

CDM CONVICTION OVER SCAFFOLD COLLAPSE

A scaffolding firm has been fined after a four-metre-high structure, erected to protect the public, collapsed during a storm.

Birmingham-based Climar Scaffolding appeared at Coventry Magistrates' Court charged with breaching regulation 19(2) of the Construction (Design and Management) Regulations following the incident on 3 March 2019.

The scaffolding, which was about 13 metres long and intended to prevent falling debris from hitting passers-by, blew down in high winds across the entrance to the car park of Coventry Skydome during storm Freya.

The scaffolding was not adequately fixed into the structure and was not designed and installed to withstand foreseeable wind loads, an investigation by the Health and Safety Executive (HSE) found. The management of the scaffolding operation was well below the expected standard because it did not identify the need for a bespoke design, required to ensure the strength and stability of the proposed scaffolding structure.

'Scaffolds need to be adequately tied, in line with the recognised health and safety requirements or a bespoke design should be created based on established engineering principals,' warned HSE inspector Edward Fryer. 'In this case, the scaffolding was not properly designed or adequately tied into the permanent structure.'

'It's only a matter of fortune that nobody was seriously injured, the collapse presented a significant risk to the safety of the public.'

Last week, Climar Scaffolding – a micro-entity employing just two people – was fined £15,000 and ordered to pay prosecution costs of £2532.



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THE LIGHTHOUSE CONSTRUCTION INDUSTRY CHARITY - WELLBEING IN THE INDUSTRY

The Lighthouse Construction Industry Charity is the only charity that provides mental, physical and financial wellbeing support to the construction community and their families in the UK and Ireland.



The charity provides a 24/7 Construction Industry Helpline, which is the first point of contact to access a range of free and confidential support services. This is complemented by a free App that provides information, advice and guidance on a variety of wellbeing issues.

The charity also offers a series of free online wellbeing training sessions with topics including coping with stress, work-life balance and financial management, along with other easy to access resources to support the construction community. To find out more visit the Lighthouse website.

FIRST AID AND THE COVID-19 PANDEMIC



This guidance will help employers ensure first aiders are confident that they can help someone injured or ill at work during the coronavirus (COVID-19) pandemic.

Guidance for first aiders

Try to assist at a safe distance from the casualty as much as you can and minimise the time you share a breathing zone. If they are capable, tell them to do things for you, but treating the casualty properly should be your first concern. Remember the 3P model – preserve life, prevent worsening, promote recovery.

Preserve life: CPR

- Call 999 immediately – tell the call handler if the patient has any COVID-19 symptoms
- Ask for help. If a portable defibrillator is available, ask for it
- Before starting CPR, to minimise transmission risk, use a cloth or towel to cover the patient's mouth and nose, while still permitting breathing to restart following successful resuscitation
- If available, use:
 - a fluid-repellent surgical mask
 - disposable gloves
 - eye protection
 - apron or other suitable covering

Only deliver CPR by chest compressions and use a defibrillator (if available) – **don't** do rescue breaths (for CPR in paediatric settings see specific [guidance from the Resuscitation Council UK](#))

Prevent worsening, promote recovery: all other injuries or illnesses

- If you suspect a serious illness or injury, call 999 immediately – tell the call handler if the patient has any COVID-19 symptoms
- If giving first aid to someone, you should use the recommended equipment listed above if it is available
- You should minimise the time you share a breathing zone with the casualty and direct them to do things for you where possible

After delivering any first aid

- Ensure you safely discard disposable items and clean reusable ones thoroughly
- Wash your hands thoroughly with soap and water or an alcohol-based hand sanitiser as soon as possible

First aid certificate extensions

First aid providers have resumed first aid training and assessment. In some cases, there remains a back log or limited availability.

FAW or EFAW certificates that expired after 16 March 2020 can remain valid until 31 October 2020 or 6 months from date of expiry, whichever is later. All requalification training for these certificates should be completed by 31 March 2021.

To qualify for the extension, candidates must be able to demonstrate that:

- they have made every effort to arrange requalification training as soon as possible and can explain in detail why they have not been able to do so. For example, they must show evidence that staff with expired certificates are booked on to EFAW or FAW requalification courses, if requested by an inspector
- they have adequate and appropriate equipment and facilities to give first aid to any employee who is injured or becomes ill at work
- the level of first aid cover provided remains appropriate for their particular work environment
- the level of first aid provision necessary in high-risk settings is fully maintained, e.g., in construction, agriculture, engineering and chemicals

Annual refresher training

If first aiders are unable to access annual refresher training face to face during the coronavirus (COVID-19) pandemic, HSE supports the use of online refresher training to keep their skills up to date.

HSE still strongly recommends that the practical elements of actual FAW, EFAW and requalification courses are delivered face to face, so that competency of the student can be properly assessed.

HARD HAT RECYCLING SCHEME GOES FROM STRENGTH TO STRENGTH

[An innovative national recycling scheme is celebrating more than 10,000 recycled hard hats.](#)

Every year, the UK throws away several million end-of-life protective hats. The National Hard Hat Recycling Scheme is a user-friendly method for old hard hats to bypass traditional waste disposal routes, thereby ensuring end-of-life hats go directly into reprocessing. Three years ago, Yes Recycling built a bespoke recycling capability at its Buckinghamshire facility specifically to recycle hard hats.

Since its inception, the scheme has seen more than 10,000 hard hats saved from landfill and the scheme now boasts about 50 members from a range of sectors and businesses, including construction, transport, utilities, defence, wildlife conservation, tree surgery and extreme sports.



Network Rail is one such company. Recycling its hard hats through Yes Recycling supports its environmental sustainability goals by reducing waste to landfill through the waste hierarchy. 'It is positive to see companies such as Yes Recycling investing in initiatives to support businesses in contributing to the circular economy,' said technical surveyor Sally Marquis. 'Maybe in the future, an old hard hat could be recycled into a new one and we fully support that process.'

Musculoskeletal conditions soar due to homeworking

Arinite has compared research from 2019 and 2020 to determine whether UK workers received enough support from their employers to cope with the physical change in their day-to-day work environment.

Musculoskeletal disorders can affect muscles, bones, and joints. Desk jobs are common causes of these conditions, which can cause recurrent pain, swelling, aches, and stiff joints. When severe, the discomfort experienced can interfere with everyday activities such as typing. Maintaining a healthy posture while working is vital for preventing these symptoms.

In 2019, only 1.42% of workers experienced work-related musculoskeletal disorders. This low statistic may be because only 5.1% of the total UK workforce were mainly working in their own home. Whereas in 2020, many of us had no choice but to do so. According to ONS, 46.6% of British employees did some work at home during lockdown. As a result, last year saw an astronomical 37.70% of musculoskeletal cases connected to work.

Even before the rise of remote working, keyboard work was cited as the third biggest work-related cause of musculoskeletal conditions, overtaking heavy machine operation. This risk was heightened further by workers operating from unsuitable at-home workstations.

In September 2020, a survey revealed that 81% of employees working remotely during lockdown had experienced back, neck, or shoulder pain. Nearly a quarter of respondents were affected by these symptoms often or all the time. Another 46% were taking more painkillers than they would like to reduce these aches and pains.

Do homeworkers have a suitable workspace?

Just over 28% of UK employees admitted to operating from a non-work specific home location. Working from an inappropriate and unprofessional set-up such as slouching over a dining table, can cause neck, back, and hip pain. Although 41.2% of respondents used a dedicated workroom or office, many aches and pains can still occur without putting the necessary precautions in place.

To maintain a good posture while working at a desk:

- adjust your chair to support your lower back
- set the chair height so that your forearms and wrists remain straight when using the keyboard
- ensure your knees are slightly lower than your hips
- keep your feet resting on the floor and do not cross your legs
- adjust your computer or use a laptop stand so that the top of the screen is at eye level.

How are employers helping?

Without prior knowledge that working from home would become the norm, those without a home office didn't have much time to prepare. But is it the employee's or employer's responsibility to ensure at-home workspaces are appropriate?

More than a third of office workers claimed they hadn't received any support, advice, or equipment from their employer to assist with homeworking during lockdown. A staggering 89% of people who are temporarily working from home and are in pain hadn't told their employers.

Although the law doesn't require employers to conduct home workstation assessments for employees working from home temporarily, they should still offer advice.

According to [HSE](#), if the temporary homeworking period extends, employers should hold regular discussions with workers to address whether improvements need making and deliver equipment if necessary.

On top of this, employers must instruct staff to complete a homeworking risk assessment and a display screen equipment assessment. The health and safety policy may also need adjusting to cover homeworking.



BUILDING SAFETY BILL: IMPLICATIONS FOR THE HOUSING SECTOR

As the construction sector continues its work amid the pandemic restrictions, it is also preparing for the impending Building Safety Bill regime. But is the industry heeding Dame Judith Hackitt and the HSE's call for a proactive culture change, or is work being shelved until a later date?



Around 13,000 high risk residential buildings (HRRBs) in England over six storeys or 18 metres will be in scope to **the new 334 page Bill**, which could come into force in October 2021. Once on the statute book, it is due to be followed by secondary legislation creating additional regulations that will further define the range of new roles and responsibilities it creates.

As well as official 'early adopters' who have been trialling its measures on behalf of the Ministry of Housing, Communities and Local Government (MHCLG), the sector includes

volunteer pathfinders, such as housing association The Guinness Partnership, with a portfolio that includes 35 HRRBs. Gavin Pierson, who was appointed last April as director of building safety, is proud of the association's record. 'The culture is already well embedded in everything The Guinness Partnership does,' he says. 'We're not waiting to be told, we're getting on and doing it. We're definitely one of the front runners.'

The Guinness Partnership is hiring its first two building safety managers (BSMs), part of a building safety team dedicated to implementing and managing the new regime that is due to be in place by February. 'We weren't initially sure what the scope of the role would be, but a picture is beginning to emerge. Over the next six to 12 months, we'll keep the role under review to see how things develop in practice, but we're already clear that having a regular physical presence there will be important.'

While Dame Judith Hackitt has described the BSM role as a 'worthy' one that individuals will aspire to, others agree that there is still fundamental uncertainty around its scope.

'A lot of housing providers want to act, and be seen to act, but there is still a lack of clarity around the BSM role,' says Malcolm Shiels CFIOSH, FaPS, chair of the construction group at IOSH, and safety, health and environment framework manager at infrastructure contractor Costain. 'How many do we need for x buildings? How much do we pay them? I don't think enough people have asked these questions.'

Gavin is looking for 'competence, experience and a qualification in fire safety' plus 'leadership qualities, tenacity and diligence'. He predicts that 'demand [will] outstrip supply' with organisations competing for staff.

In response, Guinness is also planning a structured development programme to train graduate entrants to the team, leading to membership of the Institute of Fire and Safety Engineering or the Institute of Fire Safety Managers.

However, he refers to a 'mixed bag of reactions' in the social housing sector. 'Most are proactive, although a few are more reticent, saying "it's a daunting challenge in today's marketplace".'

The bill requires that building owners or developers produce "safety cases" for new and existing HRRBs, which could form a considerable task and budget item: as a rough estimate, Gavin says that compiling a file of evidence for an existing building could reach hundreds of pages and cost tens of thousands of pounds.

Malcolm agrees that costs [of retro-compiling building safety case files] have been a sticking point. 'There is no case to argue against putting the requirements into place, but organisations don't have a bottomless pit of money, and will need to set their budgets accordingly.'

However, only a shorter summary "safety case report" covering structural issues and the building's fire integrity, plus evidence of how these are managed, is submitted to the Building Safety Regulator for approval.

'For a new building property, assembling the safety case should be fairly straightforward as the data will be digitised in the BIM model and Golden Thread,' Gavin says. 'But for existing buildings, it all depends on the standard of building data that already exists in the operations and maintenance manual and the health and safety files.'

He adds: 'And what happens when the cladding was installed 20 years ago, and you have to demonstrate it's safe? The regulator will want to know that you've done all you can.'

The Guinness Partnership portfolio includes more than one building over 100 years old within scope of the Building Safety Bill. 'From a building safety case perspective, it'll be a struggle to evidence, but not insurmountable; we'll start with a Type 4 survey [for fire risk assessments],' Gavin says.

Guinness has written a pilot building safety case, which was reviewed by the MHCLG before being revised ahead of a second submission; the findings will be applied to a programme of building safety cases, which will also use software to track and log all fire doors and other safety measures.

A bespoke set of information has also been placed in a "safety box" for residents and firefighters in each HRRB. Meanwhile, residential projects in its new-build pipeline have already "anticipated the building safety gateways" Gavin says, referring to the regulatory hurdles at planning, pre-construction and pre-handover. 'It might not fully reflect the final system, but we'll be familiar with the gateway requirements and the principle of demonstrating safety [to an external assessor] before we proceed.'

But just how representative is The Guinness Partnership? Steve Coppin CFIOSH FCIQB FaPS, who sits on the Association of Project Safety's Building Safety Bill committee, feels that many developers and building owners are not fully engaged. 'Many don't feel there's a justification to spend on something that may not happen, if the building concerned doesn't actually go ahead – property investment is not happening to the degree it was.'

'There have not been any recent cases where clients have been heavily fined for not following the principles of CDM, let alone breaching the HSAWA. Therefore, it can be difficult to persuade them to invest and see the benefits: this legislation is not here yet, and Brexit and COVID have already taken up a lot of resources.'

But Malcolm notes **comments by Dame Judith Hackitt**, at an online conference organised by the Building Engineering Services Association in November, hinting at "rewards" for firms taking preparatory steps early. Dame Judith reportedly said: 'We are looking at ways to recognise those companies and reward them with a special accreditation for taking the lead – giving you another reason to be ahead of the game.'

Malcolm comments: 'That'll be interesting; the carrot is on offer, and the stick will come further down the line if organisations don't act on it.'

To mobilise the industry in preparation for the new regime, a group of "early adopter" contractors, developers housing associations and local authorities, supported by the MHCLG, has launched the Building a Safer Future Charter, which its chief executive Amanda Long says is 'focused on driving up standards, changing culture and behaviours and raising the bar in relation to building safety from design through to management and maintenance'.



The new organisation, which has been set up as a not-for-profit company managed by the Considerate Constructors Scheme, is seeking new signatories to form a community of best practice, sharing examples and case studies. However,

they can progress from “entry level” to “progression level”, which will involve external benchmarking and standards verification.

Amanda, who is also chief executive of the CCS, explained: 'We will be providing a robust approach to benchmarking and independent verification of projects which will be registered with the Charter, as well as providing a public portal for anyone to raise concerns they may have about the safety of a building or project that is registered with the Charter. We will be piloting the benchmarking process during Q1 2021, with a view to launching it early during Q2 2021.'

Other moves are also afoot. Following the "Setting the bar" report from the industry-led Competence Steering Group, more details to help clients assess bidders' competence will arrive in the form of a Publicly Available Specification (PAS) to be delivered by the BSI on behalf of the MHCLG and the newly-established Built Environment Competence Strategy Group that will set out clear requirements for the three newly-regulated roles: Principal Designer, Principal Contractor and Building Safety Manager (BSM).

Steve, who has advised the BSI research and insight team developing the PAS, says that a publication date is the end of March 2022. 'One issue is distinguishing between a principal designer for CDM, and the additional duties as a principal designer under the proposed Building Safety Act and its secondary legislation, and the additional competencies required,' he says.

'The wording of the bill is that the principal designer should be competent to apply the Building Regulations on all buildings, while there is a number of CDM principal designers on projects today who are not designers and/or in control of the design during the pre-construction phase.'

Secondary legislation is also expected to set out more details on the three project gateways (at planning, pre-construction and pre-handover), and compiling both the fire and emergency file and building 'safety case report' to be submitted to the new building safety regulator.

As Steve notes: 'Unlike the oil and gas or chemical industry, a building failure is likely to have a possible number of things gone wrong, so it is not clear how much detail needs to go into the safety case report, as yet. We know that the building safety manager, who reports to the accountable person, needs to keep this up to date as the building is maintained, cleaned or changed, and to ensure that the requirements of the Building Assurance Certificate are complied with, but there is lots of meat to add to the bone.'

Meanwhile, the Chartered Institute of Building (CIOB) has set up a Level 6 Diploma in Building Safety Management to qualify would-be BSMs on post-handover safety management, a course that will take at least six months to complete. 'They believe that's the bar for managers,' says Steve.

The HSE itself, in the process of setting up the new Building Safety Regulator, has discussed a programme of

“engagement” with the industry. Asked by for more details, it said that this activity had already begun, adding: 'We will continue this engagement activity, including a future campaign to help raise awareness of what is changing, when and what they can be doing now to prepare ahead of the legislation. This will include a focus on residents so they can understand their rights and what is being done so they can feel safe in their home.'



'We hope that we will soon be releasing guidance that explains the difference between managing a hazard and risk management and the framework of a safety case.'

But Malcolm points out that the construction industry itself will need to provide both a platform for debate and further detailed guidance. 'The HSE is busy getting the regulator set up and will be reliant on the industry [to hold webinars and share best practice]. I think that's an area where **IOSH and the construction group** can help.'

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- Health and Safety Level 2 *Course cost is £20+vat*
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