

Construction  
(Design and Management)  
Regulations 2015

**chalcroft**

construction built on teamwork

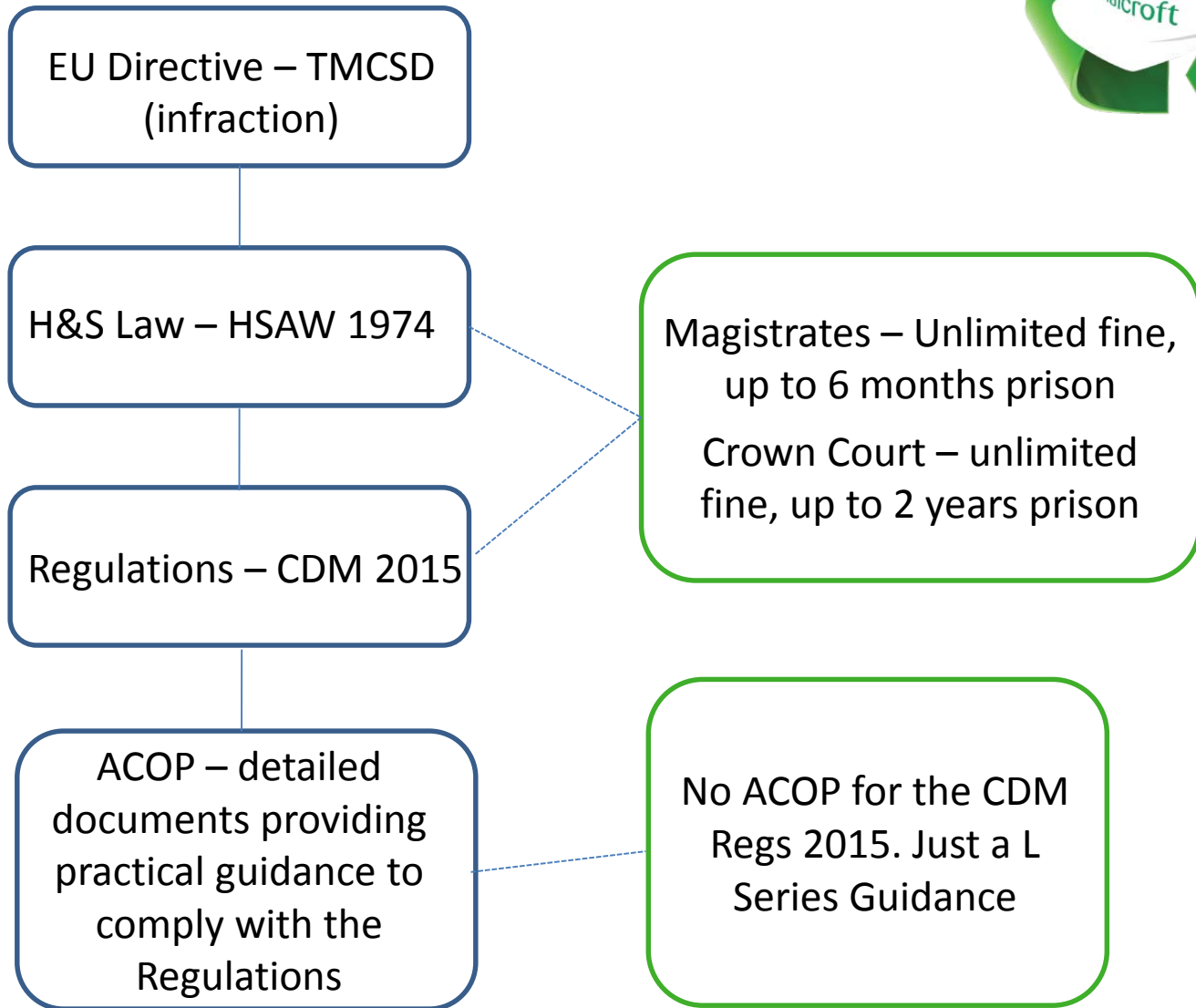
## Background



Construction is still one of the most dangerous industries to work in:

- **42** fatal injuries to construction workers in 2013/2014
- **39** fatal injuries in 2012/2013
- Construction workers are **4 times** more likely to be killed than any other industry
- Historical exposure to asbestos kills up to **4000** people a year
- **4** members of the public were killed in 2013/14 as a result of construction work
- The fatal injury rate per 100,000 construction workers is **1.98**
- The fatal injury rate for all other industries is **0.44** per 100,000 workers
- The average fatality rate over the last five years in construction is **46**

# Health and Safety Regulatory Framework



## Other legislation..

- Health and Safety at Work Act
- Management of Health and Safety at Work Regulations
- Workplace (Health, Safety and Welfare) Regulations
- Control of Asbestos Regulations
- Regulatory Reform (Fire Safety) Order
- Work at Height Regulations
- Lifting Operations and Lifting Equipment Regulations
- Provision and Use of Work Equipment Regulations
- RIDDOR
- Corporate Manslaughter and Corporate Homicide Act



## Key changes in CDM 2015



- The onus on the client is much greater than was required within CDM 2007 making them more accountable for the health, safety and welfare on a project
- The CDM Co-ordinator role has been removed and the new role of a Principal Designer created
- There is now a requirement for duties for domestic clients
- The trigger notification of a construction project to the HSE has changed
- The trigger for additional duties and appointments for a project have changed
- The new regulations have received Parliamentary approval and will come in force on the 6<sup>th</sup> April 2015
- There is a six month transition period til the 6<sup>th</sup> October 2015

## The application of CDM 2015



CDM 2007	CDM 2015
Applies to all construction work	Applies to all projects <sup>1</sup>
Additional duties where a project is 'notifiable' <sup>2</sup>	Removed. Now where there is more than one contractor there are additional duties
Notification to the HSE more than 30 working days	30 working days and more than 20 people simultaneously <sup>3</sup> at any point or;
More than 500 person days	Same

<sup>1</sup> A project is defined as 'any project which includes construction work'

<sup>2</sup> Appointments are no longer linked to notification

<sup>3</sup> Notifications are expected to reduce from 115,000 per year to 55,000

## What is Construction?



Any building, civil engineering or engineering construction work including:

- Preparation for an intended structure, site clearance, investigation
- Alteration, conversion, fit-out
- Commissioning, renovation, repair, maintenance
- Assembly of prefabricated elements on site
- Installation, maintenance of fixed services
- Decommissioning, dismantling, demolition of a structure

## What is not Construction?



- General maintenance of fixed plant
- Tree planting and general horticultural work
- Positioning and removal of lightweight moveable partitions
- Surveying, taking levels, measurements, examining a structure
- Off-site manufacture of items for later use in construction



## Appointments



For notifiable projects the client must:

<b>CDM 2007</b>	<b>CDM 2015</b>
Appoint a CDMc after initial design work has commenced	Removed
Appoint a Principal Contractor soon as possible	Same
Ensure there is a CDMc and a PC appointed at all times til the end of the construction phase	Removed

## Appointments



Where there will be more than one contractor working on a project at any time the client must appoint in writing:

- a) A designer to co-ordinate and control the pre-construction phase as a Principal Designer and;
- b) A contractor as the Principal Contractor

The appointments must be made as soon as is practicable and before the construction phase begins.

If a client fails to appoint either a PD or PC then the client will be responsible for their duties and liabilities.

## Competence

Competency has been removed from the new CDM Regulations.



CDM 2007 referred to:

- No duty holder shall appoint a CDMc, designer or contractor unless reasonable steps have been taken to ensure the person appointed is competent.
- No person should accept such an appointment unless they are competent.

CDM 2015 now states:

- Anyone appointing a designer or contractor must take reasonable steps to satisfy themselves that those who will carry out the work have the necessary:  
  
*‘Skills, knowledge, experience and organisational capability to fulfil the role in a manner that secures the health and safety of persons affected by the project’*
- Designers or contractors must not accept the appointment unless they fulfil the above conditions
- Reasonable steps will depend on the complexity of the project and the risks involved

## Clients Duties

Ensure arrangements are made for managing the project and the allocation of sufficient time and other resources are suitable to ensure:



<b>CDM 2007</b>	<b>CDM 2015</b>
Construction work can be carried out without risk to health and safety	Same
Adequate welfare arrangements are provided on site	Same
Where necessary take into account the Workplace Regulations	Designers
Arrangements are maintained and reviewed throughout the project	Same
The PC has prepared a suitable Construction Phase Plan	Same

## Clients Duties



A client must take reasonable steps to ensure that:

- The Principal Designer complies with their duties
- The Principal Contractor complies with their duties
- Ensure that before the construction phase begins a Construction Phase Plan is drawn up by the contractor if there is only one contractor or; by the Principal Contractor where there is more than one contractor
- Where the project is notifiable issue the F10 to the HSE
- Ensure the Principal Designer prepares a Health and Safety File for the project
- Ensures that where there is not a PD appointed ie less than one contractor, that information is still provided for the Health and Safety File

Note: there is no requirement for the client to *check* the construction phase plan is suitable and sufficient and there is no CDMc role to check it.

## Clients Duties



Clients must ensure that each designer involved in the design of the structure and each contractor engaged in the construction work is provided with relevant pre-construction information.

Note: there is now no CDMc role to provide a Pre-construction Information Pack.

<b>CDM 2007</b>	<b>CDM 2015</b>
Information about the site or the construction work	Same
Information concerning the proposed use of the structure as a workplace	Same
Allow time for planning and preparation of the construction work	Same
Provide relevant information for the Health and Safety File	Same

## CDM Co-ordinator

Clients must ensure that each designer involved in the design of the structure and each contractor engaged in the construction work is provided with relevant pre-construction information.



Note: there is now no CDMc role to provide a Pre-construction Information Pack.

CDM 2007	CDM 2015
CDM Co-ordinators duties	Removed
Assist and advise the client	Removed
Ensure co-operation and co-ordination between all persons	Principal Designer
Ensure designers comply with their duties	Client
Identify and collect preconstruction information	Client
Provide relevant information to designers and contractors	Client

## Designers



A Designer means any person (including a client, contractor or other person) who prepares or modifies a design or; arranges for or instructs any person under their control to do so.

Duties include; not commencing work unless satisfied the client is aware of his duties and; when preparing or modifying a design take into account the general principles of prevention to foreseeable risks to the health and safety of any person...

- a) Carrying out or liable to be affected by construction work
- b) Maintaining or cleaning a structure
- c) Using a structure designed as a workplace

If it is not possible to eliminate these risks, the designer must:

- a) Take steps to reduce or control the risks through the subsequent design process
- b) Provide information about those risks to the Principal Designer and;
- c) Ensure appropriate information is included in the Health and Safety File



## Principal Designers



- A Principal Designer is the designer with control over the pre-construction phase
- The PD may be an individual or an organisation
- The PD must be appointed in writing by the client
- They are to ensure co-operation and co-ordination between all parties
- They are to ensure designers comply with their duties
- Principal Designers must plan, manage and monitor the pre-construction phase and co-ordinate matters relating to health and safety
- Principal Designers must consider whether they have any gaps in their knowledge, experience or abilities
- They must ensure co-operation between designers and the Principal Contractor during the construction phase in relation to ongoing design changes
- The Principal Designer is responsible for reviewing and updating the Health and Safety File and at the end of construction pass the file to the client
- Principal Designers must assist clients in providing pre-construction information to prepare the Construction Phase Plan

## Principal Contractor/Contractor

Duties under CDM 2015:

- Prepare a Construction Phase Plan for all projects
- Review and revise the plan throughout the project
- Ensure the plan is implemented
- Ensure the plan includes measures to address health and safety risks

The Construction Phase Plan outlines the health and safety arrangements, site rules and specific measures to control hazards and risks.

For single contractor projects it is the responsibility of the contractor to ensure the construction phase plan is drawn up.

### Note:

- A Construction Phase Plan is required for *all* construction work regardless of the number of days, contractors or notification requirements.
- A Health and Safety File must be produced for *every* project where there is more than one contractor.



## Project Notification



- 30 working days and; more than 20 persons on site at any one time or;
- More than 500 person days
- The Client is responsible for issuing the F10 to the HSE
- The F10 must be issued prior to the start of the construction phase
- The client can request someone to issue the F10 on their behalf
- The client must ensure that a copy of the F10 is displayed on site
- The client can request this to be done by someone else on their behalf

## Summary of clients duties

- Where there is **more** than one contractor appoint a Principal Designer and a Principal Contractor
- Ensure the PD and PC comply with their duties
- Ensure the PD and PC have the necessary skills, knowledge, experience and organisational capability to manage health and safety risks
- Give notice to the HSE where relevant
- Ensure welfare facilities are in place
- Ensure arrangements for the management of H&S for the project are in place
- Ensure the arrangements are maintained and reviewed throughout the project
- Provide pre-construction information to designers and contractors
- Ensure the Contractor or Principal Contractor prepare a Construction Phase Plan
- Ensure the Principal Designer prepares an appropriate Health and Safety File



### Note:

- Where the Principal Designers role ceases *prior* to the end of the construction phase the Principal Contractor will be responsible for completing and issuing the Health and Safety File to the client.
- Projects that only have one contractor (and therefore no PC or PD) require information to be issued for a Health and Safety File although this is *not* a legal requirement within the CDM 2015 Regulations and *will* be proportionate to the works carried out.

## Summary of Principal Designers duties



- Plan, manage and monitor the pre-construction phase and co-ordinate matters relating health and safety to ensure the project is carried out without risks to health and safety
- Identify, eliminate, reduce or control foreseeable health and safety risks
- Assist the client in the preparation of pre-construction information
- Ensure everyone involved in the pre-construction phase cooperates with each other
- Ensure designers comply with their duties
- Liaise with the PC regarding information for the Construction Phase Plan
- Ensure the Health and Safety File is reviewed, updated and revised to take into account the work and any changes that have occurred

## Transition Period



- CDM 2015 comes into force on the 6<sup>th</sup> April 2015
- The transitional period runs until the 6<sup>th</sup> October 2015
- Projects starting *before* the 6<sup>th</sup> April, where the construction phase has *not* yet started and the client has *not* yet appointed a CDMc, the client *must* appoint a Principal Designer
- The client is *not* required to appoint a PD if the construction phase *has* started but may do so if they wish *however* if a CDMc is already appointed their duties will continue until the 6<sup>th</sup> October or until the project ceases if prior to then
- If they do not appoint a PD then they will be responsible for the Health and Safety File
- If the CDMc has already been appointed and the project runs beyond the 6<sup>th</sup> October then a Principal Designer must be appointed to take over from this point.

## Documents



- [Non-notifiable Construction Phase Plan](#)
- [Construction Phase Plan](#)
- [Client brief on CDM 2015](#)
- [Letter of Appointment - Principal Designer](#)
- [Letter of Appointment - Principal Contractor](#)
- [Health and Safety File - Client Information](#)
- [Client Preconstruction Information Guidance](#)

## Regulations and Guidance Information



- [CDM 2015 Regulations](#)
- [CDM HSE Guidance L153](#)
- [CITB Client Duties](#)
- [CITB Principal Designer Duties](#)
- [CITB Principal Contractor Duties](#)
- [Chalcroft CDM 2015 Brief](#)