

# HBXL's CDM 2015 Guide



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# THE NEW CHANGES: AN OVERVIEW

Construction (Design & Management) Regulations, commonly known as CDM has undergone a big change recently. On April 6th 2015, CDM 2007 was replaced with CDM 2015 – and the shake-up constituted the biggest change in health and safety in over a decade.

Joanna Mulgrew, head of development at HBXL said, “For many, the introduction of CDM 2015 might seem like an irritating distraction to an already busy workload but developers and house builders have a legal obligation to demonstrate that they take their responsibilities seriously and that they have done as much as is reasonably practicable to safeguard their employees, subcontractors and general public.

“The revised scheme will, it is hoped, reduce the regulatory burden on the construction industry and improve the level of health and safety.”

**The aim is for health and safety considerations to be treated as an integral part of a project’s development, rather than just an afterthought.**

The main areas of change within the new CDM 2015 Regulations:

- The revised legislation now applies to **all** projects including, for the first time, domestic jobs – this means domestic clients, who were previously exempt, now have to comply with the new CDM 2015 Regulations – however these duties can transfer to either the Contractor, Principal Contractor or Principal Designer
- It is a legal requirement for **all** projects to have a written Construction Phase Health & Safety Plan - even if you’re just carrying out small works or maintenance. All construction work requires planning, but the plan for smaller jobs will be simple and equivalent to the risks presented
- The previous role of the CDM Coordinator has been removed and replaced with a new role of Principal Designer
- An active Pre-Construction Information document **must** be prepared for each project by law, under new CDM 2015 Regulations.
- There is a legal requirement for companies of all sizes to ensure the competency of the tradesmen they hire – to ensure that all persons carrying out a job have the right skills, knowledge, training and experience
- Some domestic and non-domestic projects will have to be notified to the Health & Safety Executive (HSE) by the client.

**Everyone** involved with a construction project must comply with these new CDM regulations – they apply to all building and construction projects regardless of size, duration and nature of the work.

So, it’s important that builders keep up-to-speed with the regulations and understand how they will affect their business.

# CONTRACTOR DUTIES UNDER CDM 2015

Contractors are those who do the actual construction work.

They can be either an individual or a company.

## Summary of role/main duties

- Plan, manage and monitor construction work under their control so that it is carried out without risks to health and safety
- For projects involving more than one contractor, co-ordinate their activities with others in the project team – in particular, comply with directions given to them by the principal designer or principal contractor
- For single-contractor projects, prepare a construction phase plan.

# CLIENT RESPONSIBILITIES

CDM 2015 recognises that the client plays a pivotal role in the project as head of the supply chain, and is therefore best placed to set the standards for the project.

A client is defined as an organisation or individual for whom a construction project is carried out.

## Summary of role/main duties

Make suitable arrangements for managing a project. This includes making sure that:

- Other duty holders are appointed
- Sufficient time and resources are allocated

Clients must also make sure that:

- Relevant information is prepared and provided to other duty holders
- The principal designer and principal contractor carry out their duties
- Welfare facilities are provided
- The HSE are informed if the project is 'notifiable'

A project is 'notifiable' if the construction work on a construction site is scheduled to:

- Last longer than 30 working days and have more than 20 workers working simultaneously at any point in the project; or
- Exceeds 500 person days

Where a project is notifiable, the client must give notice in writing to the HSE as soon as is practicable, before the construction phase begins.

## What's the difference between a client and a domestic client?

A domestic client is someone who has construction work done on their own home, or the home of a family member, which is not done in connection with a business. Local authorities, housing associations, charities, landlords and other businesses may own domestic properties but they are not a domestic client for the purposes of CDM 2015. If the work is in connection with a business attached to domestic premises, such as a shop, the client is NOT a domestic client.

# DOMESTIC CLIENT DUTIES UNDER CDM 2015

Under Health and Safety law you a domestic client, has certain duties that must be carried out.

The client must allow sufficient time and resources for all stages of the project and they must fund any health and safety requirements e.g. scaffolding or safety fencing as required. It is essential that these arrangements are such that the construction work can be carried out, so far as is reasonably practicable, without risks to the health and safety of any person affected by the project.

### The duties of a domestic client

The duties of the client are to ensure suitable arrangements for managing the health and safety of a project are in place and that it is maintained and reviewed for its duration so that it is carried out in a way that manages the health and safety risks involved. As a domestic client however the responsibilities pass to other duty holders as outlined below by one of the following who has been appointed by the client.

- The Contractor (builder) – where there will only be one contractor used on the project

OR

- Where there will be more than one contractor working on the project, or if it is reasonably foreseeable that more than one contractor will be working on the project at any time, the client must appoint in writing
  - A contractor as principal contractor

OR

- A designer with control over the pre-construction phase as principal designer (this is the person who takes the lead on designing the project such as an architect or architectural technician)

The appointments must be made as soon as is practicable, and in any event, before the construction phase begins. If the client does not make these appointments in writing, the designer in control of the pre-construction phase of the project is the principal designer; the contractor in control of the construction phase of the project is the principal contractor.

The main duties that are to be carried out by either one of the three persons that the client appoints as mentioned above are to:

- Ensure that there are suitable arrangements for overseeing the project, to include sufficient time and money for health and safety risks to be managed
- Have in place a clearly defined system for managing the project which sets out exactly who does what
- Ensure that the work is carried out in such a way that risks to the health and safety of anyone working on the project are either eliminated or reduced to the lowest reasonably practicable level
- Provide welfare facilities such as toilets, hot and cold water, drying facilities, and a means of heating food
- Provide pre-construction information at an early stage to every contractor or designer being considered for appointment (e.g. the existence of asbestos or contaminated land)
- Ensure that construction does not start until a construction plan is drawn up ensure that the Principal Designer prepares a health and safety file ensure that 'notifiable' projects are reported to the HSE

## DESIGNER DUTIES UNDER CDM 2015

Designers are people who, as part of a business, prepare or modify designs for a building, product or prepare or modify designs to system relating to construction work.

### **Summary of role/main duties**

When preparing or modifying designs, eliminate, reduce or control foreseeable risks that may arise during:

- Construction
- The maintenance and use of a building once it is being built and;
- Provide information to other members of the project team to help them fulfil their duties

Note that if you are the only designer on the project you take up the responsibilities of CDM as the Principal Designer.

# PRINCIPAL DESIGNER DUTIES UNDER CDM 2015

The Principal Designer will be replacing the role of CDM Coordinator as part of CDM 2015. This means that during the pre-construction phase the responsibility will be on the Principal Designer to ensure that health and safety is considered.

The Principal Designer is a designer appointed by the client in projects involving more than one contractor. They can be an organisation or an individual with sufficient knowledge, experience and ability to carry out the role.

## **Summary of main duties:**

Plan, manage, monitor and coordinate health and safety in the pre-construction phase of a project. This includes:

- Identifying, eliminating or controlling foreseeable risks
- Ensuring designers carry out their duties
- Prepare and provide relevant information to other duty holders
- Liaise with the principal contractor to help in the planning, management, monitoring and co-ordination of the construction phase

You will also be required to liaise with the Principal Contractor to help in the planning, management, monitoring and coordination of the construction phase.

# PRINCIPAL CONTRACTORS DUTIES UNDER CDM 2015

Principal Contractors are contractors appointed by the client to co-ordinate the construction phase of a project where it involves more than one contractor.

## **Summary of role/main duties**

Plan, manage, monitor and co-ordinate the construction phase of a project. This includes:

- Liaising with the client and principal designer
- Preparing the construction phase plan
- Organising co-operation between contractors and co-ordinating their work

Ensure that:

- Suitable site inductions are provided
- Reasonable steps are taken to prevent unauthorised access
- Workers are consulted and engaged in securing their health and safety
- Welfare facilities are provided

You will also be required to carry out client duties if the client is a domestic client.

## GOING FORWARD – HOW TO COMPLY

The HSE recognises that some construction projects started before the Regulations came into force on 6th April 2015 – and continue beyond.

In these cases, transitional arrangements apply – click here to find out what they are.

<http://www.hse.gov.uk/construction/cdm/regulation-changes.htm>

If you're still struggling to get to grips with CDM 2015, why not watch our helpful training video? Independent Health & Safety Consultant and Trainer Dave Price, Ed Britten our Business Support Manager and Jo Mulgrew our Marketing and Product Development Director talk you through CDM 2015 and what it means for you.

<https://www.youtube.com/watch?v=SnuX9gywrBg&feature=youtu.be>

Our Health & Safety Xpert software helps even more – it produces all the health and safety documents you need for compliance – including CDM 2015 – straight from your job details. All you have to do is enter them into the software and implement the guidance on site.

Make sure you know your health and safety duties!

