

## HEALTH AND SAFETY EXECUTIVE

### CONSTRUCTION INDUSTRY ADVISORY COMMITTEE (CONIAC)

Minutes of the M3/2008 meeting held on 27 November 2008

#### ***Present***

Stephen Williams (Chair)  
Anthony Lees (Secretary)  
Richard Ash  
Shelley Atkinson-Frost  
Bill Belshaw  
Bob Blackman  
Peter Caplehorn  
Kevin Fear  
Paul Hayward  
Bud Hudspith  
Peter Kent  
Alan Muddiman  
Bill Rabbetts  
Phil Russell  
Robert Sayers  
Dorthe Weimann  
Martin Winstone

#### ***Representing***

Health and Safety Executive  
Health and Safety Executive  
Engineering Construction Industry Association  
Construction Confederation  
Specialist Engineering Contractors Group  
UNITE  
Construction Industry Council  
ConstructionSkills  
Association of British Insurers  
UNITE  
Local Authorities  
Construction Confederation  
Construction Confederation  
Federation of Master Builders  
Home Builders Federation  
UCATT  
Construction Clients' Group

Anthony Burd  
Louise Brearey  
Cathy Kerby (Secretariat)  
Michael Ryan (Secretariat)  
Mike Harrison  
Tom Harper  
Clare Baker

Observer (Communities and Local Government)  
Health and Safety Executive  
Health and Safety Executive  
Health and Safety Executive  
Guest presenter (Health and Safety Executive)  
Guest presenter (Constructing Excellence)  
Minute taker (UNITE)

Members of the public 13 were present

#### ***Apologies***

Clive Johnson  
Rob Miguel  
James Preston-Hood  
Alan Ritchie

#### ***Representing***

John Tebbit  
John Ioannou  
Kevin Toner

National Specialist Contractors Council  
UNITE  
Construction Clients' Group  
Union of Construction, Allied Trades and Technicians  
Construction Products Association  
Observer (Office of Government Commerce)  
Observer (Health and Safety Executive Northern Ireland)  
Observer (Department for Business, Enterprise and Regulatory Reform)

## Summary of Actions agreed:

- 1 **ACTION: CONIAC Members to submit, or encourage the submission, of comments to the Secretariat on paper M3/2008/1, particularly in regard to provision of additional material for Annex 4 from the designer perspective. (See paragraph 5.2)**
2. **ACTION: Secretariat to prepare a letter to be sent by the Chief Inspector of Construction to the Strategic Forum for Construction's Health and Safety Task Group enclosing Annex 4 of M3/2008/1 and asking it to consider taking practical steps to support the initiatives listed therein. (See paragraph 5.8)**
3. **ACTION: Secretariat to prepare a letter to be sent by the Chief Inspector of Construction to the Strategic Forum for Construction's Health and Safety Task Group asking it to arrange for the taking forward of Recommendation 3 of the CONIAC SME Working Group's Report. (See paragraph 5.9)**
4. **ACTION: Secretariat to issue a draft Workplan for 2009/2010 to Members for comment and clearance by correspondence. (See paragraph 10.1)**

## 1. **Welcome and apologies**

1.1 Stephen Williams welcomed everyone to the meeting. He gave the apologies of absent Members and noted that Bud Hudspith was substituting for Rob Miguel. Also, Martin Winstone substituted for James Preston-Hood, and Dorthe Weimann for Alan Ritchie.

## 2. **Chair's introduction and briefing on urgent business**

2.1 Stephen began by informing CONIAC that HSE had allocated resource to establish an additional inspection group in London to cover construction issues including for the 2012 Olympic Games. [**Secretary's Note:** From April 2009 there will be four co-located London Construction Division teams, with a broad geographical split covering the North West, South West, North East and South East of London.] He then addressed the following issues:

### (i) Liverpool tower crane incident

2.2 HSE's summary report on the technical causes of the incident has been published and is available on its website at <http://www.hse.gov.uk/construction/liveissues/liverpool.htm>. A letter accompanied by a copy of the Report had gone to all tower crane owners/suppliers, suggesting action to be taken by them. HSE will follow up on this.

(ii) Work and Pensions Select Committee Recommendation

2.3 The Select Committee had expressed concern at recent tower crane incidents and recommended that HSE bring forward proposals, such as a register of construction plant. Dorthé Weimann asked what the Government's response would be. Stephen said that HSE, DWP and the Committee are currently in discussion, with a definitive Government response expected to be published shortly. **[Secretary's Note:** The Secretary of State wrote to the Chairman of the Select Committee on 14 December indicating that "*We have asked HSE to bring forward proposals early in the new year to improve the use of [tower cranes], as well as enhancing the operation and transparency of the current system, particularly so that assurance can be provided to workers and members of the public. We have asked that this work includes proposals for the development of a tower crane register, as recommended by the Committee.*" ]

(iii) Tower Cranes Group

2.4 Following a number of tower crane incidents, some involving fatalities, the Strategic Forum for Construction (SFfC) had set up a Tower Cranes Group, chaired by John Spanswick, to develop and take forward an action plan. Stephen asked Shelley Atkinson-Frost to update CONIAC on developments.

2.5 Shelley said that all of the guidance produced by the Group had now been published, and can be downloaded from the Strategic Forum website. The guidance describes best practice in areas such as: operator working conditions; site induction; competency; maintenance and inspection; etc. Additionally, under the aegis of the Considerate Constructors Scheme, a Safe Crane Campaign has been established to reassure the public by assisting them to access information on tower crane activity locally and quickly. The Tower Cranes Group will meet for the last time on 11 December, and will consider arrangements for monitoring take up by the Industry of the guidance.

(iv) Strategic Forum for Construction (SFfC) follow-up work to the former Secretary of State's Construction Forum

2.6 The SFfC's Health and Safety Task Group has, through a number of sub-groups, been carrying forward work stemming from the Construction Forum held in September 2007, following the increase in worker fatalities during 2006/2007. Stephen asked Shelley Atkinson-Frost (the Group's Secretary) to update CONIAC on recent progress.

2.7 Shelley reported that the H&S Task Group had met on 10 November. The web portal (designed by the **Sharing Best Practice Working Group** to provide health and safety information, including intelligence on "near hits") had gone live and was being used. The **Competency Working Group** is working on 3 proposals: *Client as Leader* (standard text for client's specification or to otherwise prompt the designer to assist the client to set expected standards for health and safety – focused on small clients); *Industry*

*Licensing* (exploring possible industry licensing or compulsory training); and *Induction* (proposal to deliver standardised generic aspects of site induction through same platform as ConstructionSkills health and safety test). The **Worker Engagement Working Group** is working on 2 proposals: *Guidance on worker involvement*, and *Worker Safety Advisor scheme* (work to reinstate the former WSA scheme).

2.8 Shelley said that the Task Group had agreed to establish 2 new working groups. These are the **Plant Working Group** (recognising the continuing health and safety challenges created by use of plant on sites); and the **Communications Working Group** (seeking to find ways of reaching the estimated 20% of the industry not engaged on health and safety issues).

2.9 Shelley mentioned that, while the H&S Task Group will continue to focus on the public sector clients' agenda, it will not be in a position to provide a report to the Public Sector Construction Clients' Forum (PSCCF) until 2009. She concluded by saying that the H&S Task Group had last reported to the Government in August and had now agreed to make its next formal report in mid 2009. Stephen thanked Shelley for updating CONIAC.

(v) CDM 2007 Regulations evaluation

2.10 Stephen said that HSE is now beginning formal evaluation of CDM 2007. Feedback on the Regulations has been received through various routes, including data from a large sample of respondents to questionnaires issued during Roadshows held in 2007/2008, and had been largely positive. HSE is commissioning preliminary research to identify the best way of getting the views of stakeholders before it embarks on large scale research to inform the evaluation. The preliminary research (Phase 1) has gone out to tender and it is expected to be carried out during the first part of 2009. The main research (Phase 2) should be carried out during 2009 and 2010 with a formal report published in 2010.

2.11 Stephen drew Members' attention to below-the-line paper **M3/2008/5**, which asks Members to submit written comments to the Secretariat on CDM 2007 embedding and on the possible establishment of a Working Group to assist with the evaluation.

(vi) European Commission Communication on the Temporary or Mobile Construction Sites Directive (TMCS)

2.12 Stephen told CONIAC that the European Commission had published a formal Communication (**COM(2008) 698 final** of 6.11.2008<sup>1</sup>), suggesting a number of actions for development at national or EU level to obtain better practical implementation of the Directive. The proposals are pragmatic and do not seem to conflict with HSE's Sensible Risk agenda, and none of them appear to carry any major policy/financial implications for the UK. HSE is preparing an Explanatory Memorandum which, after Ministerial approval, will

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<sup>1</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2007:0698:FIN:EN:PDF>

be lodged in Parliament for scrutiny in early December. [**Secretary's Note:** The Explanatory Memorandum has now been cleared by the House of Lords EU Select Committee.]

(vii) EU work to develop a non-binding operational guide to the TMCS D

2.13 Work is continuing on this non-binding guidance. The EU hopes to have a final draft during the 1<sup>st</sup> quarter of 2009 and to trial it on an actual construction project, possibly in the UK.

(viii) Health and Safety (Offences) Act 2008

2.14 Stephen informed CONIAC about this Act which comes into force on 16 January 2009. He said that it increases the maximum fine that can be imposed in the lower courts for offences under health and safety Regulations from £5,000 to £20,000, and makes imprisonment an option for more offences – up to 1 year (lower courts) and up to 2 years (higher courts). Good employers and managers have nothing to fear and much to gain from this legislation, which makes no changes to existing duties, only to penalties.

(ix) Campaigns and similar high profile events

2.15 Stephen said that HSE had evaluated the first phase of its “**Shattered Lives**” **slips, trips and falls campaign**. Press, radio and on-line adverts had drawn 800,000 visitors to the campaign website. Awareness of slips, trips and falls issues had increased by 12% among those surveyed, with about 44,000 businesses reporting that they had taken action. Seventy percent of construction businesses surveyed indicated advert and campaign awareness. A second phase of the campaign will begin in February and will link to a construction inspection initiative in March focusing on good order and falls from height in the refurbishment sector.

2.16 Bud Hudspith asked if there was any indication of a reduction in slips, trips and falls. Stephen undertook to look into this and respond in the Minutes. [**Secretary's Note:** See Annex]

2.17 Stephen went on to mention that HSE's “**Hidden Killer**” **asbestos campaign** had run during October and November and also appears to have made a significant impression, with 250 Infoline calls a day, 50,000 website hits and over 500,000 campaign packs distributed. It should be borne in mind that every week 20 tradesmen die from the effects of asbestos, many of them in construction trades.

2.18 Stephen recalled that Lord McKenzie had launched an initiative to reduce **respiratory disease due to exposure to dust from kerb, paving and block cutting** on 6 May at Rose Court. Since then, more than 200,000 copies of the free leaflet “*Time to clear the air*” have been issued, and the industry and the Highways Agency have been active in helping to spread information. Suppliers of water suppression bottles have reported a sharp

increase (6-fold in one case) in sales. Construction Sector is planning inspection activity on the issue for next year.

(x) Safety Schemes in Procurement – Competence (SSIP-C) Forum

2.19 Stephen said that progress towards mutual recognition by providers of pre-qualification schemes of achievement of Stage 1 of the CDM 2007 Core Criteria was being made. It was hoped that a Press Release would be issued shortly announcing the setting up of a Forum Management Group to handle administrative aspects. [**Secretary's Note:** The Press Release was issued by SSIP-C Members on 11 December.]

2.20 Bill Belshaw asked about the intended output. Would it, for example, be a badge? Stephen said that the Forum Management Group would audit health and safety elements of competence schemes and issue an accreditation certificate where they are consistent with the Core Criteria. The aim was to establish a level (and raised) playing field for health and safety.

2.21 From the designer/consultant side, Peter Caplehorn said that it was essential to get their involvement as there was much to sort out before this could work. Shelley Atkinson-Frost said that the Group aims to be as inclusive as possible, and will open doors to other schemes which meet the Core Criteria.

2.22 Bill Belshaw suggested that increasing numbers of associations will build in the Core Criteria, and that many people do not want to be forced into joining schemes. Shelley said the single purpose of the Group is to assist the industry to meet necessary competence standards. Richard Ash stressed that being competent is more important than having a badge, especially if the badge embraces schemes which may be fairly low level. It was important that the badge must not be taken as a signal of competence – informed judgement is the key.

2.23 Bud Hudspith recalled the legal duty to train people in health and safety, and said that that he was supportive of the concept of the scheme. However, the content had to be right, that is not too easy, and in line with the Core Criteria.

2.24 Paul Hayward said that insurers would value an approach that brings the plethora of pre-qualification schemes together in a common standard. Stephen said that while not everyone would be in at the outset, hopefully more and more will join.

2.25 Stephen remarked that the department for Business, Enterprise and Regulatory Reform (BERR) is very interested in this work. He concluded by suggesting that if every construction firm went through a competence scheme it might deliver the needed step change in health and safety.

(xi) Quick Hitches

2.26 Stephen said that following a number of fatal accidents involving semi-automatic quick hitches, HSE had sought voluntary agreement from European manufacturers to supply only manual or automatic quick hitches into the UK. (CONIAC had been informed by e-mail on 1 October that such agreement had been obtained.)

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

3.1 Stephen advised Members that the Agenda had been re-ordered to better accommodate the items on HSE Strategy, the future of CONIAC and the work of its Working Groups. These would be taken after the break. Copies of the revised Agenda had been provided to Members and the public.

3.2 Members agreed the Agenda and formally approved the Minutes of the 23 June 2008 meeting. They raised no points for consideration under AOB.

3.3 Stephen made the following comments in connection with the Action Points Update from the 23 June meeting.

- In lieu of discussion at this meeting, two outstanding Actions are (due to lack of time) being met by way of below-the-line paper **M3/2008/5** which invites Members to submit comments in writing on:
  - CDM 2007 embedding; and
  - whether the CDM Review Working Group should reconvene.
- An Action to provide CONIAC with sight of inspector briefing on vulnerable workers has been met by sending Members (by e-mail on 10 November) a link to the **Migrant Working Topic Inspection Pack**.

**4. Essential E (presentation by Tom Harper, South West Regional Director of Constructing Excellence)**

4.1 Stephen said that it was vital to raise health and safety awareness and standards in small construction companies. He introduced Tom Harper and invited him to give his presentation on a novel way of reaching and influencing smaller companies.

4.2 Tom said that when attempting to reach smaller companies it was important to take account of how they worked and what they needed and could afford. Very small companies usually do not belong to trade associations and are unlikely to be inspected by HSE but they may have contact with local authority Building Control (BC) inspectors so Essential E worked with BC to identify these companies and offer them training in matters essential to their business success.

4.3 Each element of the training is designed to be deliverable in one day at low cost or free. Matters covered include: health and safety;

environmental/sustainability; and some business management topics. The training provides a basis for further development. For example, the health and safety element provides familiarisation with the requirements of the CHAS competency scheme. The other elements of the training lead towards NVQ and VRQ qualifications. FMB is piloting the scheme in 5 regions. A pilot is in place for unemployed people. ConstructionSkills is providing funding from January. Stephen thanked Tom and asked Members if they had any questions or comments.

4.4 Bud Hudspith asked who the attendees were. Tom said they were micro and sole traders. He mentioned that CHAS has a category for firms with fewer than 4 staff but no introductory level requirement. Additionally, he indicated that he would like to see schemes such as CHAS made prerequisite for building control approval.

4.5 Peter Kent asked why the scheme isn't going nationwide, and suggested that success in getting messages to site level would depend on building up relationships with BC, which would take effort. Tom responded that a county by county approach was being followed. He thought a link between the Building Regulations and competency schemes such as CHAS would be helpful.

4.6 Phil Russell cautioned that while LAs and BC were often the only authorities engaging SMEs it remained the case that many jobs were carried on without any notification to BC. He suggested that FMB could reach many of these micro and sole trader firms through the supply chain. Anthony Burd echoed this by saying that CLG also found it difficult to engage with smaller firms and that it was working with the Construction Products Association to develop and disseminate a number of guidance documents. Stephen thanked Tom for his presentation to CONIAC.

## 5. **SME Working Group report to CONIAC [M3/2008/1]**

5.1 Stephen asked Phil Russell, Chair of the SME Working Group, to report. Phil referred Members to the paper and said that while the Group had identified many good schemes in its mapping document the problem of reaching SMEs remained. Consequently, the Group had developed 10 Recommendations, which he commended to CONIAC, particularly the 3 priority ones.

5.2 In response to Peter Caplehorn's enquiry about the amount of input from designers, Phil confirmed that not much had been received. **[Secretary's Note:** In setting up the Working Group, representation from all sectors of the industry had been invited via their CONIAC representatives.] Stephen suggested that a further effort be made to obtain information in relation to the mapping of current work from the designer perspective.

**ACTION: CONIAC Members to submit, or encourage the submission, of comments to the Secretariat on paper M3/2008/1, particularly in regard**

**to provision of additional material for Annex 4 from the designer perspective.**

5.3 With reference to Recommendation 3 for a standing committee to help promulgate health and safety messages, Richard Ash suggested that a small group with an emphasis on communication specialists rather than health and safety specialists would be appropriate. (See paragraph 5.9)

5.4 In response to Bud Hudspith's question about what the Working Group understood by the term "SME", Phil said less than 250 employees formally, but the group had focussed particularly on the challenges of small and very small businesses. **[Secretary's Note:** The usual Government definitions are: micro businesses have fewer than 10 employees, small businesses have 10 to 49 employees, and medium-sized businesses have 50 to 249 employees.]

5.5 Bud commented that the problem of influencing SMEs was not confined to construction. The essential objective was to change behaviour but many companies did not belong to any communications network, and some will not respond even when a message reaches them. It was necessary to consider carefully the expenditure of resources on attempts to communicate with groups who will not do anything voluntarily.

5.6 Louise Brearey mentioned that the work of the SME Working Group had influenced HSE's Small Sites Project (led by Shirley Williams), which sought to develop a strategy for construction SMEs which takes as its focus small sites, rather than small firms. The project aims to identify discrete groups (e.g. roofers) at whom a very specific message can be targeted. It recognises that for some groups the only way to influence them will be the threat of enforcement action. A paper is in preparation and we will seek the views of those who were members of the SME Working Group before finalising it for CONIAC.

5.7 Bill Rabbetts agreed the need for enforcement but stressed that it was also necessary to use gateways to filter, such as Building Control. Richard Ash thought that if you provide information for micro companies they will come forward.

5.8 Shelley Atkinson-Frost said that the mapping document listed a large number of initiatives but hooks were needed to hang them on so as to make them attractive to SMEs, and that this could be done by the Strategic Forum. Stephen agreed to write to the Strategic Forum.

**ACTION: Secretariat to prepare a letter to be sent by the Chief Inspector of Construction to the SFfC's Health and Safety Task Group, enclosing Annex 4 of M3/2008/1 and asking it to consider taking practical steps to take forward the initiatives listed therein.**

5.9 Stephen summarised the 3 priority Recommendations. He indicated that:

- Recommendation 1 - was being advanced by way of HSE's LACE Project;
- Recommendation 2 – everyone in CONIAC should be doing the things described here. He would give consideration to the suggestion for a note to the Industry;
- Recommendation 3 – with regard to the suggestion for a Standing Group on communications he thought that the Strategic Forum was best placed to implement this.

**ACTION: Secretariat to prepare a letter to be sent by the Chief Inspector of Construction to the SFfC's Health and Safety Task Group asking it to arrange for the taking forward of Recommendation 3 of the CONIAC SME Working Group's Report.**

[**Secretary's Note:** This action discharged in light of the SFfC's H&S Task Group setting up of a Communications Group.]

5.10 Phil Russell expressed his thanks to the members of the SME Working Group and to Cathy Kerby who had written the paper.

## **6. HSE's Local Authority Construction Engagement (LACE) Project – a progress report [M3/2008/4]**

6.1 Stephen asked Mike Harrison, HSE's project manager for LACE, to update CONIAC. Mike drew Members' attention to paper **M3/2008/4**, and went on to make a number of points including:

- Communities and Local Government (CLG's) agreement to link its planning portal to HSE's CDM guidance web pages.
- A project for Environmental Health Officers (EHOs) to identify from planning proposals or Building Regulations submissions new build or refurbishment of workplaces and to provide advice to the client on some health and safety issues.
- A project for EHOs to identify in new build or refurbished workplaces certain health and safety risks (e.g. slips and trips) that could have been designed out and follow this up with the designer or client.
- Next year HSE construction inspector teams will seek to establish closer working relationships with some local Planning, Building Control, and Highways departments.
- The Association of Consultant Approved Inspectors (ACAI) and Local Authority Building Control (LABC) have indicated support for a protocol on closer working with HSE. This should help to allay BC inspectors' concerns about loss of market share to Approved Inspectors (AI) (mentioned in paragraph 24 of M3/2008/4).

- Additional resource has been made available: the existing EH secondee will continue for another year; two more EH Secondees will be recruited for 1 year terms, and a Secondee with a Planning background will be recruited for 6 months; and there is funding for 60 more days of work by our BC consultant, and 30 days of contractor time to develop training for EHOs.

6.2 Stephen thanked Mike for the update. He said that it illustrates the wide range of activities being undertaken. HSE is a national organisation but Local Authorities (LAs) are local and are an effective channel to identify and reach people.

6.3 Kevin Fear asked if BC inspectors have access to HSE's construction project notifications (the form F10 database) and was told that they do not. He said that the industry guidance developed for CDM 2007 is freely available for download and linking at the ConstructionSkills website<sup>2</sup>.

6.4 Peter Kent said that he was delighted to see the paper and pleased that the concerns of LA BC Officers in relation to AIs were being taken into account. He welcomed that the work would continue but cautioned that LA structures vary considerably and much work would be needed to bring the interests together. A general theme was mutual understanding but he suspected there was little career movement between HSE and LAs and wondered if this could be encouraged. Stephen noted that HSE does have a number of HSE/LA partnership managers covering geographical regions and usually seconded from LAs. He emphasised that HSE was recruiting inspectors and providing additional resource to LACE to drive this work forward.

## 7. **Update on new HSE Strategy (presentation by Stephen Williams, Chair of CONIAC)**

7.1 Stephen introduced this item by saying that the new HSE Strategy would form the wider context within which CONIAC would operate and it was therefore appropriate to review it before moving on to consideration of the future of CONIAC.

7.2 He gave the presentation, which briefly highlighted key points for duty holders and the health and safety system generally. He concluded by saying that a Consultation Document would be published on 3 December which would give more detail on the proposals and allow 3 months for submission of comments. **[Secretary's Note: See <http://www.hse.gov.uk/strategy/index.htm>]**

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<sup>2</sup> <http://www.cskills.org/supportbusiness/healthsafety/cdmregs/guidance/index.aspx>

## 8. Review of CONIAC's Working Groups [M3/2008/2]

8.1 Stephen said that CONIAC is in a period of change and it is therefore appropriate to examine the effectiveness of its Working Groups. He asked Anthony Lees to introduce this item. Anthony referred to the paper and explained that the discussion should focus on the value of the Working Groups and the things that influence it, for example their governance, membership and accountability to CONIAC. The feedback received will be used to shape the future work plan of CONIAC.

8.2 Bob Blackman said that he thought the Working Groups worked very well, with particularly good examples being the CDM review and Worker Engagement Groups. He felt the Groups are sufficiently accountable, e.g. through the regular papers reporting on their recent work and they, like CONIAC itself, are broadly representative of the Industry.

8.3 Bill Rabbetts agreed that CONIAC was a broad church and this brought it strong support from the Industry. The Working Groups increased the breadth of representation still further, which was one of their strengths.

8.4 Alan Muddiman considered that the Working Groups can be valuable assets. As a sterling example, he gave the Group that had developed CDM 2007 and which, he suggested, should have been retained after the Regulations came into force to help with implementation issues and evaluation as it may be difficult to reform it now.

8.5 Peter Caplehorn said that the Working Groups were essential, although they need a balanced membership. He suggested that more consideration be given to web-based communications processes. For example, quick and easy updating of CONIAC on what is going on in each Group could be achieved by means of a password-protected site. **[Secretary's Note: A CONIAC webcommunity was created during the development of the CDM 2007 Regulations, with membership by invitation, but it was virtually unused by Members and has therefore fallen into disuse. It could be regenerated, if Members thought it worthwhile, but usage would need to justify the HSE resource required to maintain it. An alternative might be to post Working Group papers on the CONIAC webpage of the HSE website.]**

8.6 Richard Ash said that the CDM 2007 Working Group had been an outstanding success because it had had an explicit task. He felt that CONIAC could exploit the opportunity Working Groups had to offer by being more explicit in defining each Group's tasks.

8.7 Phil Russell said that the value of the Working Groups is that they can address the detail that CONIAC cannot. He believed that Standing Committees had been less successful than Task and Finish groups.

8.8 Kevin Fear was concerned that management of the Working Groups put a heavy load on HSE's available resource. He suggested that better co-

ordination with the Strategic Forum might assist. For example, Strategic Forum sub-groups could report back to CONIAC.

8.9 Dorte Weimann believed that the Groups were very important and should be retained. However, she was concerned that there were attendance problems with some of them, and mentioned a perception that sometimes there was more discussion than action. She said that Working Groups should have clear aims and timescales, tripartite membership and give regular reports to CONIAC on their work.

8.10 Peter Kent considered that the system had worked well.

8.11 Shelley Atkinson-Frost believed that the Working Groups can have a positive influence on health and safety. CONIAC's workplan and strategy determine, in general terms, which sub-groups are needed but there should be some flexibility. She thought that regular feedback from the Working Group Chairs was appropriate, and suggested that amalgamation of the Safety Working Group and the Occupational Health Working Group should be considered.

8.12 Stephen said that he drew agreement from the discussion that Working Groups should have proper representation, definite aims, and with CONIAC continuing to oversee them as a programme board. Anthony Lees added that it was the CONIAC Secretariat's usual practice to seek industry-wide representation, via CONIAC Members or their nominees, when establishing CONIAC Working Groups.

## **9. Further consideration of the future and role of CONIAC [M3/2008/3]**

9.1 Stephen introduced this discussion by referring to the supporting paper. He noted the proposal in paragraph 3 for the continuance of CONIAC (with its current membership) on an informal basis pending the settling of its future by the HSE Board. In connection with this, he stated that Judith Hackitt (HSE Board Chair) had requested that a Workplan for CONIAC for 2009/2010 be submitted to her in time for consideration by the Board in March.

9.2 Regarding the future role of CONIAC, Stephen drew Members' attention to paragraph 14 of the paper, which listed five functions. He suggested that Functions 1 (Regulatory development), 2 (Regulatory practice) and 5 (Public accountability) were appropriate roles for CONIAC but that function 4 (Prompt reaction to developments so as to prevent injury and damage) was best discharged via an Industry body. He thought it was debatable whether Function 3 (Sharing and encouraging best practice) was best done through CONIAC or the Industry. He asked for Members' views.

9.3 Alan Muddiman suggested that each of the five functions could be done, and were best done, by CONIAC. Bob Blackman agreed, emphasising the broad and tripartite representation of CONIAC, representing (as it does)

the public and private sectors and trade unions. He was concerned at any proposal to move CONIAC responsibilities to the Strategic Forum since it was not as broadly representative; and felt that CONIAC had been in the best position to do the work it had, and which could not have been done as well by any other forum. Any transfer of responsibilities to the SFfC (or any other body) would be likely to result in the establishment of what would effectively be a mirror organisation of CONIAC.

9.4 Richard Ash said that the paper was prompted largely by HSE's Review of Industry Advisory Committees and wondered if the thinking in the paper was informing the Review. Stephen said that the paper had gone to Giles Denham who is leading the Review and, in due course, a draft Workplan will also be submitted to inform the Board's view.

9.5 Kevin Fear cautioned care in devolving CONIAC's responsibilities elsewhere, as other groups may not be seen as having the same authority as CONIAC. A possible approach would be for CONIAC to request that another group carry out work on its behalf and report back to it. Stephen suggested that the Tower Cranes issue was a good example of this.

9.6 Bud Hudspith was concerned that the issue was being perceived as a choice between CONIAC and the Strategic Forum, when these bodies should be complementary, not alternatives. In his view the Strategic Forum should not have set up its own Working Groups; instead, it should have been strategic and asked CONIAC to set up such groups as were needed. He said that there was huge value in engaging people at the top of the Industry but that this could be done in different ways. He concluded by noting that it was necessary for any body to show that what it had done had worked – otherwise it was very vulnerable.

9.7 Shelley Atkinson-Frost considered that CONIAC and the Strategic Forum are distinct, with CONIAC better placed to deal with regulatory and regulatory policy issues. The Strategic Forum and its H&S Task Group focus on the Framework for Action and other industry implementation issues requested by the Government.

9.8 Dorthe Weimann stressed that CONIAC should continue, not least because of its regulator endorsement and TU involvement. Duplication between CONIAC and the Strategic Forum should be avoided. She wondered if it had been settled that CONIAC would be abolished. Stephen Williams responded that nothing was yet settled and that it should be noted that Judith Hackitt had requested a Workplan for 2009/2010 from CONIAC.

## **10. Discussion on CONIAC Workplan for 2009/2010**

10.1 Stephen acknowledged that it was difficult to discuss this issue without knowing more about the final shape of the new HSE Strategy and the future role of CONIAC itself. However, the HSE Board had requested a draft 2009/2010 CONIAC Workplan for consideration at its meeting in March (which

would occur before the next CONIAC meeting), and he therefore suggested that the Secretariat should prepare a draft and seek to clear it with Members by correspondence during the early part of next year.

**ACTION: Secretariat to issue a draft Workplan for 2009/2010 to Members for comment and clearance by correspondence.**

10.2 Richard Ash asked if suggestions from Members for things to be included in the Workplan would be welcome. Stephen confirmed that they would.

10.3 Kevin Fear said that if clearance (as distinct from comments) from Members was to be sought then this should be made very clear.

## 11. AOB

11.1 Stephen drew Members' attention to the two below-the-line papers, **M3/2008/5** and **M3/2008/6**, and particularly to the request for comments set out in paragraphs 7 and 8 of the former.

## 12. Conclusion

12.1 Stephen recorded that Shelley Atkinson-Frost is to leave the Construction Confederation and therefore CONIAC. He thanked Shelley for her contributions, and congratulated her on her senior appointment with a multinational company.

12.2 Stephen said that he was also moving on to new challenges and that this was his last CONIAC meeting. Interviews for his successor would be held during December with an announcement made before Christmas.  
[**Secretary's Note:** HSE issued a press release on 15 December<sup>3</sup> announcing that Philip White (a former Head of Construction Operations in London and the South-East and of the Construction Sector) would succeed Stephen Williams as Head of Construction Division and Chief Inspector of Construction.]

12.3 Stephen said that during the last three years Construction Division, CONIAC and the Industry working together had achieved a great deal, and for this he offered his gratitude to all concerned. He highlighted a number of matters where CONIAC had provided vital support, including: development of the CDM 2007 Regulations (including strategic delay in their delivery to ensure they were better – and support at the time of the Parliamentary Prayer Debate); involvement in developing the supporting CDM 2007 ACOP (particularly the competence guidelines); development of complementary industry guidance; progress with the Work at Height agenda; support for HSE

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<sup>3</sup> <http://www.hse.gov.uk/press/2008/e08066.htm>

campaigns on issues such as asbestos; and on broader topics such as worker engagement, competence and behavioural change.

12.4 On behalf of the Members, Bob Blackman thanked Stephen for his support during the last 3 years and his excellent chairmanship of CONIAC. He noted the many challenges faced by the Industry and recorded thanks for Stephen's help in finding a way forward. He recalled some of Stephen's earlier roles with the HSE, including: the Channel Tunnel and the QE2 Bridge projects, as well as his Railways Policy role. He concluded by wishing Stephen all the best in his new role, which combines field operations in London with the Olympics.

12.5 Stephen thanked Bob and the Members. He closed by advising CONIAC that its next meeting would be on Thursday 26 March 2009.

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## Annex

In response to the issue raised in paragraph 2.16 of these Minutes, John Holland, Campaign Manager for Shattered Lives, has provided the following comments:

*Unfortunately, it's not possible to measure a direct correlation between a campaign and a reduction in accident figures. Campaigns and other work by HSE, and by others such as Trade Unions, all seek to raise awareness about a problem, encourage duty holders to recognise the problem and take positive, but proportional action to manage the risks. The figures quoted by Stephen Williams (see paragraph 2.15) are clear indicators of the campaign's contribution in doing this, and HSE plans to build on this momentum through Phase 2. Clearly, if the campaign is successful in getting messages across and duty holders and workers change their behaviour in respect of the risk, we should see a reduction in accident numbers. However, we would not expect the campaign to have an instantaneous effect on reported accidents.*

*Given that a direct correlation cannot be measured, we can only consider the impact of the campaign alongside other influences on duty holders that together may have impacted on slips, trips and falls from height accident numbers. Corresponding RIDDOR data for 2008/2009 will not be published until October 2009. In the meantime, we are expecting the evaluation of Phase 1 to be completed by the end of December.*

*Based on 2007/2008 (provisional) figures, HSE estimates that fatal and major slips, trips and falls from height injuries alone cost British society over £690m.*