NEBOSH Health and Safety Management for Construction (UK)

Additional Content Supplement
In line with the Jan 2025 NEBOSH Spec

Contents

1 Element 1: The foundations of construction health and safety management

1.1 - THE FINANCIAL IMPACT OF NON-CONFORMANCES AND REWORKS

Non-conformances and reworks can have a significant financial impact. When work fails to meet required standards, specifications, or safety regulations, it often needs to be corrected or redone - leading to increased labour, material, and equipment costs. These issues can cause delays to project timelines, trigger contractual penalties, and disrupt supply chains, all of which drive up overall expenditure. Additionally, reworks may interfere with other trades on site, compounding costs through lost productivity and site congestion. Beyond the immediate financial burden, repeated non-conformances can damage client relationships and reduce the chances of securing future contracts. Investing in strong quality control and health and safety management systems is therefore essential to minimise these costly disruptions and maintain project profitability.

1.1 POWERS OF HSE INSPECTORS

The powers of HSE inspectors are provided for under the Health and Safety at Work etc Act 1974:

- To enter any premises at any reasonable time.
- Take a constable or some other authorised person if there is an obstruction in the execution of their duty.
- To examine and investigate.
- Direct that a premises or part of premises remain undisturbed.
- Take photographs, measurements.
- Sample or retain unsafe articles and substances.
- To order the testing, dismantling and examination.
- Take possession of items.
- To require answers to questions with a signed statement, if necessary.
- To inspect and copy statutory records and documents or any other relevant documents.
- To provide assistance.
- Any other power.
- Conduct own cases in England and Wales.
- To serve:
  - Improvement notice.
  - Prohibition notice (may be a suspended prohibition notice or have immediate effect).
- Conduct own cases in England and Wales.

Enforcement Notices

General points

The criteria for use of enforcement notices are set out in Sections 20-22 of the Health and Safety at Work etc. Act (HASAWA) 1974.

There are two types of enforcement notice available to an HSE enforcing officer, an improvement notice and a prohibition notice. It should be remembered that both notices are a confirmation of non-compliance with legislation. When choosing to use a notice the enforcing officer has chosen not to prosecute for the offence at that point in time. When enforcing officers serve a notice, they have a duty to inform a relevant employee health and safety representative of the circumstances, in addition to the person the notice is served on. The responsibility to confirm compliance remains with the employer, notices are not 'lifted' by the enforcing officer, but the act of being in compliance satisfies the notice. The enforcing officer may or may not return to determine compliance with the notice.

Improvement notices

Enforcing officers can serve an improvement notice if they are of the opinion that there:

- Is a contravention of one or more of the relevant statutory provisions.
- Has been a contravention of one or more of those provisions in circumstances which make it likely that the contravention will continue to be repeated.

The effect of the notice is to require a specified improvement to take place within a specified time in order to bring the situation back into legal compliance.

In the improvement notice the enforcing officer must:

- State that the enforcing officer is of the opinion that there is or has been a contravention.
- Specify the provisions, in their opinion, which are contravened.
- Give particulars of the reasons for their opinion.
- Specify a period of time within which the person is required to remedy the contravention.

Examples of where an improvement notice may be used:

- Inadequate or no health and safety policy.
- Restricted walkways or trailing cables causing a risk of slipping or tripping at ground level.
- Inadequate or no general risk assessment.
- Inadequate or no general training of managers.

The time to make the improvement should reflect the scale and complexity of what is required. If the employer felt it did not, this may be grounds for appeal.

The notice must provide sufficient time for the employer to appeal; therefore, the time to improve must be in excess of the 21 days allowed to make an appeal.

Prohibition Notices

If enforcing officers are of the opinion that a workplace activity involves, or will involve, the risk of serious personal injury, they can serve on the person responsible for the activity a prohibition notice. The notice will usually take immediate effect and require the activity to cease.

In circumstances where the enforcing officer considers the immediate stopping of the activity to be inappropriate (it may present its own risk) the notice can come into effect at a specified date. A notice can relate to a system of work, equipment, workplace or a person.

A prohibition notice must:

- State that the enforcing officer is of the opinion that there is a risk of serious personal injury.
- Specify the matters which create the risks.
- Direct that the activities must not be carried out, unless the matters are remedied.

Examples of where a prohibition notice may be used:

- Unguarded machinery.
- Incomplete scaffold.
- Untrained personnel using high risk equipment, for example, rough terrain fork-lift truck or a crane.
- Inadequate procedures for entry into a confined space, for example, sewers.

Appeals against notices

Right of appeal

A person on whom either type of notice is served can appeal to an Employment Tribunal (ET) within 21 days from the date of service of the notice. The tribunal can extend this period on written application that it was not reasonably practicable for the appeal to be brought within 21 days.

Effect of appeal

a) When an appeal is lodged against an improvement notice it is suspended.

b) When an appeal is lodged against a prohibition notice it is not suspended until the tribunal hears the appeal and makes a decision.

When the appeal is heard the Employment Tribunal will consider the facts of the appeal and may make a number of responses in view of their findings. The options are to uphold the notice as originally defined, amend the notice (for example, the time to comply with an improvement notice) or quash it.

Penalties for failure to comply with notices

An advantage of formalising an enforcing officer's comment in the form of an enforcement notice is that failure to comply with the notice is an offence in itself, which carries a possible penalty of up to 2 years prison sentence and/or an unlimited fine. In addition, the enforcement officer retains the right to prosecute for the original identified non-compliance with legislation.

1.7 – OTHER CONSTRUCTION ISSUES INCLUDING WELFARE ARRANGEMENTS

Particular construction issues

Recognising the symptoms of fatigue and how to reduce it

Recognising symptoms of fatigue in construction is essential for maintaining safety and performance on site. Fatigue can show up in both physical and mental ways, including excessive yawning, slowed reaction times, difficulty concentrating, memory lapses, poor decision-making, and irritability. Physically, workers may experience muscle weakness, reduced coordination, or even microsleeps - brief, uncontrollable episodes of sleep. In a high-risk environment like construction, these symptoms can lead to serious accidents, injuries, or costly mistakes. Identifying the signs early and taking action to reduce fatigue - such as rest breaks, shift adjustments, or workload management - helps protect workers and keeps the site running safely and efficiently.

2 Element 2: Improving health and safety culture and assessing risk

Content added under 2.3 - Improving health and safety culture.

ROLE OF HEALTH AND SAFETY COMMITTEES

The role of health and safety committees is to provide a forum for discussion, ideas and the development of recommendations that can be offered to the employer in order to maintain or improve health and safety. They provide an efficient method to consult managers that have to implement the organisation's health and safety policy and those affected by it, enabling the views of workers and line managers to be gained. In this way, a health and safety committee can promote co-operation on health and safety matters and support the normal worker/employer systems for the reporting and control of workplace health and safety problems.

One of the important benefits of a health and safety committee is that by encouraging everyone in the health and safety committee to participate it enables people with different views and experience to contribute to solving problems. Other worker and manager committee members not directly involved in the problem may be able to provide ideas and support to enable problems to be solved effectively. When a health and safety problem is discussed by the committee, the fact that a number of people have considered it and agreed recommended actions can mean that the actions are more likely to be taken. This can also provide a persuasive argument to help convince people in the workplace to accept recommended solutions to problems.

In addition to helping to solve problems, experience has shown that regular health and safety committee meetings can stimulate a more active (proactive) approach to health and safety by providing an opportunity to consider and discuss ideas for health and safety improvements. The health and safety committee enables workers to provide feedback on difficulties they may be having working with current control measures and provides a particularly useful method of gaining worker feedback on proposed changes and ideas for improvement. Worker members of the committee can discuss the proposals and ideas with the workers they represent and provide feedback to the committee. This feedback can assist in ensuring that current controls, changes and improvements are effective. Where worker feedback is found to be useful this should be communicated to the workers that provided the feedback to encourage their participation in the future.

Functions

Typical functions of health and safety committees may include:

- To review the measures taken to ensure health and safety, for example, purchasing and maintenance programmes.
- To review accident/incident and occupational health trends.
- To examine health and safety audit reports.
- To consider enforcing authority reports and information releases.
- To consider inspection reports, which may include those submitted by any union appointed health and safety representatives.
- To assist in the development of health and safety rules, systems of work and procedures.
- To consider the effectiveness of the health and safety content of manager and worker training.
- To consider the adequacy of communication and publicity in the workplace.
- To consider new developments and proposed changes, for example, legislation and new technology.
- To provide a communication link with enforcing authorities.

Composition

The composition of the health and safety committee should be aimed at keeping the total size as small as possible and preferably balancing the number of management and worker representatives evenly. A typical health and safety committee might consist of:

- Chairperson.
- Someone to provide administrative support to the committee and note taking.
- Management representatives, including a senior manager.
- Worker representatives.
- Health and safety professional.

Other management, for example, designers, project engineers, planning engineers, electrical engineers and operational supervisors.

In addition, if applicable, representatives of contractors that regularly work for the organisation may be included on the health and safety committee.

Frequency of meetings

How often health and safety committee meetings are held would depend on the nature of the organisation's activities, the risks involved, how active the health and safety programme is, and items on the agenda Usually, meetings are held at a frequency varying between monthly and quarterly.

Factors that make health and safety committees effective

Effective health and safety committees have:

- A clear management commitment.
- Clear objectives and functions.
- An even balance between management and worker representatives.
- Agendas that are agreed, distributed in advance and adhered to in meetings.
- Minutes or notes of the meetings being produced promptly and distributed in good time for actions to be taken before the next meeting.
- Minutes that are provided personally to each member of the committee and the most senior manager of the organisation.
- Publicity given to discussions and recommendations, including the posting/displaying of copies of the minutes of meetings.

- Effective chairing of meetings, which enables points to be raised related to the agenda and the control of points raised that are not part of the agenda.
- Full participation by members.
- Access to the organisation's decision-making processes through the chairperson so that the committee's views are taken into account and decisions on recommendations by management are made without delay.
- Regular meetings at a frequency that reflects the matters to be discussed and the risks of the organisation.
- Dates of meetings arranged well in advance and published to members of the committee and those they represent.
- Meetings that are not cancelled or postponed, except in very exceptional circumstances.
- Appropriate topics for consideration and discussion.
- Access to health and safety expertise, for example, a health and safety practitioner.
- Sub-committees established where there is a need to focus in detail on specific items.

2.4 - ASSESSING RISK

Risk profiling

Risk profiling is where a description is created of potential health and safety risks that an organisation faces, the probable adverse effects and the likelihood of these effects, taking into account the control measures in place. The principal purpose of risk profiling is to make risks visible to the organisation, so that health and safety leaders can take them into account when managing the organisation, including prioritising them for resources and taking action to limit adverse effects. Risk management actions following risk profiling could include strategic decisions to avoid risks or risk assessment processes to aid minimisation of risk.

Risk profiling: what is involved? Who should be involved? The risk profiling process

Risk profiling involves using a range of people to uncover and describe the organisation's health and safety risk. This involves using a structured, but intuitive, process that challenges current risk management controls and determines the likely adverse effects of risks. A health and safety risk profile helps senior management determine risk management priorities and provides opportunities for strategic intervention. Risk profiles can relate to the whole organisation or site level.

A wide range of people (with different roles, experience and perspectives) should be involved in the risk profiling process to limit perspective bias and ensure the process is effective. This includes senior leaders, health and safety professionals, line managers, function managers, specialists and where necessary, subcontractors.

The health and safety risk profiling process usually involves the following stages:

- Agree definitions and descriptors for types of risk, types and level of adverse effect, likelihood, risk controls and criteria for risk prioritisation.
- Select the risk profiling team.
- Gather information about the context and risk appetite of the organisation and its operations/ processes.
- Identify potential risks, considering external and internal sources of risk.
- Identify and describe the probable adverse effects of risks, considering existing risk controls – including harm to people, legal action, disruption, costs.
- Agree prioritisation of risks and proposed risk management actions.
- Document the risk profile determined by the process.
- Produce a risk register to record findings and proposed risk management actions.
- Review the risk profile for changes and risk register for improvements.

6 Element 6: Mobile plant and vehicles

Content added under 6.3 - Work related driving.

Effects of fatigue

Fatigue can show up in both physical and mental ways when driving, including excessive yawning, slowed reaction times, difficulty concentrating, memory lapses, poor decision-making, and irritability. Physically, workers may experience reduced coordination, or even micro-sleeps—brief, uncontrollable episodes of sleep. It is essential to plan to minimise the effects of fatigue - such as rest breaks, adjustments to the time and duration of driving.

8 Element 8: Musculoskeletal health and load handling

Content added under 8.3 - Load-handling equipment.

Trolleys

A trolley is a platform fitted with four wheels, on which the load is placed and it is pushed manually, usually using a handle. They are used for transporting larger or heavier items over flat surfaces. Hazards include manual handling strains, tipping, or obstruction hazards

on uneven terrain. It is important to ensure items on the trolley remain balanced and secured to the trolley, particularly when the trolley is being moved.

Platform trolley.
Source: Spacepac Industries Pty Ltd

The trolley should have suitable, larger wheels for use on slightly uneven surfaces. A trolley should not be used on rough terrain.

10 Element 10: Electricity

Content added under 10.1 - Hazards and Risk, Risks of electricity

Overheating of portable equipment when charging

Overheating of portable equipment when charging is a growing concern on construction sites, particularly with the increasing use of battery-powered tools and devices. Overheating of batteries used in portable equipment can lead to the equipment reaching high temperatures that could cause the equipment or surrounding materials in contact with it to melt or ignite. In addition, these high temperatures could cause the battery's electrolyte to break down, leading to short circuits and fires. Where the internal heat generated by the process of charging is not dissipated, it can lead to thermal runaway, where it causes further heat build-up in the battery and decomposition of the electrolyte. This, in turn, builds up gases and internal pressure inside the battery, resulting in fire or explosion and release of toxic gases. If a lithium-ion battery experiences thermal runaway it can very quickly catch fire and produce temperatures of 500°C.

Overheating of batteries can occur due to a number of reasons:

- Using charging equipment that is not compatible with the batteries and delivers too rapid a charge. This can overcharge the battery causing more heat to be generated than can be dissipated.
- Using charging equipment that is faulty and fails to stop the charge when the correct level of charge is achieved.
- Charging equipment in unsuitable conditions can lead to excessive heat build-up - such as in direct sunlight, in workplaces with hot processes or high ambient temperatures.
- Damage to and aging of batteries can compromise internal structural integrity and increase resistance, causing increased heat when charging.

To prevent overheating, charging should take place in well-ventilated, designated areas away from combustible materials, using manufacturer-approved chargers and undamaged leads. Equipment should be regularly inspected for signs of wear, overheating, or damage, and workers should be trained to follow safe charging procedures.