

Minutes of the Construction Industry Advisory Committee (CONIAC)

Minutes of the M1/2007 meeting of the Construction Industry Advisory Committee (CONIAC) held on 25 June 2007

Present

Stephen Williams – Chair
Richard Ash

Shelley Atkinson-Frost
Bill Belshaw
Bob Blackman
Peter Caplehorn
Kevin Fear
Paul Hayward
Clive Johnson
Peter Kent
James Preston Hood
Bill Rabbetts
John Tebbit
Dörthe Weimann

David Turner
Angela Kerr

Louise Brearey
Cathy Kerby
Carole Lomax

Representing

HSE
Engineering Construction Industry Association
Construction Confederation
Specialist Engineering Contractors Group Unite (T&G Section)
Construction Industry Council (from Item 6)
ConstructionSkills
Association of British Insurers
National Specialist Contractors Council
Local Authorities
Construction Clients' Group
Construction Confederation
Construction Products Association
Union of Construction, Allied Trades and Technicians
DTI
Communities and Local Government (from Item 6)]
HSE
Secretariat
Secretariat

Members of the public

(Total: 17)

Apologies

Danny Carrigan
Rob Miguel
Alan Ritchie

Phil Russell

Robert Sayers
Shona Dunn
John Ioannou
Kevin Toner
Clive Young

HSC
Unite (Amicus Section) (Travel problems)
Union of Construction, Allied Trades and Technicians
Federation of Master Builders (Travel problems)
Home Builders Federation
Communities and Local Government
OGC
HSENI
DTI

Summary of Action agreed:

- 1. Action on background note on incorrectly CE-marked products to be removed from the list if not circulated by 22 November 2007 meeting. [Item 3.]**

2. **Action: CONIAC Secretariat to advise on timescales for publication of CDM pre-qualification schemes on HSE's website. [Item 4]**
3. **Action: CONIAC Secretariat to include competency as an agenda item on CONIAC's 22 November meeting if appropriate. [Item 4]**
4. **Action: Members to send relevant statistical injury information to CONIAC Secretariat (Item 6)**
5. **Action: CONIAC Secretariat to clarify the statement "Collapses killed about 7%" [Item 6] (Note included in the minutes.)**
6. **Action: CONIAC Secretariat to consider including "Government procurement and SMEs" on the agenda for one of CONIAC's future meetings. [Item 6]**
7. **Action: CONIAC Secretariat to invite Martin Worthington (Chair of the Behavioural Change and Worker Engagement Forum) to give a presentation to CONIAC. [Item 7.]**
8. **Action: CONIAC Secretariat to arrange for a paper on HSE's construction stakeholder communication strategy to be brought to CONIAC in due course. [Item 7.]**
9. **Action: CONIAC Secretariat to prepare a draft CONIAC Workplan April 2007 – December 2008 based on the agreement above for circulation to CONIAC members. [Item 7.]**
10. **Action: Nominations for the SME and Vulnerable Working Groups to be sent to the Secretariat.**
11. **Action: John Tebbit to report on the outcome of the meeting with HSE on REACH [Item 9.]**
12. **Action: Secretariat to circulate a summary of the position with REACH to include key points. [Item 9.]**

1. Welcome and apologies

1.1 Having opened this second open CONIAC meeting by welcoming Members and guests, Stephen Williams reminded members of the public that they were unable to contribute to the meeting, but could listen to proceedings only. He outlined emergency evacuation instructions.

1.2 He welcomed David Turner (DTI, deputising for Clive Young) and Dörthe Weimann (UCATT, deputising for Alan Ritchie). He also reported that Peter Caplehorn (CIC), formally appointed as a CONIAC Member (5 June 2007) and Shona Dunn (CLG, replacing the late Anne Hemming), were expected to join the meeting shortly. [**Secretary's note:** In the event, Angela Kerr (CLG) deputized for Shona Dunn.]

1.3 Stephen mentioned in particular that apologies had been sent from Robert Sayers (the new HBF Member formally appointed on 25 April 2007), who was unable to attend due to pre-booked holiday commitments). Also, Rob Miguel and Phil Russell had been delayed by traffic problems en route.

1.4 To assist those in the public gallery, CONIAC members and HSE officials then introduced themselves and the organisations they represented.

1.5 Stephen recorded his thanks to Neil Moore for his contribution to CONIAC during his tenure. Neil had resigned his membership of CONIAC because of his move from his UK health and safety position within the Skanska Group. A formal letter of thanks would be sent to Neil shortly.

2. Chair's introduction and briefing on urgent business

2.1 Stephen reported on the following issues:

Merging the Health and Safety Commission (HSC) and the Health and Safety Executive (HSE)

2.2 The consultation seeking the views on merging HSC and HSE into a single health and safety authority had closed on 5 March. 80% of respondents agreed that the HSC and HSE should merge to form one unitary body.

2.3 Next steps included a Ministerial consultation on detailed proposals (including in particular the organisations representative of those likely to be affected by the proposals), followed by scrutiny by the relevant Commons' and Lords' committees. The merger was not likely to be operational for at least a year;

2.4 Further details of the outcome and next steps could be found on the HSE website. [**Secretary's note:** The relevant press release can be found at: <http://www.hse.gov.uk/press/2007/c07004.htm>]

Buying For Life (BfL) – 30 November workshop

2.5 The workshop had been presented with a summary overview of the main initial findings of the research (funded by HSE) "*Health and Safety in*

public sector construction procurement". [Secretary's note: Research Report RR556, available at <http://www.hse.gov.uk/research/rrhtm/rr556.htm>]

2.6 The broad aim of the research was to provide an evidence-based assessment of how well the public sector in England, Scotland and Wales meets its health and safety obligations in construction procurement. Its conclusions suggested, at the broadest level, that while some public sector clients performed reasonably well in terms of meeting their health and safety obligations during construction procurement, there was certainly more that could be done.

Crane collapses

2.7 Further to the reports at CONIAC's last meeting, when Stephen had provided Members with an update on the Battersea and New Street Square/New Fetter Lane crane collapses, there had been two further, high-profile incidents:

- i. in *Liverpool* in January 2007, when one man died when a tower crane collapsed. The crane was owned and operated by Falcon Crane Hire Ltd (who were also the owner/operators in the Battersea collapse);and
- ii. in *Croydon*: on 2 June 2007, when a crane driver had been seriously injured when a tower crane collapsed in Fairfield Road, the jib striking the roof of the Croydon Park Hotel. In addition to the driver, three workers were trapped on the crane but were rescued uninjured. HSE attended the scene on the day of the collapse and an investigation is underway.

2.8 *Battersea and Liverpool*: HSE is undertaking joint investigations with the police who currently still have the lead. They will be thorough, comprehensive investigations involving technical and forensic examination. These investigations are expected to take some time to complete and it is still too early to say when any definite causes will be established. Physical pieces of evidence and witness statements need to be gathered, collated and analysed and tests and forensic examinations are required, which all takes time. The cranes are currently undergoing testing at HSL in Buxton.

2.9 In January 2007, as a precautionary measure, HSE served a Prohibition Notice (PN) on Falcon Crane Hire Ltd requiring them, with immediate effect, to take out of service all tower cranes in their fleet which had not been subject to a thorough examination by an independent competent person. The PN had been complied with. Analysis of the examination reports led HSE to serve an Improvement Notice (IN) requiring them to improve their management arrangements for the maintenance of tower cranes in their fleet.

2.10 *New Street Square/New Fetter Lane*: HSE had taken enforcement action to require anti-collision systems to be fitted to all cranes on the site. The company subsequently ensured that anti-collision systems were fitted to all their sites where appropriate.

2.11 The main legislation relating to crane safety was the Lifting Operations and Lifting Equipment Regulations (LOLER) 1998, which provided requirements for the use, positioning and examination of lifting equipment. There were currently no plans to amend LOLER. HSE was however preparing guidance on the thorough examination requirements of LOLER, and how these related to Provision and Use of Work Equipment Regulations (PUWER) 1998 requirements. Stephen referred to the note circulated to CONIAC on the position with LOLER.

2.12 Peter Kent expressed concern that four such incidents had occurred in one year and asked whether HSE had found common threads running through the separate incidents. Stephen said that the number of accidents was deemed to be broadly in line with statistical expectations. However, each death and serious injury was completely unacceptable and a tragedy for the families and victims. Lessons had been learned and briefing sheets had already been issued on tower crane maintenance and use. The Construction Plant-Hire Association was also working closely with HSE to produce further guidance.

2.13 Bob Blackman expressed concern with the findings to date, which he understood indicated basic faults such as lack of maintenance. He believed that inspections would prove more useful when cranes were in operation, rather than static. He asked HSE's views on whether independent inspections would have revealed the faults and prevented the accidents.

2.14 Commenting that he could not discuss the details of any incident, Stephen replied that each had broadly separate causes, but agreed that these appeared to be related to basic issues. He stressed it was important that maintenance and usage regimes were fit for purpose. HSE was working, as a matter of urgency, with the supply chain, in particular checking that good policies emanating from Head Offices were actually put into practice. HSE had also met with the United Crane Operators Association (UCOA), and welcomed any intelligence from CONIAC on the issues. It also welcomed the aims of the campaign "Safer Skyline" run by Building Magazine. In particular, he welcomed the Strategic Forum for Construction's (SFfC's) intervention to get the industry to take ownership and provide leadership on the matter.

2.15 Shelley Atkinson Frost explained that a meeting of a wide range of crane-related industry stakeholders was being organised by the SFfC to discuss the matter. The initiative had come from John Spanswick, Health and Safety Commissioner and Chair of the SFfC's Health and Safety Task Group. She added that, as an industry, it should be better at engaging at an earlier stage on issues that arise and working together.

2.16 Clive Johnson commented on the exemplary support and advice specialist HSE Inspector David Thomas had given the construction industry, in particular on working at height, and asked whether his replacement would have the same standard of expertise. Stephen explained that, in the light of

resource constraints, HSE had recently completed an exercise to assess the extent of, and need for, specialist expertise across HSE; how that expertise could best be deployed and whether losses could be replaced. A decision on next steps would be taken in due course. However, this was difficult without knowing the outcome of the next 3-year Spending Round.

Adjournment debate: Fatal Accidents (Construction Industry): Wednesday 16 May 2007

2.17 Stephen drew Members' attention to an adjournment debate (16 May) which had been secured by Michael Clapham about HSE prosecutions following fatal accidents in the construction industry. This had been prompted by a UCATT/CCA report "*Levels of Convictions and Sentencing Following Prosecutions Arising from Deaths of Workers and Members of the Public in the Construction Sector*" which purported to show that HSE's rate of prosecution following construction deaths had fallen sharply.

2.18 The debate had been very useful and positive, but HSE contested the Report's statistics and conclusions. Stephen advised that HSE investigated all construction deaths and prosecuted in all cases where the law has been broken, there is sufficient evidence and it was in the public interest to do so.

2.19 Several other issues had been raised in the debate, the transcript of which could be found on the Parliamentary website. [**Secretary's note:** <http://www.publications.parliament.uk/pa/cm200607/cmhansrd/cm070516/halltext/70516h0001.htm#07051672000520>]

2.20 Stephen emphasised the need to work together to help reduce the unacceptable level of construction deaths.

Construction Division's new appointments

2.21 Sarah Chaker had been appointed as HSE's Olympic Construction Co-ordinator. Her start date would be the beginning of July.

2.22 Anthony Lees has been appointed as Head of Construction Policy, which included the position of CONIAC Secretary. He was expected to take up post in mid-July.

3. Agreement of Agenda, approval of Minutes of last meeting and matters arising

3.1 Members agreed the Agenda and formally approved the Minutes of the 23 November 2006 meeting, including two very minor changes made to the version circulated on 21 December 2006¹, and, at the request of Peter Kent, the inclusion of the number of members of the public who had attended (18).

¹ (a) James Preston Hood's name was included as an attendee in error (now excluded); and

(b) a typographical error in paragraph 5.6 which part-repeated a sentence previously entered in paragraph 5.5.

3.2 Stephen made the following points in relation to the Action Points update from 23 November 2006 meeting:

- F10 e-notification: HSE was very grateful for the input provided to date. The project was taking slightly longer than HSE would have wished - however, it was working to resolve outstanding issues;
- CONIAC support to the 2012 Olympics arrangements: Richard Ash had suggested that CONIAC keep a watching/listening brief at this stage. The Olympic project was likely to throw up innovative material and lessons could be learnt which CONIAC could find useful;
- Feedback questionnaire: Stephen expressed a little disappointment with the number who responded, but thanked those who had done so. He emphasised the importance to HSE of gathering intelligence and information from sources such as CONIAC members and asked that they forward information as it became available;
- CONIAC SME WG: Stephen said that this could more usefully be discussed under Item 8 – CONIAC’s workplan 2007 – 2008;
- Background note on incorrectly CE-marked products: John Tebbit advised that he was pursuing this. If the Action had not been cleared by the next meeting, he agreed that it could be removed from the list.

Action: Action on background note on incorrectly CE-marked products to be removed from the list if not circulated by November meeting.

3.3 Two items had been put forward for discussion under AOB prior to the meeting: the Registration, Evaluation and Authorisation of Chemicals (REACH) Regulations (Richard Ash) and CCG activities (James Preston-Hood) (see Item 8).

4. Construction (Design and Management) Regulations 2007: Initial Feedback: Paper M1/2007/01

4.1 Stephen introduced the item by making the following points which were reported in the paper:

- The CDM Regulations were launched at a well attended and successful industry stakeholder event at St Pancras on 4 April. The extent of Lord McKenzie’s involvement and support had been noted and welcomed by a number of stakeholders;
- There had been an Early Day Motion “Prayer” debate on 10 May – which had endorsed HSC/E’s consultation process and the Regulations. The debate culminated in a unanimous affirmative vote in response to the

question being debated i.e. whether the Committee had considered the CDM 2007 Regulations;

- All HSE's Construction Inspectors had been trained on CDM requirements;
- Local Authorities (LAs) were now able to enforce CDM 2007 in some limited circumstances. The enforcement position paper circulated to CONIAC members prior to the meeting had been discussed at the Local Authorities Co-ordinators of Regulatory Services (LACORS) Policy Forum on 12 June. There had been broad agreement with the policy, with very minor changes only. The paper was currently being finalised and would be circulated to LAs through LACORS;
- HSE had worked hard to promulgate the CDM Regulations – website information included Frequently Asked Questions, numerous articles had been written for the trade press and extensive support had been given at familiarisation events. HSE had also drafted two leaflets ("Want Construction work done safely? A quick guide for clients on the CDM Regulations 2007" and "CDM explained") which should be printed shortly.
- On integration of Planning/Building Control and CDM regimes, Stephen said that he had met with Shona Dunn and both agreed the importance of future co-operation. HSE officials had also continued to liaise with CLG. True integration of the regimes could only be a very long-term aim, if it is possible at all, but, in the shorter term, there were opportunities to establish closer links. HSE continued to consider options for closer working of the regimes;
- HSE's inspector training package was being prepared for the HSE website and was expected to be made available publicly on the website shortly.

4.2 In answer to a request from James Preston Hood about having sight of HSE's client leaflet, Stephen said that it was now at the printers. John Tebbit added his interest in the leaflet, citing cases of some confusion in the industry over CDM roles e.g. where planners could also be designers. [**Secretary's note:** See advice in footnote².]

4.3 In answer to a question about whether HSE was working with companies on pre-qualification registration schemes, Louise Brearey replied that it was. Stephen advised that if it was possible, HSE would publish, via a

² To clarify using an example: HSE was asked about the CDM position in the case of planners who were specifying types of renewable energy generation to be used on developments– were planners designers in such cases? The definition of "design" and "designer" is in Regulation 2(1) of CDM 2007. If the specification was a legal requirement (e.g. Building Regulations) then it would be a "design constraint" rather than a design specification, and the LA would not have assumed the role of a designer. However, where the renewable energy specification went beyond any statutory requirement, it is likely to be a "design", and the LA could be acting as a "designer". CDM is not written to constrain or place limitations on the policies adopted by LAs or other bodies.

It is then helpful to examine what the consequences of such specifications may be. If the LA has become a designer (intentionally or otherwise), then they will assume duties under CDM 2007 so far as they apply in the particular circumstances of the design for the project. Often the degree of detail in the LA's specifications would dictate how much information they may need to provide. It would be a matter of judgement for each project to determine whether the general and specific requirements on designers in Regulations 4, 5, 6, 7, 11, and 18 were likely to require the LA to do anything more. Although paragraph 117 in the current CDM ACOP clarifies and highlights this situation, the circumstances were exactly the same under the CDM 1994 Regulations."

link to its website, a list of “like for like” schemes. Members said that they would find this very useful. Richard Ash added that there were real challenges with organisations that came to work in the UK, to ensure they were aware of and fulfilled UK expectations – the ECIA was concentrating efforts in helping them implement CDM.

Action: CONIAC Secretariat to advise on timescales for publication of CDM pre-qualification schemes on HSE’s website.

4.4 Bill Rabbetts asked that the very important issue of competence should be included as an agenda item at CONIAC’s November meeting, adding that the industry should grasp the opportunity currently available to focus on the subject.

Action: CONIAC Secretariat to include competency as an agenda item on CONIAC’s 22 November meeting if appropriate.

5. CDM Industry Guidance: Oral Report by Kevin Fear (ConstructionSkills)

5.1 Kevin reported that the industry guidance had been launched on 21 June at BBC Portland Place. Five guidance documents were now published (for Principal Contractors, Designers, Contractors, Clients and Workers). The Co-ordinator guidance, which had attracted the most fulsome debate, was now at the editing stage and would be published following that process. [**Secretary’s note:** currently expected to be made available from the end of July.]

5.2 He thanked Mark Poole (CCG) in particular for his help in organising the launch. Kevin also recognised the input from a large number of organisations –UCATT, Amicus (T&G), ICE, NAS, IOSH, FMB, NSCC, HBF, CCG, APS, SEC Group, CC, IStructE, RIBA, MCG, Consultant’s Group, DTI³. He also thanked Andrew East and Stephanie Rafferty (both HSE) for their invaluable support to the Group.

5.3 Kevin was keen not to let the Guidance stagnate and suggested that an early review, through the CONIAC CDM Guidance Working Group, would be very helpful. There was also additional related work on contract conditions which the Group felt should be done. Stephen was happy for this to be taken forward via the Working Group if the industry felt it would be useful, and helpful for CONIAC to assist in driving it forward. He would, however, need to consider further the use of HSE resource to support the Group.

5.4 Stephen closed the item by thanking Kevin for his hard work as Chair of the Group and congratulated him and members of the Group on the success of such a valuable project. He said that it was a splendid example of

³ Union of Construction and Allied Trades and Technicians (UCATT), Institution of Civil Engineers (ICE), National Association of Shopfitters (NAS), Institution of Occupational Safety and Health (IOSH), Federation of Master Builders (FMB), National Specialist Contractors Council (NSCC), Home Builders Federation (HBF), Construction Clients Group (CCG), Association For Project Safety (APS), SEC Group (Specialist Engineering Contractors Group), Construction Confederation (CC), The institution of Structural Engineers (IStructE), The Royal Institute of British Architects (RIBA), Major Contractors Group (MCG), Consultant’s Group, Department for Trade and Industry (DTI)

how industry could work successfully together. As a token of appreciation, Kevin was presented with a small gift.

6. Construction injury statistics 2006 – 2007: Oral Report by Louise Brearey (Head of HSE's Construction Sector)

6.1 Included in Louise's presentation was the following occupational health and safety statistical information:

(i) Fatalities:

- were up by around 25% compared with 2005/06;
- The number of migrant worker fatalities was the same as in the previous year (5). The proportion of migrant worker fatalities had decreased to around 7% from the 8.5% level experienced in 2005/06;
- The increase was in the areas of new build housing and refurbishment/repair.

(ii) Causes:

- Falls from a height was still the biggest cause of death; with
- Being struck by vehicle or moving/falling objects the next biggest;
- Collapses killed about 7%; and
- Deaths due to electricity had tripled compared with the previous two years. 80% of these deaths, occurred during refurbishment/repair domestic.

(iii) Non-fatal injuries

- Non-fatal RIDDOR reports were made up of major and over-3-day injuries. Reported major injury accident numbers appeared to be increasing slightly but over-3-day injury accidents appeared to be continuing their decline at around 5% a year.

6.2 Louise said that the increase in fatalities was clearly disappointing. The medium-term trend in fatalities since 2001/02 had been fairly flat and resistant to change, but this needed to be seen against the background of a steady increase in the construction workload and employment which was why incidence rates had gone down.

6.3 She stressed the need to reinvigorate our work to prevent fatalities, but this needed to be balanced against the need to target issues like slips and trips and health risks which harmed so many lives. HSE was planning to repeat the Omnibus and Booster surveys in the near future with a view to gaining more information about accident and ill health causation in construction in general and also the recent unwelcome increase in fatal accidents.

6.4 Louise concluded her presentation by asking Members for any insights they might have into the increase of fatal accidents in new build housing and

refurbishment/repair, particularly of domestic premises. She added that HSE would find it very helpful to receive any pertinent information; it was particularly useful to receive information from different sources. It would help to identify trends as opposed to “blips”. The National Specialist Contractors Council (NSCC) had provided statistics and other data on injury rates for their members which was being used to increase HSE’s understanding of the health and safety risks and performance within their activities.

Action: Members to send relevant statistical injury information to CONIAC Secretariat to help identify trends.

6.5 James Preston Hood wondered whether HSE had analysed the reasons for the falls from height statistics. Louise advised that HSE was indeed looking into factors and was interviewing investigating Inspectors; a full picture was not available at this stage because investigations were still underway. Stephen added that he, as well as construction inspectors, had sight of all reports on fatalities and the majority appeared to be as a result of what could be considered to be basic reasons. It was very important to understand why people acted in the way they did. The solution was certainly not more legislation.

6.6 Bob Blackman was disappointed that the reduction had not been maintained. He suggested that self-employed levels were higher in sectors such as house building where SMEs tended to operate and ventured that “ownership” of the workforce here was not as great as in sectors where larger players worked. Another possible cause could be that house prices had forced builders to build more flats i.e. higher structures. He questioned the statistics because of the levels of under-reporting. Stephen shared some of this analysis, but would welcome any “hard” information CONIAC could offer to back up what were essentially “gut” feelings. He added that management capacity was a key concern – some supervisors may not be fully competent. Levels of under-reporting had not changed; surveys gave a better estimate of the position on safety and occupational health.

6.7 Shelley Atkinson Frost sought clarification on the statement concerning collapses (“Collapses killed about 7%”).

Action: CONIAC Secretariat to clarify the statement “Collapses killed about 7% ”⁴

6.8 Peter Kent questioned the value of health and safety data if under-reporting was such an issue; adding that the need for reliable data was

⁴ **Secretary’s note:** Accident kind “collapses” covers accidents where the person is “trapped by something collapsing or overturning”. This would include collapsing/overturning structures/buildings, equipment etc (but not overturning vehicles which are included in the “hit by moving vehicle” category). The breakdown of the “7%” referred to is: 3% structures/ground and 4% equipment such as cranes and excavators etc.

important. He suggested that Accident and Emergency units might be approached with a view to asking them to record construction workplace accidents⁵. Stephen replied that where HSE most needed assistance was with views on which were the most effective levers to employ with SMEs. Bill Rabbetts commented that house building included the best and the worst of the SME sector; they appeared less amateurish on the contracting side, particularly those who worked in the public sector. He expressed concern that changes in Government procurement practices appeared to be driving out these good SMEs. This had been discussed at the SFfC's SME Task Group and he would welcome this subject being debated at CONIAC in due course. James Preston Hood offered to meet to discuss procurement processes.

Action: CONIAC Secretariat to consider including "Government procurement and SMEs" on the agenda for one of CONIAC's future meetings.

6.9 With the significant change in the types of houses being built, John Tebbit felt it would be useful to receive information on the building methods employed, materials used etc where accidents had occurred. Stephen informed the meeting that Rosi Edwards, a very experienced HSE inspector, was currently engaged in such a project and was interviewing investigating inspectors. He stressed the importance of engaging early in projects since statistics seemed to support that mistakes in construction were made in the first 24 hours. Paul Hayward commented that the increase in building timber-framed houses had resulted in an increase in the number of fires.

Item 7 HSE Construction Programme and Priorities and Proposed CONIAC Workplan April 2007 – December 2008: Paper M1/2007/02)

7.1 Stephen Williams gave a PowerPoint presentation on HSE's Construction Programme - activities after re-active work - and Construction Division's Business Group Delivery Plan (BGDP) 2007/08 (field-force activities)⁶.

7.2 Stephen explained that HSE had recently carried out a strategic review of the Construction Programme. The presentation provided a summary of the review and decisions on how HSE wanted to take the Programme forward.

7.3 Included in the points made during the presentation were the following:

- Achievements to date included:

⁵ **Secretary's note:** HSC undertook a review of RIDDOR in 2006 and did look at this issue (see the HSC Paper 06/40 (and Appendices) and related minutes for 26 July 2006 meeting on the HSE website: <http://www.hse.gov.uk/>). However, the practical difficulties (i.e. a lack of suitable / compatible computer systems) meant that it would be too burdensome on the NHS, whose first duty is to treat patients. A major change, such as requiring third parties to report incidents, should wait until we have the technology to link up with the Health Trusts' information systems so that data can be efficiently and accurately transferred. The legal and ethical consideration must also be fully explored before any system could be implemented. HSE has commissioned research that uses data collected from subjects attending hospital. The recent Research Report RR 528 - *An investigation of reporting of workplace accidents under RIDDOR using the Merseyside Accident Information Model* (<http://www.hse.gov.uk/research/rrpdf/rr528.pdf>) provides useful background on how the current NHS patient administrative system might have to be changed.

⁶ **Secretary's Note:** an electronic copy of the presentation is included in the "Papers" section of the 25 June 2007 meeting.

- significant progress had been made in reducing fatal injuries, major injuries and over 3-day accidents against a backdrop of increasing industry outputs;
- in the first 2 years of the Public Service Agreement (agreed with Government) period (SR2002 (2003/04 to 2005/06)), Construction delivered considerably in excess of the targets;
- the rate of reported fatal injuries (to all workers, including the self employed) in construction between 1999/00 and 2005/06 had reduced by around 36%, but we expected the rate⁷ for 2006/07 to be around 20% higher than in 2005/06;
- site conditions had generally improved, particularly so on bigger sites;
- Resources needed to be targeted. Sector priorities for 2007/08 (contained in the BGDG were refurbishment, home build and new build commercial; topic priorities were CDM2007, Falls (including from vehicles), good order (slips and trips), worker engagement and management of occupational health risks;
- Construction Programme priorities would focus on SME and small sites engagement; Local Authority engagement; vulnerable workers (including migrant workers); major accident potential and high impact interventions.

7.4 CONIAC was asked to agree how it would support these priorities and activities for inclusion in its workplan for the period April 2007 – December 2008, and the method of that support e.g. through “task and finish” Working Groups (WGs).

7.5 Particular points made in discussion were:

- Occupational health was an ongoing priority;
- Richard Ash said that the CDM Review WG and the CDM Industry Guidance WG were particularly good examples of model “task and finish” WGs: their work had been identified and clearly stated, a timescale had been set and the outputs delivered. The latter gave people faith in CONIAC’s existence and purpose;
- Shelley Atkinson Frost agreed and said that setting key targets was important. She questioned the relationship between CONIAC and its WGs, asking whether they should report more directly to the main Committee. CONIAC might then more easily support their work. She:
 - supported the formation of SME and vulnerable workers “Task and Finish” WGs. The former should have a clear focus (perhaps on how to communicate/consult) and tight Terms of Reference (ToR);
 - suggested that the important topic of behavioural issues should be considered by all WGs; and
 - suggested that a CDM Review Group be set up in due course. It would provide a forum for feedback and help to inform the evaluation. Richard Ash agreed and thought that it might have a broader remit;
- CONIAC members said that tackling behavioural safety was key to improving health and safety in the industry. Louise Brearey advised

⁷ Taking the expected rise in the numbers working in the industry into account

members of the establishment of a new Behavioural Change and Worker Engagement Forum. This Forum was industry-led and established at the request of a small group of major contractors with an interest and investment in behavioural programmes. It was chaired by Martin Worthington of AMEC and aimed to provide a platform for open discussion on the principles of behavioural change, with a view to promoting cross-industry learning. The Forum was proceeding well and we had to be careful not to undermine its very positive work. CONIAC favoured some form of engagement with the Forum;

Action: CONIAC Secretariat to invite Martin Worthington (Chair of the Behavioural Change and Worker Engagement Forum) to give a presentation to CONIAC.

- Members supported the establishment of an SME WG but all agreed that it should set key, clear targets. John Tebbit said that he would be happy to do what he could through his network of building merchants and manufacturers. Bill Belshaw said that many SMEs could be found in the refurbishment sector using as it did much casual labour. It was also difficult to get to them in the homebuild sector;
- Bob Blackman commented that home build was a difficult area, particularly in relation to worker engagement. He cited examples of such workers spending many years in the industry without ever having a direct employer. Main contractors could well provide leadership – a strategic plan would be very beneficial;
- Paul Hayward supported the focus on major accidents and continuation of the Occupational Health Working Party. Richard Ash referred to a recent paper on major accidents produced by the Safety Working Group and questioned the definition of a major accident – for example could any scaffolding system in a city centre have potential for a major accident. He cautioned against defining a major accident too widely and subjecting fairly safe systems to rigorous regimes;
- In answer to a question from James Preston Hood on HSE’s construction stakeholder communication strategy (CCG was focussing its efforts to best effect in this area), Louise Brearey drew attention to the inclusion in the list of desired outcomes from the review of the Construction Programme of “challenging difficult stakeholders” and “sustaining stakeholder support” and HSE’s evolving work in this area. It was agreed that a paper could be brought to CONIAC in due course;

Action: CONIAC Secretariat to arrange for a paper on HSE’s construction stakeholder communication strategy to be brought to CONIAC in due course.

- Louise advised that, as well as migrant workers, young people – 14 - 16 year olds - were included in the vulnerable workers category. Kevin Fear reported on the Government’s “Young Apprenticeship Scheme” - a new two-year programme for 14-16 year olds who would like the chance to

experience workplace life in a supported way and who will benefit from building a strong foundation before moving on to an apprenticeship at 16 or another progression route of their choice. As well as pursuing their normal studies, pupils will divide their time between school, practical training and work experience with participating employers. Over a period of two years, they will have 50 days work experience. Bob Blackman advised that the issuing of CSCS cards to young people had been discussed, but there were difficulties with such an initiative. He thought that a WG might usefully devise a “virtual site”. Peter Kent said that one of the first things a WG should do was to define “vulnerable”. Richard Ash suggested that a WG could produce an induction pack for managing young people on site.

7.6 CONIAC agreed the following. That:

- Its role included support of HSE’s work by providing advice, information and intelligence;
- The Safety Working Group, the Occupational Health Working Group and Working Well Together WG should continue;
- The Safety Working Group should continue its work on major accidents as a priority;
- The Occupational WG should make work on *Construction Occupational Health Management Essentials (COHME*, previously known as the OH management model) a priority;
- The CDM Review WG should reconvene at an appropriate point to review implementation of the Regulations, i.e. in time to properly inform the formal evaluation;
- The CDM industry Guidance WG should reconvene at an appropriate point to review the industry guidance;
- Two new Working Groups should be established, one to deal with SMEs and one with vulnerable workers. Nominations for these Working Groups to be sent to the Secretariat;
- All WGs should have 2-3 clear priorities which can be demonstrably delivered, ToR and defined timescales;
- CONIAC should support WGs by taking on the role of a Programme Board: i.e. endorsing work programmes and monitoring progress. The latter would require Chairs to report at meetings as requested;
- CONIAC should have a “watching brief” on matters relating to behavioural safety.

Action: CONIAC Secretariat to prepare a draft CONIAC Workplan April 2007 – December 2008 based on the agreement above for circulation to CONIAC members.

Action: Nominations for the SME and Vulnerable Working Groups to be sent to the Secretariat.

8 Other Business⁸

REACH Regulations

8.1 Richard Ash advised CONIAC that the ECIA was beginning to study seriously the requirements of the REACH Regulations and wished to raise awareness of issues at CONIAC.

8.2 Although the Regulations were largely aimed at manufacturers, suppliers and importers of chemicals and focus on the assessment of risks and provision of information to users, there were requirements which applied to “downstream users” which included construction contractors. The main requirement for downstream users seemed to be that if they used the chemical concerned for anything other than the uses assessed by the manufacturer in any circumstances other than those specified by the manufacturer, they must gather and provide information about that use back up the supply chain. There was much uncertainty amongst contractors about what REACH meant in practice and thus potential for an excess of precautionary information exchange as well as unnecessary duplication of COSHH effort.

8.3 Richard said that a short information sheet on HSE’s website would be helpful eventually, adding that he recognised that REACH had a generous “run-in” period.

8.4 John Tebbit said that an HSE official was due to talk to the CPA the following week on these issues. Stephen Williams suggested that it would be useful if John reported on the outcome to the next CONIAC meeting. Stephen also said that the Secretariat would circulate a summary of the position with REACH to include key points.

Actions:

- **John Tebbit to report on the outcome of the meeting with HSE;**
- **Secretariat to circulate a summary of the position with REACH to include key points.⁹**

CCG activities

8.5 James Preston Hood referred to the CCG briefing note circulated prior to the meeting which provided an update on CCG activities (Annexed for completion of the minutes). James advised that CCG was making good progress in streamlining itself as an organisation and taking its responsibilities seriously. It had delivered the CDM 2007 client’s guidance referred to in

⁸ To note: The Item “Other Business” and the following below the line Item “A Brief Review of the Activities of CONIAC Sub-Groups April 2006 – March 2007: Paper M1/2007/03” were identified as Items 9 and 10 on the Agenda. However, because the preceding Items on “Construction Priorities” and “CONIAC Workplan” were amalgamated during the meeting, the Minutes now record these items as Items 8 and 9.

⁹ **Secretary’s note:** The HSE website link to help with the REACH Regulations is: <http://www.hse.gov.uk/chemicals/reach.htm>. A “Downstream Users” leaflet will be circulated in due course.

Kevin Fear's update on the industry guidance [Item 5.] and had also produced its own client guidance in the form of information sheets.

9 **Below the line item: A Brief Review of the Activities of CONIAC Sub-Groups April 2006 – March 2007: Paper M1/2007/03**

9.1 No comments were made on the paper.

To Note: CONIAC's next meeting is at 10am in the Globe Room on Thursday 22 November 2007.

CLIENTS CONSTRUCTION GROUP - Briefing Note – June 2007

1. Partnership Proposal - Construction Design & Management Regulations: 2007

CCG is developing a positive and proactive proposal to work with HSE by a Partnership programme to help Clients comply with their duties under the new Regulations.

2. CCG Structure

CCG is now fully embedded as one of the 7 specific Sector Forums of Constructing Excellence. It has representation on the board of Constructing Excellence. CCG has its own management board who meet 4 times a year. Members are drawn from both the private and public sector and include local authorities, public corporations and private property development and leasing companies. The CCG's web site has been reviewed and now contains more reference and support information:

<http://www.constructingexcellence.org.uk/sectorforums/constructionclientsgroup/default.jsp>

3. CCG Health & Safety Working Group

The Health & Safety Working Group is an active sub-group of CCG with members who are amongst the most active members of the Group. They meet at least 4 times a year and are in constant communication in the interim. They have representation on the CSCS board and other industry bodies. They consider current health & safety issues with a view to providing guidance, input and involvement in various sector health & safety initiatives. In recent times they have been involved in:

- CDM Regulation consultation
- Strategic Forum – Health & Safety Working Group
- Working Well Together campaign
- Worker Engagement
- Workers Safety Advisor Initiative
- Conveying the health & safety message – 'Trojan Horse'
- Currently they are agreeing a set of measurable Client health & safety KPI's

The Health & Safety Working Group has links with various other industry organisations:

- Construction Confederation
- Major Contractors Group – CCG representative attends MCG – Health & Safety Group meetings and MCG receive reciprocal invitations to CCG
- CSCS – CCG has board representation
- Bromley Borough Council regarding their local authority network for CDM compliance
- Construction Health & Safety Group (Chertsey)
 - CHSG have attended Health & Safety Working Group Meetings
 - CCG member has presented at CHSG CDM2007 Forum
 - CCG are working with CHSG to prepare and deliver a Clients CDM course

Looking forward, CCG are keen to forge further links with other representative bodies within the industry and have had contact with the APS, RIBA and UCATT amongst others.