

Workshop 4D:

CDM regulations made simple

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Chaired by: Stephen Chalmers (Kingsdale Group)

Room: Norfolk Room



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CDM Regulations 2015

CDM regulations made simple



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CDM 2007 – Why Change?



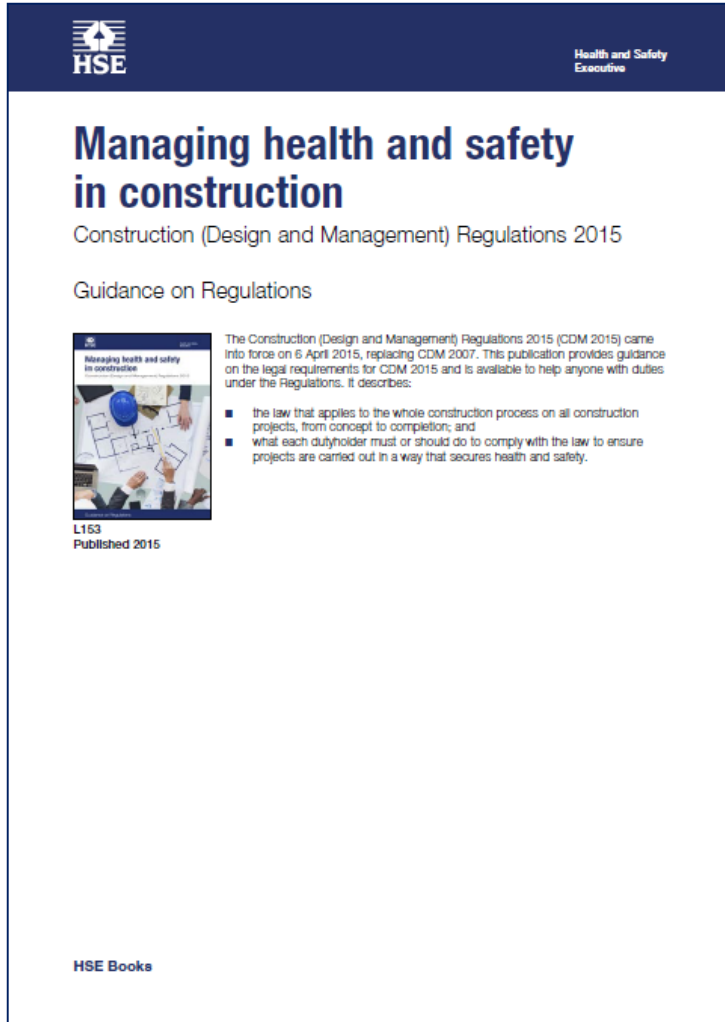
- The regulations did not meet the “Temporary or Mobile Construction Site” European Directive.
 - Domestic clients and projects were not fully embedded.
 - Appointment thresholds to appoint CDMC – 30 days not 2 contractors;
- Concerns from industry that CDM Coordinator role was utilised as a bolt-on rather than integral function coupled with late appointment on many schemes;
- Statistics show that most injuries, illnesses and fatalities happening at lower end of the industry and non-notifiable schemes;
- Bureaucratic approach still evident with heavy handed approach on SME’s;
- Red Tape Challenge following Lofsted report.

Objectives of CDM 2015



- Maintain or improve worker protection;
- Simplify the regulatory package;
- Improve health and safety standards on small construction sites;
- Implement the Temporary or Mobile Construction Sites Directive (TMCS D) in a proportionate way;
- Discourage bureaucracy; and meet better regulation principles.





The regulations consist of five parts:-

- Part 1: Introduction – Interpretation & Application
- Part 2: Client Duties, Appointments, Notification & Domestic Clients
- Part 3: General duties, designers, principal designers, principal contractor & contractors.
- Part 4: Worksite health and safety requirements
- Part 5: General – Liabilities, transition, revocation & amendment

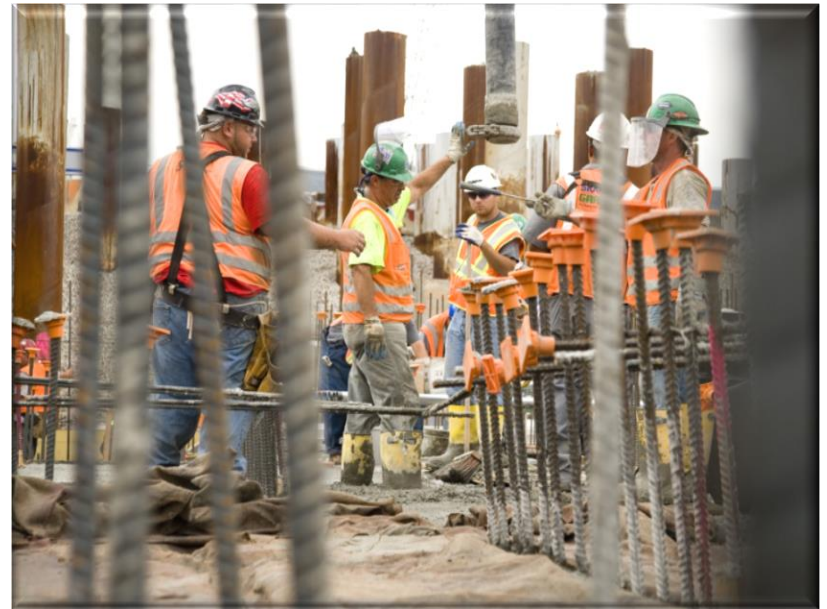
Supported by a CDM 2015 [Approved Code of Practice](#) (ACoP) – Expected April 2016.

What is Construction Work?



“Construction Work “ means the carrying out of any building, civil engineering or engineering construction work and includes:-

- Construction;
- Refurbishment;
- Maintenance;
- Demolition / Dismantling;
- Replacement/ Removal;
- Site clearance;
- Intrusive Investigation;
- M&E installation, commissioning, maintenance, repair or removal of services fixed within or to a structure.



What is NOT Construction Work?



The following are not construction work as defined by the Regulations:

- Marquees and similar tents designed to be re-erected at various locations;
- general maintenance of fixed plant;
- tree planting and general horticultural work;
- positioning and removal of lightweight movable partitions;
- surveying - this includes taking levels, making measurements and examining a structure for faults;
- work to or on vessels such as ships and mobile offshore installations;
- off-site manufacture of items for later use in construction work;
- **Archaeological investigations.**

Notifiable Projects



- Notifiable construction work under CDM 2015 are projects with:

Construction work over **30 days** (Working days, so 6 normal working weeks) **and over 20 workers simultaneously. (Inc Site Management)**

or

construction work involving **500 person days** (Cannot have a 20 day project loaded with 25 operatives and be non-notifiable);

- Where a project is “Notifiable”, the **Client** is responsible for issue of the “F10” notification form to the HSE, ORR, ONR. However others may do this on their behalf;

<https://extranet.hse.gov.uk/lfserver/external/f10>

The client must ensure that the up to date F10 is displayed in the construction site office.

Appointments



- Where there is, or likely to be, more than one contractor involved in the project the client must appoint in writing as soon as possible and before work begins:-
 - **A “Designer” with control over the pre-construction phase as PRINCIPAL DESIGNER.**
 - **and**
 - A contractor as Principal Contractor;
- If the client fails to appoint a principal designer or principal contractor, the client must fulfil those roles and duties;
- Anyone who appoints a designer or contractor must ensure they have necessary skills, knowledge & experience to:-
 - Identify significant risks likely to arise in design or construction work;
 - Prevent those risks, manage or control them;
- No duty holder should accept an appointment unless they have the necessary competence for the role / project hazards.

Appointment Competence



Appendix 4 competence requirements of CDM 2007 have been withdrawn.

2015 Stage 1 Competence

PAS 91 identified as industry wide standard for demonstrating organisational competence alongside professional memberships for individuals. i.e. RIBA, IStructE, MICE, CIBSE, CIOB, CABE supporting suitable skills, knowledge and experience;

SSIP accreditation (CHAS, Constructionline, etc.) and OHSAS 18001 standards are also demonstration of organisational competence.

2015 Stage 2 Competence

Those who appoint must make enquiries that the organisation and individuals have a good track record in managing the risk associated with the specific project.

Appointment Competence



- **Information** about hazards is essential to all project workers and managers to ensure risks are understood;
- **Instructions** are agreed actions to be followed to prevent or minimise the risks;
- **Information & Instruction** should be clear, in logical order with illustrations (Photos or Diagrams) where appropriate. Detail should be proportionate to the scale and complexity.
 - The above includes PCI, Design info, CPHSP, Info for workers;
- **Training** should be provided to ensure the correct skills, knowledge and experience for the given task;
- **Supervision** levels should be proportionate to all of the above and the risks involved with the project.

Who are the Duty Holders?



Those who have duties under the CDM Regulations 2015 are as follows:-

- Client (**inc Domestic**)
- **PRINCIPAL DESIGNER**
- Designers
- Principal Contractors
- Contractors (and Self Employed)
- Workers



What are the Client Duties?



- Ensure duty holders they appoint are competent;
- Ensure suitable management arrangements are in place and maintained
 - Work without risk to H&S of affected persons
 - Ensure adequate welfare facilities
 - CPHSP – Contractor or Principal Contractor.
 - **Ensure PD & PC comply with their duties.**
- Allow sufficient time and resources for all stages of the project;
- Provide pre-construction information to designers and contractors;
- Ensure **Principal Designer / Principal Contractor** prepares H&S file. Keep file, update and pass on;
- Co-operate with other duty holders
- Report anything likely to endanger.



Domestic Clients?



A domestic client is a client where the work is at their home, or family member home, and work is not in connection with business.

Domestic clients are not required to carry out client duties as identified in the regulations, and therefore the duties are automatically transferred to:-

- The Contractor where there is only one contractor; (Default)
- The Principal Contractor where there is 2 or more contractors; (1st Default)
- If agreed in writing, the Principal Designer. (1st Designer)

If not appointments are made then the default position is:-

- The first designer is the Principal Designer, and
- The first contractor is the Principal Contractor.

What are the Designer Duties?



- Check the client is aware of their duties and that a Principal Designer has been appointed;
- Provide designs that Eliminate hazards and reduce risks during design to
 - Construction work
 - Maintaining or cleaning a structure
 - Use of the structure designed as a workplace;
 - Ultimate Demolition of the structure at the end of its design life.
- Where it is not possible to eliminate the risks:-
 - Reduce the risk, or control the risk through the design process.
 - Provide information about those risks to the principal designer
 - Ensure appropriate information on the risk is included in the H&S File;
- **Provide sufficient information about the design, construction or maintenance to assist the client, other designers and contractors to enable them to comply with their duties;**
- Designs must comply with the Workplace (Health, Safety & Welfare) Regulations 1992 (Amended 2013);
- Co-operate with other duty holders & Report anything likely to endanger;
- **Design is from concept not Detailed Design RIBA Stage C / 2 as CDM 2007.**

Who is a Designer?



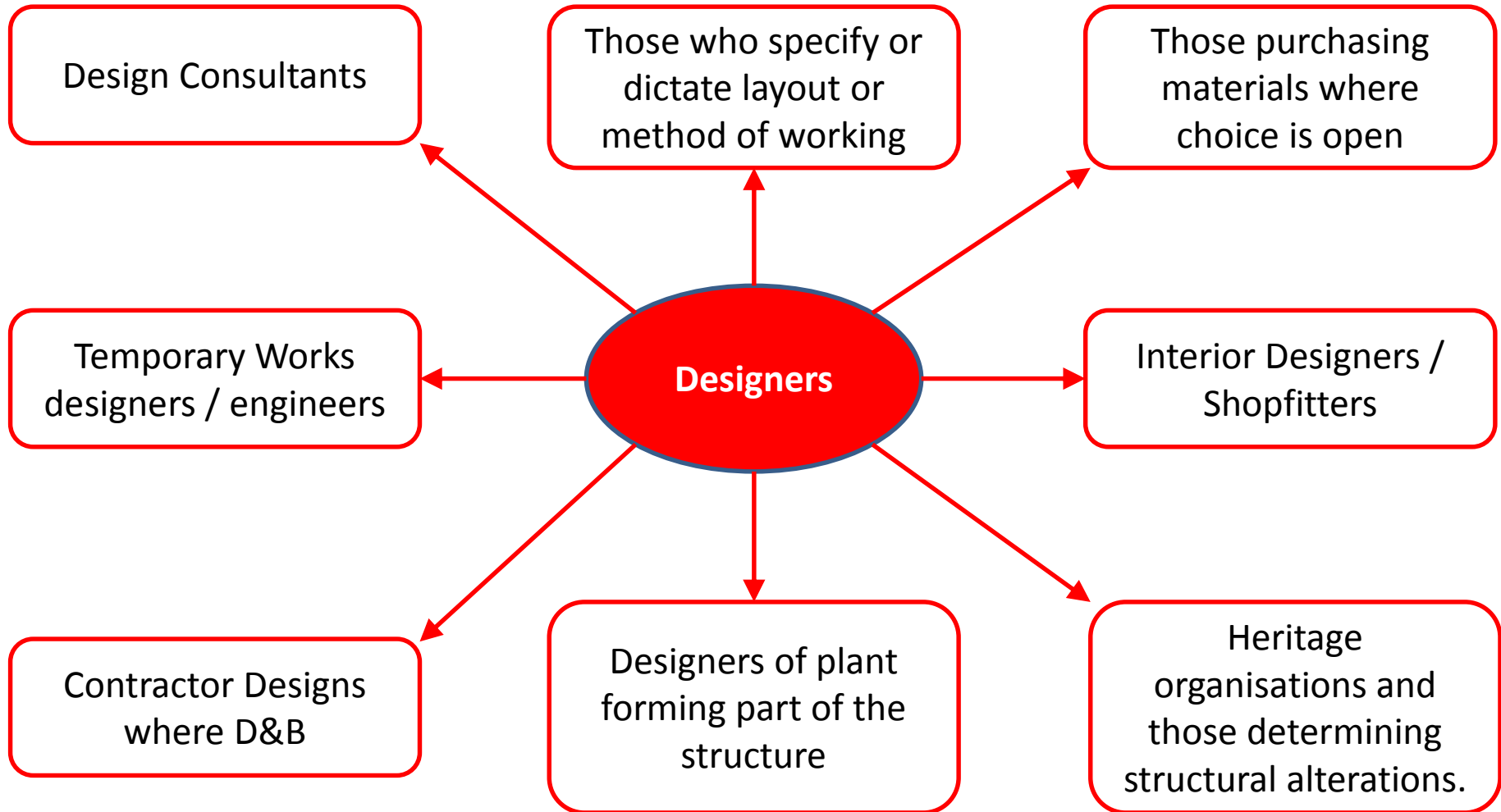
Designers are those who have a trade or a business which involves them in preparing:

- Drawings / design details
- Specifications
- Bills of quantities
- Calculations
- Selection of materials & substances.

The designer may also be any person that arranges for or instructs any design under their control.



So, WHO IS A DESIGNER????



Who can be the Principal Designer?



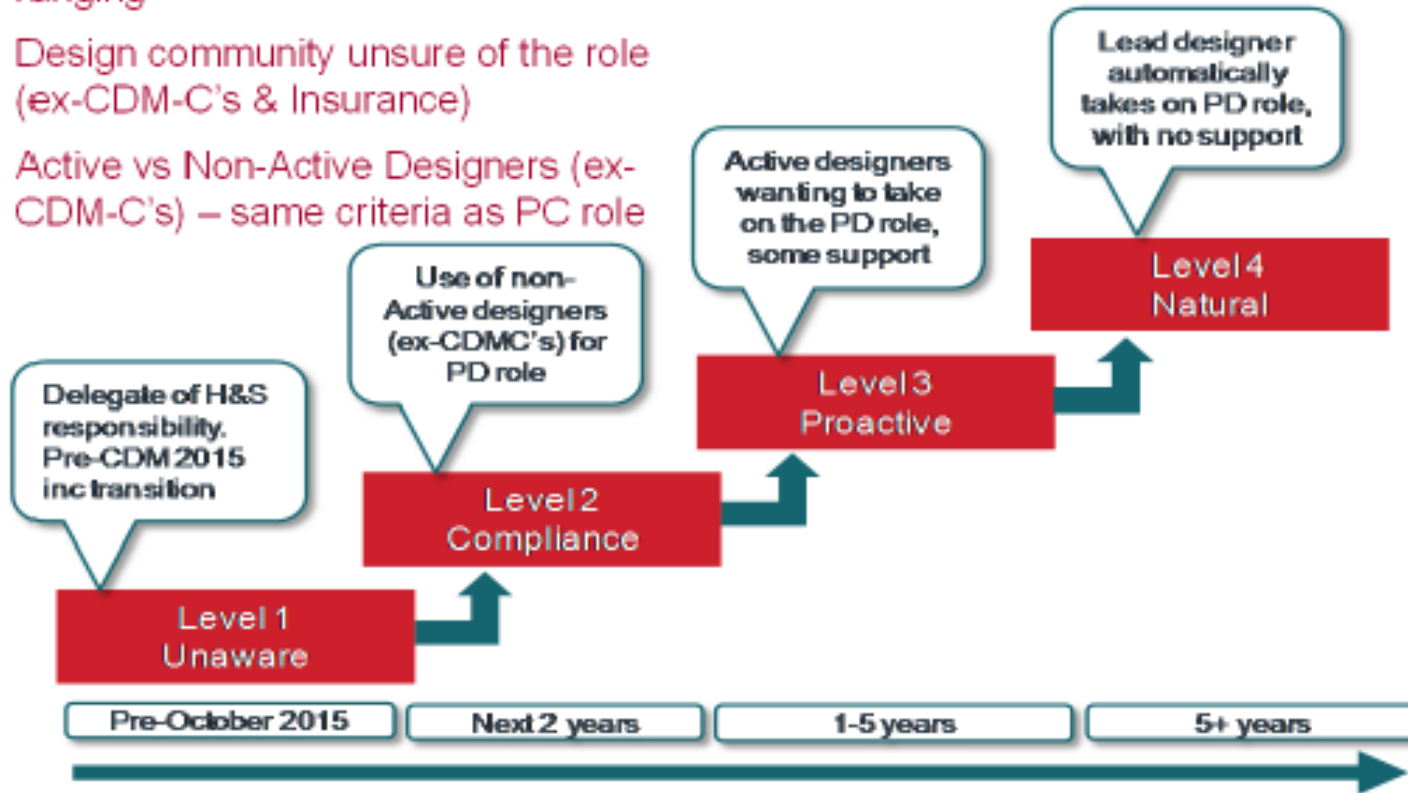
- Principal Designer is an organisation (or individual for smaller projects) that has:-
 - A technical knowledge of construction relevant to the project.
 - The understanding and skills to manage and coordinate H&S in the pre-construction phase, including any design work carried out after construction work begins;
- The Principal Designer must be a designer on the project and be in a position to have **CONTROL** over the design and planning stage;
- Could be for example:- Architect, Engineer, Project Manager, Contractor or even the Client. The party best suited in terms of competence and control should be selected;
- H&S Skills / Training: NEBOSH Construction Certificate? Developed courses?

Who can be the Principal Designer?

PD role – what has been the impact so far?



- Designer definition in CDM is wide ranging
- Design community unsure of the role (ex-CDM-C's & Insurance)
- Active vs Non-Active Designers (ex-CDM-C's) – same criteria as PC role

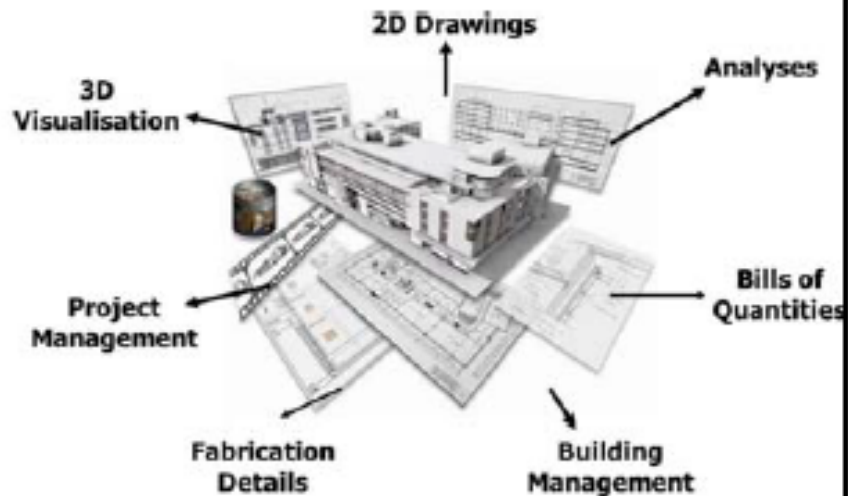


Who can be the Principal Designer?

Who can be a PD?



- Must be a designer with relevant SKE
- Must be In control of pre-construction phase
- Can be an organisation or individual – but most usually an organisation (mirror the PC)
- **No alternatives exist**



Who can be the Principal Designer?



The PD - messages



- PD does not have to be designer engaged in design work, although
- Expected that PD will usually be lead designer – but not required
- No requirement for CDM adviser for PD or client

Its up to the client and project team to decide the configuration. Its FLEXIBLE!!

What are the Principal Designer Duties?



- Plan, manage and monitor the pre-construction phase & coordinate H&S matters.;
- Ensure the Principles of Prevention are followed during the project designs;
- Identify and eliminate or control foreseeable risks from the design to
 - Construction work
 - Maintaining or cleaning a structure
 - Use of the structure designed as a workplace;
- Ensure all other designers comply with their duties;
- Assist the client to Identify, collate and pass on pre-construction information to the projects designers and contractors;
- Ensure cooperation between the project client, designers and contractors;
- Liaise with Principal Contractor sharing info relevant to planning, management and monitoring of the construction phase;
- Prepare/update and issue to the client the H&S file on completion of the works;
- Co-operate with other duty holders;
- Report anything likely to endanger.

What are the Principal Contractor Duties?



- Plan, manage and monitor construction phase to ensure carried out without risk to H&S;
- When doing so take into account and implement the general principles of prevention;
- Prepare, update and implement a suitable and sufficient CPHSP;
- Organise cooperation between all contractors, coordinating legal compliance with H&S legislation;
- Ensure suitable site induction;
- Prevent unauthorised access to the site;
- Ensure suitable welfare facilities are provided from the start of the construction phase;
- **Liaise with the Principal Designer for duration of the principal designers appointment and the pre-construction phase;**
- Consult & engage with the workforce.



What are the Contractor Duties?



- Check clients are aware of their duties;
- Plan, manage and monitor their own work;
- When doing so take into account and implement the general principles of prevention;
- **Ensure any person appointed to work has, or is in the process of obtaining, necessary skills, knowledge, training and experience;**
- Provide workers under their control with appropriate supervision, instructions & information.
 - Induction (if not provided by PC)
 - Procedures to be followed in emergency or serious and imminent danger.
 - Risk – via Risk Assessment or those identified by other contractors;
- Provide or confirm welfare facilities to schedule 2;
- Comply with directions from principal contractor, and with any rules in CPHSP.



If only one contractor?



- Draw up a Construction Phase H&S Plan;
- Ensure unauthorised access is prevented;
- Provide welfare facilities to Schedule 2.



So what of the CDMC?



For new projects **commenced beyond 6th April** there is no role or legal entity of the CDM Coordinator;

Existing projects can continue with CDM Coordinator largely under the 2007 regulations until 5th October 2015.

However

Clients now have wider responsibilities to ensure the Principal Contractor & Principal Design comply with their duties (Assistance with governance?)

Design Consultants freely admit a gap in skills and knowledge from a H&S point of view (Assistance with design reviews, advice, PCI, H&S Files, etc)

Requirement under Regulation 7 of Management of H&S at Work Regulations 1999 to have competent & specialist construction H&S advice. (Cited in CDM 2015 L153).

CDM Consultant!!!!!!

Further Information & Guidance



Health and Safety Executive

Managing health and safety in construction

Construction (Design and Management) Regulations 2015

Guidance on Regulations

The Construction (Design and Management) Regulations 2015 (CDM 2015) came into force on 6 April 2015, replacing CDM 2007. This publication provides guidance on the legal requirements for CDM 2015 and is available to help anyone with duties under the Regulations. It describes:

- the law that applies to the whole construction process on all construction projects, from concept to completion; and
- what each dutyholder must or should do to comply with the law to ensure projects are carried out in a way that secures health and safety.

L153
Published 2015

HSE Books



Industry guidance for
Clients



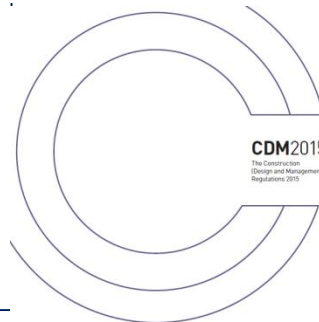
Industry guidance for
Principal designers



Industry guidance for
Principal contractors



Industry guidance for
Designers



Industry guidance for
Contractors



Industry guidance for
Workers



Q&A - Close