



SCOTTISH PLANT OWNERS ASSOCIATION

EST. 1950

MR MARK REYNOLDS
CONSTRUCTION LEADERSHIP COUNCIL
C/O DEPARTMENT FOR BUSINESS, ENERGY AND INDUSTRIAL STRATEGY
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31/03/2023

MR REYNOLDS,

I AM WRITING TO YOU SEEKING THE SUPPORT OF THE CONSTRUCTION LEADERSHIP COUNCIL IN TACKLING A MAJOR PROBLEM WITHIN OUR INDUSTRY, NAMELY - PLANT OPERATORS FAILING DRUGS AND ALCOHOL TESTS WITHOUT ANY IMPACT ON THEIR COMPETENCE CARDS.

I KNOW THAT, FOLLOWING REPRESENTATIONS FROM US, THE PLANT SECTOR REPRESENTATIVE ORGANISATION (PSRO) ARE ALSO WRITING TO YOU ABOUT THIS.

THE CLC HAVE NOT EVEN PRODUCED THE BARE MINIMUM OF A DRUG AND ALCOHOL POLICY FOR THE CONSTRUCTION SECTOR AND ALARMINGLY WHEN ASKED WHY NOT BY ONE OF MY PEERS HE WAS INFORMED "*THE CLC HAS NOT BEEN ASKED BY INDUSTRY TO INCLUDE THIS AS ONE OF ITS PRIORITIES FOR 2023*" IMAGINE OUR DISAPPOINTMENT TO READ THAT AS THIS IS THE SECOND TIME I HAVE WRITTEN ON BEHALF OF THE SCOTTISH PLANT INDUSTRY TO CLC FOR ASSISTANCE ON THIS MATTER, PREVIOUSLY TO THE PAST CO CHAIR, ANDY MITCHELL.

THE SCOTTISH PLANT OWNERS ASSOCIATION STILL CONSIDERS THAT TACKLING THIS ISSUE IS A PRIORITY. WHEN OPERATORS TAKE ADVANTAGE OF THE SYSTEM WEAKNESS, THERE IS A SUBSTANTIALLY INCREASED RISK OF ACCIDENT OR DEATH ON SITE TO BOTH THE OPERATOR AND THOSE WORKING AROUND THEM.

OUR MAIN CONCERNS ARE:

- THERE IS CURRENTLY NO REAL PENALTY ACTING AS A DETERRENT TO OPERATORS TURNING UP UNFIT FOR WORK OR TO REMAIN FIT FOR WORK DURING WORKING HOURS.
- WHEN OPERATIVES IN GENERAL FAIL A D&A TEST, THEY ARE OFTEN SENT HOME DRIVING THE VEHICLE THEY ARRIVED IN.
- EMPLOYERS ARE PUNISHED FOR OPERATORS BEING UNFIT FOR WORK HOWEVER THE CULPRIT IT NOT.
- RECORD KEEPING DOESN'T EXIST MEANING THAT AN OPERATOR FAILING A TEST COULD LOSE THEIR JOB WITH JOE BLOGGS PLANT HIRE TODAY BUT START ON THE SITE NEXT DOOR FOR ANOTHER CONTRACTOR AND THE NEW EMPLOYER IS OBLIVIOUS TO THE RISK.

THE ISSUE IS SO SERIOUS THAT WE CONSIDER THERE SHOULD BE SCOPE FOR CARDS TO BE REVOKED.

CAR DRIVING LICENCES WOULD BE WITHDRAWN FOLLOWING FAILURE OF DRUGS AND ALCOHOL TESTS AT THE ROADSIDE. THE SAME SHOULD APPLY IN RELATION TO SAFETY CRITICAL WORK SUCH AS THE OPERATION OF PLANT AND MACHINERY ON THE JOB SITE.

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COMPETENCE

AS YOU KNOW THE FRAMEWORK FOR COMPETENCY FLOWED FROM THE 2014 PYE TAIT REPORT ON COMPETENCE IN CONSTRUCTION FROM WHICH THE CONSTRUCTION INDUSTRY GOVERNANCE SYSTEM HAS FLOWED IE:-

- CONSTRUCTION LEADERSHIP COUNCIL (CLC)- SECTOR LEADERSHIP
- CITB- STANDARD SETTING
- PLANT SECTOR REPRESENTATIVE ORGANISATION (PSRO)- AGREE STANDARDS OF QUALIFICATIONS AND SKILLS
- CONSTRUCTION SKILLS CERTIFICATION SCHEME (CSCS)- THE ONE INDUSTRY LOGO- A CONSISTENT “BRAND” MARK OF STANDARDS OF QUALIFICATIONS AND SKILLS
- CONSTRUCTION PLANT COMPETENCE SCHEME/NPORS AND ALIKE AS CERTIFICATION PROVIDERS AND CARD ISSUERS

THE REMITS OF ALL THE BODIES ONLY REFLECT NARROW DIFFERENCES. ALL AIM TO PROMOTE BEST PRACTICE WHICH IS ADMIRABLE BUT UNDERMINED BY INABILITY TO TACKLE THOSE WHO ABUSE THE SYSTEM.

NONE HAVE BEEN BOLD ENOUGH TO CONSIDER A CARD REVOCATION PROCEDURE FOR RECKLESS INCOMPETENCE (LIKE FAILING DRUGS AND ALCOHOL TESTS).

ALL LOOK TO CLC FOR LEADERSHIP.

CARD REVOCATION

PAGES 52 AND 53 OF THE PYE TAIT REPORT SUMMARISE INDUSTRY COMMENT ON CARD REVOCATION BUT THERE IS VERY LITTLE DISCUSSION ABOUT REVOCATION IN THE ACTUAL REPORT.

PAGE 115 DEFINES THE POTENTIAL OPERATING PROTOCOL FOR CLC WHICH INCLUDES THE POWER TO “INVESTIGATE THE BEST WAYS OF ESTABLISHING A COMMON INDUSTRY APPROACH TO THE LIMITED-LIFE OF ALL CARDS, THE RENEWAL PROCESS AND ANY REQUIRED REVOCATION PROCESSES.”

OUR PLEA TO CLC IS THAT, WITHOUT QUESTION THERE IS INDUSTRY NEED, YOUR POWER TO INTRODUCE REVOCATION PROCESSES SHOULD NOW BE EXERCISED.

I LOOK FORWARD TO RECEIVING YOUR RESPONSE. I WELCOME FURTHER DISCUSSION ON THE MATTER, YOU CAN EMAIL ME AT

CALLUM.MACKINTOSH@SPOA.ORG.UK OR TELEPHONE ME ON ANYTIME.

YOURS SINCERELY

Callum Mackintosh

PRESIDENT

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