philip replied that where there is an issue the full context is examined. Tony suggested that all clients should be encouraged to think about these matters. Simon Longbottom remarked that the client sets the tone for a project but at smaller projects they may not appreciate the influence they can have. Susan Murray said that more enforcement will encourage compliance but dutyholders moral duty should also be stressed and messages should be designed to support this.

5.6 John Scott asked why the refurbishment initiative produced more enforcement notices than the health initiative? Philip said that this was because the former was more targeted than the latter. He concluded that Members supported continuing the annual refurbishment initiative.

6. Update on CDM 2015 regulatory project

6.1 Anthony Lees referred Members to his paper **M3/2014/2**. The HSE Board at its meeting in August directed that the 2015 Regulations should be supported by an ACoP. HSE will prepare a suitable text with a view to public consultation during 2015. Other matters the Board agreed were as follows:

- Provision to be made for a 6-month transitional period.
- Improvement of drafting of domestic client provisions.
- Further clarification of new provision following removal of r.4 (competence) of CDM 2007.

A number of other drafting improvements have been made to the regulatory text. The Impact Assessment has been revised in light of consultation comments and has been cleared through Government scrutiny. Good progress has been made with preparation of the authoritative “L-series” guidance on the Regulations. It is hoped to submit the draft Regulations to the Minister shortly with a view to them coming into force from April of next year as planned.

6.2 Richard Ash asked if there would be supporting guidance in April? Anthony said that the L-series guidance will be available in January on HSE’s website. Philip added that this would be a draft and subject to possible alteration before April. Paul Reeve asked when will the Regulations themselves be in the public domain. Anthony said the regulatory text would be included in the L-series guidance. Paul indicated that he would like to see it earlier.

6.3 Kevin Fear gave an update on progress with the CDM 2015 industry guidance. He said that preparation of these 6 separate pieces of dutyholder guidance has been carried out by a number of drafting groups coordinated by a CONIAC-established Steering Group that he chaired. The aim was to produce guidance closely aligned with the Regulations and based on broad industry practice. CITB’s role was editorial. The guidance is specifically aimed at smaller companies, ie, less than 20 employees. It was hoped to brand it as a CONIAC product but this has not been possible since CONIAC is not a legal entity. Instead it may bear the logos of the various bodies whose representatives have contributed to it. When published the guidance will be hosted on the CITB website and HSE and other websites will link to it. He thanked all of those who had contributed to this substantial effort

6.4 Jason Rowley said that this was a really good piece of work with a consistent style throughout the package. Alan Muddiman agreed it was good but suggested its coverage neglected the civil engineering industry and therefore it should be entitled "Building Industry Guidance". Peter Caplehorn agreed the guidance was good but thought that some of the terminology used was outmoded and needed revision.

6.5 Paul Reeve suggested that the client's guide should be clear that one person may hold two or more roles. Secondly, since a lot of the industry is not affiliated to CITB, he wondered how appropriate it was for CITB to host it. In this connection, he recalled his original understanding that the guidance would have a CONIAC badge. Philip stressed that the guidance is an industry product, not HSE. As regards Paul's concerns about hosting of the guidance, he was willing to discuss this separately. Philip added that it is not yet settled that the HSE logo will appear on the documents. HSE has rigorous standards on the use of its logo and needs to be satisfied on a number of points which are currently being given consideration. He indicated the same considerations underlying HSE's need to exercise caution in response to Richard Ash's suggestion that the guidance might benefit from more explicit statements about what regulations do not require.

6.6 Susan Murray hoped that the HSE logo will be on the guidance. John Scott noted that the terms of reference for the drafting project had indicated that the guidance should be short and he was not sure that this had been met. Kevin responded that the apparent length was an artifact of the formatting of the documents for reading on the web and the actual word count was not excessive.

6.7 Paul Haxell suggested the inclusion of case studies to tie things together. Kevin said this would be difficult to achieve within the guides but they could be on the website in addition to the guides. Richard Ash indicated his agreement to such an approach. Kevin asked Members to send specific textual points to him.

6.8 Philip said that what had been produced passes muster in relation to the terms of reference. Some additional work is needed to address the points raised and if any members had any additional comments these should be passed to Kevin.

6.9 Susan Murray said that Kevin and his CITB colleague, Lee Fisk, had done a fantastic job. Philip agreed and expressed his gratitude to all on the working groups and the Steering Group, and particularly to Kevin.

7. Conclusion

7.1 Under AOB, Susan Murray informed CONIAC that Unite has launched a new campaign, "Looking for trouble on health and safety", including various elements in relation to worker involvement. Additionally, there is a campaign on asbestos.

7.2 Philip said that the next meeting of CONIAC would be on Wednesday 18 March in Rose Court. He concluded the meeting by expressing his thanks to all.