

# Construction update

Newsletter Issue 1 2015



## Welcome to the first issue of the 2015 QBE Construction Newsletter

The implementation of the Construction (Design & Management) Regulations 2015 continues to be debated with a lack of clarity on whether the 2007 ACoP will be revised.

Findings from the Construction Dust Partnership report suggest that the industry still has a considerable way to go to successfully tackle dust on site.

The IOSH “No Time to Lose” campaign is gaining traction and QBE is proud to be a signatory supporter of this initiative.

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In this issue we take a look at:

- CDM 2015 update
  - CDM affect on manufacturers
  - Construction Dust Partnership Report
  - QBE backs IOSH “No Time to Lose” Campaign
  - “Safety Wizard” App for SME’s
  - New spate of invoice fraud hits industry
  - Brick prices increase in UK
  - SMART Safety vests for rail workers
  - Recent court cases
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### CDM Regulations 2015 Update

The Construction (Design and Management) Regulations 2015 came into force on the 6th April 2015. Small and medium size construction businesses will now have to have a plan and manage health and safety. For the first time, even small construction projects such as an extension to a house or a bathroom installation will need a construction phase plan.

#### Key changes of the new CDM Regulations 2015

- The revised legislation applies to all projects including, for the first time, domestic jobs
- All projects must have a written construction phase plan
- The role of CDM co-ordinator in the previous CDM Regs 2007 has been removed and replaced with a new role of principal designer
- There is a duty to make sure all persons undertaking the job have the right skills, knowledge, training and experience
- Some domestic and non-domestic projects will have to be notified to the Health & Safety Executive by the client.

When CDM 2015 comes into force on 6 April 2015, there will be a transitional period, which will run for six months from 6 April 2015 to 6 October 2015.

For projects starting before 6 April 2015, where the construction phase has not yet commenced and the client has not yet appointed a CDM co-ordinator, the client must appoint a principal designer as soon as it is practicable.

If the CDM co-ordinator has already been appointed, a principal designer must be appointed to replace the CDM co-ordinator by 6 October 2015, unless the project comes to an end before then.

The HSE have produced draft legal series guidance (L153) on the legal requirements for CDM 2015 which can be found here [www.hse.gov.uk/pubns/books/l153.htm](http://www.hse.gov.uk/pubns/books/l153.htm)

The current CDM 2007 ACoP will remain available and we understand that there are currently no plans to issue a new ACoP

The CITB have created a number of new resources in anticipation of the new regulations including a free CDM Wizard App (currently only available on android devices), industry guidance documents [www.citb.co.uk/health-safety-and-other-topics/health-safety/construction-design-and-management-regulations/cdm-guidance-documents](http://www.citb.co.uk/health-safety-and-other-topics/health-safety/construction-design-and-management-regulations/cdm-guidance-documents) and also a number of workshops.

# Three times as many working days currently being lost to ill-health than to occupational injury

HSE and IOSH



## CDM Regulation changes will affect the manufacturing industry

The manufacturer's organisation EEF is reminding its members that the changes to the CDM Regulations will affect manufacturing as well as construction, as the definition of construction within the regulations is extremely broad.

EEF has detailed the most common practices within manufacturing that will fall under the scope of the new regulations –

- Moving machinery within a factory
- Dismantling a machine for repair, refurbishment or decommissioning
- Creating new working areas by installing/removing structures such as walls, elevated walkways and additional levels
- Almost anything involving mechanical, electrical, gas, compressed air, hydraulics, telecommunications and computer services including installation, commissioning, maintenance, repair or removal

Further information is available at [www.eef.org.uk/cdm2015](http://www.eef.org.uk/cdm2015)

## Construction Dust Partnership Report

The Construction Dust Partnership (CDP) and safety body IOSH recently commissioned an industry survey on dust on construction sites. The questions

covered a number of areas including risk awareness and control measures. The results of the survey demonstrate that the industry has a lot of work to do.

With three times as many working days currently being lost to ill-health than to occupational injury, and in particular to occupational cancers, caused by asbestos and silica, the lack of awareness amongst workers is worrying.

- 42.2% of respondents were aware of dust as a health issue but had no idea of the significance of the issue
- 45.3% of respondents did not believe that their employer focussed on reducing risk at the design stage, for example by ordering different sizes of material to reduce cutting
- 38.3% of respondents suggested that water suppression for dust was provided sometimes
- 37.7% of respondents believed that dust extraction on tools was only sometimes provided
- 35.5% considered that the correct type of dust extraction device for a job were rarely provided.

Results for the use of RPE (respiratory protective equipment) were more positive with over half of those surveyed saying it was provided most, if not all, of the time. However, less than a fifth of respondents

believed that individuals received face fit testing for the masks they wear.

For more information and the full report visit [www.citb.co.uk/cdp](http://www.citb.co.uk/cdp)

## QBE is proud to support the IOSH “No Time to Lose” Campaign

QBE has signed up as a supporter of the current IOSH “No time to Lose” campaign, which aims to shed light on occupational cancer. The campaign is focussing on five key causes of occupational cancer in the workplace –

- Silica dust
- Diesel engine exhaust emissions
- Solar radiation
- Asbestos
- Shift Work

IOSH has produced a number of free resources which can be found at [www.iosh.co.uk/NTTL/Home/About-NTTL.aspx](http://www.iosh.co.uk/NTTL/Home/About-NTTL.aspx) and we would encourage all our policyholders with an exposure in any of these areas to visit the IOSH webpage, and consider what you can do to improve the health of your workers.

\* With almost 14,000 new cases of cancer caused by work being registered each year and around 8,000 deaths a year caused by occupational cancer it is crucial that steps are taken to reduce this number.

\* HSE and IOSH



## “Safety Wizard” App for SME’s

RNF Digital Innovation has developed a new app designed to help small and medium sized businesses (SME’s) meet their health and safety requirements. The free-to-download Safety Wizard app, drawn directly from the Health and Safety Executive (HSE) Toolbox guidance offers SME’s a solution to help navigate a vast array of health and safety information.

It’s the first time a Toolbox guidance app has been developed using HSE website based information and as a result will offer SME’s the opportunity to access a host of data at the touch of a button. The Safety Wizard app gives the user access to straightforward advice on the most common health and safety hazards and shows how SME’s can take practical steps to control the risks in their workplace.

There is advice on working environments and on the most common causes of accidents with helpful do’s and don’ts. There are sections on the most common hazards such as electricity, gas, manual handling and harmful substances as well as simple risk assessment tools.

In addition to the Health and Safety Toolbox data available on the app, RNF Digital Innovation is planning additional future functionality for the Safety Wizard including a Health and Safety Consultants directory. This will give users the opportunity to access the details and contacts for the best Health and Safety consultants in the industry, most suited to dealing with the Health and Safety needs of small and medium sized businesses. The Safety Wizard, which is exclusive to the Apple iOS operating platforms, is available now as a free download from the Apple iTunes store.

## Invoice Fraud in Construction

Speller Metcalfe has again been targeted by fraudsters attempting to trick clients into sending payments to false bank accounts.

Two housing association clients received correspondence asking them to amend the firm’s bank details for payments.

The builder has issued a warning to other firms not to fall victim to the latest outbreak of attacks.

The industry was hit by a major case of what is known as “mandate fraud” several years ago when the Olympic Delivery Authority was conned out of £2.3m.

Speller Metcalfe warned that the latest attempts are becoming more sophisticated, using company logos and project names to make them seem convincing.

Speller Metcalfe and another external partner firm were victims of a similar attack last summer.

Unfortunately, this type of fraud and also more sophisticated cybercrime is on the rise, and clients and contractors need to be vigilant.

For the party responsible for paying the debt this is a real issue because they can remain liable the original debt, and effectively it may have to pay twice in the knowledge that it will face a difficult claim against the fraudsters.

In practice, companies do not often change bank accounts, and therefore if you receive such a notification, however genuine it may appear, always get specific

confirmation from the company you are dealing with – preferably both by telephone and in writing – that you are authorised to pay into the new account.

## Cost of bricks on the rise

UK manufacturer and supplier Michelmersh saw brick retail prices rise by 13.5% last year as demand continued to outstrip supply in the market.

The company sold 70m bricks in 2014.

Chairman Eric Gadsden said: “A generational oversupply of bricks has come to an end and the market is now reliant on increasing levels of imports.

The current environment brings a new set of challenges with our stocks, and industry stocks, at an all time low.”

Average selling prices last year increased to £395 per thousand as “sales were constrained by capacity for the first time in many years.”





### SMART Safety Vests

A software developer has come up with a high visibility vest for rail workers with LED lights that flash when a train is coming.

The SmartVest has low-energy light emitting diodes (LEDs) that respond to hazards. It has been invented by a software developer called 3Squared, which says it is bringing the hi-viz vest "into the 21st century".

For trackside railway workers, the SmartVest will take information from live data feeds to provide automated visual alerts. Different coloured lighting is used to create different alerts for individual workers and groups of workers, helping them to identify a possible hazard.

Site plans are uploaded to the SmartSafe virtual zone management platform, demarcating safe areas from hazardous ones and defining exclusion zones, such as near power cables.

Once out on site, the software uses iBeacon technology to establish and monitor these virtual zones.

Further details can be found at [www.3squared.com](http://www.3squared.com)

### QBE Construction Forum - 19 May 2015

We are delighted to inform you of our exclusive client construction forum, 'Behavioural Safety in Construction - why we do what we do?' which is being held in London on Tuesday, 19th May 2015.

Hosted by Mark Paterson and Chris Gill; Casualty Risk Managers, we will explore the critical importance of behavioural safety in construction, arguably the most common route cause to any major accident, and how to positively influence decision making.

The day will be facilitated jointly by BLM (Matthew Harrington and Keith Lonsdale) and Keystone Training (QBE approved Behavioural Safety Specialist), with further speakers from the Health & Safety Laboratory.

We're pleased to confirm that our keynote speaker is Sir Vivian Ramsey, most recently Judge in Charge at the Construction and Technology Court in London. Prior to his career in law, Sir Vivian was a civil engineer working in the UK and Libya, and is a Fellow of the Royal Academy of Engineering.

The afternoon break out sessions will consist of small round table discussions on a number of key areas including - CDM Regulations 2015, Accident Investigation and Defensibility, HSE Tactics and of course Behavioural Safety on Site.

We will also be launching our new QBE Issues Forum - 'Behavioural Safety in Construction' co authored by Jo Raishbrook of Keystone Training. Copies of the publication will be available for free to each delegate.

If you are interested in attending this client only event please discuss with your broker and send your details to Mark Paterson, Senior Risk Manager - [mark.paterson@uk.qbe.com](mailto:mark.paterson@uk.qbe.com) by 30 April 2015.

### Recent Court Cases

#### Construction firms prosecuted after worker crushed by falling conveyor

Three construction companies have been fined after a worker was crushed by a falling section of conveyor at a plant in Sleaford.

The incident happened during construction of the Sleaford Renewable Energy plant on Boston Road on 14 February 2013 when a 4.5 tonne conveyor section overturned during installation.

It trapped Michael Doyle, a 49-year-old employee of Derby-based Shaw Group UK Ltd, who suffered multiple injuries including four cracked vertebrae, broken ribs, a punctured lung and broken ankle. He has not returned to work since.

Three conveyor sections were lifted on to a slope leading up to the boiler by craning them on to a platform at the bottom of the

“ The failure to ensure work was carried out safely on the slope was symptomatic of more general failures which were the responsibility of principal contractor in setting the rules, procedures and checks needed to manage a large site. These failures put all the workers on site at risk.

*HSE Inspector Martin Giles*

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slope. Skates were bolted to the front and rear legs which helped keep the section of conveyor on rails as it was dragged up the slope by manual winches set up at the top.

In order to fix the sections of conveyor in place, workers needed to remove the skates and used jacks to raise the legs enough to take the skates off and then lower the legs down onto the rail.

This was carried out successfully on the first three sections but as the jacks were released, on the lower legs of the fourth and final section, one side lowered faster than the other and the conveyor swung towards two workers before violently swinging the other way and turning on its side, trapping Mr Doyle, from Fleetwood, Lancashire, underneath.

A risk assessment and a plan for the installation had been produced but it did not consider removal of the skates from the legs of the conveyor sections or the manual winching of the load up the slope. The document had been sent to the principal contractor for checking but the company did not pick up on the omission.

The lifting operation using jacks was not carried out safely and none of the three defendants was managing or monitoring the work in a way that would ensure its safety.

The investigation found that the principal contractor failed to ensure work was properly assessed and co-ordinated between the many contractors on site.

The three firms were fined a total of £32,500 including costs after pleading guilty to breaching Regulation 3(1) of the Management of Health and Safety at Work Regulations 1999; Regulation 8(1)(c) of the Lifting Operations and Lifting Equipment Regulations 1998; and Regulation 13(2) of the Construction (Design and Management) Regulations 2007.

Speaking after the hearing, HSE inspector Martin Giles said:

“A few simple and inexpensive precautions could have easily prevented this from occurring. To prevent a collapse you should shore, step, or batter back the sides. Do not assume ground will stand up unsupported.”

*HSE Inspector Adam Hills*

“This was a large site with multiple contractors and up to 300 people working at any one time. Although there was a series of site rules set out in a construction phase plan, management of the site was poor as each of the main contractors ran their own areas of the site as they desired and were able to set additional rules. This led to different procedures being followed and a lack of control over temporary works.”

#### **Hertfordshire firm and director fined after excavation collapse**

The director of a building firm was partially buried when the high sides of an excavation he was working on collapsed on him, a court has heard.

Paul Connolly, director of Bushey-based PNT Contractors Ltd, had to be rescued by workers digging him out by hand after the excavation collapse at a site in Essex in July 2014. He was taken to hospital and suffered a broken leg and ankle.

The incident was investigated by the Health and Safety Executive (HSE), which today (4 March) prosecuted Mr Connolly and the company at Southend Magistrates' Court.

The court heard PNT Contractors Ltd was carrying out extensive ground work at a site in Crays Hills, Essex, when the incident took place.

Paul Connolly had used an excavator to dig into the side of a slope, leaving unsupported excavation sides of up to 2.5 metres in height.

Mr Connolly and another employee were working in the sheer-faced excavation when it collapsed. The second worker managed to jump to safety but Mr Connolly was partially buried and trapped by the falling earth and had to be dug out by hand by his two employees.

HSE served a prohibition notice the following day stopping any work until the excavation was made safe.

PNT Contractors Ltd of Sparrows Herne, Bushey, Hertfordshire, was fined £15,000 and ordered to pay costs of £1,176 after admitting a breach of the Construction (Design and Management) Regulations.

Paul Martin Connolly of Lipton Street, Watford, was fined £15,000 and ordered to pay costs of £1,176 for a similar breach by virtue of being a director of the company.

After the hearing, HSE inspector Adam Hills said:

“Paul Connolly not only endangered himself, but was reckless with the lives of his employees. Every year people are killed or seriously injured by collapsing trenches. The dangers here were obvious.”

#### **QBE Risk Management**

This newsletter is produced by QBE's Risk Solutions team. We are a team of dedicated professionals who work closely with our clients to actively assist with accident prevention, employee rehabilitation and claims mitigation.

For more about our services, please visit [www.QBEurope.com/rs](http://www.QBEurope.com/rs) or email [RS@uk.qbe.com](mailto:RS@uk.qbe.com) or discuss with your insurance broker.