

**Construction Leadership Forum**  
**COVID-19 : Recovery Planning Group**  
**Meeting 03**  
**05 May 2020**  
**Telephone Conference Call**  
**09:00 - 11:00**

**Note of meeting**

**Present:**

Kevin Stewart MSP, Minister for Local Government, Housing and Planning

**Construction Industry**

Grahame Barn – Industry Leadership Group member, Construction Scotland  
Bruce Clark - Joint Managing Director, RJ McLeod  
Bruce Dickson – Industry Leadership Group Member, Construction Scotland  
Ron Fraser – Executive Director, Construction Scotland  
Ken Gillespie – Chair, Construction Scotland  
Stephen Good, Chief Executive, Construction Scotland Innovation Centre  
Hector MacAulay – Managing Director, Balfour Beatty Scotland  
Elliot Robertson – CEO Robertson Group  
Alan Wilson – Managing Director, Select

**Scottish Government and Associated Agencies**

Scott Bell – Deputy Director, PDCRD, SG  
Joe Brown – Head of Strategic Business Development, SG  
Dr Stephen Garvin, Head of Building Standards, SG  
Ian Gilzean – Chief Architect, SG  
Alasdair Graham – Acting Director of Major Projects, Transport Scotland  
Sharon Miller, Manufacturing and Construction, SG  
Graham Porteous – Head of Construction Procurement Policy Unit, SG  
Colin Proctor – Director, Construction Industry and Delivery, SFT  
Peter Reekie – Chief Executive, SFT  
Mark Turley, More Homes Division, SG  
John McLean - Construction Procurement Policy Unit, SG

**Apologies:**

Dermot Rhatigan - Deputy Director Manufacturing & Industries, SG  
Alan Morrison – Health Finance and Infrastructure, SG

		<b>Action</b>
<b>1</b>	<b>Introduction and Apologies</b>	
1.1	The meeting commenced at 09:00	
1.2	The Minister welcomed delegates to the third meeting of the Covid-19: Recovery Planning Forum. As with the previous meeting the stated focus would be the working groups and the Minister thanked members for all of the work done in this regard.	
1.3	The Minister informed members that updated Construction guidance had been published on the SG website on 1 May.	
1.4	The Minister said that he understood how difficult the current situation is for businesses across Scotland, and whilst the SG shares the ambition of getting back to work as soon as possible, public health and safety must be the first priority.	
<b>2</b>	<b>Minutes of last meeting</b>	
2.1	The Minister asked for Comments on the previously circulated note of the last meeting. Elliot Robertson asked that these be amended to include reference to positive collaboration via the established paths of working groups that exist between the Health and Safety Executive and SG.	<b>Action</b>
2.2	<b>Action:</b> Minutes of meeting 2 to be updated to include reference to positive collaboration via the established paths – working groups that exist between HSE and SG.	<b>Secretariat</b>
<b>3</b>	<b>Actions</b>	
3.1	At the Minister's request, Scott Bell read through the actions of the previous meeting, giving a progress update on each. These will be reflected in the updated Actions Register, which will be distributed to the members.	
<b>4.</b>	<b>Update on Site Closures</b>	
4.1	Joe Brown provided an update. The key points were: <ul style="list-style-type: none"> <li>Updated guidance was issued on 1 May. This re-iterated that only essential sites should remain open.</li> </ul>	

	<ul style="list-style-type: none"> <li>We are continuing to take forward restart planning with the sector for when it is safe to do so- Public Health is the driver.</li> <li>The construction sector is one of the sectors most affected in terms of social distancing – has relatively low working rate.</li> <li>Statistics (based on most recently available data show that 41% of construction firms in Scotland were continuing to trade in the period 23 March to 5 April.</li> <li>The construction Industry is the most likely to lay off staff in the short term, across industries generally.</li> <li>The sector is taking advantage of the job retention scheme in order to furlough staff.</li> </ul>	
4.2	The Minister invited questions.	
4.3	Ken Gillespie queried the statistic that 41% of firms continuing to trade as this did not reflect his experience. The Minister asked Joe Brown for further detail on this. Joe Brown said that he would have to confer with statisticians to get a fuller picture. The Minister asked that he did so and report back as a matter of urgency.	<b>Action</b>
4.4	Bruce Clark asked if the Scottish Government had any assurances from the UK Government that furlough payments to construction firms would continue. Joe Brown stated that these will continue to the end of June at a minimum and that their continuing availability had been raised with the UK Government, given Scotland's differing policy approaches. Assurance has been received from the treasury that funding would be available to companies in Scotland.	
4.5	The Minister added that he did not believe that there was a problem here as many companies were furloughing staff – including those that were deemed to be essential (i.e. oil & gas). He advised that the extension of furloughing meant that there was no immediate problem in terms of payments continuing, but that he would update the group on any further developments.	
4.6	Bruce Clark advised that he was aware of one firm with 500 employees that was sufficiently worried to start redundancy consultations.	
4.7	The Minister recommended that Bruce Clark contact this company and ask them to contact the SG and that this applied to all companies that were struggling- they should be signposted to Scottish Ministers and the government will look at what help is available.	<b>Action</b>
4.8	Bruce Dickson advised that a key concern of his was that without the restart of non-essential construction, the industry will be looking at large scale redundancies by the end of June.	

4.9	Bruce Clark added that a compounding factor is that redundancies require a 45 day consultation period.	
4.10	The Minister re-iterated that members should keep on signposting those companies experiencing difficulties. He added that he will ensure that these issues are highlighted in discussions with the UK Treasury.	Action
4.11	Alan Wilson echoed Ken Gillespie in wanting further detail on the statistic relating to 41% of firms still trading, as this did not reflect his understanding. He also expressed concern that apprentices may lose their jobs if furlough continues beyond June and wanted the government to look at support for apprentices and trainees in the industry. He also informed the group that the CICV Forum has just released a series of infographics industry around new regulations in relation to work that can be undertaken, and to reinforce message that it is still appropriate to undertake some forms of emergency work	
4.12	The Minister thanked Alan Wilson for this and asked officials to brief the Minister for Business, Fair Work and Skills on the concerns around apprentices.	Action
4.13	<p><b>Actions:</b></p> <ul style="list-style-type: none"> <li>• Joe Brown to provide further detail on the statistic that 41% of construction firms in Scotland were continuing to trade in the period 23 March to 5 April.</li> <li>• Minister to relay members concerns regarding extension of the furlough scheme to Cabinet Secretary for Economy, Fair Work and Culture, to ensure consideration in discussions with HM Treasury.</li> <li>• Members to notify SG of any companies facing difficulties.</li> <li>• Officials to brief Minister for Business, Fair Work and Skills on Alan Wilson's concerns around furlough scheme and apprentices.</li> </ul>	<p>JB</p> <p>Minister</p> <p>All</p> <p>SM</p>
5.	<b>Safe Operating Procedures Working Group Update</b>	
5.1	<p>Ron Fraser provided an update on the working group. He advised that this would be brief, and that the forthcoming SOP Report would contain further detail. The Key points were:</p> <ul style="list-style-type: none"> <li>• The group has met three time in the last couple of weeks.</li> <li>• One group met to review existing guidance that Construction Scotland had issued, concluding that no changes were needed at present, but kept under review.</li> <li>• Another group looked at whole process of gathering evidence &amp; how we review it – Common database set up by CSIC on the joint Construction Scotland website- all are</li> </ul>	

<p>5.2</p>	<p>encouraged to upload any instances of good practice not already included in database.</p> <ul style="list-style-type: none"> <li>• Another group met to look at dissemination. Of any future guidance and supporting PR.</li> <li>• Review ongoing –lots of evidence received, although it was noted that it would be good to have more from smaller ‘micro’ companies, who work on their own, and as such won’t have been picked up in existing evidence</li> <li>• Reaching out to trade bodies to ascertain how they provide standard guidance to and ensure that this is relevant to those working in Scotland.</li> <li>• Gathering evidence from ‘essential sites’ on their working practices</li> <li>• Continuing to have contact with key stakeholders such as HSE, trade bodies, Public Health Scotland and the unions.</li> <li>• The group is now looking at gathering evidence of assurance of compliance that companies already have in place.</li> </ul> <p>Colin Proctor added that work is ongoing with colleagues in health and in Health Boards to get understanding of what is happening across sites, with a particular focus on obtaining evidence of compliance.</p>	
<p>5.3</p>	<p>Before opening up to questions the minister invited Stephen Good to speak about some of the work being undertaken with regards to technological solutions on site</p>	
<p>5.4</p>	<p>Stephen Good gave the group an update on some of the technologies being considered with regards to social distancing. The work had arisen from an exercise via the joint CSIC website around matching providers to solutions ranging from simple sensors to smart Virtual Reality hardhats. There has been a focus on looking at re-purposing existing solutions to assist, i.e. tracking symptoms/contact tracing or providing data on social distancing. They are also looking at solutions that are close to market or in development, such as mobile apps, virtual inductions for new staff, etc., all of which can be seen on the website. The ambition is to have platform that people can use to get the right things for their site.</p>	
<p>5.5</p>	<p>The Minister enquired about the cost of some of these technologies. Stephen Good responded that this varies widely, but doesn’t have to be costly. The Minister requested that Steven Good sent details of the website via officials.</p>	<p><b>Action</b></p>
<p>5.6</p>	<p>Graham Barn said that one of CECAs members reported a cost of developing a social distancing software app of £50000 – which was unsustainable for that company (a large SME).</p>	
<p>5.7</p>	<p>The Minister said that he was keen to explore further less costly solutions adding that consortiums could be considered for some of the more expensive options if they are required. He</p>	

	was keen that any solution is the 'right' one in that it is affordable and can realistically be used.	
5.8	Elliot Robertson added that it was advisable to look for the most effective solution that could be deployed immediately. He noted that key fobs appear to be the most cost-effective and appropriate to deal with two metre distancing. He noted that the NHS App being trialled could be the common app for construction/ general public noting that it was better to have one common platform than many different apps.	
5.9	Ken Gillespie offered a word of caution- while technology would help, experience shows that behavioural change is what is required, with buy-in from the workforce needed. Whilst technology can support, focus is needed on engagement with businesses.	
5.10	The Minister said that he didn't disagree with anything that had said in terms of behavioural changes, but was keen to ensure that he was informed on the technological solutions available.	
5.11	Alan Wilson informed the group that the CICV Forum is beginning a piece of work with the CSIC in relation to a toolbox talk that will be available to all contractors and individual operatives. They are also developing similar training for apprentices, with the hope of having something available within the next couple of weeks for business to show to their own staff and to get the messages out.	
5.12	Peter Reekie advised on considering the impact of some of the existing technologies in the sector- i.e. imaging and data sharing will allow operating with less physical on-site oversight, such as remote inspection. He agreed with other members that behavioural change is key.	
5.13	Stephen Good also agreed that technology is an enabler and where it may be most useful is in providing data/evidence that necessary changes are being adopted in the right way. He informed the group that one of his colleagues is preparing a summary report on all technologies so far identified, which he will share with the Minister.	<b>Action</b>
5.14	Ron Fraser added that this report sounded like an ideal appendix to the forthcoming SOP report. He and Stephen agreed to communicate off-line to ensure that it could be included.	<b>Action</b>
5.15	<b>Actions:</b>	

	<ul style="list-style-type: none"> <li>• Stephen Good to send details of joint CSIC website to Minister via officials</li> <li>• Stephen Good to share the summary report on technologies identified to assist the industry with the Minister.</li> <li>• Stephen Good to provide summary report on technologies to Ron Fraser by the end of the week for inclusion as appendix to the SOP report.</li> </ul>	<p><b>SG</b></p> <p><b>SG</b></p> <p><b>SG/RF</b></p>
<b>6.</b>	<b>Restart Working Group Update</b>	
<b>6.1</b>	<p>Graham Porteous gave an update on the Restart sub-group, which last met on the morning of Friday 1st May. The Key points were:</p> <ul style="list-style-type: none"> <li>• Consensus remains that the Scottish Construction Industry would like to see an early return to work in Scotland,</li> <li>• Non-essential construction work in Scotland remains halted in line with the guidance issued by Scottish Ministers.</li> <li>• The legislative position versus Scottish Ministers guidance on closure of construction sites was discussed</li> <li>• Private clients are putting pressure on contractors to restart work.</li> <li>• The return has to be guided by science because health is the critical factor</li> <li>• Industry is confident that with their in depth industry knowledge of working in hazardous environments they are well equipped to operate safely in the current crisis.</li> <li>• The group is making good progress towards developing a plan for the industry to go back to work when the medical evidence shows it is safe to do so.</li> <li>• Construction Scotland have drawn together industry opinion and prepared a paper. Following additional input from CICV Forum and with the caveat that the 11 May date in the paper does not represent SG's current position, the meeting agreed that the paper could go forward to Health colleagues for their input and this action was completed on Friday afternoon.</li> <li>• The group now awaits feedback from Health on the suitability of the proposals</li> <li>• There was also concern noted in relation to ensuring apprentices are properly supported.</li> </ul>	
<b>6.2</b>	The Minister invited questions.	
<b>6.3</b>	Elliot Robertson, whilst recognising that there is a lot of analysis needing to be done by health colleagues asked that we try and work to an early restart date, along the lines of the 11 May date that he had mentioned in the meeting of the	

	restart group. He acknowledged that this would be quite challenging, but stated that this was a real need of the industry, from an economic perspective.	
6.4	The Minister replied that whilst one of the key things is to gather all of the evidence, we are going to be guided by virus and medical advice. He noted that the indication is that the R number is higher in Scotland, which will have to be taken into account by health colleagues in relation to any relaxation of regulations. He went on to say that what has been useful is that evidence presented has allowed him to brief both Ms Hyslop and the FM on the current status, particularly around the six point plan for return. The information gathered has also assisted in discussions with Ministerial colleagues.	
6.5	Elliot Robertson acknowledged that there's much work to be done, but that he was keen to avoid the 'tipping point' that will see mass redundancies in industry, which data suggested could be this month. He also highlighted the concerns around health of the supply chain and its ability to perform under existing contracts. He was also keen that any changes required to any documents, such as the SOP, are actioned ASAP by health colleagues, to enable a restart date to be agreed with Health Protection Scotland	
6.6	Minister reiterated that any companies experiencing difficulties can be directed to officials to see what help can be given.	
6.7	Graham Barn queried the Current 'R' Level.	
6.8	The Minister explained that he wasn't able to offer detail on this, but as FM has explained that 'R' number can vary across locations and environments. He also added that it was likely to differ from that of England.	
6.9	Bruce Dickson raise that point that materials were ordered 3-4 months ago on expectation that they would be used on site. Those material are now arriving and can't be put on-site. Suppliers are looking to be paid, but there is no money coming through. He was unaware of any financial assistance in place to solve this. Unless, he said, sites are opened, suppliers will take action potentially putting firms out of business or reclaiming supplies.	
6.10	Scott Bell welcomed opportunity to talk with Bruce offline on this. It was clarified that these were private, rather than public contracts.	
6.11	The Minister asked officials to look at this situation and provide a submission regarding this on difficulties and the current situation across the country The Minister asked Scott to provide this and asked that Cabinet Secretary for Economy, Fair Work and Culture the was informed that this work was taking place.	<b>Action</b>
6.12	Elliot Robertson asked in relation to Capital Projects asked that consideration be given to accelerating the flow of capital for projects and to look at what fast track procurement options are available. It is important that companies have enough on their	

	<p>'order books' to support a recovery. He informed the group that local authorities and universities are pulling back on large projects due to capital being unavailable. Financial support from the government could help to turn this around.</p>	
6.13	<p>Scott Bell noted that whilst some fast track routes had been utilised recently in response to the pandemic, as we come out of the emergency situation, normal procurement routes (from a legislative perspective) would resume. However, the government could look at the most effective measures such as frameworks and other arrangements in place to accelerate capital if it is made available.</p>	
6.14	<p>The Minister asked that officials look into this and brief himself, Cabinet Secretary for Economy, Fair Work and Culture and the Cabinet Secretary for Transport, Infrastructure and Connectivity around options in this regard. The Minister also commented that he had written to LAs around their capital spend, one of the key features being that they continue to pay their supply chains. Discussions are ongoing with Local authorities, but this concerns revenue. Capital should, he said, be OK in many regards. He also cited that the interest rates at the public works loans board have gone down. The Minister said that he would consider carrying out an exercise in the future to garner information on capital plans at local authority level. He wished to assure those present that he and other ministers were having conversations around capital and he himself was looking at how this could be used in terms of the affordable housing programme to provide a boost for industry.</p>	<b>Action</b>
6.15	<p>Elliot Robertson thanked the minister and asked if it was possible to look at the Mutual Investment Model (MIM) used in Wales</p>	
6.16	<p>Peter Reekie advised that there was active work going on in regards to this.</p>	
6.17	<p>Alan Wilson highlighted maintenance work in existing buildings –there are many buildings lying empty that might benefit from maintenance/ inspection work / improvements, which would assist small and micro contractors as they return to work.</p>	
6.18	<p>The Minister agreed that there will be a lot of catch up work once the situation improves. He noted work ongoing with Scottish Federation of Housing Associations on resilience with regards to bringing properties quickly back into use. There is also discussion ongoing around how to continue planned maintenance programmes- in that regard there should be a fair amount of work available</p>	
6.19	<p>Stephen Good highlighted that Construction Leadership Council are working collaboratively on the construction industry recovery plan and have reached out to CSIC to see if they are able to work with them on aspects of that and tailor this to Scotland – he wished to flag that this was going on and that there is an opportunity to look at some of the issues raised in this call and things underpinning this such as the zero carbon</p>	

	agenda. Stephen stated that he will see if CLC are happy to share this with the group as it would be helpful if members on this call could support this work.	<b>Action</b>
<b>6.20</b>	The Minister identified that one of the key things, moving forward is that we continue to communicate with one another in terms of the recovery phase to ensure that we shape the right plans moving forward. Once restart phase is over the Minister stated the need to continue to have forums such as this looking toward recovery and the 'new normal'.	
<b>6.21</b>	Ken Gillespie informed the group that CS issued restart proposals to STUC, who have passed it on to UNITE. CS have offered an open invitation to meet with them to discuss the proposals and await a response.	
<b>6.22</b>	The Minister stated that this is was extremely useful and asked officials if there had been any updates from the trade unions around any of this?	
<b>6.23</b>	Joe Brown advised that whilst he not personally aware of any, contact could be made with officials leading on STUC liaison and the Minister updated.	<b>Action</b>
<b>6.24</b>	The Minister noted that it would be useful to know what the feelings of the trade unions are.	
<b>6.25</b>	Elliot Robertson asked if there was anything that the group needed to be working on in terms of submissions to support the restart process.	
<b>6.26</b>	The Minister stated that the more data and information provided, the better. He confirmed that a he was due to put forward a submission to the First Minister shortly. He added that it was important that the SOP report plan is submitted very quickly to Health colleagues and others The response to those will then inform future action.	
<b>6.27</b>	Ken Gillespie said that it was his understanding that Health Protection Scotland have already commented on the SOP in its previous form, prior to being inserted into essential site guidance, and so the SOP has already been reviewed. Ron Fraser added that there were some minor comments that came in after publication that were already included in HPS's guidance. The Key point, he added was that existing guidance is only flagged for essential sites. When we go back to full working we may, depending on restart plan, require to make changes and re-cascade this.	
<b>6.28</b>	The Minister added that in addition to comments from HPS and other medical experts, there may well be other questions from colleagues to consider.	
<b>6.29</b>	<p><b>Actions:</b></p> <ul style="list-style-type: none"> <li>Officials to brief Minister, on on-site materials and potential legal threat to contractors. Cabinet Secretary for Economy,</li> </ul>	<b>SB</b>

	<p>Fair Work and Culture to be informed that this action is underway.</p> <ul style="list-style-type: none"> <li>• Officials to brief Ministers on options to fast-track procurement to get construction schemes on the ground quickly in order to provide an economic stimulus.</li> <li>• Steven Good to investigate whether any of the Construction Leadership Council's recovery plan work can be shared with the Forum.</li> <li>• Officials to brief Minister, having consulted with officials leading on STUC liaison on any engagement with Trade Unions on Restart.</li> </ul>	<p><b>SB</b></p> <p><b>SG</b></p> <p><b>JB</b></p>
<b>7.</b>	<b>Open Discussion</b>	
<b>7.1</b>	The Minister invited questions from those present.	
<b>7.2</b>	Bruce Clark, regarding disparity between regulations and guidance asked if a construction company complies with regulations and starts on site, what can the government do?	
<b>7.3</b>	Scott Bell confirmed that guidance has been issued on site closures. Regulations would have been more complicated as they would have to allow for Critical infrastructure and would require carefully worded change in the event of a phased restart. If a company was to go against guidance and there were issues around physical distancing, then physical distancing regulations would come into play with companies being responsible for any breaches.	
<b>7.4</b>	Bruce Clark posed the question of what would happen if the company could comply with the new regulations.	
<b>7.5</b>	Scott Bell replied that there was a broader question of whether an organisation wishes not to follow the guidance and what the public perception would be in terms of corporate social responsibility.	
<b>7.6</b>	Bruce Clark responded that are there many pressures in industry, including financial ones that companies are currently facing.	
<b>7.7</b>	The Minister responded that whilst he understood this, he cannot re-iterate enough the public health aspects and that there has been negative reaction from the public when apparent breaches have been observed. One of the issues is the need to get a message across to the public around protecting essential workers where the general public do not think they should be carrying out that work. The Minister commented that he felt it would be extremely difficult from a public perspective for firms to return to work disregarding the guidance.	
<b>7.8</b>	Bruce Clark thanked the Minister and added it was extremely important that this message is given to public and construction companies alike.	

7.9	The Minister replied that he wanted to be open and transparent about what is going on. In order to get any relaxation the right data need to be provided for health to advise Ministers for them to make decisions. He said that right across the economy there has been pressure to relax restrictions. The Construction Industry has shown a level of understanding, co-operation and responsibility in order that we do the right thing. The Minister hoped that this would continue.	
7.10	Elliot Robertson informed the Minister that he had been approached by businesses looking to do maintenance works required to maintain their business- He accepted that there would be a phased return, but noted that it would help with compliance if there was some transparency around data, particularly relating to 'R' numbers.	
7.11	The Minister responded that one of difficulties is that 'R' value can quickly change- his understanding is that 'R' value is higher than England and varies by geography/environment. He added that these are decisions to be looked at by health professionals who can go on to advise the FM. The Minister added that he and others in the Government recognised the contributions from industry in providing the supporting evidence to show the measures that it was taking to ensure it was ready to go back to work safely. He added that he wanted ensure the FM was aware of these efforts.	
7.12	Elliot Robertson asked if he could make one last request of the Minister in putting in a short timeline in terms of review when the documents are submitted to HPS at end of the week	
7.13	The Minister responded that what he could assure was that medical and scientific colleagues would be asked to look at all that has been submitted as soon as is possible, and to ask for their comments/ questions ASAP.	
8.	<b>Any Other Business</b>	
8.1	The Minister asked the members if there was any other business to discuss. As there was none, the Minister thanked all the members for their participation and co-operation and asked officials to action quickly the actions raised today.	
9.	<b>Date of Next Meeting</b>	
9.1	The next meeting will be on 20 May 2020 at 10:30. Details will be circulated prior to the meeting,	