

Open Government status: Fully Open

Paper Number: M2/2009/1

Meeting Date: 22 July 2009

Exempt material: None

Type of Paper: Above The Line

TRIM Folder Reference: 1.14.2.105

HEALTH AND SAFETY EXECUTIVE

CONSTRUCTION INDUSTRY ADVISORY COMMITTEE (CONIAC)

Reconstitution of CONIAC

A paper by Anthony Lees, CONIAC Secretary,

cleared by Philip White, CONIAC Chair

Summary

For information and discussion at CONIAC meeting, 22 July 2009

This paper invites CONIAC members to consider the issues surrounding the reconstitution of CONIAC which has been approved by the HSE Chair

Background

- 1.** CONIAC has been running under an informal constitution since 1 January 2009, when its previous three year period of constitution ended. During that period the merger of HSE and HSC was implemented. Prompted by this change, the new HSE Board took the opportunity at its April 2008 meeting to consider a paper by Giles Denham, HSE Policy Director, on a proposed framework for bodies (including advisory bodies) appointed by the new HSE Board.
- 2.** Existing IACs were asked in late 2008 to submit outline workplans for 2009. At its November 2008 meeting CONIAC endorsed a proposal in paper **M3/2008/3** to continue under informal constitution until clearance had been received to formally reconstitute. It also endorsed an outline workplan for 2009 which was subsequently submitted to the HSE Board. This is attached as **Annex 1**. The existing Terms of Reference for CONIAC are attached at **Annex 2**.
- 3.** In May 2009 the HSE Chair effectively approved the reconstitution, but indicated that the Board wished to see its new constitution respond to the new

HSE strategy which was published in June 2009, and that the reconstitution should therefore not proceed until after this.

Timing

4. Following discussion at the July 2009 meeting CONIAC should agree its new constitution by correspondence in advance of HSE Board approval in the autumn, following drafting of revised Terms of Reference by Secretariat. During the same period, CONIAC has been asked to further develop its outline workplan to ensure that its contribution to delivering the HSE strategy is maximised. CONIAC Secretariat has been asked to report to the September meeting of the HSE Board with the revised CONIAC workplan. It is expected that the HSE Board will subsequently approve and review progress against IAC workplans on an annual basis.

Issue

5. The HSE Board has not prescribed the form of the new constitution. The standing guidance on the administration of IACs (known as 'Gap 2') has been withdrawn and has not been replaced. There are therefore few constraints on the form of the new constitution, although many of the principles contained in the withdrawn guidance remain sound. In particular, those relating to openness and transparency and financial management are important. Within these broad constraints there is considerable freedom to develop a constitution which is effective in delivering the HSE strategy.
6. The model of a tripartite body with Chair and Secretariat support provided by HSE appears a sound starting point. CONIAC members have also signaled their clear support for the continued existence of working groups reporting to CONIAC.
7. However, in recent years a number of shortcomings in the existing constitution and administration of CONIAC have become apparent, and the reconstitution process offers an opportunity to address these.

8. In particular, the relationship between CONIAC and its working groups has been unclear, and a lack of accountability for delivery of work plans has become apparent. At the same time full CONIAC has become more of a forum for discussion than a body which holds its working groups to account.

Action

9. CONIAC members are therefore invited to consider the following non-exhaustive list of issues at its July 2009 meeting, following which CONIAC Secretariat will circulate for agreement by correspondence a draft constitution for subsequent consideration by the HSE Board:
 - a. The structure and administration of CONIAC (Chair, membership, frequency of meetings, number of members);
 - b. the process of nomination and appointment of members to CONIAC and its working groups;
 - c. the role of CONIAC or its working groups to delivery of the HSE strategy and further refinements required to the existing draft CONIAC workplan which will be required;
 - d. the accountability of CONIAC working groups to CONIAC;
 - e. relationships between CONIAC (and its working groups) with other industry representative bodies and their working groups;
 - f. relationships with industry and government (including the proposed Chief Construction Officer post);
 - g. reporting, accounting and review arrangements.

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**CONIAC Plan of Work
March 2009 - March 2010**

Reconstitution

- a. CONIAC has been informally constituted since the start of 2009. Subject to the expected approval from the HSE Board, CONIAC Secretariat will formally reconstitute CONIAC in 2009. This reconstitution will follow established procedures¹.and will amend the terms of reference to reflect any changes in accountability or governance as a result of the merger of HSC and HSE.

CONIAC meetings

- b. CONIAC will hold at least three meetings during the period, all of which will be open to the public. These meetings will:
- c. The new CHAIR of CONIAC has expressed a view that CONIAC should seek, through its reconstitution, to become more focused on delivery. Whilst the value of its role as a discussion forum is not doubted, it should, through its reconstitution,
- Provide a high level forum to discuss health, safety and welfare issues in the construction industry;
 - Support the developing HSE Construction Plan of Work;
 - Share and report best practice;
 - Address issues requiring IAC input and support.

CONIAC working/steering groups

- d. CONIAC is supported by a number of working and steering groups, which are the principal mechanism for the delivery of its plan of work. The work of these groups was reviewed in 2008, and some of those which were task and finish have now been wound up. CONIAC has agreed to the continuation of the following working groups:
- Safety Working Group
 - Occupational Health Working Group
 - Working Well Together Steering Group
- e. Concern has been expressed over the degree of overlap between CONIAC working groups and the various task groups established under the Strategic Forum for Construction (SFfC). As a principle, CONIAC Secretariat should seek opportunities to minimise such overlaps through liaison with the SFfC.

¹ HSE GAP 2

- f. CONIAC members endorsed at its March 2009 meeting the establishing of a new working group to provide as a consultative and advisory body to CONIAC on the evaluation of the Construction (Design and Management) Regulations 2007 (CDM 2007). HSE is committed to an early evaluation of CDM 2007 following a 2007 parliamentary Prayer Debate against the Regulations. In practice, this will require the working group to form, meet and agree its terms of reference in 2009 prior to the evaluation which will commence in April 2010.
- g. Aside from the specific planned activities listed below, a number of work streams are emerging which will inevitably require considerable input from the Working/Steering Groups. In particular, it is envisaged that work supporting both the voluntary and statutory registration of tower cranes, to which HSE is committed, will impact on the Safety Working Group.
- h. Similarly, the Secretary of State's Inquiry into the underlying causes of fatal accidents in construction will report in late Spring 2009. It is likely that CONIAC and its Working Groups will be instrumental in taking forward actions arising from this Inquiry.

Key Working Group Activities planned for 2009 – 2010

- i. In addition to the work streams specific to each Working/Steering Group, the Chairs of former and existing Groups have indicated that they wish to develop a mechanism for improving liaison between those Groups. They have also indicated that they wish to align their workplans with other industry groups to minimize the duplication of work. CONIAC Secretariat will facilitate this work. Reference is made to the numbered themes of the new HSE Strategy.

Safety Working Group (ii, iii, iv, vi)

- To improve operation of the Group to give more weight to delivery and less to information sharing;
- To consider how the work of the Group will complement that of the SFfC Plant Safety Group, particularly in relation to work on tower cranes and quick hitch devices;
- To improve industry representation on the Group;
- To review critically a package of measures for tower crane safety improvements, and to contribute to the proposed voluntary and statutory registration schemes which HSE has been asked to bring into effect by the Secretary of State
- To consider the outcome of the Secretary of State's Inquiry into Construction Fatal Accidents and to contribute to delivering any arising actions;
- To consider work which has been undertaken to examine behavioural causes of fatal accidents, and making recommendations.

Occupational Health Working Group (i, iii, v, vii)

- To promote and support *Construction Occupational Health Management Essentials* (COHME, previously known as the OH management model);
- To support the development and use of Constructing Better Health;
- To support the Construction Sector Supply chain project;
- To review and source good practice case studies on occupational health from member organisations.

Working Well Together (WWT) Steering Group (i, ii, iii, iv, v)

- The network of Regional Groups continues at 16 but this is planned to expand by a further 5 new groups;
- To hold the WWT Conference and Steering group meeting in April 2009;
- To support the specific events in May 2009 to celebrate 10 years of WWT and subsequent events to highlight this anniversary;
- To continue to work with WWT Groups to trial new ways of engaging with micro SMEs and the hard to reach;
- To launch the WWT website in its final version in March 2009. and evaluate its usage;
- To incorporate a WWT award as part of major trade press health and safety awards.

CDM Evaluation Working Group (ii, vii)

- To establish a working group to assist in the evaluation of CDM 2007 which will commence in April 2009-10.
- To act as a primary body for the purposes of the public consultation exercise, with particular regard to the case for amending the existing guidance and ACOP

CONSTRUCTION INDUSTRY ADVISORY COMMITTEE (CONIAC)

TERMS OF REFERENCE

Pursuant to the powers granted to the Health and Safety Commission (“the Commission”) by Section 13(1)(d) of the Health and Safety at Work etc Act 1974 and exercised on the Commission’s behalf by the Health and Safety Executive (“the Executive”) in accordance with the Commission’s Direction dated 4 September 2001, the Executive has decided to appoint on the Commission’s behalf a committee to be known as Construction Industry Advisory Committee (“the Committee”). The Committee shall consider and advise the Commission or the Executive, as appropriate, on:

- The protection from hazards to health and safety of those at work in the building, civil engineering and engineering construction industry and the protection of the public from related hazards; and
- Associated matters as referred to them by the Commission or the Health and Safety Executive.

The Committee will:

- Agree and carry forward a workplan that will assist the industry deliver its ‘Revitalising Health and Safety’ targets set at the 2001 Summit;
- Work in support of the HSC/E’s Construction Priority Programme and, when appropriate, through free-standing ‘Task & Finish’ IAC Working Parties to carry forward specific work-streams;
- Be constituted for a period of five years;
- Meet three times a year;
- Consist of a Chair and members appointed by HSC/E.