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RRC SAMPLE TRAINER PACK

NEBOSH

Health and Safety Management for Construction (UK) Unit CN1

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LEARNING PARTNER GOLD 335

NEBOSH
Health and Safety Management for Construction (UK)
Unit CN1
Sample Contents

INTRODUCTION

CN1 SAMPLE - Element 1: The Foundations of Construction Health and Safety Management

- Lesson plan
- PowerPoint slides
- Study text chapter

SAMPLE - Full list of study text contents for Unit CN1

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NEBOSH Health and Safety Management for Construction (UK) Unit CN1

Introduction to the RRC Sample Resource Pack

RRC's Trainer Packs have been designed to include all the resources you need to deliver the NEBOSH Health and Safety Management for Construction (UK) course. The full pack - of which this is a sample - includes the following resources:

- An electronic copy of the RRC study text (course notes) for the course, supplied for use by the tutor as reference only.
- Daily lesson plans (MS Word) - a suggested breakdown of how the detailed subjects specified in the qualification syllabus will be covered on each day of the course.
- Slides (MS PowerPoint) - full colour slides addressing the subjects specified in, and following the structure of, the qualification syllabus.

Some third-party resources may be suggested in the Lesson Plans, or in the notes to the slides - for example, video footage, further reading, etc. These are not essential and they are not included as part of the licensed Trainer Pack - it is up to the tutor to source the suggested material, should he or she wish to do so.

This 'Sample Trainer Pack' contains a selection of pages from the lesson plan, a number of corresponding slides, and the relevant pages from the study text. These pages and slides are representative of the presentation, design and language of the full materials.

For more information, please contact RRC's customer advisers on 020 8944 3100 or e-mail info@rrc.co.uk

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NEBOSH
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Unit CN1
Sample Classroom Lesson Plan

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NEBOSH Health and Safety Management for Construction (National)

CN1 (2025 Syllabus) Full Course (10-Day Delivery)

This lesson plan is based on the requirements of the NEBOSH Health and Safety Management for Construction Specification. It is designed as a guide for tutors in planning their teaching of the course.

The lesson plan is based on 10 days of teaching with a teaching time of 7 hours per day. Where the teaching time allocated does not match the NEBOSH recommended hours, clear guidance is given as to the required “Directed Study” to ensure the NEBOSH taught hours are met. This is in addition to Private Study.

The lesson plan can be easily adapted for other delivery structures, extending the number of days or delivering in shorter sessions.

The duration is based on NEBOSH Guidance and reflects the recommended teaching times. It also includes a 2-hour tutorial on the open book exam. Whilst NEBOSH expects Lesson Plans that comply with the recommended study hours, in practice individual sessions can be shortened and extended depending on the experience, pre-knowledge and English language skills of the learners in a particular group.

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CN1 Lesson Plan Front Sheet

Tutor:	**Course Title and Topic:** CN1
Venue:	**Date & Time:**
Number of Adult Learners:	**Knowledge/Ability assumed:** This 10-day course has been developed to fulfil the requirements of Element 1-13 of CN1 (2025 syllabus version) of the NEBOSH Health and Safety Management for Construction (UK). It is likely that some learners will have practical experience of some of the issues covered in the course. Others are likely to have little or no knowledge of the subject matter. In the introduction at the start of the course, the individual learners' present knowledge level should be assessed.
Course Duration:	68 Taught Hours 3 Hours' Directed Study

Lesson Aims - *the aims of the session are to*:
As per NEBOSH syllabus guide.

Objectives (Assessment criteria) - *by the end of the session students should be able to*:
As per NEBOSH syllabus guide, stated at the start of each element on slides.

Brief reasoning for the way the lesson has been planned:
The following are guidelines on how the course should be taught. Different tutors obviously have different styles and experiences and these should be taken into account when delivering the course. To keep the learners interested, a variety of different methods should be used and the tutor should not rely solely on slides.

Any constraints:

- The course will require learners to undertake some research.
- They will require at least some access to the internet resources for this purpose.

Equipment/Aids to be used:

- Computer (with internet and sound capability), data projector, flip charts/whiteboard.
- Use of PPT presentations. Though PPT slides exist for most (if not all) subjects covered, they should be used judiciously rather than exclusively.
- Internet access.
- Learners are provided with a set of printed course notes.
- Tasks are stated on PPT slides (these are, with a few exceptions, short activities to assist learning; tutor's decision on how they should be delivered, e.g. class discussion, learner group work, and learner solo work).
- Questions set for directed study may constitute study questions and exam skills questions in study text, RRC sample assessments or other relevant questions - tutor to make the decision.

CN1 Day 1

7 Taught Hours

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0 Directed Study Hours

TIME	DURATION (MINS)	CONTENT AND TUTOR ACTIVITY	RESOURCES USED	STUDENT ACTIVITY

09:00 – 09:15	**15**	• Introduction to CN1 course:
		  ○ Administration: fire safety arrangements, toilets, course timings, breaks
		  ○ Introductions
		  ○ Course structure
		  ○ Introduction to examination
			CN1 - Introductory Slides PPT
			Flip chart.
			Name cards.
			Course notes.
				Listen, introduce self, write notes for reflective study.

09:15 – 10:45	**90 mins**	**ELEMENT 1: THE FOUNDATIONS OF CONSTRUCTION HEALTH AND SAFETY MANAGEMENT** 1.1 Morals and Money • Moral and societal expectations of good standards of health and safety • The financial costs of incidents (insured and uninsured costs, direct and indirect costs) • The financial impact of non-conformances and reworks • Powers of HSE inspectors	**CN1 – Element 1 PPT** Slides 3-9 *HSE 2024 Statistics pdf (in Resources folder)*	Slide 2 **Group activity**: List 6 construction activities Learner participates in discussion.
10:45 – 11:00	**15**	**MORNING BREAK**		

11:00 – 12:45	**105 mins**	1.2 The Construction (Design and Management) Regulations 2015
		• Roles, competence and duties of the following:
		  ○ Client
		  ○ Principal designer
		  ○ Designer
		  ○ Principal contractor
		  ○ Contractors
		  ○ Workers
		  ○ Domestic clients
		• When the HSE need to be notified
		• Pre-selection and management of contractors, including third-party auditing schemes
		• Effective planning and co-ordination of contracted work, including interaction with existing staff
		• Preparation of pre-construction information, construction phase plan, health and safety file (including the purpose, requirements and an example of a plan)
			Slides 10-39
			
			Reference to L153 managing health and safety in construction CDM 2015.
				Slide 12
				Group discussion: Duty holders under CDM
				
				Slide 31
				Group activity: Notifiable scenarios
				
				Learner participates in discussion.

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		• How technology can be used to plan and manage construction project lifecycles.		
12:45 – 13:15	**30**	**LUNCH BREAK**		
13:15 – 15:00	**105 mins**	1.3 Types, Range and Issues Relating to Construction Activities • Types of construction work and range of activities • Why you need to maintain the stability of structures 1.4 Site Assessment and Control Measures • Initially assessing the site: historical and current use, likelihood of asbestos and contaminants • Area of site, topography and features of the surrounding area • Site control measures: site planning, preparation for specialist activities, security and client/occupier arrangements	Slides 40-42 Slides 43-60	Listen, take notes, ask questions. Slide 48 **Group activity**: Control measures Learner participates in discussion
15:00 – 15:15	**15**	**AFTERNOON BREAK**		
15:15 – 17:00	**105 mins**	1.5 Site Order and Security • The need for safe entry and exit from the site • Safe and suitable arrangement of the working space, including housekeeping arrangements • The requirement to identify the site perimeter, either with suitable signs or fencing • Any out-of-hours security arrangements (if necessary)	Slides 61-68	Listen, take notes, ask questions.
17:00 – 17:15	**15 mins**	Review of day and private study brief		

CN1 Day 1 - Self-reflection	
Assessment of Learning – how will I tell whether learning has taken place? By: • Continuous assessment through Q&A and discussions. • Assessment through participation in workshops.	**Private Study Set:** • Set a relevant question(s) for homework. • Self-revision of key principles from element(s) covered today. • Learners to look at websites identified in course notes under 'MORE...' sections.
Lesson Evaluation – how did the lesson go? Any changes? Etc.	

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CN1 Day 2

7 Taught Hours
0 Directed Study Hours

TIME	DURATION (MINS)	CONTENT AND TUTOR ACTIVITY	RESOURCES USED	STUDENT ACTIVITY
09:00 – 09:15	**15**	Review answers to questions from previous evening private study. Overview of previous day training.	Flip chart.	Whole group feedback on answers.
09:15 – 10:45	**90 mins**	1.6 Management of Temporary Works ● Management of parts of the works that allow or enable construction of, protect, support or provide access to, the permanent works (which may or may not remain in place at the completion of the works) e.g. falsework/ formwork, excavations and temporary equipment foundations. ● The role of temporary works professionals in this process. 1.7 Other Construction Issues including Welfare Arrangements ● Welfare requirements for: ○ toilets and washing facilities including planning for work undertaken on sites remote from fixed facilities ○ changing rooms and lockers ○ rest and eating facilities ○ drinking water	Slides 69-72 Slides 73-74	Listen, take notes, ask questions. Listen, take notes, ask questions.
10:45 – 11:00	**15**	**MORNING BREAK**		
11:00 – 12:45	**105 mins**	1.7 Other Construction Issues including Welfare Arrangements ● The types of temporary accommodation units (TAU) required for sites ● Requirements of location for TAU ● Particular construction issues relating to: ○ use of migrant workers ○ temporary nature of construction activities and the constantly changing ○ workplace ○ time pressures	Slides 75-77 Reference to Schedule 2 of CDM	Listen, take notes, ask questions.

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		○ weather conditions ○ levels of numeracy and literacy of workers ○ non-English speaking workers ○ Recognising the symptoms of fatigue and how to reduce it Element 1 Summary	Slide 78	
12:45 – 13:15	**30**	**LUNCH BREAK**		
13:15 – 15:00	**105 mins**	**ELEMENT 2: IMPROVING HEALTH AND SAFETY CULTURE AND ASSESSING RISK**		
		2.1 Health and Safety Culture ● Meaning of the term 'health and safety culture' ● Relationship between health and safety culture and health and safety performance ● Influence of peers on health and safety culture 2.2 How Human Factors influence Behaviour Positively or Negatively ● Organisational factors, including: culture, leadership, resources, work patterns, communications ● Job factors, including: task, workload, environment, display and controls, procedures	**CN1 – Element 2 PPT** Slides 2-6 Slides 7-10 *hse-inspectors-toolkit-safety-culture pdf (in Resources folder)*	Slide 6 **Group activity**: Factors resulting in H&S culture deterioration Learner participates in discussion
15:00 – 15:15	**15**	**AFTERNOON BREAK**		
15:15 – 17:00	**105 mins**	2.2 How Human Factors Influence Behaviour Positively or Negatively - continued ● Individual factors, including: competence, skills, personality, attitude and risk perception ● Link between individual, job and organisational factors 2.3 Improving Health and Safety Culture The impact of the following on health and safety culture: ● Gaining management commitment ● Promoting health and safety standards by leadership and example and appropriate use of disciplinary procedures ● Competent workers (including the role of training)	Slides 11-17 Slides 18-43	Slide 14 **Group activity**: Count the number of "Fs" Learner participates in discussion Slide 25 **Group activity**: Effective communication Slide 35

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1.1 Morals and Money

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Moral Expectations of Good Standards of Health and Safety

The moral reasons for managing health and safety at work are:

- We don't expect to be harmed at work, and shouldn't cause harm to anyone else.
- To prevent ill health and injury.
- Duty of care to others.
- Ethical reasons.
- Corporate social responsibility.
- Societal expectations.

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The Financial Cost of Incidents (Insured and Uninsured Costs)

- Construction is a relatively small employment sector.
- Fatal injury rate significantly higher than the All Industry Rate.
- Construction consistently accounts for a high number of work-related fatalities.
- Falls from height are a significant cause of fatal injuries.
- Typically, injury or illness caused by construction activities accounts for one day's absence for everyone in the industry.
- Non-conformance and rework also have a significant financial impact.

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Size of the Problem

Typical causes of injury:

- Falls from height.
- Slips, trips and falls.
- Being struck by falling/moving objects.
- Manual handling.

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Powers of HSE Inspectors: Enforcement Notices

Improvement Notice:

- Breach of law (in the inspector's opinion).
- Not high risk.
- States improvement to be made and timescale.
- Refers to specific law.
- **Appeal within 21 days:**
  - Employment Tribunal.
  - Notice suspended for the time of the appeal.

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Powers of HSE Inspectors: Enforcement Notices

Prohibition Notice

- High-risk situation:
  - "Serious risk of personal injury".
- Stops the high-risk activity.
- No breach of law required.
- **Appeal within 21 days:**
  - Employment Tribunal.
  - Notice remains in force for the time of the appeal.

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Penalties for H&S Offences

Magistrates' Court

- Unlimited fine, and/or
- 12 months in prison.

Crown Court

- Unlimited fine, and/or
- Two years in prison.

Fee for Intervention

- HSE can charge for carrying out
- Its regulatory functions when they find a **material breach** of H&S law.

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1.2 The Construction (Design and Management) Regulations 2015

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Duties Under the CDM Regulations

- **CDM Regulations** provide a detailed framework for managing construction projects.
- Specifically target planning and design issues:
  - Underlying causes of accidents.
  - Good fire risk management.
- Intention is to 'design out' the problems from the start.
- **CDM Regulations** develop the roles of people involved in construction projects.
- They apply to all construction projects, but identify specific types of projects as 'notifiable'.

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Group Discussion

Who are the duty holders under the **CDM 2015 Regulations**?

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Morals and Money

IN THIS SECTION...

- There are two main reasons for an organisation to manage health and safety: moral and financial.
- Construction has the largest number of fatal injuries of the main United Kingdom (UK) industry groups. Although there is a downward trend in the number of deaths and major injuries, areas of high injury and ill-health incidence remain.

Moral and Societal Expectations of Good Standards of Health and Safety

To prevent workplace accidents and illnesses, companies must stop viewing safety simply as complying with the law and start treating it as an ethical or moral issue. Keeping workers safe isn't just about avoiding prosecution; it's about upholding an employer's ethical obligations. Conscientious employers accept that it is an essential part of their corporate social responsibility.

Employers (via management) control the premises, equipment and working practices used by workers to facilitate the production of goods and services. Employers, therefore, have a **moral** responsibility to provide safe and healthy working conditions.

The media and communication industry, through its various channels such as print, news broadcast, photography and video, serves to inform the public of best practices and establishes a norm that people expect. In recent years, societal attitudes to justice and respect have prompted changes that have improved standards of health and safety everywhere, not just in the workplace. Better workers will strive to work for employers who follow a moral code of practice with higher standards.

Examples of moral practice include:

- Ensuring all risk assessments are completed.
- Training all workers.
- Prioritising measures that protect the whole workforce.
- Promoting a positive safety culture.

In simple terms, the moral reason can be summarised as, 'it's the right thing to do'. It is right and proper that workers going to work to earn a living should return home in the same state, not suffering from ill health or serious physical injury. People expect this as a fundamental right. Workers expect it. Society expects it. Over time, this societal expectation has been translated into legal standards. In this way, the moral argument drives legislation.

The Financial Cost of Incidents (Insured and Uninsured Costs, Direct and Indirect Costs)

The **financial** reasons for health and safety can be difficult to calculate, but incidents cost money to the company (lost production, repair of damage, replacement workers), to the injured person (lost wages, lost opportunities) and to society (emergency services, hospitals).

Insured and Uninsured Costs

It is usually possible to take out insurance to cover some of the losses that might foreseeably occur to an organisation. It is compulsory to take out employers' liability insurance (under the **Employers' Liability (Compulsory Insurance) Act 1969**), so that if an employee is killed or injured at work there is insurance in place to pay them (or their dependants) compensation. The minimum amount of cover is currently £5 million. The current certificate must be 'displayed' for the benefit of employees (though this can be made available in electronic form) and produced if required by an inspector.

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Similarly, it is usual for an employer to insure their premises and stock against fire. However, it is not possible to insure against all losses. Some losses are uninsurable by their very nature. For example, an organisation cannot take out an insurance policy to pay out if they were prosecuted and fined in the criminal law courts, as it would no longer act as an effective deterrent. Other losses are not insured against because the loss is too difficult to quantify or because the insurance would be too expensive to consider. For example, organisations cannot insure themselves against loss of revenue if their business reputation is damaged through a major workplace accident. There is no law that prevents this type of insurance, it is simply impossible to obtain.

Fire can be insured against

Many of the direct and indirect costs associated with workplace accidents are uninsured for these reasons. The Health and Safety Executive (HSE) have estimated that uninsured losses are between 8 and 36 times greater than insured losses. They provide a rough average figure of 10 times. This is sometimes referred to as the 'uninsured loss iceberg' because the greater losses are below the waterline and cannot be seen (but are quite capable of sinking the ship).

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Examples of possible insured and uninsured costs include:

Insured Costs	Uninsured Costs
• Damage to plant, buildings and equipment. • Compensation paid to workers. • Medical costs. • Legal costs associated with a claim for compensation.	• Production delays or down time. • Loss of raw materials due to accidents. • Accident investigation time. • Criminal fines and legal costs. • Sick pay for injured workers. • Overtime to make up for lost production. • Hiring and training new employees. • Loss of business reputation.

It is worth remembering that, even if a loss is covered by insurance, most insurance policies come with an excess and with a limit. The excess is the amount of money that will be payable by the organisation before any payment is forthcoming from the insurer (e.g. it might be the first £5,000 of any claim). The limit is the cap above which the insurer will not pay (for example, if a business has £2 million building and contents fire insurance but it costs £3 million to rebuild and restock the premises, then the insurer will only pay the first £2 million; the remaining sum is uninsured).

Direct and Indirect Costs

When an accident occurs, the organisation will face both direct and indirect costs:

- **Direct costs** – the measurable costs arising directly from the accident.
- **Indirect costs** – those which arise indirectly as a consequence of the event. Indirect costs are often difficult to quantify precisely and may be hard to identify. In certain circumstances they may be extremely high.

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Examples of direct costs:

- First-aid treatment.
- Worker sick pay.
- Repairs to, or replacement of, damaged equipment and buildings.
- Lost or damaged product.
- Lost production time while dealing with the injury.

Examples of indirect costs:

- Reduction in staff morale (which impacts on productivity and efficiency).
- General difficulties in recruiting and retaining staff as an indirect result of the accident.
- Loss of goodwill of customers following delays in production and fulfilling orders.
- Activation of penalty clauses for failing to meet delivery dates.
- Damage to public image and business reputation.
- Damage to industrial relations, perhaps leading to industrial action (e.g. strikes).

From the examples given you can see that, though more difficult to identify, the indirect costs associated with a workplace accident can be very large indeed.

Companies have gone out of business after major incidents. Insurance companies often now take considerable interest in health and safety performance and employers who fail to identify hazards and manage risks properly may well find their insurance premiums significantly increased. Following prosecutions, fines imposed by the criminal courts can only be met from the employer's own funds as insurance cover is not possible against criminal penalties.

Manual handling injuries remain a cause for concern for inspectors on construction sites

Although there has been a downward trend in the number of deaths and major injuries in GB's construction industry in the last few years, recent statistics show that:

- Construction is a relatively small sector for employment.
- The fatal injury rate is significantly higher than the All Industry rate.
- Construction consistently accounts for a high number of work-related fatalities.
- A significant cause of a fatal injury is a fall from height.
- Typically, injury or illness caused by construction activities accounts for one day's absence for everyone in the industry.

Good construction health and safety is a large contributor to the fall in the number of injuries, but it must be maintained to ensure the number continues to fall. The hazards and risks of construction activities must be recognised and management systems put in place to eliminate or reduce those risks. Typical areas of high-injury incidence are:

- **Falls from height** - still a prime cause of fatalities and major injuries.
- **Slips, trips and falls occurring on the same level** - still causing a significant number of over-seven-day injuries.
- **Being struck by falling/moving objects** - materials and objects dropped from access equipment and buildings is also a significant cause of fatalities and specified injuries for construction workers.
- **Manual handling** - lifting and carrying on construction sites - a major cause of lost work days due to specified injuries or over-seven-day injuries.

For the latest set of published statistics see:

https://www.hse.gov.uk/statistics/assets/docs/construction.pdf

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Despite major advances in health and safety culture and awareness, the construction industry continues to deliver the highest single industry fatality rate in the annual HSE statistics bulletin. Since 1 February 2016, the Sentencing Council has issued guidelines on fines for health and safety offences, including corporate manslaughter, which apply to all sentences. These can be very substantial.

If the court establishes there was a deliberate breach of, or flagrant disregard for, the law, then this is regarded very seriously (high culpability) and large organisations in particular could be presented with an unlimited fine on conviction, or one at least ranging from £500,000 to £10 million.

Even small organisations that are convicted of causing death or injury to their employees by allowing them to work in an unsafe or negligent manner can now be fined up to £1.6 million.

So as you can see, the enforcing agencies and the judiciary are now drawing a clear link between the poor statistics of the construction industry and the punishments awarded. Any organisation, large or small, will, if convicted, now find itself appropriately and proportionately punished.

The Financial Impact of Non-Conformances and Reworks

Non-conformances and rework can lead to significant financial losses, including increased material waste, labour costs, and production delays. When defects occur, additional resources are required to identify, repair, or replace faulty products, disrupting operations and reducing efficiency. These direct costs, combined with the impact of missed deadlines, can strain profitability and operational effectiveness.

Beyond immediate expenses, non-conformances can damage customer trust, lead to regulatory fines, and harm a company's reputation. Persistent quality issues may result in lost sales, increased returns, and reduced market competitiveness. To mitigate these financial risks, businesses must invest in robust quality control measures, employee training, and process improvements, ensuring long-term cost savings and sustainability.

Powers of HSE Inspectors

There are several authorities who have a role in enforcing health and safety law in the UK. First among these is the HSE and its equivalent body in Northern Ireland, the Health and Safety Executive for Northern Ireland (HSENI).

The HSE enforces health and safety law in a wide range of workplaces. These include factories, mines, quarries, construction sites, off-shore oil and gas facilities, chemical plants and agriculture. These might be described as the medium- and high-risk workplaces. The HSE does not, however, enforce in all workplaces and it does not generally enforce fire safety legislation.

The HSE has a number of roles:

- Enforcement of the **Health and Safety at Work, etc. Act 1974 (HSWA)** and associated law.
- Reviewing existing legislation and making recommendations for changes.
- Providing information and guidance.
- Conducting research.

The HSE is the enforcing authority when the only activities being undertaken are:

- Construction work, or activities directly related to it (e.g. ground clearance).
- Work defined by the **CDM regulations** as notifiable.
- A contractor is working, in whole or in part, on the external fabric of a building or structure.
- Construction work is being carried out in a physically segregated area of a premises.

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MORE...

The HSE website is an excellent source of information on legal standards and best practice: www.hse.gov.uk

Powers of Inspectors Under HSWA

Inspectors appointed under **HSWA** have wide-ranging powers to enter and inspect premises, including construction sites, to ensure that activities are being carried out in accordance with statute law.

While the general policy is to promote compliance through co-operation and discussion, inspectors do have the power to issue enforcement notices and, if necessary, prosecute offenders.

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Under Section 20 of **HSWA** inspectors have the following powers:

- To enter premises, at any reasonable time.
- To take along a police officer if they believe they are going to be obstructed.
- To take along technical assistance or equipment if necessary.
- To carry out any necessary examinations and investigations.
- To direct that premises (in whole or in part) or items within the premises are left undisturbed.
- To take photographs, drawings and measurements.
- To take samples of articles or substances and of the atmosphere.
- To dismantle and/or test any item or substance which they think is dangerous.
- To take possession of articles and substances for examination or test, or as evidence in proceedings.
- To take statements from any person who might be able to help in their investigation. Interviewees must answer any questions and sign a statement of their answers (although these are not admissible as evidence in any subsequent proceedings against that person).
- To inspect and copy any document or record considered relevant.
- To receive access to reasonable facilities and assistance in conducting their investigation.
- Any other power necessary to fulfil the duty of their enforcement authority.

Section 25 of **HSWA** adds an additional power:

To seize and render harmless (by destruction if necessary) any article or substance that gives rise to imminent danger of serious personal injury.

RRC Sample Material

Enforcement Notices

There are two types of enforcement notices issued by inspectors: **improvement notices** and **prohibition notices**.

Conditions for Serving

Improvement Notices

- An improvement notice is issued where the inspector thinks that health and safety law is being **breached** or a breach has occurred and is likely to be repeated.
- It will only be issued if the inspector does not think there is a risk of serious personal injury.
- The improvement notice will state that an improvement must be made to achieve minimum legal standards and will impose a **timescale** that the inspector thinks is appropriate.
- The timescale for the improvement cannot be fewer than **21 days**.
- The inspector may state the specific action needed to achieve legal compliance and make reference to any relevant ACoP or guidance.
- The improvement notice is served on the person in charge of the workplace or activity that is in breach; this is normally the employer.
- Any appeal against the notice must be made within **21 days**.

When on construction sites, workers often have to use temporary welfare facilities which may require improvements. For example, consider an inspector visiting a construction site where 10 workers were refurbishing the inside of a retail premises. If the inspector found that the water system had been isolated to prevent leaks, however this prevented the toilets flushing or sinks working properly to wash hands, then the inspector would be entitled to issue an improvement notice. This would require the employer to ensure adequate welfare facilities were provided. The improvement notice would specify to the contractor what is required (e.g. clean and working toilets and washbasins with hot and cold running water) and give a timescale to comply with the notice.

In this case, an improvement notice would be issued because:

- The relevant legislation is being breached.
- It is not a trivial matter.
- There is no imminent risk of serious personal injury.

Prohibition Notices

- A prohibition notice is issued where the inspector thinks that there is an imminent risk of **serious personal injury**.
- The prohibition notice will state that the activity must **stop** until such time as it has been remedied.
- No timescale is specified.
- The inspector does not need to see a breach of health and safety law.
- The prohibition notice is served on the person in control of the activity; this is often the employer.
- Any appeal against the notice must be made within **21 days**.

For example, if an inspector investigating a construction site found that a guard to cover a circular saw was missing, they might issue a prohibition notice. This is because any person coming into contact with the moving saw blade may suffer a very serious injury or even be killed. The machine must immediately be taken out of use and cannot be re-used until it has been made safe by fitting the relevant guards.

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Rights and Effects of Appeal

Appeals against notices are made to an **employment tribunal**. The appeal must be made **within 21 days** of the notice being served and must be in writing and state the grounds for the appeal.

For an improvement notice, bringing an appeal **suspends** the notice until the appeal is heard or withdrawn.

For a prohibition notice, bringing an appeal means the prohibition **remains in place** unless the tribunal directs otherwise.

The decision of the tribunal may be to:

- Cancel the notice.
- Affirm (uphold) the notice.
- Affirm but modify the notice (e.g. by extending the timescale).

The emphasis is upon simplicity and speed. Often, in order to speed up the procedure, a tribunal will order a preliminary hearing to see if the matter can be resolved between the parties without a full tribunal taking place.

Penalties or Failure to Comply

Failure to comply with an enforcement notice is an offence under **HSWA** that might lead to prosecution by the enforcing authority. The penalties following successful prosecution are a fine and/or a prison sentence. Maximum penalties are:

- **Magistrates' Court:**
  - unlimited fine; and/or
  - 12 months' prison.
- **Crown Court:**
  - unlimited fine; and/or
  - two years' prison.

Breaching health and safety law can lead to criminal prosecution

Fee for Intervention (FFI)

The **Health and Safety and Nuclear (Fees) Regulations 2022** allow the HSE to recover its costs for carrying out its regulatory functions from those found to be in **material breach** of health and safety law.

A material breach is when, in the opinion of the HSE inspector, there is or has been a contravention of health and safety law that requires them to issue either:

- a notification of contravention (a letter that does not constitute formal enforcement action);
- an improvement or prohibition notice; or
- a prosecution.

The written notification must include the following information:

- the law that the inspector's opinion relates to;
- the reasons for their opinion; and
- notification that a fee is payable to the HSE.

Fee For Intervention (FFI) applies where HSE is the enforcing authority.

The fee payable is based on the amount of time it takes the HSE to identify and conclude its regulatory action in relation to the material breach (including associated office work). This is calculated using a standard hourly rate (for the current rate see https://www.hse.gov.uk/fee-for-intervention/what-is-ffi.htm). Material breaches discovered during a site visit would result in FFI being charged for the entire duration of that site visit.

Invoices are payable within 30 days.

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Prosecution

Criminal prosecutions result in a trial heard in either the Magistrates' Court or the Crown Court (in England and Wales) or the Justice of the Peace or Sheriff Court (in Scotland). The case is brought by the enforcement agency itself in England and Wales, although in Scotland the Crown Office and Procurator Fiscal Service (COPFS) brings the case on behalf of the inspectors.

STUDY QUESTIONS

1. Incidents will have a financial impact that affects the business and can also affect society. Give two examples of costs to:
   (a) The business.
   (b) Society.
2. Identify two risk areas in construction that have a high injury incidence rate.

(Suggested Answers are at the end.)

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The Construction (Design and Management) Regulations 2015

IN THIS SECTION...

- The **CDM Regulations 2015** apply to **all** construction projects in the UK.
- Duties are placed upon clients, designers, principal designers, principal contractors and contractors.
- The management of projects can be divided into two distinct stages:
  - Development of pre-construction health and safety information.
  - Development of a construction phase health and safety plan.
- Pre-construction (and other) information must be enough to ensure that all significant risks foreseen in the project are anticipated and planned for.
- The health and safety file becomes the manual for future construction projects and is required for projects involving more than one contractor.
- The extent to which domestic clients must carry out the client duties in **CDM Regulations 2015** is limited and most of the duties are passed to other duty holders.

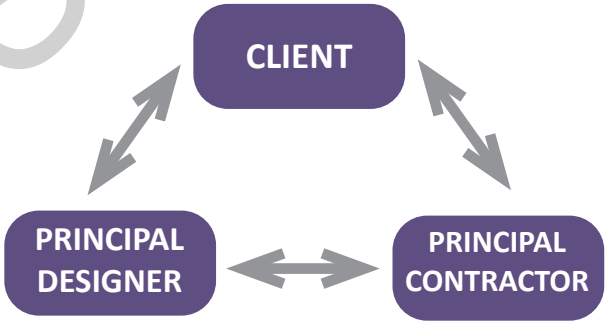
Roles, Competence and Duties under the CDM Regulations

The **Construction (Design and Management) (CDM) Regulations 2015** provide a detailed framework for managing construction projects. They specifically target planning and design issues, as these areas hold the underlying causes of accidents, as well as the actual construction phase management; this includes good fire risk management. The intention is to 'design out' the problems from the start.

CDM Regulations 2015 develop the roles of people involved in construction projects (clients, designers, principal designers, principal contractors and contractors) and places particular duties upon each of them.

In particular:

- The client has a duty to ensure that both the principal designer and principal contractor comply with their duties.
- The principal designer is responsible for managing the pre-construction phase of the project.
- The principal contractor is responsible for managing the construction phase of the project.



Based on original image from *Industry guidance for principal contractors* (www.citb.co.uk/documents/cdm%20regs/2015/cdm-2015-principal-contractors-printer-friendly.pdf)

They apply to all construction projects, but identify specific types of projects as 'notifiable'.

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Clients (Regulations 4, 5 and 6)

Clients must make suitable arrangements for managing a project, including the allocation of sufficient time and other resources, and ensure that these arrangements are maintained and reviewed throughout the project. They must also provide pre-construction information as soon as is practicable to every designer and contractor appointed to the project; this must include existing fire precautions and building layout; and identify the presence of flammable and combustible materials.

In addition, they must ensure that, before the construction phase begins, a construction phase plan is drawn up by the contractor or principal contractor which includes project-specific fire risks and procedures in case of fire; and that the principal designer prepares a health and safety file for the project.

Designers (Regulation 9)

A designer can be any person who specifies construction work, or specifies materials to be used. Typical examples include architects, surveyors and design and build contractors. The designer must ensure the client is aware of their **CDM** duties and seek to avoid hazards or minimise risk by effective design.

Designers must consider the risk of fire at design stage, including in their choice of building materials and methods of construction. For example, specifying materials that can be fixed together by mechanical means rather than hot means. They should also consider the impact on neighbouring properties and their emergency escape routes. Where risks cannot be avoided, adequate information must be provided with design drawings and specifications.

Principal Designers (Regulation 11)

Principal designers are responsible for planning, managing, monitoring and co-ordinating health and safety in the pre-construction phase of a project. This includes identifying, eliminating or controlling foreseeable risks and ensuring that designers carry out their duties. They must ensure risk of fire is identified, eliminated, and controlled.

They are also responsible for preparing and providing relevant information to other duty holders, including that relating to fire risk and control; in particular, principal contractors, to help them plan, manage, monitor and co-ordinate health and safety in the construction phase.

Principal Contractor (Regulation 13 and 14)

The principal contractor is the main contractor involved and is normally a specialist in managing construction projects. Significant to this role is the planning, managing and monitoring of the construction phase, and co-ordinating matters relating to health and safety during the construction phase to ensure that, so far as is reasonably practicable, construction work is carried out without risks to health or safety. This includes ensuring a site-specific fire risk assessment forms part of the construction phase plan, that programming of work considers fire mitigation measures and that those measures are implemented.

The principal contractor will put the site rules in place

The principal contractor must also consult and engage with the workforce to ensure that measures for their health, safety and welfare are developed, promoted and checked for effectiveness.

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Health and Safety Management for Construction (UK)
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Element 1: The Foundations of Construction Health and Safety Management

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Element 2: Improving Health and Safety Culture and Assessing Risk

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Element 3: Managing Change and Procedures

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Element 4: Excavation

Element 5: Demolition

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Element 6: Mobile Plant and Vehicles

Element 7: Working at Height

Suggested Answers to Study Questions

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Health and Safety Management for Construction (UK)

Element 8: Musculoskeletal Health and Load Handling

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Element 9: Work Equipment

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Element 10: Electricity

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Element 11: Fire

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Element 12: Chemical and Biological Agents

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Element 13: Physical and Psychological Health

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