

Minutes of the Construction Industry Advisory Committee (CONIAC)

Minutes of the M3/2005 meeting of the Construction Industry Advisory Committee (CONIAC) held on 24 November 2005

Present

Stephen Williams – Chair
Richard Ash
Bill Belshaw
Bob Blackman
Carole Bonner
Kevin Fear
Tim Gough
Paul Hayward
John Jutson
Rob Miguel
Neil Moore
James Preston-Hood
Bill Rabbetts
Andy Sneddon
Chris Tisi
Rosi Edwards
Stephen Wright
Cathy Kerby
Michael Ryan

Representing

HSE
Engineering Construction Industry Assn
Specialist Engineering Contractors Group
TGWU
UCATT
CITB – ConstructionSkills
Construction Industry Council
Association of British Insurers
Engineering Construction Industry Assn
AMICUS
Construction Confederation
Construction Clients' Group
Construction Confederation
Construction Confederation
House Builders' Federation
HSE, Construction Sector
Secretary
Secretariat
Secretariat

Apologies

Peter Kent (LA)
Chris Morley (CCG)
Alan Ritchie (UCATT)
Phil Russell (FMB)
John Tebbit (Con Prod Assn.)
Clive Johnson (NSCC)

Observers

Clive Young (DTI)
Anne Hemming (ODPM)

Summary of Action agreed:

1. Members to indicate by no later than 9 December whether they wish to join an ad-hoc Working Group which would meet once, giving an opportunity for CONIAC to feed in to the final planning for next year's Construction Programme campaigns. [Item 3]
2. Arrange briefing on the outcome of the Working Group meeting and the finalised Construction Programme at the March meeting. [Item 3]
3. Secretariat to arrange for a briefing on FIT 3 at the March meeting [Item 3]

4. Secretariat to arrange an additional meeting of the CONIAC CDM Working Group to consider competence and the Carpenter Report, and report back to the March CONIAC meeting. [Item 6]
5. Secretariat to arrange briefing for Members on the proposed new Control of Asbestos at Work Regulations and on Workplace Health Connect. [Item 9]

1. Chair's introduction

1.1 Stephen Williams introduced himself as the new Chief Inspector of Construction, and Chair of CONIAC. He gave a brief summary of his previous HSE experience, involving work as a construction inspector and in construction policy – including the implementation of the current CDM Regulations.

1.2 Stephen Williams welcomed all to the meeting and gave the apologies. He mentioned that it would be the last CONIAC meeting for John Jutson and Andy Sneddon - John because he was no longer eligible to represent ECIA, and Andy because he was moving on from the Construction Confederation. Both felt their membership had been a worthwhile and fulfilling experience. The Chair formally recorded CONIAC's thanks to each of them for their valued input over the years.

1.3 Stephen mentioned that Danny Carrigan, HSC Commissioner and Construction Champion, had indicated that he would attend some future CONIAC meetings as an observer.

1.4 He informed CONIAC of the recent sad death of former HSC Commissioner and CONIAC Member George Brumwell, and formally recorded the Committee's condolences.

2. Minutes of the M2/2005 meeting held on 21 July 2005 and Matters Arising

2.1 The Minutes were agreed.

2.2 On Action Point 3: Rob Miguel explained that he was still awaiting clearance from the company concerned before the Secretariat could forward the reduction of incidents figures mentioned in his report to Members. [Agreement to release the figures was received later and they were sent to CONIAC on 29 November.]

3. Outline of overall progress with the Construction Programme (including planned campaign activities for 2006) (Paper M3/2005/1): Paper by Gavin Bye, Construction Sector

3.1 Gavin Bye presented. He explained the relationship between the Construction Programme which covers a 10 year period, and the three year "Fit for Work, Fit for Life, Fit for Tomorrow" (Fit3) Programme which is

designed to deliver HSE's Public Service Agreement (PSA) targets for reductions in fatalities and major injuries; new cases of work-related ill-health and working days lost due to injury or ill-health. He summarised the latest available statistics which showed that steady progress was being made. The rate of progress was better than that required by the PSA targets and Fit3, but less than the Industry's own ambitious targets.

3.2 Members queried the validity of the figures, given the high-level of under-reporting and self-employment in the industry. Gavin accepted that the statistical picture was incomplete, especially regarding over 3-day injuries, but HSE was confident regarding the "all-workers" figure for fatalities. The reporting rate for major injuries was better than that for the "over 3 days" injuries, and since the level of under-reporting was fairly consistent from year to year, the trend was reliable.

3.3 Members remarked that the figure for stress-related incidences was dramatically lower than the all industry figure; and also asked whether any consideration was being given to long latency periods for some occupational illnesses, and the consequential inability to measure those incidences for many years. Gavin explained that Construction Division has commissioned research to gain a better understanding of the incidence rates for stress in construction. The time delay between exposure and ill-health was well understood, and 'early indicators' of progress are looked for in order to identify likely future trends.

3.4 He then outlined the priorities for the Construction Programme in 2006/2007 and described a number of new projects. These included safety campaigns on slips and trips; falls and 'good order' on site, and a supply chain project tackling 6 key health risk areas. Health campaigns would cover backs; skin disease; asbestos and noise, and work on the Occupational Health Management Model would continue. Where possible, programme initiatives incorporated joined-up working with other Government Departments and were based on Better Regulation principles. Gavin concluded by offering Members the opportunity to form a small Working Group, meeting once to help with further development of the Construction Campaign for 2006/2007. The Chair thanked Gavin and asked for comments.

3.5 Members welcomed the opportunity for a programme planning meeting, and it was agreed that those who were interested in attending would let the Secretariat know. On HSE campaigns, Members commented that enforcement seemed to vary across the country, and asked HSE for greater consistency by inspectors during campaigns. They also felt that information on forthcoming campaigns could be given earlier and made more widely available, so that industry could work the necessary changes into its planning and culture. They asked for more to be done to engage with very small companies, and for the overall strategic direction of the various campaigns and Construction Programme to be clearly communicated.

3.6 Responding, Stephen Williams and Gavin Bye agreed that consistency in enforcement approach was important, and to aid this project managers

were being encouraged to give clear briefing on enforcement issues to inspectors as part of campaign supporting material. This had been the case for the Fit-Out campaign. They also recognised the need for early information about enforcement campaigns, and the need for clear links between the Construction Programme and the wider Strategic Programme of HSE campaigns. Stephen Williams suggested that, at the March 2006 CONIAC meeting, there should be a clear presentation on the Fit3 Programme and the finalised Construction Programme for 2006, together with a report from the Working Group meeting.

Action:

Members to indicate by no later than 9 December whether they wish to join an ad-hoc Working Group which would meet once, giving an opportunity for CONIAC to feed in to the final planning for next year's Construction Programme campaigns.

Secretariat to :

- **arrange briefing on the outcome of the Working Group and the finalised Construction Programme at the March meeting.**
- **arrange briefing on FIT 3 at a future meeting.**

4. Preliminary report on outcome of HSE's Slips and Trips and Fit-Out Campaigns (Oral report: Richard Lockwood, Construction Division)

4.1 Richard Lockwood presented. He reviewed the content and delivery of HSE's Fit Out Campaign, which had also been discussed by a meeting of the CONIAC Safety Working Group on 21 November.

4.2 The campaign (October –November 2005) was part of the Work at Height Project, and part of a sustained campaign to make improvements in injury rates relating to slips, trips and falls. It focused on improving management of these risks during fit out, towards the end of construction projects. He described the wide-variety of issues that gave rise to risk, particularly work at height and trips. Richard explained the enforcement approach. Feedback from the inspectors involved was favourable, as was that from industry, in particular the House Builders Federation. He mentioned that a marked increase in sales of some types of safety equipment, e.g. an 85% increase in tower scaffolds and 6.6% decrease for ladders appeared to be related to the campaign. Stephen Williams thanked Richard and asked for comments.

4.3 Members commended the campaign as an exceptionally good one, particularly in respect of its practical focus. It was recognised that site management had a tendency to be reduced during fit out while the number of people involved actually increased. They saw it as a good way to influence SMEs, and applauded the work done to ensure consistency and the industry's engagement.

4.4 It was suggested that next summer might be a good time to repeat the exercise, as there would then be much work in schools to tight deadlines. Members mentioned that a focus on upstream issues might be helpful, e.g. working with manufacturers to reduce excessive and inappropriate packaging – thereby reducing waste. Richard agreed to pass this point on. Additionally, Members pointed out that more engagement of designers and structural engineers could be valuable. For example on house-building projects, muddy ground could be a problem during fit out and designers could help here, by ensuring their designs allowed for early laying of roadways so that work could take place on non-muddy ground.

5. CDM, consultation and update (Oral report: Stephen Wright, Construction Division)

5.1 Stephen Wright presented. He briefly described the public consultation exercise on the proposals to revise and consolidate the CDM and CHSW Regulations. Consultation had formally ended on 29 July, but had been extended until 31 August to accommodate latecomers. As well as the online consultation, there had been a series of events around England and Wales, with others in Scotland. Over 420 formal responses had been received, and the online discussion forum had been very active.

5.2 Stephen said that preliminary analysis of the responses showed high support, but with some reservations. In particular, there was concern about the extent of clients' duties, and a large majority of respondents had indicated a preference for ACoP and guidance, rather than guidance only. Work to address respondents' concerns was underway, but finalisation of the CDM package was being delayed to some extent by the need to respond to a letter from the European Commission (EC), seeking clarification of the UK's implementation of the Temporary or Mobile Construction Sites (TMCS) Directive. The EC had also written to other Member States asking similar questions.

5.3 The UK is preparing a substantive reply to the EC, and has asked for a meeting, to get a better understanding of their concerns. At present, it is difficult to know the impact of the enquiry on the delivery timetable for the revised Regulations. If further revision of the Regulations becomes necessary, and perhaps further consultation, then delay beyond the present target date of October 2006 was likely. It was felt that it was better to delay delivery of the Regulations in order to make any necessary changes, rather than bring the Regulations into force and then soon afterwards have to amend them.

5.4 HSE was presenting a paper at the 6 December HSC meeting, which would inform the HSC of the EC development, give an initial report on the outcome of consultation and ask HSC to decide on the ACoP question. HSE had put a number of options to HSC, and indicated that its own preference was for a short ACoP supported by industry-produced guidance endorsed by HSC/E. (HSE's soundings of the industry confirmed a willingness to produce the guidance.) HSE was also hoping to recruit two industry secondees, to

help address the concerns over clients' and designers' duties raised during consultation, and identify and communicate key messages to stakeholders. Stephen Williams thanked Stephen and asked for comments.

5.5 Members said that the proposed new Regulations were a considerable improvement on the existing ones, and they were concerned at possible loss of momentum to the project.

5.6 Members stressed that the successful introduction of the Regulations depended on a coherent strategy for delivery, communication and enforcement. Stephen Williams agreed that particular consideration needed to be given to getting publicity and implementation right.

6. Report on project to develop CDM guidelines on assessment of competence (John Carpenter)

6.1 John Carpenter presented his research report on guidelines for assessing individual and corporate competence and resource for CDM purposes. His aim was to make proposals which would reduce the variation in ways in which competence is assessed; reduce the amount of associated paperwork; make tests simple and enforceable; and take into account the particular needs of SMEs.

6.2 On corporate competence, John proposed (as Stage 1 of the assessment process) a set of generic core criteria, which were no more than what the law required and, if met, would give more certainty of legal compliance. Stage 2 of the process would then require assessment of competence in relation to experience, based on the needs of the specific project. The Stage 1 assessment of satisfaction of core criteria could be underpinned by competency schemes, involving periodic re-evaluation and third-party accreditation.

6.3 He hoped that existing pre-qualification schemes could be aligned with the core criteria, and suggested reviewing performance at recent projects could be used to check an organisation's relevant experience.

6.4 Turning to assessment of individual competence, he suggested that an appropriate basis for contractors would be a "card scheme", e.g. CSCS or equivalent. For designers, he said that competence as a designer could be assured through membership of a design-related professional institution. For co-ordinators, he suggested a register with entry subject to specific criteria, including chartered membership of a construction-related institution.

6.5 With regard to confirming sufficiency of resource, John suggested that this should be limited to checks on people and time. In particular, the assessment should focus on whether key competent personnel are present and that key project and contract periods are satisfactory. Finally, John indicated that he thought it vital that these proposals be underpinned by the proposed ACoP which will accompany the revised CDM Regulations. Stephen Williams thanked John and asked for comments.

6.6 Members were generally in favour of the proposals for corporate competence, but there were concerns that this could lead to a 'check box' approach. However, they thought that the proposed standard for co-ordinator competence, particularly if it required fellowship of the APS, was unnecessarily high, especially for many smaller projects. This could lead to the unnecessary exclusion of some competent practitioners. There was general agreement that the revision of the Regulations and the proposed new ACoP gave us a good opportunity to provide more certainty in respect of competency and resource assessment.

6.7 Stephen Wright suggested that if the HSC agreed to an ACoP the core criteria could be incorporated into it. Additional material indicating what training and experience might meet the core criteria could be included in industry guidance and this could be flagged up on the HSE construction website.

6.8 Stephen Williams suggested that John Carpenter's report should be discussed in more detail at a special meeting of the CONIAC CDM Working Group, along with the positive proposals to put to the Strategic Forum health and safety sub-group. The Working Group should report back with recommendations to CONIAC in March.

Action:

Secretariat to make appropriate arrangements in relation to the Working Group and report back to the March meeting.

7. CONIAC web community

7.1 The Secretariat informed members that the CONIAC web community had now been established, and that this will provide a 'one stop shop' for key documents such as CONIAC agendas, papers and minutes of meetings. The community also provides for discussion of issues between meetings, and the Secretariat asked for ideas for making the most effective use of it. It was suggested that membership of the community, currently largely restricted to Secretariat and CONIAC members, might be widened.

8. Dates for future CONIAC meetings

8.1 These were provisionally agreed as: 30 March 2006; 20 July 2006; 23 November 2006; 29 March 2007, 26 July 2007, 22 November 2007, 27 March 2008, 24 July 2008 and 27 November 2008.

9. Any Other Business

9.1 Members asked for information on the proposed new Control of Asbestos at Work Regulations and for further information about Workplace Health Connect, particularly in respect of how this might impact on Constructing Better Health. Stephen Williams agreed to arrange for information to be provided on these issues.

Action:

Secretariat to arrange briefing on the proposed new Control of Asbestos at Work Regulations and on Workplace Health Connect.