

An Introduction & Overview Of The Construction (Design & Management) Regulations 2015 (CDM)

The Construction (Design & Management) (CDM) Regulations 2007 have now been replaced by an updated version, the Construction (Design & Management) Regulations 2015 which came into force on 6th April 2015. The key changes include:



- A legal obligation for duty holders to provide information, instruction, training and supervision, which replaces the duty to assess competence. There is not a specified minimum standard of competence stated for compliance, but this should be judged upon by the significance to the role, activity and risks associated.
- Construction phase co-ordination duties remain the Principal Contractors responsibility.
- The Principal Designer will replace the CDM Co-ordinator (CDMC) role who will be responsible for overseeing health and safety in the design team. The role can be fulfilled by an individual or external organisation/consultant/competent person.
- There are now client duties for domestic projects which can be transferred to a Principal Designer and/or Principal Contractor. What this means is that domestic / private projects are now to be classified under CDM. If a Principal Designer is assigned to a project a pre-construction plan should be produced by them and then a construction phase plan completed by the Principal Contractor. If a project only has 1 contractor onsite they then automatically become the Principal Contractor and must produce a Construction Phase Health & Safety Plan.
- Clients must ensure that the Principal Designer is competent to conduct their role for health & safety compliance as well as planning and design. It is the role of this individual to ensure that suitable and sufficient control measures have been implemented at the planning stage(s), prior to the commencement of works up until the completion phase.
- Clients must ensure that the Principal Contractor understands their role and responsibilities.
- The notification trigger at which an F10 needs to be submitted to HSE has been amended to 30 days and more than 20 persons on site **or** 500 man days.
- The Client will be responsible for notifying HSE of a project (F10 notification).
- The Client will be required to appoint a Principal Contractor and a Designer. A Principal Designer will also need to be appointed if there will be more than one contractor on site.
- **A Construction Phase Health & Safety Plan (CPHSP) will be required for all projects.** The CDM 2015 Regulations do not require a review or indicate any requirements for its contents but HSE have formulated a small project CPHSP as guidance.

Virtually everyone involved in a construction project has legal duties under CDM 2015. These 'dutyholders' are defined below:

Client

Anyone who has construction work carried out for them. The main duty for clients is to engage the relevant key personnel, make sure their project is suitably managed, ensuring the health and safety of all who might be affected by the work, including members of the public. CDM 2015 recognises two types of client, Commercial Clients and Domestic Clients.

Commercial Clients have construction work carried out as part of their business. This could be an individual, partnership or company and includes property developers and companies managing domestic properties.

Domestic Clients have construction work carried out for them but not in connection with any business – usually work done on their own home or the home of a family member. CDM 2015 does not require domestic clients to carry out client duties as these normally pass to other dutyholders i.e. Principal Contractor or Principal Designer.

Designer - An organisation or individual whose work involves preparing or modifying designs, drawings, specifications, bills of quantity or design calculations. Designers can be architects, consulting engineers and quantity surveyors, or anyone who specifies and alters designs as part of their work. They can also include trades-people if they carry out design work. The designer's main duty is to eliminate, reduce or control foreseeable risks that may arise during construction work, or in the use and maintenance of the building once built. Designers work under the control of a principal designer on projects with more than one contractor.

Principal Designer - A designer appointed by the client to control the pre-construction phase on projects with more than one contractor. The principal designer's main duty is to plan, manage, monitor and coordinate health and safety during this phase, when most design work is carried out.

Principal designers have an important role in influencing how risks to health and safety are managed throughout a project. Design decisions made during the pre-construction phase have a significant influence in ensuring the project is delivered in a way that secures the health and safety of everyone affected by the work.

Principal Designers must:

- plan, manage, monitor and co-ordinate health and safety in the pre-construction phase. In doing so they must take account of relevant information (such as an existing health and safety file) that might affect design work carried out both before and after the construction phase has started
- help and advise the client in bringing together pre-construction information, and provide the information designers and contractors need to carry out their duties
- work with any other designers on the project to eliminate foreseeable health and safety risks to anyone affected by the work and, where that is not possible, take steps to reduce or control those risks
- ensure that all persons involved in the pre-construction phase communicate, cooperate & co-ordinate
- liaise with the principal contractor, keeping them informed of any risks that need to be controlled during the construction phase

When working for a domestic client, the client duties will normally be taken on by another duty holder (often the principal contractor on projects involving more than one contractor). However, the Principal Designer can enter into a written agreement with the domestic client to take on the client duties in addition to their own.

Principal Contractor - A contractor appointed by the client to manage the construction phase on projects with more than one contractor. The principal contractor's main duty is to plan, manage, monitor and coordinate health and safety during this phase, when all construction work takes place.

A Principal Contractor is appointed by the client to control the construction phase of any project involving more than one contractor.

Principal contractors have an important role in managing health and safety risks during the construction phase so they must have the skills, knowledge, experience and, where relevant, organisational capability to carry out this work.

The Principal Contractor must:

- plan, manage, monitor and coordinate the construction phase
- take account of the health and safety risks to all persons affected by work (including members of the public) in planning and managing measures to be implemented and being implemented.
- liaise with the client and principal designer for the duration of the project to ensure all risks remain as low as practicable and that they are effectively managed.
- prepare a written construction phase plan before construction starts, implement and regularly review / revise to ensure it remains fit for purpose and relevant.
- ensure that ongoing arrangements are in place for managing health and safety throughout the full duration of the project. This usually includes the appointment of additional resources such as health & safety professional assistance – i.e. HSS Health & Safety Services.
- consult and engage with workers about their health, safety and welfare
- ensure suitable welfare facilities are provided from start to finish and that suitable arrangements are in place to ensure that facilities are maintained throughout the duration of the project
- ensure that anyone engaged onto the project has suitable and sufficient skills, knowledge, experience and training.
- ensure all persons attending site have received a site-specific induction prior to work commencement and provided any further relevant information and/or training
- take suitable and sufficient steps to prevent unauthorised access to site throughout all hours.
- liaise with the Principal Designer to share any information relevant to the planning, management, monitoring and coordination of the pre-construction and construction phase.

When working for a domestic client, the principal contractor will normally take on the client duties as well as their own as principal contractor. If a domestic client does not appoint a principal contractor, the role of the principal contractor must be carried out by the contractor in control of the construction phase. Alternatively, the domestic client can ask the principal designer to take on the client duties (although this must be confirmed in a written agreement) and the principal contractor must work to them as 'client' under the CDM Regulations 2015.

Contractor - An individual or business in charge of carrying out construction work (eg building, altering, maintaining or demolishing). Anyone who manages this work or directly employs or engages construction workers is a contractor. Their main duty is to plan, manage and monitor the work under their control in a way that ensures the health and safety of anyone it might affect (including members of the public). Contractors work under the control of the principal contractor on projects with more than one contractor.

A contractor is anyone who directly employs or engages construction workers or manages construction work. Contractors include sub-contractors, any individual self-employed worker or business that carries out, manages or controls construction work. They must have the skills, knowledge, experience and, where relevant, the organisational capability to carry out the work safely and without risk to health.

Contractors and the workers under their control are most at risk of injury and ill health from construction work. Contractors therefore have an important role in planning, managing and monitoring their work to ensure any risks are controlled.

Contractors on all projects must:

- ensure the client is aware of the client duties under CDM 2015 before commencement of work
- plan, manage and monitor all work carried out by themselves and their workers, taking into consideration the risks to anyone who might be affected (including members of the public) and control measures required to be implemented to effectively reduce the risk substantially.
- ensure all persons engaged have the relevant skills, knowledge, experience and training to carry out the work
- ensure that all operatives have attended a site-specific induction
- provide appropriate supervision, information and instructions to workers under their control
- ensure all reasonable control measures are implemented to prevent unauthorised access
- ensure suitable welfare facilities are provided for throughout the full duration of works and that adequate arrangements are in place to maintain them throughout the project

In addition to the above responsibilities, contractors working on projects involving more than one contractor must:

- coordinate their work with the work of others in the project team
- comply with directions given by the principal designer or principal contractor
- comply with parts of the construction phase plan relevant to their work

Where a contractor is the only contractor working on a project, they must ensure a construction phase plan is drawn up before setting up the site.

When working as the only contractor for a domestic client, the contractor takes on the client duties, as well as their own as contractor. However, this should involve them doing no more than they will normally do to comply with health and safety law.

Where a domestic project involves more than one contractor, the principal contractor normally takes on the client duties and the contractor will work to the principal contractor as 'client'. If the domestic client does not appoint a principal contractor, the client duties must be carried out by the contractor in control of the construction phase. Alternatively, the domestic client can ask the principal designer to take on the client duties (although this must be confirmed in a written agreement) and the contractor must work to them as 'client' under CDM 2015.

Workers - An individual who actually carries out the work involved in building, altering, maintaining or demolishing buildings or structures. Workers include: plumbers, electricians, scaffolders, painters, decorators, steel erectors and labourers, as well as supervisors. Their duties include cooperating with their employer and/or other duty holders. Workers must be consulted on matters affecting their health, safety and welfare.

At HSS Health & Safety Services we intend to take the headaches away from the changes to CDM 2015.

Ask HSS Health & Safety Services how we can provide CDM 2015 Assistance to your next project and make life a lot simpler.

Contact a member of the team on:

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For further information on CDM services provided please go to the HSS Health & Safety Services website by clicking on the following link:

www.healthandsafety-services.co.uk CDM2015

You can also download a free copy of the CDM 2015 Regulations from here too!

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