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Deputy Director
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Sent by email to
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Date

Dear Sir,

**MR THOMAS JOSEPH MCAULEY – DECEASED
REPORT TO PREVENT FURTHER DEATHS
CORONERS (INVESTIGATIONS) REGULATIONS 2013**

Thank you for your Regulation 28 letter dated 2nd August 2024 addressed to [REDACTED]. Your letter has been passed to me as Head of HSE Construction Sector to provide a response. May I take this opportunity to express my sadness and condolences at the tragic circumstances that gave rise to the inquest.

I understand from your report that your concerns centre on two main areas, welfare provision and workplace transport safety on construction sites.

Industry Awareness of the Law and Guidance Pertaining to Welfare Requirements and Construction Site Traffic Management.

The construction industry is aware that welfare must be provided on all sites and during all phases of construction work, from commencement to completion, even for short duration or mobile work such as road works. HSE will take enforcement action where welfare is not provided.

Similarly, workplace transport is present on all construction sites and industry is aware that the risks posed by vehicles must be planned and managed to prevent people coming into contact with vehicles and plant.

As the health and safety regulator for construction sites, HSE enforces legal requirements and works with industry stakeholders to raise awareness of the required standards to those who create the risk so that they understand the measures they need in place to control those risks.

Availability of Construction Welfare Guidance

HSE provides detailed guidance on construction site welfare requirements which is freely available. Examples of this guidance are:

[Provision of welfare facilities during construction work \(hse.gov.uk\)](http://www.hse.gov.uk/)

This guide gives good advice on the minimum standards to be achieved at all construction sites.

[Construction: Welfare - Managing occupational health risks in construction \(hse.gov.uk\)](#)

This HSE webpage offers clear information on the welfare standards to be provided and maintained during construction works. It also contains a number of additional links to relevant guidance and legislation. It applies to all sites including roadworks.

[Health and safety in construction HSG150 \(hse.gov.uk\) – page 11 onwards \(para 41 to 68\)](#)

This guidance document contains an extensive section relating to the provision and management of welfare on construction sites. The key message is that everyone who works on any site must have access to adequate toilet and washing facilities, a place for preparing and consuming refreshments and somewhere for storing and drying clothing and personal protective equipment.

[Welfare facilities What you need to know as a busy builder CIS62 \(hse.gov.uk\)](#)

This simple guide gives an overview of the basic welfare requirements needed for all construction sites, even small ones or those which are of short duration.

HSE also produces internal guidance to assist Inspectors and Visiting Officers in achieving a uniform benchmark when considering these risks.

In November 2022, a detailed operational guidance document was published concerning welfare provision for construction sites - [Construction welfare standards \(hse.gov.uk\)](#). This document is published on the HSE website and can be seen and used by industry and the public to better understand the benchmarks to be achieved and how HSE regulates welfare in construction work.

Construction Traffic Management

The risks from moving vehicles on construction sites are well known across industry and each year, on average seven to ten people die as a result of being struck by moving vehicles. In addition, there are hundreds of other preventable accidents and injuries involving workplace transport.

Accidents involving vehicles occur across all work activities from groundworks to finishing works. Managers, workers, visitors to sites and members of the public can all be at risk.

Availability of Traffic Management Guidance

HSE publishes guidance relating to workplace transport safety which is freely available on our website www.hse.gov.uk. The core message of this guidance being that duty holders must ensure that vehicle movements and traffic routes are organised such that pedestrians and vehicles are segregated so far as reasonably practicable. It is important to note that controls for transport safety cover segregation of pedestrians from vehicles whether moving or stationary, as unauthorised access to vehicles should be prevented and there are risks that stationary vehicles can move unexpectedly.

Examples of this guidance, which is freely available to all industries are as follows:

[Construction - Traffic management on construction sites \(hse.gov.uk\)](#)

This HSE webpage deals with traffic management in relation to construction works and contains links to additional guidance, the key message given is that construction site vehicle incidents can and should be prevented by the effective management of transport operations throughout the construction process.

[The safe use of vehicles on construction sites: A guide for clients, designers, contractors, managers, and workers involved with construction transport - HSG144 \(hse.gov.uk\)](#)

This guidance document covers the safe use of vehicles on construction works in some detail. The key message throughout the document is that every effort should be made to keep people and vehicles segregated from one another.

[Workplace transport safety: A brief guide INDG199 \(hse.gov.uk\)](#)

This short guide covers the basic principles of workplace transport safety and makes segregation a core part of the management of risk.

[Workplace transport - HSE](#)

This HSE webpage gives wide ranging guidance for all industries on workplace transport safety and risk management_

[Health and safety in construction HSG150 \(hse.gov.uk\) – page 54 onwards \(para 264 to 307\)](#)

This guidance document contains practical advice on all aspects of construction site traffic management and has a focus on segregation.

All these links and documents are freely available on the HSE website.

Having reviewed the circumstances of this fatal accident, it is HSE's view that the need to provide adequate welfare facilities and control risks associated with transport safety are well known to industry and legislation and suitable and sufficient guidance already exists to assist duty holders in complying with their duties and adequately control the risks involved in this accident.

Through our stakeholder engagement networks, we will continue to raise awareness of matters arising in this case with industry to ensure they manage them appropriately. These topics will also be raised at inspections where appropriate.

The responsibility to achieve legal compliance, source suitable advice or information for their individual circumstance's rests with the duty holder.

Where HSE finds non-compliance, we use the standards in the above guidance to decide whether to take enforcement action. Our approach to enforcement decisions, including the role of guidance can be found on the HSE website - [How we regulate health and safety law \(hse.gov.uk\)](#).

Conclusion

In conclusion, the current legislative requirements and expected industry standards for welfare provision and transport safety are well known and there is a significant amount of supporting guidance to enable duty holder compliance.

Where suitable welfare facilities are provided, and their use is appropriately managed by duty holders, and adequate controls are in place to ensure the safe movement of vehicles, tragic incidents like this should be prevented.

I hope the above shows that the guidance provided by HSE provides a range of resources that are readily available to support the successful management of the risk from vehicle movements and inadequate welfare on construction sites.

It is also to be noted that this incident has been widely reported in the construction industry press.

I trust my response has been of use and am happy to help explain any of the contents of this letter should you require me to.

I would like to reassure the family of Mr McAuley that HSE will seek to share the lessons learned from this tragedy to inform duty holders of these risks and prevent a recurrence.

Yours faithfully


Head of Construction Sector