

HEALTH AND SAFETY EXECUTIVE

CONSTRUCTION INDUSTRY ADVISORY COMMITTEE (CONIAC)

Minutes of the M3/2013 meeting
held on 20 November 2013 in Rose Court

Present

Heather Bryant (Chair)
Anthony Lees (Secretary)
Richard Ash
Peter Caplehorn
Kevin Fear
Edward Fendt
Rob Gutteridge
Richard Habgood
Paul Haxell
Clive Johnson
Kevin Minton
Alan Muddiman
Susan Murray
Jerry Nelson
David Parsons
Jason Rowley
John Scott
Peter Wilson

Representing

Health and Safety Executive
Health and Safety Executive
Engineering Construction Industry Association
Construction Industry Council
CITB
Specialist Engineering Contractors Group
Federation of Master Builders
Construction Industry Council
Home Builders Federation
Construction Clients' Group
Construction Plant-hire Association
Civil Engineering Contractors Association
Unite
GMB
National Federation of Builders
UK Contractors Group
National Specialist Contractors Council
UCATT

Guests

Lee Fisk
Richard Hulland
David Lambert
Dan Shears

CITB
Construction Industry Council
UK Contractors Group
GMB

Departmental Observer

Gilbert Barron
Business, Innovation and Skills

Officials

Simon Longbottom
Mike Cross
Elaine Harbour
Neil Stephens
Russell Adfield
Andrew Maxey
Maria Ottati
Paul Baldwin
Michael Ryan (Secretariat)

Health and Safety Executive
Health and Safety Executive

Apologies

Andrew Butt
Steve Murphy
Kevin Williamson

Representing

Cabinet Office
UCATT
Unite

Summary of actions agreed:

1. ACTION: Richard Ash to prepare draft guidance on the role of competence in control of catastrophic risks for consideration by CONIAC. (See paragraph 3.5)
2. ACTION: Secretariat to arrange for Annex 5 of paper M3/2013/1 to be placed on HSE website. (See paragraph 3.7)
3. ACTION: Members to send Secretariat any views on arrangements for developing leading indicators. (See paragraph 3.8)
4. ACTION: CONIAC TU Members to consider preparation of a note to CONIAC with suggestions for involvement of workers in information sharing. (See paragraph 3.9)
5. ACTION: Secretariat to inform Members of the date for formal public consultation on L series CDM guidance. (See paragraph 4.2)

1. Welcome and Chair's introduction

1.1 Heather Bryant (Head of HSE Construction Division and Chief Inspector of Construction) welcomed everyone to the meeting. She gave the apologies of the absentees.

2. Agreement of Agenda and matters arising

2.1 Members agreed the Agenda.

2.2 Members did not request any other business. Heather indicated that she would give a brief update on *Fee for Intervention* (FFI) at the end of the meeting.

2.3 Heather noted that no actions had been agreed at the July meeting.

2.4 Members approved the minutes of the 17 July 2013 meeting.

2.5 Heather drew Members' attention to the information paper *Update on recent activities of CONIAC's Working Groups (M3/2013/2)*.

3. Final Report from Catastrophes Working Group (Oral report from Mike Cross, HSE) [Paper M3/2013/1]

3.1 Heather introduced Mike Cross and asked him to make his report.

3.2 Mike expressed his thanks to the members of the Working Group. The remit of this task and finish group was to: review the findings of HSE Contract Research Report RR834 *Preventing Catastrophic Events in Construction* (published in 2011); develop proposals for industry-wide workstreams in

response to the report; and monitor and report to CONIAC on these developments. The group met four times during 2012-13. Additionally, it commissioned two surveys of health and safety managers in the top 100 companies to gauge industry awareness of and reactions to RR834; the disappointing response rate suggests that this is a nettle the industry is reluctant to grasp.

3.3 The group has now concluded its deliberations and has set out its findings and recommendations in CONIAC paper **M3/2013/1**. It largely focused on the following issues: characterisation of catastrophic events (with factors tending to raise or lower catastrophic potential enumerated in Annex 5); development of leading indicators; relevant components of competence; and incident information sharing. Possible next steps for CONIAC to consider are summarised at paragraph 25 with detailed analysis at Annex 4. It now remains for the industry to take this forward.

3.4 Heather thanked Mike and asked Members to confirm that the Working Group is now discharged. Following confirmation, she formally thanked the group and asked CONIAC Members for their comments.

3.5 Susan Murray thought that there should be more emphasis on information to the workforce and participation by it, for example, encouragement of reporting. Heather suggested that this could be addressed at the next stage. With regard to the next stage, Richard Ash stressed the need for clear terms of reference and a focus on action, not talk. Additionally, Richard observed that competence is a key issue and volunteered on behalf of ECIA to produce a draft document on this for CONIAC to consider publishing.

ACTION: Richard Ash to prepare draft guidance on the role of competence in control of catastrophic risks for consideration by CONIAC. (Secretary's Note: draft text was circulated to CONIAC Members on 26 February under cover of paper M1/2014/3)

3.6 Jason Rowley said that while construction catastrophes were extremely rare high potential incidents were not and it was important to encourage the sharing of information about these. Practice in the offshore industry offered a possible model for this.

3.7 In response to a request from Heather for suggestions for publicising Annex 5 (factors determining catastrophic potential), Neil Stephens suggested the HSE Internet site, HSE's construction *eBulletin* newsletter (which has more than 60,000 subscribers), possibly Twitter and dissemination by CONIAC member organisations. Heather said that HSE would publish on the Internet but hoped that CONIAC members would publicise it as well.

ACTION: Secretariat to arrange for Annex 5 of paper M3/2013/1 to be placed on HSE website.

3.8 Heather turned to the issue of production of a suite of leading indicators and asked for views on who should take this forward. Kevin Minton said that CPA has already begun to do this in its area and suggested that other sector

organisations may wish to consider similar action. However, Mike Cross cautioned that this is a major undertaking and gave as an example HSG254 *Developing process safety indicators: a step-by-step guide for chemical and major hazard industries*, which took many years to develop; he suggested a role for UKCG. David Lambert responded that the UKCG Health and Safety Group could look at this and give a view quickly. Jason Rowley agreed to explore this. Heather asked Members to feedback any suggestions they have for taking this forward.

ACTION: Members to send Secretariat any views on arrangements for developing leading indicators.

3.9 On the issue of sharing information after events, Peter Wilson urged inclusion of safety representatives and noted that this does not always happen. Susan Murray added that it is important that workers should not fear victimisation for raising concerns. Heather responded by asking CONIAC TU representatives to consider a note to CONIAC on how workers should be involved. She noted that HSE's large contractor programme is to be expanded to the top 30 companies and that leadership and worker involvement will be a topic within it.

ACTION: CONIAC TU Members to consider preparation of a note to CONIAC with suggestions for involvement of workers in information sharing.

3.10 John Scott noted that competence has been identified as a key issue. In this regard he emphasised the importance of leadership and suggested that the Institute of Directors guidance on this may be helpful.

3.11 Heather thanked Members for their comments and urged them to consider what more their organisations can do.

4. Revision of CDM Regulations (Presentation by Anthony Lees, HSE) [No paper]

4.1 Anthony Lees' presented a session outlining the areas of difference between the existing and the new Regulations. [Secretary's Note: Presentation e-mailed to Members on 26 November.]

4.2 Richard Ash warned that at the consultation stage the Regulations will be on their own and this may create uncertainty. Therefore guidance, when it appears, must be very clear. Kevin Fear said that his group was working towards having initial text of the duty-holder specific guidance by February. Anthony added that HSE itself will produce legally authoritative (L series) guidance together with a series of project-specific short guides, a leaflet for householders on their responsibilities and will work with CITB on template health and safety plans. Susan Murray asked when HSE would consult on the L series guidance, Heather agreed to report back to CONIAC on this.

ACTION: Secretariat to inform Members of the date for formal public consultation on L series CDM guidance.

4.3 Peter Wilson asked about the CDM ACOP – safety representatives saw this as an effective tool. Heather responded that HSE plans to replace the ACOP with a shorter legally authoritative guidance and the consultation on the Regulations would seek views on this.

4.4 Dan Shears was concerned that changes to competence and the loss of the ACOP might lead to an “open season” on health and safety standards and it would be necessary to manage perceptions carefully. Anthony acknowledged the risks from incorrect messages and looked to CONIAC and the industry to help it in getting accurate messages out. HSE would work with industry.

4.5 Heather concluded the discussion by stressing the important role of CONIAC in leading and contributing to the success of the CDM project and the work on catastrophes.

5. Conclusion

5.1 Heather informed CONIAC on outcomes of the recent refurbishment campaign which had focused on smaller sites. In a four week period inspectors had visited more than 2,600 sites. In 43% of sites material breaches had been found and enforcement notices had been served on 25% of sites. Common issues were falls, dust and welfare. The campaign had included a major communications effort employing video, twitter, and photographs placed on the HSE website. The next refurbishment campaign will be in September or October of 2014.

5.2 Heather gave a brief update on *Fee for Intervention* (FFI). About 36% of invoices were for the construction sector.

Heather said that the next meeting of CONIAC would be on Tuesday 18 March 2014 and would focus on occupational health issues. She expressed her thanks to all.