

IOSH CONSTRUCTION UPDATE FEBRUARY 2019

The Health and Safety Team from Safe Track Associates Limited attended the Institute of Occupational Safety and Health (IOSH) Construction Update on the 14 February 2019 and we wish to apprise you with a summary of the presentations.

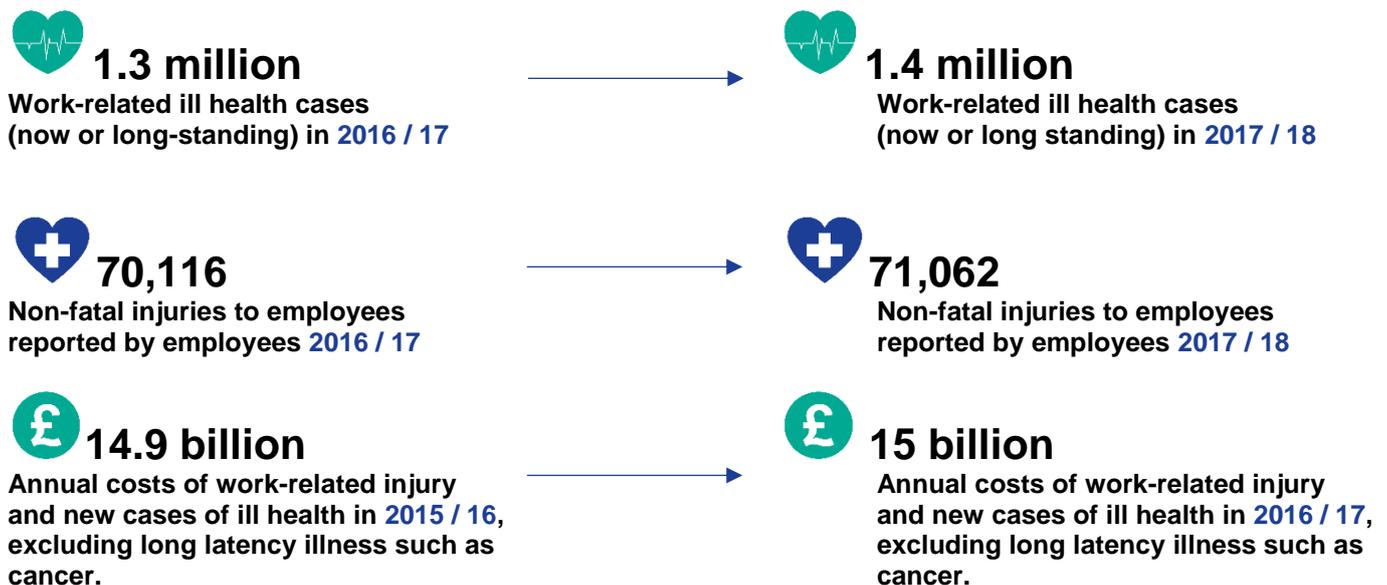
Ian Whittles, HM Inspector Bristol Construction, gave a presentation on what the HSE have been doing and their future plans. He covered national statistics in regards to accidents / ill health and enforcement, inspector bugbears, local case reviews, and the future.

This was followed by Richard Voke, Partner from Temple Bright Solicitors, who delivered a presentation on the Grenfell Tower inquiry.

2017 / 2018 Statistics

Ian opened his presentation with a review of HSE accident and ill health reporting and confirmed that the statistics for fatalities have plateaued, showing very little difference year on year, which is unlikely to change. There should always be a target of zero harm on all construction projects and all incidents should be investigated to ensure root causes are identified and eliminated / reduced / isolated / controlled.

2017 / 2018 saw a slight increase in work related ill health cases and non-fatal injuries to employees.



Enforcement

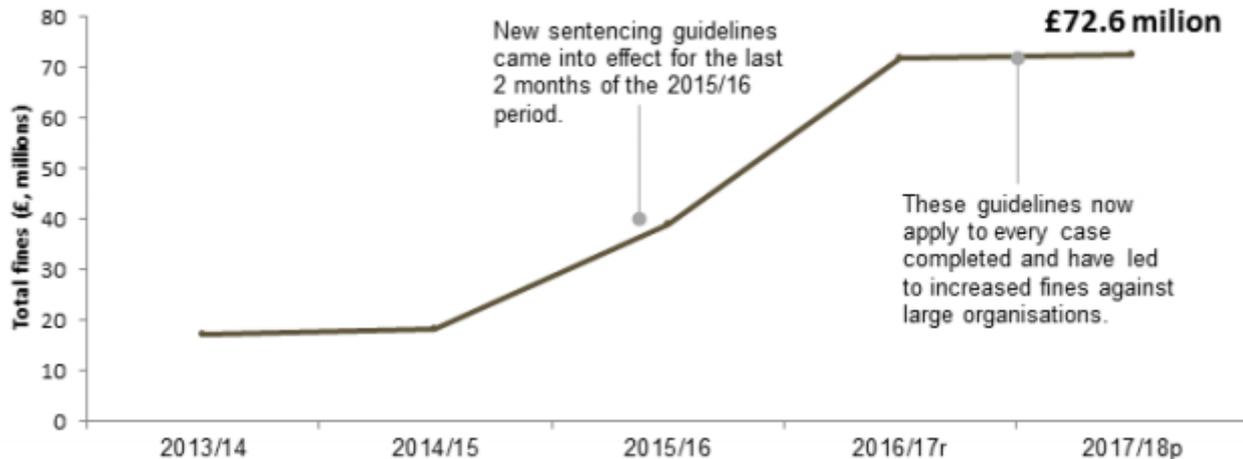
The HSE and local authorities are responsible for enforcing health and safety legislation. Each has a range of tools at their disposal in seeking to secure compliance with the law and ensure a proportionate response to offences. There has been a significant rise in the fines from 2016 onwards since the new sentencing guidelines for health and safety offences came into force.

- In 2017 / 18 – 8,942 HSE enforcement notices were issued
 - 1,742 were Prohibition Notices from the Construction Division were issued
 - 1,273 were Improvement Notices from the Construction Division were issued

The average fine from intervention by the Construction Division in 2017 / 18 was £97,855.00

The table below demonstrates the sharp increase in fines since the new sentencing guidelines came into effect in 2016.

Total fines for health and safety offences prosecuted by HSE and, in Scotland, COPFS



Inspector bugbears

- **Fire**
 - Means of raising the alarm – wired or wireless linked alarms for raising the alarm in the event of a fire are now the only acceptable method for sites larger than one small room. Air horns and manually-operated fire alarm bells are not permissible.
 - Types of fire extinguishers should be relevant to risk and site plan.
- **Wood dust**
 - COSHH Assessments should prevent exposure to known carcinogens and causes of asthma i.e. wood dust
 - Local Exhaust Ventilation (LEV) is reasonably practicable and is to be fitted on powered hand tools – there is no excuse for not using LEV.
- **Temporary works**
 - Excavations must be designed to ensure structural stability – consider the need for battering / shoring where there is risk of collapse
 - Do not over load excavations – consider weights of plant / vehicles / adjacent buildings etc.
 - Ensure adequate edge protection on all excavations to stop falls from height (pedestrians, tools and vehicles)
 - Temporary supports must be designed by a Temporary Works Engineer and installed by a competent contractor in accordance with the written plan
- **Welfare**
 - Must be suitable and sufficient – Schedule 2 of the Construction (Design and Management) Regulations 2015 is a **minimum** standard
 - Many sites have been criticised for not having warm / hot water in the immediate vicinity.
- **Roof work / scaffolding**
 - Roof work design issues – If you can't avoid working at height or if collective solutions (such as barriers or guardrails) are unsuitable, then a Personal Fall Protection System (PFPS) is your best option. Both Fall Restraint and Fall Arrest systems are Personal Fall Protection Systems and they must be designed to a Fall Arrest standard. In the hierarchy of controls, Fall Restraint is preferred to Fall Arrest, as it prevents you from falling.
 - Fragile roof work - on average, 7 people are killed each year after falling through a fragile roof or fragile roof light. Ensure that a competent person has assessed the roof using a safe system of work and that the work is properly planned in advance prior to the works, and that the planned safe system of work is implemented during the works.
 - Scaffold – inspection regimes and design
- **Appointments under CDM 2015**
 - If a Client fails to make Principal Designer and Principal Contractor appointments, the Client must take on those duties

Local cases

Ian reviewed ten case reviews from the Bristol area covering work with asbestos, scaffolding, work at height, construction / refurbishment and temporary works.

- **Asbestos** – Refurbish and Demolition Surveys must be carried out prior to any construction, refurbishment or demolition works
- **Overtaken crane-mounted lorry** – preventative maintenance should be carried out on all work plant, equipment and vehicles.

The future

- **Tall buildings**
 - Series of inspections between HSE and Fire Authorities
 - Focus will be on alarm systems and means of escape during construction phase
 - Legislative changes proposed of Building Control and Competent Authority formation – This a Grenfell Tower Inquiry recommendation
- **Stress management**
 - Site Managers / Project Managers suffer from significant stress delivering employer and client requirements
 - Visiting officer programme
- **New HSE Chief Executive to be appointed**
 - Otherwise, business as usual

Grenfell Tower

The Grenfell Tower Inquiry is an independent public inquiry, set up to examine the circumstances leading up to and surrounding the fire at Grenfell Tower on 14 June 2017.

The Hackitt review has shown that in too many cases, people who should be accountable for fire safety have failed in their duties. In future, the government will ensure that those responsible for a building must demonstrate they have taken decisive action to reduce building safety risks and will be held to account.

Inquiry phases

Phase 1 is focussing on the factual narrative of the events of the night of 14 June 2017. This includes:

- The existing fire safety and prevention measures at Grenfell Tower;
- Where and how the fire started;
- The development of the fire and smoke;
- How the fire and smoke spread from its original seat to other parts of the building;
- The chain of events before the decision was made that there was no further saveable life in the building; and
- The evacuation of residents.

Phase 2 will review:

- Grenfell Tower's original design, construction, composition (completed 1974);
- Subsequent modifications prior to the most recent;
- Modifications to the interior of the building 2012 - 2016;
- Modifications to the exterior of the building 2012 - 2016;
- The fire and safety measures within the building at the time of the fire;

- Inspections;
- Governance / management;
- Communications with residents;
- Fire advice to residents 2012 – 14 June 2017;
- Response to recommendations;
- The fire;
- The response of the emergency services;
- The aftermath.

The fire at the Neo 200 building on 3 February 2019 in the Melbourne Central Business District has eerie similarities to the Grenfell Tower disaster – clad in the same aluminium composite materials, a fire started on the 22nd floor and quickly moved up the outside of the tower to the 27th floor. However, instead of 72 people dead, as at Grenfell, only one person was hospitalised for smoke inhalation.

Food for thought

Sprinklers are compulsory in tall buildings in Wales and Scotland, but not compulsory in England.

Regulatory Reform (Fire Safety) Order 2005 – what do you have to do?

Section 8(1)

Take such general fire precautions (as far as is reasonably practicable) to ensure the safety of any employees and that the premises are safe.

Section 9

Make a suitable and sufficient risk assessment with particular focuses on:

- Dangerous substances;
- Employment of young persons;
- Regular review and updating.

Section 10

Any measures must comply with the Principles of Prevention.

Dame Hackitt's Report

- Sets out principles for a new regulatory framework, which will drive culture change and new behaviours;
- Applies to Multi Occupancy, higher risk residential buildings over 10 storeys in the first instance, but recommends application to broader range of buildings;
- Recommends a clear model of risk ownership – clear responsibilities for Client, Designer, Contractor and Owner;
- Dutyholders to be overseen and held to account by a regulatory authority;
- A mandatory incident reporting mechanism for dutyholders;
- Criminal consequences;
- Recommends no prescriptive rules and no complex guidance;
- Comparison with CDM 2015, which has delivered cultural and behavioural change in the same sector;

- This will require legislative change and will therefore need time to implement
 - No need to wait for legislative change to start behavioural change
 - Sense of urgency and commitment is needed;
- Must be applied to existing complex high rise residential buildings;
- Points out a moral obligation to change and the need for collaboration and partnership;
- Some recommendations apply to a wider set of buildings e.g. other multi occupancy residential buildings (e.g. less than 10 storeys) and institutional residential buildings (e.g. hospitals, care homes, hotels, prisons, halls of residence, boarding schools, etc.).

Design, construction and refurbishment

- New dutyholder roles and responsibilities that will align with CDM 2015;
- Robust gateway points to strengthen regulatory oversight – will require dutyholders to demonstrate detailed and robust plans to Joint Competent Authority (JCA) to gain permission for progressing a project;
- Change control process:
 - More stringent recording;
 - Sign off by JCA for more significant changes;
- More rigorous enforcement powers;
- The digital record (Client, Principal Designer, Principal Contractor) – record of the building and products used to underpin effective understanding of constructed building throughout lifecycle;
- The Fire and Emergency File (Client, Principal Designer, Principal Contractor) – sets out key building safety information to be given to building owner and will be provided to anyone carrying out works to show the fire strategy;
- Full plans (Principal Designer) – detailed plans / specification of building works re structural safety – this must be viewed as sufficient by the JCA;
- Construction Control Plan (Principal Contractor) – describes building safety and compliance through construction;
- Improvement / correction notices – servable 5 / 6 years after building is completed;
- Prohibition notices – could be imposed at gateway points for serious deficiencies with significant impact on safety.

London Fire and Emergency Planning Authority v Atomlynn and Douglas and Gordon

Atomlynn	Head leaseholder of 28 flats
Douglas and Gordon	Managing Agents
November 2006	Fire Risk Assessments (FRAs) provided by external consultant. Neither Atomlynn or Douglas and Gordon implemented the recommendations from the FRAs – failure to make an emergency plan, lack of fire doors and emergency lighting.
June 2008	Fire breaks out – no injuries and fire unrelated to the risk assessments.
June 2010	Summoned to Court. Both companies enter a guilty plea.
Douglas and Gordon	Fined £100k + £13k costs £60k for failure to implement the risk assessment £20k solely for the lack of a fire alarm

£20k for failing to ensure an electrical cupboard was locked

Atomlynn

Fined £33k + £6.5k in costs

BIM and CDM 2015

- Building Information Modelling (BIM) – 3 dimensional modelling – cradle to grave, design, prepare, build, maintain, refurbish, demolish.
- 2016 government procurement programme
- BIM an opportunity for all (including accident investigation inspectors)
- Wider applications to just building and modelling – whole workplace design
- Could be the equivalent of the HAZOP (A hazard and operability study is a structured and systematic examination of a complex planned or existing process or operation in order to identify and evaluate problems that may represent risks to personnel or equipment).

BIM and Hackitt

- Transparency in design
- Digital life cycle modelling
- 2011 Government Construction Strategy
- Crucial for 'building in safety up front'
- Terminal 5, Cheesegrater, MoJ Prisons and Cross Rail (good examples of project delivery)
- Paperless
- Security issues