



The Building Safety Group

Wednesday, 12 May 2021

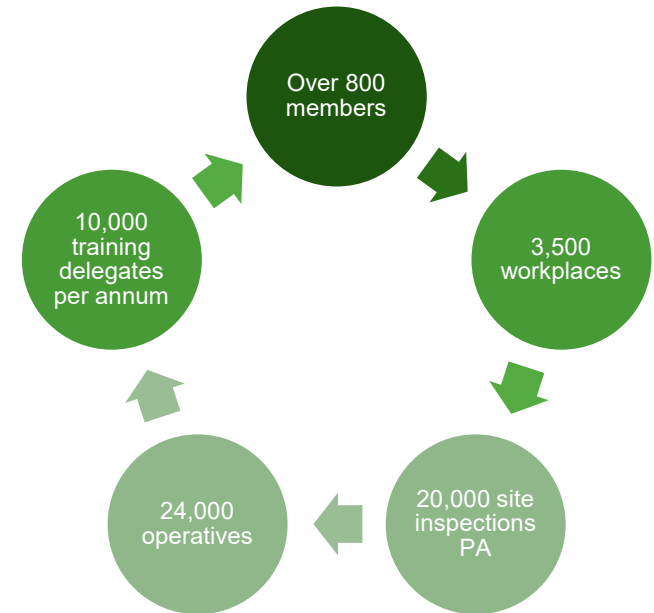
Legal H&S requirements | Strategies for risk management | Q&A

Presented by Andy Harper CMIOSH – BSG Technical & CDM Manager

BSG's Mission

To support our members in driving continuous improvement in health, safety and environmental performance by providing a consistent high quality professional service to ensure the well being of all

- UK's largest construction safety group
- Over fifty years' experience of providing specialist consultancy services for our members
- Conduct over 20,000 site inspections per year to over 800 members
- Country wide coverage
- Experts in construction health, safety and environmental welfare
- Recognised by HSE
- Not for profit organisation but run commercially



Health and Safety Law



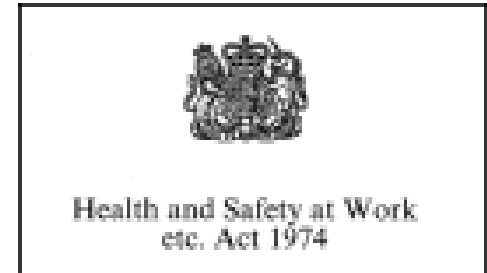
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Health and Safety at Work
etc. Act 1974

Sets out what employees and employers
MUST DO

Regulations





The HSE prosecute under criminal law

Reverse Burden of Proof – you need to prove your innocence

Section 33 Offence

It is an offence for a person;

- a) To fail to discharge a duty imposed by section 2-7
- b) To contravene section 8 or 9
- c) To contravene any health & safety regulation
- d) To intentionally obstruct an inspector in the execution of his duties

Section 33 Offences (continued)....

It is an offence for a person;

- e) To make a false statement to the inspector
- f) To make a false entry in any register or book kept under regulations
- g) To fail to comply with the requirements of an improvement or prohibition notice

HSWA 1974 (Section 37)

Provides that where an offence is shown to have been committed with the;

- consent
- connivance
- neglect

Of a director, manager or secretary, etc....,

Both the corporate body and the individual may be prosecuted and punished accordingly

HSWA 1974 (Section 2)

Where an employer has 5 or more employees they must;

Prepare a written safety policy and bring it to the notice of all employees

The policy should set out the organisation and arrangements for enforcing the policy

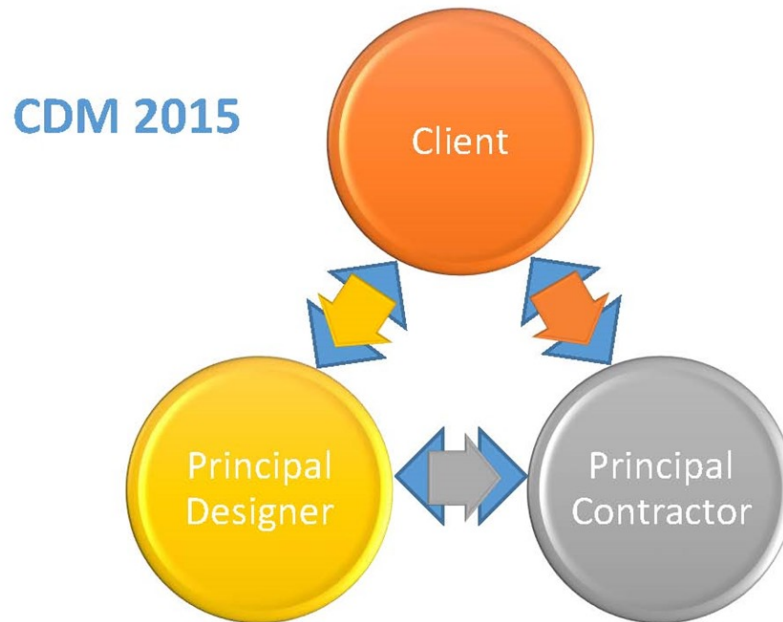
The policy to be revised as and when required



CDM2015


PRINCIPLES IN PRACTICE

Construction Design Management Regulations 2015



Construction Phase Plan


The construction phase plan is a document that is developed from the pre-construction phase information pack and records how health and safety will be managed throughout the construction phase of a project – simple example;



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Construction Phase Plan Must be completed before any works commence	
Customer's Name & Address:	Client:
	Principal Contractor:
	Principal Designer:
Job Number:	Domestic / Commercial
Activity to be carried out:	
Have you read and understood the appropriate risk assessments for the above task(s)?	YES/NO
Are you trained / competent to carry out the task(s) detailed above?	YES/NO
Have you read and understood the Client Safety rules (site induction)?	YES/NO
Have you received written work instruction for your tasks?	YES/NO
Give details here:	
WELFARE	
Do you have access to toilet facilities?	YES/NO
Do you have access to hot & cold running water?	YES/NO
Do you have suitable hand cleaning products available? <i>Always ask the customer permission to use their facilities If the answer is "no" to any of the above – contact the office</i>	YES/NO
HAZARDS (tick as appropriate)	
<input type="checkbox"/> Loni working. (RA 1003)	<input type="checkbox"/> Working at Height. (RA 118)
<input type="checkbox"/> Noise. (RA 704)	<input type="checkbox"/> Dust (RA 708)
<input type="checkbox"/> Manual Handling. (RA 718)	<input type="checkbox"/> Using Hip Laps. (RA 115)
<input type="checkbox"/> Electrical Works. (RA 403)	<input type="checkbox"/> Using Step Ladders (RA 112)
<input type="checkbox"/> Power Tools. (RA 304)	<input type="checkbox"/> Mobile Tower Scaffolds. (RA 106)
<input type="checkbox"/> Independent Scaffolds. (RA 105)	<input type="checkbox"/> Using Ladders. (RA 109)
<input type="checkbox"/> Abrasive Wheels (RA 301)	<input type="checkbox"/> Apprentices/Young Worker. (RA 1006)
<input type="checkbox"/> Work in Occupied Premises. (RA 1005)	<input type="checkbox"/> Hot Works. (RA 506)
<input type="checkbox"/> Housekeeping (RA 410)	<input type="checkbox"/> Vibration Tools (RA 707)
<input type="checkbox"/> Other (please state)	
Always consult Risk Assessment templates for suitable controls of hazards identified above. If a hazard identified is not covered by recommended control measures contact the office immediately for advice.	

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Construction Phase Plan Must be completed before any works commence			
GENERAL CONTROLS			
Is the work area free from obstructions / trip hazards?	YES/NO		
Has all the plant / machinery been inspected before use?	YES/NO		
If using 240v is an RCD in use?	YES/NO		
If using any access equipment it is suitable & has it been inspected before use?	YES/NO		
Has the work area adequate lighting?	YES/NO		
Is there suspected asbestos on site?	YES/NO		
Is there adequate access and egress to the work areas?	YES/NO		
Have all access and work areas been suitably protected?	YES/NO		
Are any materials stored in a suitable and safe place?	YES/NO		
Will the works affect any traffic routes (vehicle or pedestrian)?	YES/NO		
Are any materials stored in a suitable and a safe place?	YES/NO		
Is the appropriate PPE available, inspected and ready to use?	YES/NO		
Are there disabled persons present and consideration been made?	YES/NO		
Are young children or pets present and consideration been made?	YES/NO		
Have you explained to the occupier the control measures in place?	YES/NO		
Comments / other issues which may affect the Health, Safety or Welfare of operatives or others?			
HAZARDOUS SUBSTANCES			
What hazardous substance(s) are to be used?			
Have you read and understood the appropriate COSHH assessment(s)?			
YES/NO			
PERMITS TO WORK			
Are any of the following permits required for the task(s)? YES/NO			
<input type="checkbox"/> Roof Works	<input type="checkbox"/> Confined Spaces (eg lifts / low ceilings)		
<input type="checkbox"/> Hot Works	<input type="checkbox"/> Excavation		
Have the relevant Permit(s) been opened before works commence? YES/NO/NA			
SUMMARY			
Always consult the appropriate risk assessment templates safe systems of work and COSHH assessments to establish suitable controls required.			
CPP completed by:	Date:		
I have read and understood the CPP and will follow the control measures put in place to reduce the risk of harm from the hazards identified. (To be signed by all operatives undertaking the task(s) specified).			
Name:	Date:		
This CPP must be handed back into the office on completion of your tasks			
Has there been any accidents or near misses during these works?			
Y/N	Description	Reported to	Signed

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The Construction (Design and Management) Regulations 2015

Areas of Concern

Small sites where fewer than 15 people are employed are identified as the largest challenge particularly their general lack of understanding and disregard of their responsibilities and duties under Health and Safety regulations

BSG's top five non-compliances;

- Working at height
- Edge protection
- Covid-19
- Dust management
- HAVs



CDM Duty Holders

Commercial Clients

Domestic Clients

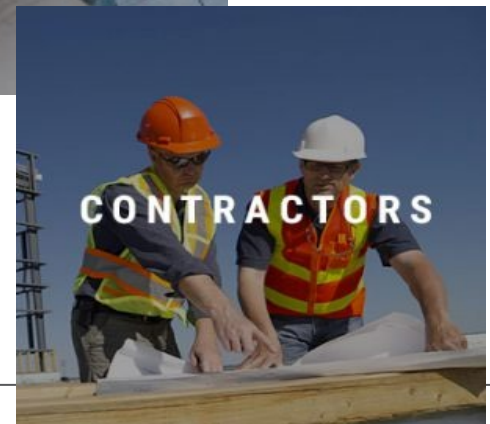
Principle Designers

Designers

Principal Contractors

Contractors, including self employed

Workers



PLANNING, MANAGING and/or MONITORING (Checking, Auditing, Inspecting, Looking, Asking)

Almost all Construction Incidents and Concerns HSE investigates involve a lack of or deficiency in one or more of these elements



How to avoid the worst of any legal action

Don't have an accident

Have a good system

Know your duties

Fulfil your duties

Make sure everybody knows it (both before and after the accident)



Any Questions



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