

# Construction Update 2021

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## SPEAKER

- 20 years a lawyer
- 8 years HSE Inspector (6 years major hazards)
- 2 years risk management consultant with atomic energy authority
- 3 years science teacher
- MSc Environmental Toxicology
- Post Graduate Law Diploma



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# Grenfell Tower Inquiry

**The Grenfell Tower Inquiry is an independent public inquiry, set up to examine the circumstances leading up to and surrounding the fire at Grenfell Tower on 14 June 2017**

The **Hackitt review** has shown that in too many cases people who should be accountable for fire safety have failed in their duties. In future, the government will ensure that those responsible for a building must demonstrate they have taken decisive action to reduce building safety risks and will be held to account. 17 May 2018

## Inquiry Phases - What happened?

**Phase 1** is focussing on the factual narrative of the events of the night of 14 June 2017. This includes:

- the existing fire safety and prevention measures at Grenfell Tower;
- where and how the fire started;
- the development of the fire and smoke;
- how the fire and smoke spread from its original seat to other parts of the building;
- the chain of events before the decision was made that there was no further saveable life in the building; and
- the evacuation of residents.

# Inquiry Phases – Why happened?

## Phase 2 (to include)

- Grenfell Tower's original design, construction, composition (completed 1974)
- Subsequent modifications prior to the most recent
- The fire and safety measures within the building at the time of the fire
- Inspections
- Communications and Fire advice to residents
- The fire
- The response of the emergency services
- The aftermath

# Where are we in the inquiry

**30<sup>th</sup> October 2019 Phase 1 report issued**

Conclusions included:

- Occupier exonerated – kitchen fire foreseeable
- Aluminium Composite Material (ACM) cladding plus insulation boards spread fire at speed
- Loss of compartmentalisation
- **LFB at the incident – ‘extraordinary courage’ ‘selfless devotion’**
- Not conceive of compartmentation failure and change strategy
- Ineffective comms as fire develops, no police helicopter pictures
- Problems in command and control

## Phase 1- Report Recommendations

Planned after Phase 2, but clear that some improvements needed from Phase 1 – **include:**

- High rise owners/managers provide fire service with info on build constituents, floor plans, alarms systems, lifts etc.
- Fire service inspection of high rise to improve by training etc.
- Improve comms between control room and command centre
- National guidelines on evacuations
- Urgent inspection on fire doors and self-closing devices
- Measures to improve comms between 3 emergency services

### **21<sup>st</sup> January 2020 Government respond**

- Fire Safety Bill, progress of recommendations, setting up new regulator under HSE - continuous implementation of Hackitt report

## Phase 2 (Why it happened) – Opens 28<sup>th</sup> Jan 2020

Opening Statements of participants

With exception of RBKC no admission against its own interest

*“Each core participant who played a material part in the refurbishment of Grenfell Tower has laid out a detailed case for how it relied on the work of others and how in no way was the work it did either substandard or non-compliant.”*

**6<sup>th</sup> Feb to 2<sup>nd</sup> March** suspended for Application of the Attorney General’s Undertaking – contrast with fire-fighters

**3 - 16 March** architects lack of experience, knowledge of fire spreading etc..... – Closed for Covid and so it goes

**Resumption 6<sup>th</sup> July - 9<sup>th</sup> December**

**Resumption 8<sup>th</sup> February** via Zoom (controversy)



## Phase 2 (Why it happened) –

Witnesses due from Arconic (made the cladding) and RBKC

Witnesses - “might relax and not feel the same pressure to be candid” or could be surreptitiously coached via text or email”.

“Core participants and the wider public might be left with the feeling that ... the witness had not been exposed to the intensity of questioning that a conventional examination would have achieved.”

“We cannot allow RBKC and the tenant management organisation to give their evidence from their sofas, in their slippers into a computer screen,” **Grenfell United**

Other courts open with precautions

Again contrasting with Fire-fighters

## Post Grenfell - Dame Judith Hackett's report

- Problem – “not fit for purpose”
- Solution - “a very clear model of risk ownership, with clear responsibilities for the client, designer, contractor and owner to demonstrate the delivery and maintenance of safe buildings”

### **Building Safety Bill - Fire Safety Bill**

New duty holder roles and responsibilities - align with CDM 2015

- Robust gateway points before planning, construction, occupation
- Golden thread of information
  - The digital record of the design, construction, refurb etc. underpin effective understanding of safety management throughout lifecycle.
- The Fire and Emergency File

## BIM and Building Safety Bill/CDM

- Building Information Modelling (BIM) - 3 dimensional modelling – cradle to grave, design prepare, build, maintain, refurbish, demolish.
- 2016 government procurement programme
- Transparency in design
- Crucial for 'building-in safety up front'
- Terminal 5, Cheesegrater, prisons, Cross rail
- Paperless
- Security issues
- Who owns the model? IP, Confidentiality?
- New spirit of cooperation/coordination?

# BIM

- Wider applications to just building modelling – whole workplace design
- BIM principles been around for a long time in the refineries and process industries
- Could be the equivalent of the HAZOP
- Model to be the first port of call for accident investigation?
- To some a threat to some an opportunity

# Mental Health and Construction

- HSE Statistics – figures from me, Phil Newton and Ian Whittles
- 111 fatalities this year
- 40 in construction
- Falls
- Hit by machinery etc.
- My caseload

# Mental Health and Construction

- Suicide biggest killer of men under 45.
- Male construction site workers are three times more likely to commit suicide than the average male in the UK.
- Suicide kills more construction workers than falls every year.
- Depression and anxiety have overtaken musculoskeletal disorders in construction workers.
- More than one suicide death per day construction workers

# Mental Health and Construction

- ISO 45003 – ‘managing psychosocial risks’
- HSE Stress Management standards
- James Quinn IOSH focus groups
- Why no prosecutions
- Why difficult
- What models can be used

# More Regulators!

Stephen Greenhalgh **Minister of State (Minister for Building Safety and Communities)**

“.....await the final outcome of the public inquiry (Grenfell).....fire would not have spread so quickly.....had it not been for the dangerous cladding materials used .....recent testimony to the inquiry.....a corrosive culture ...  
.....cavalier attitude to building safety by some construction firms.....manufacturers of construction products appear to have put lives at risk by deliberately gaming product-testing regimes and knowingly selling products that did not perform to safety standards as advertised”



## So? “Tough new regulator”

“the government has announced a national regulator to bring an end to this reckless behaviour once and for all.”

- regulator will provide vital market surveillance
- empowered to remove products from the market
- prosecute any company that circumvents the rules
- clear performance standards/ mandatory testing
- the ability to conduct its own product testing
- part of Office for Product Safety and Standards (Not the HSE!)

## HSE Sub Contracts?

- private firms are carrying out Health and Safety Executive (HSE) site inspections
- two contracts worth a total of £7m to debt-collection firms
- funding provided by additional sum to help the HSE cope with the demands of the Coronavirus pandemic.
- Debt collecting organisations – large field force
- 'spot-check support officers' who undertake spot-check visits.
- HSE to “significantly scale up” its proactive work”
- Prospect general secretary Mike Clancy
  - ‘move was not an adequate replacement for personnel lost over a decade as a result of cuts to the organisation’s budget’
  - “A world-class safety regime cannot be delivered on the cheap.”