**PDWG 14 – 17th October 2019**

**HSE Presentation**

**Q&A Session**

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|  | **Questions** |
| **1.** | **What happens to the information submitted on the F10 notifications?** |
|  | * **How well are the forms filled in? Do you normally get all the information you require? Are there any lessons learned that you could share around failures to fill the form in correctly – particularly from a large project perspective?** |
|  | * F10 information sits on a Database and is used as a basis for the intervention strategy and to prioritise inspections - Sometimes not all fields are completed in full e.g. the Principal Contractor field is often submitted as “TBC”. This will change in the future. New format will be available shortly. * Primary requirement of F10 is to inform the regulator that construction work is commencing so multiple F10’s are acceptable if more than a single phase of construction e.g. GI survey or stats diversions in advance of main construction works |
| **2.** | **When in the timeline for a project would you expect an F10 to be submitted (given that Highways England mandate that F10’s be submitted whilst developing a preferred option)?** |
|  | * F10 should only be submitted once PC is known prior to Construction Phase starts – current HE PCF process is wrong as the F10 is required to be produced at Stage 2 (Option Selection) and PC has usually not been appointed at this stage **– RW to address.** |
| **3.** | **Will the Hackett Report into Grenfell Tower and the work of the Competency Steering Group result in substantial changes to the CDM regulations in 2020?** |
|  | * HSE are actively involved in supporting the Grenfell investigations. There is currently no plan to update CDM in 2020. |
| **4.** | **We assume this will be covered in the presentation – but how do you see CDM developing over the next 5 to 10 years? What are the key areas that need to improve further, or we may see the greatest change in?** |
|  | * CDM developments over the next 5-10 years - no legislative changes planned. Therefore, there will not be a “CDM 2020” document. GC considers that there is so much already in the CDM Regs to offer headroom for further improvement within our industry. |
| **5.** | **On complex infrastructure projects such as M4SM; HS2 and Lower Thames Crossing**   1. **Can HSE provide their thoughts on the issues Principal Designers have, when we end up potentially dealing with multiple Clients, commonly when diverting major services, often over long durations, as there is often an overlap of Principal Contractor, Client and Principal Designer Duties?**   **b. Could / should in your view only one party have the overarching coordination**  **responsibility?** |
|  | * Clients/multiple clients on complex projects - GC would encourage one client taking responsibility. Especially in the context of utilities. |
| **6.** | **Pre-construction information**  **The size and scale of PCI can become vast on complex projects.**  **- How should the liability of missing key information due to the duty holders not reviewing the information be managed?** |
|  | * For PCI HSE would expect the PD to undertake gap analysis of client PCI. Liability for missing information? HSE apply the “concept of reasonableness” PD responsibility to collate and identify gaps, but Client must finance and resource the provision of information to fill the gaps. |
| **7.** | **The guidance on content of the Pre-Construction Information and Construction Phase Plan (which were included in Appendices 2 and 3 respectively of the CDM 2007 Regulations) were very useful – is there any intention of reintroducing these?** |
|  | * Appendices can be provided by HSE again if they would be useful – it was agreed that would be a good move. **GC Action** |
| **8.** | **What would the HSE expect to see from a Principal Designer organisation to demonstrate that they have ensured all designers are complying with Reg 9.**   * **Particularly on projects which have multiple design organisations and overseas designers?** * **And similarly, on complex design and build projects?** |
|  | * HSE would expect due diligence of design organisations to ensure requirements of Reg 9 and 10 are fulfilled. The CDM Regs require the PD to plan, manage and monitor and there should be a plan in place for this to provide the appropriate controls. |
| **9.** | **The Client has specific duties under the Regs. Many Clients are not construction professionals and hence look to parties such as ourselves, to assist them with their duties. How does the HSE view this, when Clients expect either the PD to do this in addition or appoint a separate consult?**   * **On occasion this can include advice on sufficiency of time and other resources which can be contentious and difficult to assess** |
|  | * Clients need a better understanding of their duties and CDM requirements in general. HSE need to engage with Clients more in the future. |
| **10.** | **It is noted that CDM 2015 Guidance Note 45 (reproduced below) emphasises that a Health & Safety File is only required for projects involving more than one contractor. Whilst the majority of construction projects will involve multiple contractors there may be instances of single contractor works (for example electrical upgrade works or an intrusive ground investigation) where there is currently no requirement for a Health & Safety File to be produced. This does not appear logical or appropriate as surely every construction project should have a Health & Safety File, so that the relevant health and safety information is recorded, stored and passed on to future designers and contractors, so that they are aware of any residual hazards which will need to be managed?** |
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|  | It was confirmed that even in this scenario there would be a requirement to capture safety related data and this should be included within an O&M manual at the very least. |
| **11.** | **The Regulations give no clear guidance on timescale for production and handover of the H&S File to the client, for this referring only to “….at the end of the project.…” a vagueness which is then open to interpretation and can give rise to problems at handover. Could this be made more emphatic?** |
|  | HSE commented that Health and Safety Files are an area of concern in terms of content and quality and the information does not always get communicated to those who need it. |
| **12.** | **Both the Principal Designer and Principal Contractor are required to ‘Plan’, ‘Manage’, ‘Monitor’ and ‘Coordinate’. Where the Principal Contractor is legally required to demonstrate this by having a Construction Phase Plan demonstrating the required arrangements are in place. Why did CDM2015 not also stipulate that the Principal Designer should have a ‘Design Plan’ or ‘Design Risk Management Plan’ to demonstrate such during and beyond the Pre - Construction Phase?** |
|  | * As stated in the presentation there is an expectation that PD’s will develop a plan to deliver CDM during the Pre-Construction Phase. The onus is on the PD to ensure this is in place. |
| **13.** | **CDM 2015 covers all ‘construction work’, which also includes the term ‘maintenance work’. For some utilities this can get a bit grey (i.e. refreshing an old sand filter by digging out the sand to refresh it and then replace). One statement I have heard is ‘if it uses construction methods and construction tools - its construction. If it’s a frequent task to maintain the operation of an asset, then its maintenance’. Regardless of what it is it obviously still need to be risk assessed under the MHSAWR 99 and have a safe system of work in method statement/work instruction under the HASAWA S2 etc.**  **What are your views?** |
|  | If the work falls under the definition of construction (see Reg 2), then it should be considered as construction and fall under the CDM regulations irrespective of the background nature of the work. |
| **14.** | **How does the HSE view the take up of BIM and use of 3D visualisation to improve H&S delivery within construction and particularly the highways sector. What are we doing right and what could we do better?** |
|  | * Both TB and GC had expressed their concern over the slow take up of digital technology within the presentation. This needed to improve if H&S goals are to be achieved. |
| **15.** | **Health has been described as the ‘Cinderella’ in H&S. What is the HSE’s view on this comment and how do you see things changing going forward?** |
|  | HSE have a team dedicated to looking at health in construction and priority topics are muscular-skeletal and mental health. |