



Construction, Design and Management Regulations (CDM) 2015

Introduction

The Construction (Design and Management) (CDM) Regulations 2015 cover a very broad range of construction activities such as building, civil engineering, construction work, demolition, site preparation, site clearance, renovation, decoration, installation, maintenance and dismantling of structures.

Duty Holders and Scope

Under the CDM Regulations, legal duties apply to the following duty holders;

- Clients
- Designers
- Contractors
- Workers

for all construction projects even for simple, short duration work.

Additional duty holders called 'Principal Design' and 'Principal Contractor' are legally required to be appointed where projects involve or are likely to involve more than one Contractor working on the project at any time. CDM applies to both non-domestic and domestic premises.

For those projects that are likely to take more than 30 days and have more than 20 workers working simultaneously or involve more than 500 person days of construction work, then the projects are notifiable in writing to the Health and Safety Executive, HSE.

Each duty holder must be aware of the CDM Regulations and the responsibilities of other duty holders under the Regulations. Organisations of individuals are permitted to undertake more than one duty holder role but they will need to demonstrate that they have sufficient skills, experience, knowledge training and organisational skills (if they are an organisation) and the ability to adequately fulfil each of the duties and maintain health and safety.

Anyone working on Projects under the control of others must report to them any situation likely to endanger their own health and safety of that of others.

Designers, Contractors, the Principal Design and the Principal Contractor must consider the 'principles of prevention' to as far as is reasonably practicable to eliminate foreseeable risks and if this is not possible, reduce the risks or control them.

The CDM Regulations also apply to work undertaken on behalf of Domestic clients.

Notes

The responsibilities of all duty holders are covered in this arrangement to demonstrate SWJ's awareness of the individual duty holders' roles and responsibilities.

Client's Responsibilities

Clients are defined as companies, organisations or individual for whom a construction project is undertaken.

For all projects, Clients will:



- Appoint Designers and Contractors with appropriate skills, knowledge, experience and who are adequately resourced. If they are an organisation they should have suitable organisational capabilities
- Take reasonable steps to ensure duty holders carry out their relevant duties before and during the construction phase.
- Ensure so far as reasonably practicable that the construction work is carried out without risks to health and safety.
- Ensure that the HSE are notified of the project for 'notifiable' projects.
- Make sure suitable arrangements for managing, maintaining and reviewing the project for its duration with regular liaison with all duty holders. This should include allocating sufficient time to assess risks, creating the project team, ensuring roles and responsibilities are clear, stipulating that regular meetings are held or regular progress reports are issued and requiring co-operation, communication and co-ordination between parties.
- Appoint competent/specialist persons to advise on managing health and safety risks for the project, where needed.
- Ensure that adequate welfare facilities are in place before commencement of a project and are available through the construction phase.
- Provide information (Pre-Construction Information) about, e.g. the site's hazards, site rules, Client's brief, as soon as possible to duty holders who are designing bidding and planning for the work. If information is not available, The Client must take reasonable steps to acquire such information.
- If there is **only one** Contractor involved with the project, ensure a Construction Phase Plan is drawn up by the Contractor.

For projects which involve **more than one** Contractor working on the project at any one time Clients will additionally:

- Appoint, as soon as possible in the design process a **Principal Designer** to control the pre-construction phase and appoint a **Principal Contractor** as soon as practicable before the construction phase begins to control the work. Clients should regularly liaise with these duty holders throughout the duration of the project and take reasonable steps to ensure they comply with their duties.
- Provide information ('Pre-Construction Information'), as early as possible, to the Principal Designer and Principal Contractor
- Ensure the Principal Designer prepares, regularly reviews and revises a Health and Safety File whilst they are employed. This duty passes to the Principal Contractor if the Principal Designer's contract has ended.
- Retain and revise the Health and Safety File as new information becomes available, including after project completion, and provide access to others e.g. new owners and those who undertake further works on the site.

Notes

If the client does not appoint a Principal Contractor or Principal Designer, the Client (not a Domestic Client) must assume the duty holders' roles and liabilities

Where a project has more than one Client, then it is recommended that one of the parties accepts, by contract, to fulfil the role of Client as defined by CDM.

Principal Designer's Responsibilities

This position, is appointed by the Client for projects which involve more than one Contractor. The Principal Designer is the Designer with overall control of the pre-construction phase of the project and can either be an organization or an individual. This role requires good technical knowledge of the construction industry relevant to the project and a level of understanding, knowledge, experience and skills to manage and coordinate the pre-construction phase and any design work during construction. If this role is undertaken by an organisation then appropriate organisation capability will also have to be demonstrated.

The Principal Designer will:

- Advise the Client of their 'Client' CDM health and safety duties and help identify and collect suitable Pre-Construction Information and distribute relevant information to other interested parties.
- Where the Principal Designer appoints Designers, check that they have sufficient skills, knowledge, experience and organisational capabilities (if an organisation)
- Plan, manage, monitor and coordinate health and safety during the pre-construction phase of the project and estimate the time required to complete the work.
- Identify, design out or control foreseeable risks that could occur during or even after construction, e.g. during maintenance.
- Provide relevant information, e.g. Pre-Construction Information, information from previous Health and Safety Files, to other duty holders.
- Co-ordinate, the health and safety aspects of the design work whilst ensuring continued communication and co-operation between Designers. Provide information to assist Designers with their work and ensure they exchange relevant information and drawings.
- Be satisfied that the designs and process address the hazards and risks associated with the work and structure and that other Designers comply with their CDM duties.
- Facilitate good communications and co-operation between Designers, Client, Principal Contractor and Contractors.
- Liaise (whilst they are employed) with the Principal Contractor on any design issues during the planning, management, monitoring and coordination of the construction phase. Provide relevant information to the Principal Contractor which will assist them with the development of the Construction Phase Plan.
- Prepare and regularly update Health and Safety File as the construction phase continues.
- If required and relevant, take on the role of a Client as defined by CDM, by written agreement, when working for a Domestic Client.

Designer's Responsibilities

The definition of design and Designer is very wide within CDM. Designers can be an organisation or an individual who, e.g. prepares or alters drawings, selects materials or substances, prepares bills of quantities or makes calculations. Therefore, designs and Designers will arise at many stages during the construction process from the initial design through to tactual construction (including temporary works). Designers could be architects, quantity surveyors, surveyors, civil or structural engineers, consultants, Principal Contractors of even Contractors.

For all projects, Designers will:

- Not start designs unless they are satisfied the Client is aware of their 'Client' CDM responsibilities
- Ensure designers they appoint have the necessary skills, knowledge and experience and organisational capabilities (if an organisation)
- Highlight to other duty holders health and safety hazards early and design out or minimise/control foreseeable risks that could occur during or even after construction, e.g. during maintenance, cleaning, refurbishment, demolition.
- Provide information to the Client for the Pre-Construction Information and use existing Pre-Construction Information when preparing or modifying designs.
- Co-ordinate their own design work and co-operate with other designers, project members, exchanging drawings and information where necessary.
- Take account of the provisions of the Workplace (Health, Safety and Welfare) Regulations which relate to the design of, or materials used in the building/structure.

For projects which are likely to involve more than one Contractor, Designers will additionally:

- Make the Client aware of the requirements to appoints a Principal Designer and Principal Contractor before work commences.
- Provide information for the Health and Safety File, e.g. design drawings.

- Co-operate with the Principal Designer during the design process and inform the Principal Designer of risks that cannot be designed out or cannot be reduced or controlled.
- Where relevant, if a Domestic client details to appoints a Principal Designer then the Designer in control of the pre-construction phase of the project will assume Principal Designer duties.

Principal Contractor's Responsibilities

Clients appoint Principal Contractors only for construction projects that are scheduled to involve more than one contractor. Principal Contractors are normally the main contractor and have the overall responsibility, with the support of Contractors, for planning, coordinating, managing and monitoring health and safety during the construction phase. The Principal Contractor can be an organisation or person and must have the necessary skills, knowledge, experience and organisational capabilities (if an organisation), leadership skills and experience to fulfil the role based on the nature and complexity of the project. There should only be one Principal Contractor per project at any one time.

Principal Contractors will:

- Plan, manage, monitor and co-ordinate health and safety of the construction phase whilst liaising with the Client and Principal Designer and estimate the time required to plan the work or work stages
- Develop, implement and keep up to date the Construction Phase Plan and provide Contractors with access to relevant parts of the plan.
- Utilise information contained in the Pre-Construction information, site rules, Client's brief, etc. for planning and managing the project.
- Liaise with other duty holders in identifying significant risks of the work and determining the suitable control measures that need to be implemented.
- Check that anyone they appoint has the necessary skills, knowledge, experience and organisational capabilities (if an organisation) to under the work safely. Also ensure that workers have received an adequate level of training for the planned tasks.
- Ensure sufficient resources, suitable plant and equipment
- Ensure suitable welfare facilities are available at the start of the project and ensure their continued availability and maintenance during the project.
- Ensure that all workers have site inductions and any further information required to undertake the work safely.
- Consult with workers on health and safety issues during the project by, e.g. holding meetings, when required.
- For notifiable projects, display the F10 form in the site office.
- Ensure co-operation between duty holders, This includes co-operation of contractors whilst co-ordinating their work, and encouraging a teamwork approach
- Ensure there is effective and suitable site supervision and that the construction work is adequately monitored.
- Take reasonable steps to prevent unauthorised access
- Provide the Principal Designer with information for the Health and Safety File
- Take over the preparation and maintenance of the Health and Safety File if the services of the Principal Designer have finished.
- Where relevant, take on the duties of a Client as defined by CDM, for Domestic clients.
- Follow the technical requirements of Part 4 and Schedule 2 of the CDM Regulations.

Contractor's Responsibilities

Contractors are those organisations or individuals who do the actual work and can be either an individual or an organisation. Alternatively, Contractors can be defined as organisations or individuals who directly employ or engage construction workers or manage construction work.

For all construction projects, Contractors will:

- Check that the Client is aware of their 'Client' CDM duties
- Plan, manage and monitor the health and safety under their control.

- Where there is only one Contractor involved with the project, the Contractor must ensure a construction phase plan is developed before the work begins and that it is updated during the project.
- Provide relevant risk assessments and method statements.
- Seek specialist support, where necessary.
- Ensure sufficient resource, suitable plant and equipment
- Check that sub-contractors and other people they appoint have suitable skills, knowledge, training and experience. Ensure that they are adequately resourced, supervised and inducted
- Provide relevant information to workers under their control particularly hazards and control measures through inductions, training or meetings.
- Ensure that the workers are properly consulted regarding health and safety
- Co-operate with duty holders and others. Co-ordinate work between all parties.
- Take reasonable steps to prevent unauthorised access to the works.
- Report any accidents and manage the emergency arrangements.
- Provide adequate welfare facilities to their own employees and anyone under their control
- Where relevant for notifiable projects display the HSE notification details in the construction site office where it can be read by workers. The notice must be updated where necessary.
- If there is **only** one Contractor involved with the project for a Domestic client, take on the role of the Client as defined by CDM.
- Follow the technical specific requirements of Part 4 and Schedule 2 of the CDM Regulations.

For projects which are likely to involve more than one Contractor, Contractors will additionally:

- Co-operate with the Principal Contractor, Principal Designer and others working on the project
- Follow reasonable directions from the Principal Contractor and from the applicable requirements details in the Construction Phase Plan
- Liaise with the Principal Contractor on the provision of welfare facilities during the works.
- Plan their own work but in co-ordinate and co-operations with other duty holders.
- Communicate to the Principal Contractor, any accidents or incidents, risks to others from their work and any queries arising from the effectiveness of the Construction Phase Plan.
- Where relevant if a Domestic client fails to appoint a Principal Contractor then the Contractor in control of the construction phase of the project takes on the Principal Contractor's duties.

Workers Responsibilities

Workers are those who work for Contractors and for all projects they will:

- Take care of their own health and safety and to others who may be affected by their actions
- Read and understand health and safety information provided to them
- Follow site rules
- Attend any relevant induction or training courses
- Report any accidents, incidents or risks that might be a danger to themselves and others
- Liaise with the site safety representative on health and safety matters
- Co-operate with others and follow reasonable directions from duty holders.

Implementation

When appointed as a designer to a project the Practice will discharge, as far as is reasonably practicable, its obligations by:

- Assessing the risks for each project on a case by case basis
- Record the risks on the internal risk register and design them out wherever possible.
- Where the risks cannot be designed out, they should be controlled in line with the Principles of Prevention, the risks **clearly indicated** on the relevant drawings along with the necessary control measures.

We will ensure design decisions affecting health and safety during construction works are made following assessment of the risks arising under the CDM Regulations, by:

- Applying the principles of the Approved Code of Practice (ACoP) published by HSE;
- Following the guidance in 'Managing Health and Safety in Construction: Construction (Design and Management) Regulations 2015, published by HSE;
- Following 'The Construction (Design and Management) Regulations 2015: Industry Guidance for Designers', published by the Construction Industry Training Board;
- Allocating members of staff with the necessary competence to undertake specific design tasks;
- Providing appropriate training to members of staff;
- Developing and regularly reviewing relevant office systems, including, inter alia, design management (e.g. as RIBA Plan of Work); and keeping records of all risk assessments;
- Maintaining a library as source of safety information;
- Monitoring, as part of quality assurance audit procedures, compliance with the Practice Health and Safety Policy.

To ensure that a design and specification meets the requirements of Section 6 of the Act, by:

- Complying with appropriate Acts of Parliament and subordinate legislation, e.g. the Building Act 1984, Building Regulations 2000 (SI No 2000/2531), Electricity at Work Regulations 1989 (SI No 635), Workplace (Health, Safety and Welfare) Regulations 1992, Work at Height Regulations 2005, Manual Handling Operations Regulations 1992, etc;
- Complying with guidance applicable to specific industrial, sector or substances published by HSE;
- Specifying installations, plant, equipment and materials which comply with relevant British Standards and Codes of Practice (subject to EC directives);
- Where BS Codes of Practice do not exist, using authoritative sources of information, e.g. IEE Wiring Regulations, CIBSE guides, Agreement Certificates, approved Documents, etc.
- Consulting the HSE in cases where guidance is not available or not clear.

To advise the Client if the obligations under the agreement with the Client conflict with the obligations of the Practice under the CDM Regulations.

Competence

CDM 2015 recognises that membership of such professional bodies as the ICE / IStructE is a good indication of relevant competency under the regulations.

However all ICE / IStructE members should be aware that they are expected to comply with the CPD requirements and be fully aware of their responsibilities.

Other members of staff that belong to other similar professional bodies are considered to have similar status.

Members of staff that are not members of professional bodies will have their training needs assessed and a programme of training put in place, in line with the training policy, in order to develop the necessary skills, knowledge and experience.

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Maintenance and Communication of the Policy

The Directors, having overall responsibility for this policy will regularly assess its effectiveness in securing continuing improvement.

The policy will be brought to the attention of all employees and persons working on behalf of the Company and reviewed at least annually.

A handwritten signature in blue ink, consisting of several fluid, overlapping strokes.

31st May 2019

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RHYS SKYM (Managing Director)
For and on behalf of SWJ Consulting Ltd

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Date