

The CONIAC meeting received updates on the activities of its working groups and three presentations covering Lofstedt update, CDM & Fees for intervention.

Working Groups:

Health risk: Guidance for employers currently in development. Draft is expected to be presented to CONIAC at meeting in November 2012.

Members are being encouraged to identify the top 5 health risks in order to inform priorities for action.

Working Well Together: New Group formed in Lancashire. 36 events planned for current financial year, 11 delivered YTD.

Catastrophic failures: terms of reference for group have been agreed. It is proposed to publicise the groups activities via New Civil Engineer magazine. The Group will be writing to the top 100 construction organisations for their views of the findings of the HSE Research report into this area.

Temporary works will continue to feature strongly in this group with UKCG undertaking a Temporary Works compliance audit across their membership, as part of this Working Group. In addition the Group are lobbying Cskills for temporary works content in GE 700.

Safety Working Group: their focus is moving to address the hardware & training associated with work at heights rather than everything associated with work at heights. New medical guidance for persons working at height will be launched at Vertikal days at Haydock Park on 28th June.

Lofstedt update:

The presentation outlined the back ground to the Lofstedt review and focussed upon ACOPs & Revocations.

There are some 52 ACOPs under review as a consequence of Lofstedt/ Red tape challenge. It would appear that these are under review against the original concept of an ACOP, namely providing understanding to aid the transition from prescriptive to goal setting legislation.

The Revocations discussion brought a strong and predictable response from the unions that the loss of the Head Protection Regulations & Tower Crane Notification Regulations would lead to further personal injuries etc. The consultation response to the Head Protections Regs has been especially poor within SMEs . This has prompted the HSE to undertake some further discussion with willing SMEs which is seen as inflammatory by the unions and viewed as running rough shod over recognised consultation process. Some HBF members are facilitating dialogue with their supply chain.

All parties did agree that if the Head Protection Regs were revoked the messages communicated to the workforce were key to maintaining high levels of PPE compliance on site.

It is also apparent further consultation on RIDDOR, seeking to address the under reporting concerns are due in 2012 H2 with implementation of revised regulations by October 2013.

The meeting was also notified of the recent request for Lofstedt to perform a One year on progress review of his recommendations.

CDM 2007 Update:

The presentation addressed an overview of the needs to address both simplification (from CDM evaluation) and under implementation (domestic client and co-ordinators for more than 2 contractors) in context of Government policy of EU copy out and 1 in, 1 out. It was recognised that copy out is likely to be the basis of the approach rather than a strict interpretation. There is a view to retain content over designers for example.

The key principles likely to be applied within this review/ amendments process would be:

- Improving H&S outcomes
- Retaining the technical standards (Part 4: old Construction Workplace content)
- Individual case to retain content beyond the directive ; competence on a possible non regulatory basis ,Role of Co-ordinators both before & during construction, and notification where clarity is needed.

The ACOP itself is being reviewed with three possible outcomes in mind namely Retain, Reduce and Remove. It is apparent that there will be a focus towards smaller projects with the possible inclusion of template documents to ease concerns over bureaucracy for smaller projects.

The concept of Industry guidance remains open. It would however be considered "in association" rather than "endorsed by" where HSE consider the guidance helpful/ supportive.

A CONIAC paper is to be submitted to the HSE Board for December 2012, with consultation to follow in 2013. CONIAC will be actively involved in developing the proposals including some form of Panel discussion in October 2012. The continuing role of the existing CONIAC WG is unclear.

Fees for Intervention (Ffi)

The presentation confirmed that implementation will follow in October 2012 , and that the HSE Enforcement Management Model provides guidance for "material breach". HSE Internal guidance on the process is expected to be complete mid/late July and will be distributed to CONIAC.

Key within the communication of a material breach is the need for a written confirmation. A standard template wording appears likely to address the 4 key components of

- written notification

- details of provision breached
- reasons/ evidence of breach
- confirmation Ffi applies

This will apply to the "reverse letter" process currently used by HSE.

The process of Fee sharing on multi duty holders sites was debated at length. In essence fees will be shared by those in breach based upon the HSE time spent with each party regulating that breach.

i.e.

1 hour in office with PC no issues, material breach in s/contractors work found on site during ½ hour site visit. Total visit time 1½ hours.

No fault with PC, ½ hr site time recovered from S/contractor.

Fault with both PC & S/contractor Site time: ½ hr shared between both parties, plus PC office time 100% to PC

HSE continue to confirm that the Construction priorities remain unchanged.

The track back process into design issues if appropriate could also enable fees to be recovered from designers for situations such as the continued specification of dense blocks where the PC had requested changes which had not materialised. The track back process is likely to be limited to design decision post implementation (October 2012)

Copies of the three presentation are available and can be distributed if HBF organisations require copies.

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