

Relevant Legislation

Construction (Design and Management) Regulations 2015 (CDM 2015)

Introduction

Historically, construction activities have the poorest accident record in British industry. The key aim of CDM 2015 is to integrate health and safety into the management of the construction projects and to encourage everyone involved to work together to:

- (a) improve the planning and management of projects from the very start;
- (b) identify hazards early on, so they can be eliminated or reduced at the design or planning stage and the remaining risks can be properly managed;
- (c) target effort where it can do the most good in terms of health and safety; and
- (d) discourage unnecessary bureaucracy.

The Regulations are intended to focus attention on planning and management throughout construction projects, from design concept onwards. The aim is for health and safety considerations to be treated as an essential, but normal part of a project's development – not an afterthought or bolt-on extra.

In order to pursue these aims the Regulations place legal obligations on specific "Duty Holders". The Duty Holders under CDM 2015 are:

- **Clients including Domestic Clients**
- **Designers**
- **Principal Designers**
- **Contractors**
- **Principal Contractors**
- **Workers**

Due to the range and scope of the Council's activities, it is likely that specific teams will fulfil one or more, or even all of these roles, with the most frequent being that of the Client. These duties are summarised later in this section.

The HSE Guidance document (L153) for CDM 2015 is well drafted and provides easy to understand information for those who have legal duties in respect of construction projects. This policy section summarises the key roles and responsibilities made under CDM 2015, as well as providing a signpost to more detailed information contained within L153 and industry guidance via hyperlinks contained throughout the document.

Transitional Provisions

The Construction (Design and Management) Regulations (CDM 2015) will come into force on 6 April 2015. However, because some construction projects are already underway or are due to commence prior to 6 April 2015, the HSE have introduced enhanced transitional provisions to cover this period. The transitional period will run for six months from 6 April 2015 to 6 October 2015.

For projects starting before 6 April 2015, where the construction phase has not yet started and the Client has not yet appointed a CDM co-ordinator, the Client must appoint a Principal Designer as soon as it is practicable.

If the CDM co-ordinator has already been appointed, a Principal Designer must be appointed to replace the CDM co-ordinator by 6 October 2015, unless the project comes to an end before then.

In the period it takes to appoint the Principal Designer, the appointed CDM co-ordinator should comply with the duties contained in Schedule 4 to the new CDM 2015 Regulations.

When do the Regulations Apply?

The requirements of CDM 2015 apply to all “construction work” as defined within the Regulations.

“Construction work” means the carrying out of any building, civil engineering or construction work.

This definition includes a very wide scope of activities. Examples range from minor repairs and maintenance activities to major construction and renovation projects including:

- The preparation for an intended structure, including site clearance.
- All decommissioning and demolition of structures including the removal of any product or waste resulting from such projects.
- The installation, maintenance, repair or removal of any services such as electrical, gas, compressed air, hydraulic, telecommunications, computer or similar installations.

In all cases, Clients should assume activities are in scope unless the project in question is not covered by the comprehensive list of activities contained within the regulations.

Assembling the Project Team

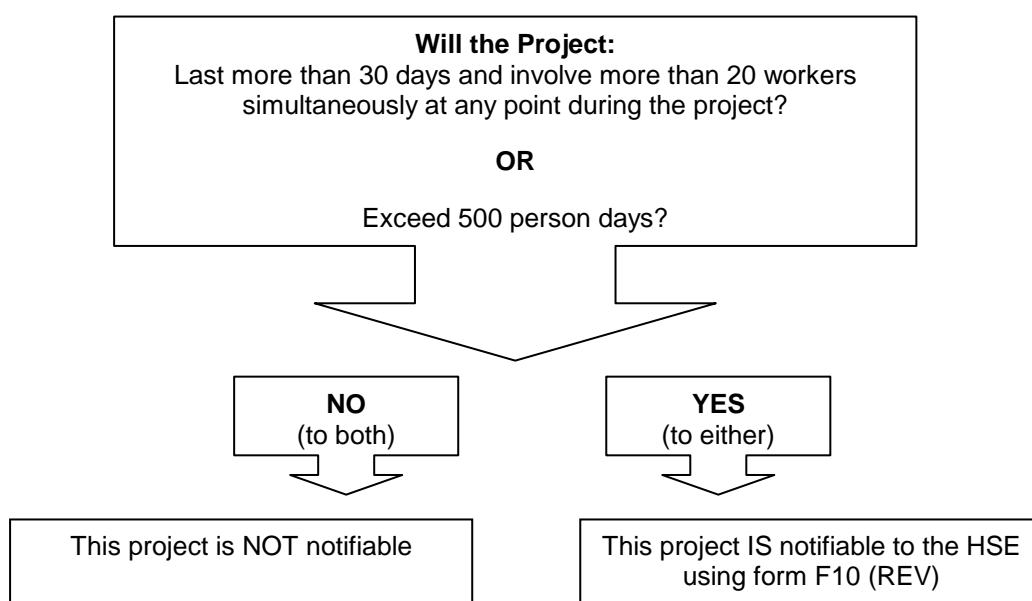
Anyone appointing Designers or Contractors must ensure that these duty holders have the necessary skills, knowledge and experience and, if an organisation, the organisational capability to manage health and safety risks. The extent of the checks a Client must make into the capabilities of duty holders they appoint will depend on the complexity of the project and the range and nature of the health and safety involved. This applies to both:

- Single Contractor projects where the Client appoints a Designer or Contractor directly, or
- Projects involving more than one Contractor where the Client must appoint a Principal Designer and Principal Contractor (the responsibility to appoint duty-holders is no longer linked to notification criteria). These appointments must be made in writing as soon as is practicable and, in any event, before the construction phase begins. Where a Client fails to appoint in either of these key roles, they become responsible to fulfil the duties required in each case.

Note: The role of CDM-C which was required in the CDM 2007 regulations has been removed in CDM 2015. Duties previously undertaken by the CDM-C have now, in the main, been transferred to the Principle Designer.

Notification of a Project (to the HSE)

The Health and Safety Executive must be formally notified, in advance, when certain types of project (essentially larger more complex ones) are to be undertaken. The criterion used to determine whether a project is notifiable is illustrated below.



A Summary of Roles and Duties under CDM 2015

<p>Clients – are organisations or individuals for whom a construction project is carried out</p>	<ul style="list-style-type: none"> • Check competence and resources of all appointees • Ensure there are suitable management arrangements for the project, including welfare facilities • Provide pre-construction information to Designers and Contractors and allow sufficient time and resources for all stages of the project • Ensure that the Principal Contractor or Contractor has prepared a construction phase plan before the construction phase begins, and • Check that the plan adequately addresses the arrangements for managing the risks throughout the duration project of the project (the contractor must review this regularly) <p>If more than one contractor will be working on the Project:</p> <ul style="list-style-type: none"> • Appoint a Principal Designer and a Principal Contractor • Ensure that the Principal Designer produces a health and safety file. Once received, the file should be retained and made available as pre-construction information when planning future construction projects. <p><i>(HSE Guidance L153; CDM 2015 Industry Guidance - Clients)</i></p>
<p>Domestic Clients - are people who have construction work carried out on their own home, or the home of a family member that is not done as part of a business, whether for profit or not.</p>	<p>Domestic Clients are in scope of CDM 2015, but their duties as a Client are normally transferred to:</p> <ul style="list-style-type: none"> • A Contractor, on a single contractor project; or; • A Principal Contractor, on a project involving more than one contractor. <p>However, the domestic Client can choose to have a written agreement with the Principal Designer to carry out the Client duties. See paragraphs 53-56 for more guidance.</p> <p><i>(HSE Guidance L153; CDM 2015 Industry Guidance - Clients)</i></p>
<p>Designers - are those, who as part of a business, prepare or modify designs for a building, product or system relating to construction work</p>	<p>When preparing or modifying designs, to eliminate, reduce or control foreseeable risks that may arise during:</p> <ul style="list-style-type: none"> • construction; and • the maintenance and use of a building once it is built. <p>Provide information to other members of the project team to help them fulfil their duties. See paragraphs 72-93 for more guidance.</p> <p><i>(HSE Guidance L153; CDM 2015 Industry Guidance - Designers)</i></p>
<p>Principal Designers - are Designers appointed by the Client in projects involving more than one Contractor. They can be an organisation or individual with sufficient knowledge, experience and ability out carry out this role</p>	<p>Plan, manage, monitor and coordinate health and safety in the pre-construction phase of a project. This includes:</p> <ul style="list-style-type: none"> • identifying, eliminating or controlling foreseeable risks; • ensuring Designers carry out their duties; • Prepare and provide relevant information to other dutyholders; • Liaise with the Principal Contractor to help in the planning, management, monitoring and coordination of the construction phase. <p>See paragraphs 94-115 for more guidance</p> <p><i>(HSE Guidance L153; CDM 2015 Industry Guidance - Principal Designer)</i></p>

<p>Principal contractors – are Contractors appointed by the Client to coordinate the construction phase of a project where it involves more than one Contractor</p>	<p>Plan, manage, monitor and coordinate the construction phase of a project. This includes:</p> <ul style="list-style-type: none"> • liaising with the Client and Principal Designer; • preparing the construction phase plan; • organising cooperation between Contractors and coordinating their work. <p>Principal Contractors must also ensure:</p> <ul style="list-style-type: none"> • suitable site inductions are provided; • reasonable steps are taken to prevent unauthorised access; • workers are consulted and engaged in securing their health and safety; and • welfare facilities are provided. <p>See paragraphs 110-146 for more guidance</p> <p><i><u>(HSE Guidance L153; CDM 2015 Industry Guidance - Principal Contractors)</u></i></p>
<p>Contractors – are those who do the actual construction work and can be either an individual or a company</p>	<p>Plan, manage and monitor construction work under their control so that it is carried out without risks to health and safety;</p> <p>For projects involving more than one Contractor, coordinate their activities with others in the project team – in particular, comply with directions given to them by the Principal Designer or Principal Contractor;</p> <p>For single-contractor projects, prepare a construction phase plan. See paragraphs 147-179 for more guidance</p> <p><i><u>(HSE Guidance L153; CDM 2015 Industry Guidance -Contractors)</u></i></p>
<p>Workers – are the people who work for or under the control of contractors on a construction site</p>	<p>They must:</p> <ul style="list-style-type: none"> • be consulted about matters which affect their health, safety and welfare; • take care of their own health and safety and others who may be affected by their actions; • report anything they see which is likely to endanger either their own or others' health and safety; • cooperate with their employer, fellow workers, contractors and other duty holders; <p><i><u>(HSE Guidance L153; CDM 2015 Industry Guidance - Workers)</u></i></p>

Pre-Construction Information

Pre-Construction Information (PCI) provides the health and safety information needed by Designers and Contractors who are bidding for or who have already been appointed to work on the project. It is used when planning, managing, monitoring and co-ordinating the work. PCI provides a basis for the preparation of the construction phase plan and some material may also be relevant to the preparation of the Health and Safety File.

PCI is information about the project that is already in the Client's possession or which is reasonably obtainable by or on behalf of the Client. The information must:

- be relevant to the particular project;
- have an appropriate level of detail; and
- be proportionate given the health or safety risks involved.

Examples of PCI include: the existing health and safety hazards present on the Clients site, asbestos surveys, utility information or relevant information in an existing Health and Safety File. *(see [HSE Guidance L153](#) - page 18 & appendix 2)*

Construction Phase Plan

The Construction Phase Plan (CPP) is produced by the Principal Contractor or Contractor and must set out the arrangements for securing health and safety for the construction phase. For projects involving more than one Contractor, the Principal Contractor must ensure the CPP is drawn up and for single contractor projects; it is the responsibility of the Contractor to ensure the CPP is drawn up. In either case this must be done during the pre-construction phase **before** the construction site is set up. The CPP must take into account the information the Principal Designer holds such as the PCI and any information obtained from Designers. During the construction phase, the Principal Contractor must ensure that the plan is appropriately reviewed, updated and revised so that it remains effective. *(see [HSE Guidance L153](#) - page 35 & appendix 3)*

Health and Safety File

The Health and Safety File must contain relevant information about the project which should be taken into account when any construction work is carried out on the building after the current project has finished. The file is only required for projects involving more than one Contractor. The Principal Designer has primary responsibility for preparing the file, and reviewing, updating and revising it as the project progresses. If their appointment continues to the end of the project they must also pass the completed file to the Client to keep. If the Principal Designer's appointment finishes before the end of the project, the file must be passed to the Principal Contractor for the remainder of the project. The Principal Contractor must then take on the responsibility for reviewing, updating and revising it and passing it to the client when the project finishes. *(see [HSE Guidance L153](#) - page 35 & appendix 4)*

General Requirements for all Construction Sites

Part 4 of the Regulations (regulations 16 to 35) sets out a number of provisions which only relate to work carried out on the construction site. Any contractor carrying out construction work must comply with detailed Part 4 requirements to ensure that on-site hazards are identified and the risks from these are adequately controlled. Examples of these include:

- Demolition or dismantling
- Excavations
- Prevention of drowning
- Stability of structures
- Explosives
- Traffic routes

(see [HSE Guidance L153](#) - page 51)

Management Responsibilities

All three Council Directorates must devise and implement procedures to ensure the following objectives are achieved:

- All construction work is adequately planned and resourced
- Any NCC team or individual engaged as a duty holder under the regulations is competent to undertake the assigned role
- Any organisation or individual employed by NCC as a duty holder is competent to undertake the assigned role
- Any workplace designed, constructed, or modified by, or on behalf of NCC, complies with the requirements of the Workplace (Health, Safety & Welfare) Regulations 1992.
- Health and Safety Files are provided or updated upon completion of each project.

The Health and Safety Team is available to provide further guidance and advice on any proposed procedures.

Prior to publication/implementation all proposed procedures must be discussed with the lead contact Health and Safety Officer via the appropriate Directorate/Divisional Safety Group. This step is necessary to verify that there is no variance with the legislation on which the policy is based.