

Health & Safety in Construction

Technical Services in Home Improvement Agencies

INTRODUCTION

Home Improvement Agencies (HIAs) have a good track record in health and safety and in the ten years that have passed since a national network of agencies was first set up there have been no fatalities associated with any building work undertaken. However, accidents have occurred, some more serious than others. It is essential to keep policies and procedures under review to guard against any sense of complacency and to give health and safety awareness the top priority it deserves.

ABOUT THIS GUIDE

This guide highlights key areas of good practice, which are easily overlooked, or which have proved to be problematic in the past. It draws on the experiences of HIAs and combines them with the expectations of the building industry. Whilst some areas will be reassuringly familiar, others will raise awareness of issues not yet considered. Some may have management, training and/or financial implications. The guide does not attempt to summarise all the legislation that impacts on technical service delivery, as this would be too cumbersome for such a paper.



- Health and Safety for HIAs ■
- Duties of Employers and Employees ■
- Risk Assessment ■
- Construction Regulations ■
- Contractor Awareness and Competence ■

THE HEALTH & SAFETY AT WORK etc ACT 1974

All employers and employees have basic responsibilities for health and safety and the particular issues that relate to technical service delivery need to be assessed as they do for other aspects of HIA activity. The Act lays out the framework and amongst its provisions are the duties it places on employers, manufacturers and employees including the self-employed. It principally aims to secure the health, safety and welfare of people at work and it protects other people against risks to health and safety arising from the activity of people at work.

NOTE: Since the 1974 Act came into force much of the legislation that has been brought forward highlights health and safety as a management issue. For example, the Management of Health and Safety at Work Regulations 1992 emphasise the need for clear lines of responsibility supported by practical procedures and appropriate record keeping.

DUTIES OF EMPLOYERS:

Employers must safeguard the health, safety and welfare of the people who work for them so far as is reasonably practicable. This applies to the provision and maintenance of:

- Equipment that is safe to use
- Storage and use of substances
- Safe systems of work

NOTE: The self-employed are treated rather like employers, having a duty to avoid danger or risk to themselves and other people. Manufacturers and suppliers must ensure that their goods will be safe when used and they must conduct tests and supply information as appropriate.

CHECKLIST Duties of Employers

An employer with five or more employees must:

- Prepare a written statement of general policy, organisation and arrangements for health and safety at work and bring it to the attention of all employees who must be advised of all revisions.
- Provide any necessary information and training in safe working practices.
- Have regard for the health and safety of anyone who may be working close to their own employees and who may be affected by their activities including the general public, the self-employed and other contractors' employees.

CHECKLIST Essential Documents

The Agency Manager should establish a safe system of work that is reviewed annually comprising:

- Health and Safety Policy Statement
- Health and Safety Manual
- Valid Certificate of Employers Liability Insurance
- Accident/Incident Record Book

DUTIES OF EMPLOYEES:

Employees have a duty under the 1974 Act to take reasonable care to avoid injury to themselves or to others and to co-operate with employers and others in meeting statutory regulations. They are also required not to interfere or misuse anything provided to protect their health, safety or welfare.

Good communication within a staff team is essential as is a culture of openness. There can be communication barriers between technical staff and non-technical managers. It is essential that technical officers keep their managers well informed on issues which relate to their specialist area whether it is to do with health and safety or indeed any other aspect of technical service delivery.

SAFE SYSTEMS OF WORK

A safe system of work is a formal procedure which results from a systematic examination of a task in order to identify all the hazards. It defines safe methods to ensure that hazards are eliminated or minimized as far as is reasonably practicable. 'Reasonably practicable' means that the time, trouble, cost and physical difficulty of taking measures to avoid the risk are not wholly disproportionate to it.

As employers with employees, these basic principles apply to HIAs as they do to contractors, sub-contractors, manufacturers and suppliers.

NOTE: *The size or financial position of the employer is not taken into account in assessing what is reasonably practicable.*

Safe systems of work need to be considered for all HIA employees and whilst some activities which involve an element of risk apply to most staff such as travelling, working away from base and working alone, other activities are particularly hazardous for technical officers such as visiting building sites while work is in progress.

RISK ASSESSMENT

Central to identifying safe systems of work is the process of risk assessment. The key objectives are to demonstrate that:

- Health and Safety issues have been properly considered
- The people who might be affected have been identified and consulted
- The obvious significant hazards have been dealt with
- The precautions that are necessary are reasonable
- The remaining risks are low.

NOTE: *Risk assessments should include a level of detail that is suitable and sufficient for the hazards associated with the activities considered.*

CHECKLIST Conducting a Risk Assessment

The process of risk assessment will require managers to:

- Identify hazards and consider who might be harmed and how
- Evaluate the level of risk and the adequacy of any existing precautions
- Identify improvements that will eliminate the hazard or minimize the level of risk
- Communicate relevant information to those at risk, including precautions to be taken
- Produce a written record of the findings of the risk assessment
- Review the assessment and revise it as necessary

Any risk assessment on the particular activities of technical officers will highlight the hazards of surveying properties in a state of disrepair and inspecting works in progress.

Examples of hazards associated with surveying older buildings in a state of disrepair:

- Floors and stairs likely to collapse as a result of timber decay
- Broken or loose glass in defective windows and doors
- High levels of dust or fibres in lofts
- Asbestos insulation and fire proofing products
- Insect infestations and vermin
- Lifting and manhandling manhole covers

Examples of construction operations which are particularly hazardous include:

- Demolition and alterations to structures
- Excavation
- Working at height and the use of ladders and scaffolds
- Close proximity to machinery, equipment and hazardous substances

COMPETENCE AND TRAINING

It is essential that HIAs employ experienced and competent technical staff in all aspects of technical service delivery including health and safety. Equally important is the need for managers to maintain the balance between the level of activity of the agency in terms of its throughput of work and the number of technical staff employed to ensure standards of service are maintained.

Agencies with insufficient numbers of technical staff risk undermining their professional indemnity insurance which is dominated by technical service delivery.



CHECKLIST Ensuring Employee Competence

- Employ staff with appropriate training and experience in health and safety
- Identify any additional training requirements perhaps during an induction period
- Ensure technical staff keep their knowledge and expertise up-to-date by a process of continuing professional development (CPD) typically by attending seminars, exhibitions and training courses

NOTE: Many technical officers will be members of a professional institution most of which require a CPD record to be kept in order to continue with their membership.

PERSONAL PROTECTIVE EQUIPMENT

Whilst it would be ideal to eliminate all the risks that technical staff may face, many can only be minimised. Most technical officers will need a number of items of protective clothing or equipment. Agencies need to decide what equipment should be provided having carried out a risk assessment but the most common include:

- A safety helmet
- Anti puncture safety footwear
- Goggles
- Gloves
- Dust mask
- Overalls

Information and training in the use and maintenance of these items is essential and some need to be replaced at regular intervals e.g. safety helmets, which should conform to BS EN 397 1995, usually need replacing every 2-3 years or after sustaining a hard blow.

NOTE: All personal protective equipment supplied after 1st July 1995 should bear the 'CE' mark to comply with European law.



CONSTRUCTION INDUSTRY SPECIFIC REQUIREMENTS

Additional, close attention needs to be paid to legislation that specifically relates to the construction industry. Much if it impacts on the work of HIAs and the contractors that are such a key part of the delivery of the technical service.

CONSTRUCTION (DESIGN AND MANAGEMENT) REGULATIONS 1994 – CDM

The CDM regulations placed new duties on building industry clients, designers, contractors and newly created 'planning supervisors' to plan, co-ordinate and manage health and safety throughout all stages of a construction project starting from the first feasibility study.

REGULATION 3

Application of the Regulations.

In the past, confusion has arisen over the application of the regulations to the work of HIAs and their clients. Regulation 3 identifies that where the client is a 'domestic client' the majority of the regulations are exempted. However, Regulations 5, 7 & 13 do still apply even where there is a 'domestic client'.

The Health and Safety Executive has clarified that HIA clients are judged to be 'domestic clients' as a result of the cumulative effect of a number of subtle factors. The key elements are that:

- The client is in contract with the builder and therefore, ultimately in law, is responsible for payment.
- The works are for the benefit of the client and initiated by the client.
- The client appoints the builder albeit acting on the advice of the agency and other funding partners.

NOTE: *In the vast majority of cases, agencies will be working with clients who are 'domestic clients' for the purposes of CDM. However, it is important that this point is considered for each job as some HIAs have diversified their services and taken on work that is for registered social landlords, private landlords and local authorities rather than the occupiers. In these cases the exemptions may not apply and the application of all the CDM regulations will have to be considered.*

REGULATION 5

The Role of Developers.

This regulation has no application for HIAs as it is concerned with clients working with developers.

REGULATION 7

Notification.

Regulation 7 clarifies that it is the responsibility of the contractor to notify HSE, if appropriate, when there is a 'domestic client' situation. It refers back to Regulation 2 which deals with the need to notify the HSE of any building project if the construction phase will be longer than 30 days or will involve more than 500 person days of construction work or involve demolition.



NOTE: *Should a project which was originally too small to be notifiable, increase in size as a result of unforeseen works, the contractor must notify the HSE at the earliest opportunity. In all cases of notification, HIAs should request a copy of the notification form from the contractor to check that it has been done.*

REGULATION 13

Duties on Designers.



Designers must ensure that a risk assessment is carried out for each job and take account of it in their design work. As such each case file requires a health and safety risk assessment form. 'Designer' is a defined term for the purpose of the CDM regulations and includes anyone who prepares a design, schedule or specification or who co-ordinates its production.

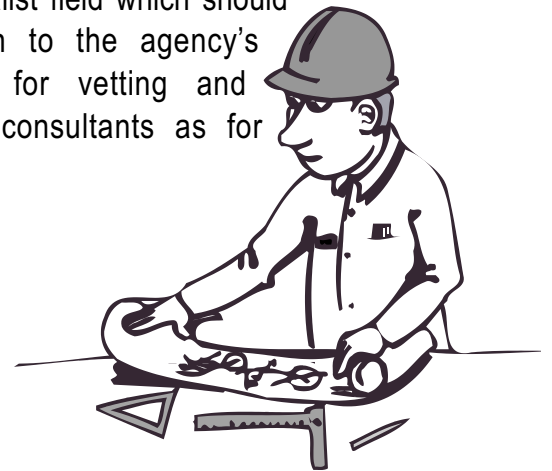
NOTE: Advice from HSE has confirmed that the work of the technical officer in HIAs does come under the definition of designer.

Some HIAs are concerned that producing a risk assessment for each job will be a great burden but, in reality, it should be simple and straightforward. In general, HIAs are involved with basic repair and maintenance work and the hazards are well known and will require only a brief mention. However, it is important to identify when the client will be remaining in occupation as this will have a bearing on health and safety arrangements. In many cases, the risk assessment will be a brief document comprising perhaps only a few paragraphs on a single side of A4 paper.

The designer's role is to identify hazards and design them out if at all possible. Where hazards remain, the designer must ensure that relevant information is passed on to those who need to know including contractors preparing a tender bid.

NOTE: It is for the contractor to decide how to carry out the work safely and HIAs are reminded that the risk assessment is not an opportunity to tell the contractor how the job is to be done. Should the work be particularly difficult, then the contractor should be asked to produce a health and safety method statement.

It is quite possible for there to be more than one 'designer' on a project e.g. a structural engineer. In this case both will have an input to the risk assessment for the job as a whole but it is probably best co-ordinated by the agency. HIAs that do introduce other specialists/consultants to their clients for additional input on a project must check their competence in health and safety as well as their specialist field which should be built in to the agency's procedure for vetting and approving consultants as for contractors.



NOTE: So long as the agency client engages such specialists then the domestic client exemptions of CDM still apply. However, if the agency engages the specialist then the client for this contract is the agency and hence is not a 'domestic client'. It is likely therefore that the exemptions will not apply but it is recommended to contact HSE locally for guidance.

CONTRACTOR AWARENESS & COMPETENCE

HIAs place great reliance on their approved contractors and finding good builders who will work with the agency is a key task for the technical officer. It is essential that contractor's health and safety awareness and competence be established as part of the vetting and approval procedure.

CHECKLIST

Contractor Health & Safety Competence

HIAs should examine:

- A contractor's health and safety policy statement
- Accident record
- Evidence of operatives' competence and training needs
- The information and guidance available on file for both the proprietor and the operatives detailing legislation and safe working practices
- Evidence of a commitment to good communication within the team
- Examples of risk assessments, method statements, COSHH assessments and arrangements for the provision of welfare facilities from previous jobs
- Details of any court action or improvement notices that have been issued by the HSE
- Who has been appointed as the contractor's health and safety specialist adviser

TIP WHAT DO AGENCIES DO IF CONTRACTORS ARE IN SHORT SUPPLY?

Many HIAs do not have a large pool of builders to choose from, especially in more rural areas. Contractors who seem committed to health and safety but who fall short of the required standard can be encouraged to improve their performance. In the short term, they can still be used by the HIA but may require a higher level of inspection or supervision to ensure standards are maintained. Any such increase in workload for a technical officer needs to be communicated to agency managers with a view to freeing up sufficient time.

Contractors who lack basic information can be encouraged to contact the local HSE office and request copies of free literature which will also be of benefit to technical officers and HIA managers (see Useful Documents).

UNSAFE WORKING PRACTICES

It is likely that technical officers will spot unsafe working practices even from their best contractors from time to time. Even relatively minor incidents may assume greater significance when it is borne in mind that vulnerable clients will often still be in occupation during the building work.

It is essential that the technical officer's work programme provides ample opportunity to make regular site visits. Technical officers need to be well informed and, as a result, confident in reacting to what they see. The action necessary will depend on the scale of the infringement. A quiet word with the operative concerned will suffice for minor incidents but technical officers will have to exercise judgment as to when to formally raise matters with the proprietor, stop the job or call in the HSE inspectors. In all cases, it is essential to make a note in a diary or case file at the time of taking any action and to follow up promptly in writing as necessary.

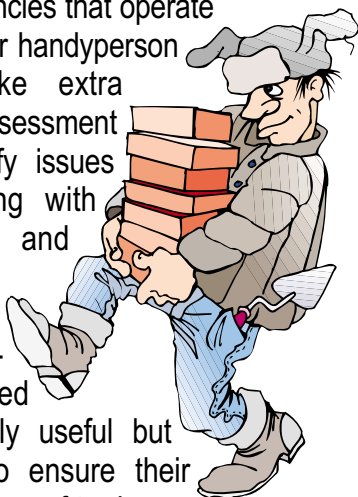
CHECKLIST

Dealing With Unsafe Working Practices

- Make the contractor aware of the unsafe practice observed and the statutory obligation
- Instruct the contractor to take the necessary remedial action in order to comply with regulations
- Give the contractor an appropriate limited period of time to carry out improvements
- Confirm any instructions in writing
- Monitor the contractor in order to ensure improvements are made
- Keep records of all the issues arising with the contractor

HANDYPERSON SCHEMES

Home Improvement Agencies that operate a small repairs service or handyman scheme need to take extra measures. The risk assessment on this post will identify issues associated with working with tools and equipment and essentially this service is comparable to operating a contractor service in-house. Multi skilled operatives are extremely useful but care must be taken to ensure their competence across a range of trades.



NOTE: One hazard often overlooked is that power tools should be rated at 110 volts for maximum safety but if 240-volt tools are to be used then they must be fitted with a residual current device (RCD). As with other electrical equipment, frequent Portable Appliance Test certificates are required. Fire fighting equipment and a first aid box should also be provided and note that HIA insurance cover needs to be upgraded.

REFERENCES:

Health and Safety at Work etc Act 1974
Management of Health and Safety at Work Regulations 1992
Personal Protective Equipment at Work Regulations 1992

Construction (Design and Management) Regulations 1994
Construction (Health, Safety and Welfare) Regulations 1996

FURTHER READING:

CONSTRUCTION SHEETS FREE FROM HSE:

Number: 8,10,17,18,24,26,27,36,37,39,40,41,42,43,44,45,46,47,49,50,51,52.

LEAFLETS/PAMPHLETS FREE FROM HSE:

Five steps to risk assessment
Electrical safety and you
Working on roofs
Working alone in safety
Safe work in confined spaces

COSHH - a brief guide to the regulations
Keep your top on - working in the sun
Working with asbestos
Using Work Equipment
Bitumen Boilers in construction - fire hazards

SITE SAFETY, 3rd edition from the Construction Industry Research & Information Association, Tel: 0207 2228891.

USEFUL CONTACTS:

Health and Safety Executive Information Services, Caerphilly Business Park, Caerphilly CF83 3GG.
Tel: 08701 545500 or www.hse.gov.uk.

THIS BRIEFING HAS BEEN PRODUCED BY FOUNDATIONS, THE NATIONAL CO-ORDINATING BODY FOR HOME IMPROVEMENT AGENCIES IN ENGLAND, BLEAKLOW HOUSE, HOWARD TOWN MILL, GLOSSOP, SK13 8HT, TEL: 01457 891909, E-MAIL: FOUNDATIONS@CEL.CO.UK, IN ASSOCIATION WITH TIM BULLOCK & ASSOCIATES, 13 RIDGWAY CLOSE, WEST BRIDGFORD, NOTTINGHAM, NG2 6HL, TEL: 0115 923 1895, E-MAIL: tbullock@dug-out.freeserve.co.uk