

DRAFT

**MINUTES OF CONIAC MEETING – M2/2004  
HELD ON THURSDAY 22<sup>ND</sup> JULY 2004  
AT ROSE COURT, LONDON**

**Present:**

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

**Apologies**

- Bob Blackman
- Alan Ritchie
- Frazer Clement

**In attendance:**

Simon Pilling	HSE CCSS
Stephen Wright	HSE CCSS

**Item 1 Welcome and Introductions**

1.1 Kevin Myers welcomed members to the meeting in particular new member Clive Johnson from the National Specialist Contractors Council (NSCC), and Dennis Hands of CITB, deputising for Frazer Clements.

**Item 2 Chair's Introduction**

2.1 Adjournment debate

Philip White outlined the background to the Adjournment Debate held in Westminster Hall on Wednesday 14<sup>th</sup> July, on Fatal Accidents in the Construction Industry

**ActionPoint 1** A copy of the Hansard account of the Adjournment Debate in Parliament on Wed 14<sup>th</sup> July, on Fatal Accidents in the Construction Industry is at:  
[www.publications.parliament.uk/pa/cm200304/cmhansrd/cm040714/halltext/40714h01.htm#40714h01\\_spnew0](http://www.publications.parliament.uk/pa/cm200304/cmhansrd/cm040714/halltext/40714h01.htm#40714h01_spnew0)

## 2.2 NAO Report

The Chair outlined the background to the National Audit Office Report, which members can find online at; [http://www.nao.org.uk/publications/nao\\_reports/03-04/0304531.pdf](http://www.nao.org.uk/publications/nao_reports/03-04/0304531.pdf)

Following publication of the Report HSE gave evidence at the Public Accounts Committee, and the uncorrected transcript of this hearing can be found at:

<http://www.publications.parliament.uk/pa/cm200304/cmselect/cmpubacc/uc627-i/uc62701.htm>

## 2.3 Senior Labour Inspectors Committee (SLIC) Campaign

The Chair reported on the outcome of the SLIC Campaign in June and thanked members who responded to the request at the last CONIAC meeting to publicise the Campaign. The Chair thanked Bill Belshaw, Bill Rabbetts and John Jutson and mentioned the work of the Heating and Ventilation Contractors Association together with AMICUS, who distributed the HSE guidance as re badged material under the HVCA banner.

## 2.4 Challenge Fund

The Chair Congratulated UCATT and the National Federation of Builders and TGWU and Federation of Master Builders for being successful in their bids for money from the Worker Safety Adviser Challenge Fund for projects in the Midlands and the South West respectively.

## 2.5 Constructing Better Health

The Chair informed members that an information pack to support Members in fundraising for the Constructing Better Health (CBH) Pilot will be sent to them when it becomes available. As announced in an HSC press release on 1 July, the CBH Board has achieved around half of the fundraising target. Isabel White of Charity Consultants Limited has been commissioned to prepare fundraising documents for the CBH pilot scheme to make a persuasive case for support. It will target high-net worth individuals and large companies.

## 2.6 Work at Height

The Chair reported on the outcome of the HSC's discussion of the new Work at Height Regulations on July 13<sup>th</sup>. The Commission reaffirmed its commitment to a single set of goal setting regulations but in a way that addressed the particular challenges for and of the industry. A working group of Commissioners will take this forward. Members expressed a desire to comment on the detail in the new proposed Regulations and Guidance, before the Regulations go back to the Health and Safety Commission.

### **Item 3 CONIAC Workplan for 2004—2008 – Paper M2/2004/1**

3.1 Martin Thurgood, presented this paper which set out proposals for a workplan for 2004-05 and workgroups to effectively support HSE's Construction Programme.

**Action Point 2** Members agreed the workplan at Annex 1 to the paper.

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3.2 The Chair invited agreement to the further recommendations about constituting Working Parties, and task and finish groups put forward in the paper. These recommendations are found in paragraph 12, a-k, and in Annex 4.

**Action Point 3** Members agreed to the following actions, in response to the recommendations in the paper. These actions are listed as a-k, to mirror the recommendations made.

- a) This item was deferred to Agenda Item 4, see Action Point 4.
- b) Members agreed to establish a Designer Working Group. This group will directly support the Construction Priority Programme project on Designer Engagement. CONIAC discussed some proposals tabled orally on behalf of the project manager. These were amended in discussion and further nominations are to be obtained from the Construction Products Association, (one nomination) and the Construction Industry Council, (two nominations).
- c) CDM Regulations Review Working Party membership will be reviewed when the consultation period is completed so as to avoid changes as the Group completes it's current tasks.
- d) Members agreed that the Working Well Together Steering Group will be reconstituted with its existing membership.
- e) Members agreed that the Worker Engagement Working Party will be reconstituted with its existing members, plus nominations received from the meeting from each of the
  - 1) Engineering Contractors Industry Association (ECIA)
  - 2) AMICUS,
  - 3) UCATT,
- f) Members agreed that the Training and Education Working Party would not be reconstituted. Members agreed that John Carpenter and Bob Blackman will work with Trevor Allan on the Construction Priority Programme project, Coherent Engagement with Training Providers. Trevor Allan will consider whether adequate links already exist with CITB through the project work, or whether CITB might be incorporated as members of the project team.
- g) Members agreed that the Occupational Health Working Party should be reconstituted with its existing members plus four further nominations from:
  - 1) AMICUS
  - 2) Association of British Insurers (ABI),
  - 3) Contractors Group, (SEC),
  - 4) UCATT
- h) Members agreed to constitute a Safety Working Party. Members agreed to put forward a nomination as below:

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- 1) Engineering Construction Industry Association (ECIA)
- 2) Specialist Engineering Contractors (SEC)
- 3) National Specialist Contractors Council (NSCC)
- 4) House Building Federation (HBF)
- 5) Federation of Master Builders (FMB)
- 6) Construction Confederation (CC)
- 7) Construction Industry Training Board (CITB)
- 8) Association of British Insurers (ABI)
- 9) Local Government Association to represent the Local Authorities Building Control interests,.
- 10) AMICUS
- 11) UCATT

i) Members agreed that the Research and Intelligence Working Party will not be reconstituted and that members would not be represented on the HSE Construction Research Advisory Group at this stage. CONIAC will be made fully aware of HSE's current research through a forthcoming paper.

j) Members agreed that the CONIAC Small Firms Working Group will not be reconstituted. CONIAC Secretariat will circulate further particulars of the proposal by Judith Donovan, Health and Safety Commissioner to establish a cross industry small firms trade association forum.

k) Members noted that the Constructing Better Health Action Forum has successfully completed its task of launching Constructing Better Health Ltd, and will not be reconstituted.

### **Item 4 High Level Event in Feb 2005 – Paper M2/2004/2**

4.1 This paper was presented by Simon Pilling. Two options were presented in the paper, either a task and finish group to take forward the CONIAC contribution to the event, or a second option relying on reporting to the full meeting of CONIAC. Members preferred the first option, and were mindful of the need to work in partnership with senior figures in their own organisations and more widely in the Construction Industry in taking this forward.

**Action Point 4** Chair will contact member organisations to set out the way forward.

### **Item 5 Review of construction regulations – Paper M1/2004/3**

5.1 This paper was presented by Stephen Wright who brought two items of new research to the attention of members, the Baseline Study being carried out on CDM by BOMEL, and the research into assessing corporate competence of designers and contractors under CDM by John Carpenter. Stephen Wright sought the views of members on the following issues:

- Is the direction being taken by the Working Group the right direction, and how far are the Regulations from a finished state
- What is the best way to present the new Regulations, when they are launched
- What is the way forward to producing a Consultation Document

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In discussion members made a number of points including.

5.1.1 Members were broadly content with the direction of the revisions to the Regulations.

5.1.2 One member expressed a concern that the revisions do not adequately reflect the importance of safety representatives in management arrangements to improve standards.

5.1.3 A member particularly supported the new Reg 13 on designer duties which he felt would prove to be a tough and enforceable regulation.

5.1.4 Concerns were raised that Term Contracts in the Facilities Management sector may be included in scope for the first time due to changing scope.

5.1.5 The need for the new Regulations to be presented in such a way that SME's can recognise the unchanged general shape of the Regulations, and are easily able to identify and implement the necessary changes.

5.1.6 There were too many detailed changes that may confuse SME's, and the move to include provisions for high risk work may be too literal a transcription of the original Directive.

5.1.7 Discussion took place on the question of whether the new Regulations should be called Construction Design and Management Regulations. The consensus view was that they should, in order to preserve continuity and simplicity in presentation. A member expressed the view that the inclusion of the word management might impede ownership of the new Regulations by workers.

**Action Point 5** A paper will be presented a paper to CONIAC meeting M3/2004 setting out proposals for a Consultation Document on the content of the new Regulations and a strategy for taking the consultation process forward.

### **Item 6 Evaluation of the HSC Enforcement Policy - Paper M2/2004/4**

6.1 Martin Thurgood presented this paper on behalf of the HSE's Central Expertise Policy Support section (CEPS 2) which is carrying out a wide ranging evaluation of the Health and Safety Commission's Enforcement Policy Statement.(EPS) A hard copy of this statement was distributed to members at the meeting.

6.2 Contributions were invited on the following points:

- Clarity of the statement itself in communicating HSE's enforcement policy
- Proportionality and consistency in enforcement
- Effectiveness of current enforcement tools, advice, notices, PR
- Criteria for prosecution published in EPS
- Effectiveness of the Prosecution and Notices databases

6.3 Members responded with the following points.

6.3.1 A member pointed out the significance of the Health and Safety Commission's Concordat of Enforcement with the Local Authority Sector and the need to keep this updated. Any consideration of enforcement issues needs close liaison between Local Authorities and the HSC.

6.3.2 Some members expressed concerns about the consistency of individual enforcement decisions, and expressed a desire for a forum in which these concerns could be discussed so giving stakeholders a voice. The Chair pointed out that it would not be appropriate to raise concerns about individual cases in a forum. There are well established avenues of appeal open to those faced with enforcement action.

**Action Point 6** Members to submit comments in writing to Geoff Brown in CEPS 2 by end August 2004.

**Item 7 NAO Report - Verbal briefing**

7.1 See paragraph 2.2 of these minutes.

**Item 8 Designer Pre Qualification - Paper M2/2—4/5**

8.1 Andy Sneddon of the Construction Confederation (CC) presented the paper. The CC's pre-qualification criteria set out a common set of indicators designed to demonstrate a minimum level of competence under CDM. The initiative has been developed by the CC Special Interest Group (SIG) which includes representatives from a number of organisations including the Contractors Health and Safety Assessment Scheme (CHAS), the MCG, CIC, Foster and Partners, National Britannia, Loughborough University, and HSE. Andy Sneddon concluded his presentation by saying that whilst the CC will hold the copyright to this scheme, other parts of the industry are invited to adopt the scheme as part of their health and safety management strategy.

8.2 Members discussed the paper and made a number of points.

8.2.1 This pre qualification initiative is aimed at assessing businesses. Work is being taken forward by the Safety in Design (SID) group to provide competence criteria for individuals.

8.2.2 The Housebuilders Federation confirmed their interest in this initiative and emphasised the importance of effective pre qualification checks.

8.2.3 A member pointed out the need to include questions about insurance in pre-qualification checks, acknowledging that the criteria presented covered only health and safety.

8.2.4 The criteria do not currently require designers to have CSCS cards but they do refer to this for contractor, sub contractors.

**Action Point 7** Members agreed to send comments and offers of support this pre-qualification initiative directly to Andy Sneddon at the Construction Confederation.

The Chair thanked Andy Sneddon for his presentation.

**item 9      The Housebuilders Charter – Paper M2/2004/6**

9.1      Chris Tisi presented a paper about the implementation of the Housebuilders Health & Safety Charter. The action plans associated with the Charter are designed to provide an accessible means for any size of company to make improvements across a range of areas including worker involvement. Members discussed the issues raised.

9.1.1      It was noted that housebuilders have a good opportunity to realise the benefits from good design, partly because they repeat buildings of standard type, and because they have good opportunities to bring constructors and designers together. This enables designers to learn from experience on site. However it was questioned to what extent current planning rules create barriers to improving health and safety.

9.1.2      The use of a scheme such as CHAS was suggested to enable the Housebuilders to standardise pre qualification demands.

9.1.3      The Charter scheme was voluntary in nature, but it is hoped that systematic auditing will be introduced, in order to assure the validity of the Charter. The Association of British Insurers suggested they may be able to assist the HBF in providing claims statistics for individual businesses.

9.2      The Chair thanked Chris Tisi for presenting this item. The Chair welcomed the industry led and integrated approach demonstrated by both the previous papers.

**Item 10      Worker Engagement – Paper M2/2004/7**

10.1      Martin Thurgood invited members to comment on the draft declaration, and the High Level Event in February 2005 as launch platform.

10.2      Members asked that further changes should be considered so as to:

- give emphasis to the designers role in promoting worker engagement,
- mention Worker Safety Advisers and redraft paragraph 3 to add clarity.

**Action Point 8**      Members agreed that the Worker Engagement Declaration should be redrafted and presented to the next meeting of CONIAC following further work by the Worker Engagement Working Party.

**Action Point 9**      Examples of best practice in worker engagement should be sent to CONIAC Secretariat by end August 2004.

**Item 11      Approval of Minutes of Meeting M1/2004 and Any Other business**

11.1      All actions from the last meeting have been discharged, with the exception of:

- Action Point 3 (part). Secretariat is still considering how to improve use of IT and is committed to getting papers onto the internet quicker in future

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- Action Point 7. As noted above, the Fundraising Support Pack for the Constructing Better Health Pilot will be sent to members as soon as it becomes available.

11.2 The Minutes for the meeting M1 2004 were previously circulated to Members. They have been amended in that apologies for absence from Malcolm Bonnett have been added, and typing errors corrected. Members approved the amended minutes.

### **Item 12 Any other Business**

12.1 A member reported that UCATT, TGWU and AMICUS have produced a joint information leaflet to support Euro Week in October 2004.

**Item 13 Date of Next Meeting** 18<sup>th</sup> November 2004