

Presentation by Richard Lockwood, HM Principal Inspector HSE Construction Group, West Midlands and Warwickshire Business Group Delivery Plan 2008/09



Richard Lockwood

Richard began by describing the progress of the last twelve month's Construction work plan against the trends in previous years. Although some good progress had been made, the results were marred in 2006/07 by a massive rise in Construction fatalities, after the lowest results on record in 2005/06. In the current year, there has been a 7% reduction on last year's peak, but the underlying trends are higher than planned. After taking account of workforce number variations, there is evidence that more needs to be achieved. Overall, there has been no change since 2002/03, Richard added.

Worryingly, the RIDDOR system a slight increase in Major Injury reports. These are the persistent categories of Falls, Struck by Objects, Manual Handling, Slips/Trips and Transport

accidents.

This led to a thorough review of successes, the changing structure of the industry, and high risk areas and activities. The proposed way forward was based on a more strategic approach comprising: -

- A proportionate model of programme management and governance
- A reduced number of projects and refined delivery priorities
- More focus on outcomes in the areas of greatest risk.

Against this strategy, Richard added, individual complaints would receive a lower priority for a site visit by inspectors, eventhough this will inevitably result in a loss of credibilitywith those making the complaint.

Richard went on to outline how HSE resources were structured to meet these challenges. There are about 120 Inspectors in the Construction Division, of whom 40 were focussed on proactive projects in the sector, looking at best practices to act as good examples across the industry. In addition , there were Health and Safety Advisory Officers in a supportive role, working the equivalent of 20 staff-years in flexible working patterns.

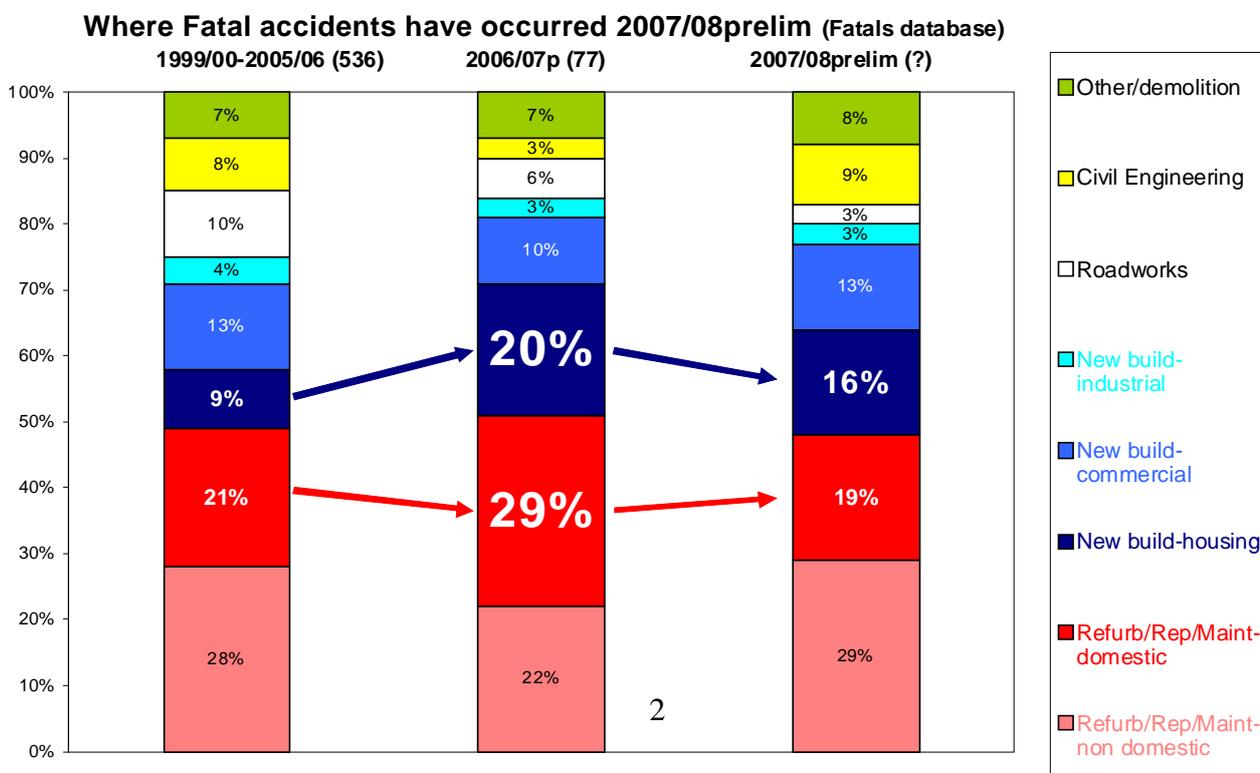
Richard went on to say that the major Cross-cutting Strategic Projects covered: -

- Major Accident Potential (MAP)
- High Impact Interventions (HII) – *an evidence-based strategy for intense inspection activity.*
- Local Authority Construction Engagement(LACE) (This an extremely interesting new element, focussing on a very large Client Group, seeking opportunities for closer integration of CDM, Building Control and Planning regimes. It will include public procurement work, looking for hard evidence of public sector failings via the **Strategic Forum for Construction (SFfC)** and exploring high profile mechanisms to target poor performers. This has the potential to achieve a much higher profile impact amongst more contractors and sub-contractors than probably any other initiative in recent years!)
- Vulnerable Workers (VW) – *This is to ensure that vulnerable construction workers benefit from the protection of existing health and safety law.*
- Small Sites and Small Construction firms (SMEs) – *To establish a sustainable strategy to influence SMEs in the industry to adopt sensible risk management principles. In view of the fact that so many SMEs work for Local Authority Clients, this is closely related to LACE!*

Richard added that the keys to success are: -

- Ownership by Dutyholders
- Motivating external partners
- An Outcome led approach
- Influencing at the right time and at the right level
- Integration – focu on the whole supply chain
- Clarity of purpose – prioritites.

Reflecting on the desire for simplicity and focus, Richard said that the plan outlined just nine proactive work streams, based on sectors of industry, including one intensive inspection initiative. The Refurbishment and Home Build streams will continue to be the principal target sectors for work in 2008/09, together with others, illustrated in this chart: -



Richard emphasised that the preliminary fatality figures for 2007/08 showed that nearly **48%** of construction accidents took place during refurbishment/repair/maintenance and related activities! In the Home Build sector, fatal accidents accounted for 16% of construction accidents and was probably the result of the high level of activity and rapid expansion. although both these sectors had shown a small decline since 2006/07, both must remain high priority areas throughout the coming year!

There would be two main areas of work: -

<ul style="list-style-type: none"> • All Refurbishment (except commercial) <ul style="list-style-type: none"> - inspection throughout the year - intensive inspection initiative • Major Commercial Refurbishment <ul style="list-style-type: none"> - continuation of 07/08 	<p style="text-align: center;">Topics</p> <p style="text-align: center;">CDM 2007 incl.</p> <ul style="list-style-type: none"> - Competence - Falls/Low Falls - Good Order - Structural safety/temp works - Mngt of OH/COHME - Fire - Worker Engagement
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

In the Major Commercial Refurbishment stream, the Client List would be updated and the intervention approach will be in sequence – Assessment of site conditions, relevant Principal Contractor/ Sub-contractor Head Office visits and Client HO visits. Rosi Edwards will be leading this locally with firms like Taylor Wimpey and Barratts

Another interesting innovation will be the proposed Property Developers Communications Campaign, that is being considered by the HSE Communications Directorate. It is intended to target small refurbishment and new build projects with the aim of raising awareness and reminding contractors and developers about the risk of serious injury, plus alerting them to their responsibility for managing those risks. The overall style of this initiative will avoid giving the impression that compliance is burdensome! There is potential for some operational activity, even though the initiative is centred on communications!

In the Home Build sector experiencing a major proportion of fatalities, Richard commented that there had been a considerable growth in output and employment over the past few years. It was this growth that was probably the reason for the increased number of fatalities, he added. The majority involved large firms as client, Principal Contractor or Contractor and most Over 3-day rates are worse in this sector than should be expected. The rise in fatalities in this and the Refurbishment sector triggered the SOS Forum in September 2007 and gave rise to an action plan focussing on Competence and the sharing of good practice.

The HSE Plan will include: -

- Large, medium and small contractors – emphasis on safe operation of Tower Cranes following several serious accidents.
- House Builders Federation/SHADs/Regional Volume builders forums/WWT. HBF to lead their own campaign on Slips/Trips/Falls and will publish its success,

in contrast to HSE actions which indicate the negative impact of interventions!
richard Lockwood will lead locally

- Small developers – HSAOs will visit Hos after completing a 5-day course for specialist training.
- Timber Frame Construction – Manual handling and fire risk are of concern.

Ongoing work includes National Lead Inspectors making contact with large firms having a National profile. Richard leads locally with Carillion and Interserve and the client group Aldi. The Occupational Health Inspectors are also running a Musculo-skeletal Disorders project. Richard also paid tribute to the WWT Campaign, in which BHSEA has played a major role, both locally and Nationally.

He went on to say that WWT is the Division's principal non-inspection approach to dealing with micro and small construction businesses, whose huge diversity, characteristics and limited information make it difficult to develop effective intervention techniques. Since its inception by CONIAC in 1999, the scope and breadth of the campaign has grown steadily ever since. It is run "by the industry, for the industry" and is an excellent example of HSE following the industry theme of ownership, leadership and partnership. The industry resource input is far in excess of the HSE input of £1.2 million in 12 months recently and it remains central to the Division's SME engagement strategy being developed by the Small sites/SME Construction cross cutting project!

Members' Questions

Richard had asked for written questions to be submitted, prior to the meeting and these are printed below, with Richard's answers.

A CDM Principal Contractor employed a company to carry out the mechanical works on a project. The project was completed in October 2007 but the Principal Contractor has still not received the O & M manuals and, consequently, has not issued any more work to the company and is withholding retention. Despite meetings, letters and telephone calls, the contractor has failed to produce these documents and the Principal Contractor is asking they stand if anything goes wrong?

R Richard's answer was: -

The health and safety file is an important document, which is produced during the construction phase and then is kept up-to-date with all relevant information about the building. Maintenance and refurbishment are the biggest causes of injury and ill health for construction workers. This document should provide information that will help to reduce the risks associated with these aspects of the building.

The new CDM regulations strengthen the requirements for this file, placing a legal duty on everybody throughout the chain from contractor to principal contractor to CDM coordinator to the client to produce the file and keep it up-to-date. ***These duties are in many cases absolute with no qualification.***

The provision of information about the safe use of any building is as important as the structure itself and all those in the chain should ensure contractually that the information is delivered. The final failure of a client to have a health and safety file gives rise to a *continuing offence*. Additionally there may be significant financial implications, as a potential future purchaser of the building may decide not to go ahead without this documentation. Alternatively they may require it to be completed from scratch, which is likely to be expensive!

A second member, in the Construction Section was interested in feedback about the impact of CDM 2007, nearly 12 months on, what improvements the HSE have observed and any key messages that still aren't being taken on board by dutyholders? Richard replied that it is difficult to draw conclusions after only one year but HSE is altering the focus of work to take into account the changes in the regulations, in the following ways: -

“a. The duties on clients have been tightened and extended to include welfare provision. This is bringing about some improvements, but slowly. HSE inspectors are backtracking from sites to look at the role of the client. We do have two projects on developers planned for next year. Additionally we are looking at the role of the major high street clients. The extension of the duties on regulation is has reinforced our ability to make improvements.

b. Time to plan and the provision of adequate resources has been brought in as a specific item. We see this as a key issue to be tackled and one that has been actually getting worse. We are looking at the time provided by clients for planning and also the time provided by clients for implementation of design changes.

c. Worker engagement has been specifically included in the new regulations and potentially can be a significant driver for change and improvement. The construction industry does not have a good record in this but those companies that are putting in the effort to make use of all the skills and abilities of their workers are finding it worthwhile.

d. Competence. A lot of work has gone into developing competence frameworks for both individual skilled workers and companies. There are now specific training standards that are required by the major contractors and the major housebuilders. We are starting to find process of rationalisation of the way in which principal contractors assess the competence of contractors.”

Andrew Hornby of AYH plc asked about the format for ‘lead inspection visits to major firms. Richard said that he used a proforma for inspectors to use and after about five visits, all the answers were analysed and then he made a visit to reach a dialogue and set up an improvement plan. Progress in implementation of the plan was then monitored after about 12 months by random visits, as appointment visits are not effective. He added that this process inevitably takes a long time.

Graham Richardson of Kendrick Construction asked if the NASC TG20 Procedure had been withdrawn. Richard said he was unsure and the Secretary said that he would confirm it with a BHSEA Member who chaired the NASC committee that was publishing the procedure. **Secretary's Note: Due to practical difficulties in implementing the methods, TG20 was withdrawn and is due to be re-issued shortly, before its presentation at our construction Meeting in October 2008!**

Gerry Mulholland of Laing O'Rourke referred to the recent HSE Intensive Inspection Project in London that resulted in about 30% of the sites being issued with notices. He asked if the same proportion had occurred in the Midlands? Richard said the HSE Midlands Construction Group had adopted a different approach to London and there were only about 19 notices issued on 137 sites, locally.

Malcom Copson of Geopost asked what action would be taken if the Client/Developer did not have any construction knowledge? Richard commented that the Site Manager should be trained and would be expected to be capable of managing safely. in an extreme case he might stop the job!

Gerry Mulholland asked about the likely impact on HSE Resources of the Corporate Manslaughter and Corporate Homicide Act. Richard emphasised that it was Police led and that HSE would pursue its own independent inquiry leading up to a possible prosecution under the existing Health and Safety Law, as it would have done anyway, in the absence of the new Act. I might be, he added, that the prospect of more severe penalties might result in more 'not guilty' pleas and a consequent increase in requests for more assistance from the Police. He said that there were about 12 – 18 deaths currently under investigation.