

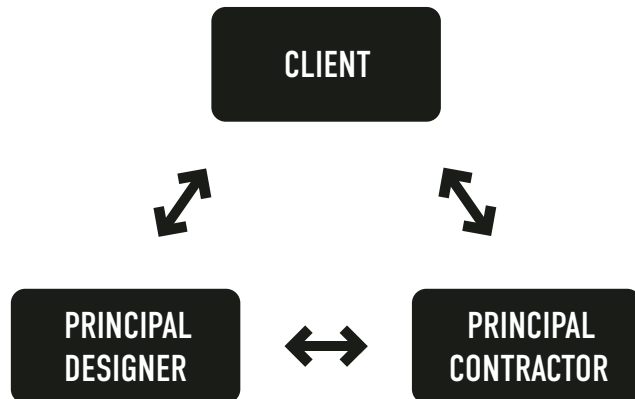
CDM REGULATIONS: ADVICE FOR CLIENTS ENGAGING IN BUILDING WORKS



INTRODUCTION

The Construction (Design and Management) Regulations (CDM 2015) are the main set of regulations for managing the health, safety and welfare of construction projects. CDM applies to all building and construction work and includes new build, demolition, refurbishment, extensions, conversions, repair and maintenance.

THE CLIENT



CDM 2015 defines a client as anyone for whom a construction project is carried out. The regulations apply to both domestic and commercial clients.

The CDM Regulations place responsibility for managing the health and safety of a construction project on three main duty holders. The client has overall responsibility for the successful management of the project and is supported by the principal designer and principal contractor in different phases of the project. For the successful delivery of a project, good working relationships between the duty holders are essential from the start.

The client ensures that the construction project is set up so that it is carried out from start to finish in a way that adequately controls the risks to the health and safety of those who may be affected.

The principal designer manages health and safety in the pre-construction phase of a project. The role extends to the construction phase through the principal designer's duties to liaise with the principal contractor and ongoing design work.

The principal contractor manages the construction phase of a project. This involves liaising with the client and principal designer throughout the project, including during the pre-construction phase.

THE CLIENT BRIEF

One way of explaining what you want, as well as helping you to carry out your duties under CDM, is to develop a client brief.

As the client, you will have requirements and expectations that will assist those designing, constructing or using the structure or building. Sharing these at an early stage can help shape how each duty holder approaches, plans and accommodates your requirements. The client brief may take the form of verbal discussions or it could be a written document drafted by you or by a designer or contractor after you have discussed your requirements with them.

The brief should:

- Describe the main function and operational requirements of the finished building or structure
- Outline your motivation for initiating the project
- Give your expectations during the project, including how health and safety risks should be managed
- Explain the design direction you have in mind
- Establish a single point of contact for any client queries or discussions during the project
- Set a realistic timeframe and budget.

Whilst the initial client brief sets out your general requirements and expectations for the project, it is also important that it outlines your health and safety expectations.

Further information on how to write a client brief can be found on the RIBA website:

www.architecture.com/FindAnArchitect/Workingwithanarchitect/Howdouseanarchitect.aspx

MANAGEMENT ARRANGEMENTS

As the client, you must make suitable arrangements to ensure that, throughout the planning, design and construction of a project, adequate consideration is given to the health, safety and welfare of all those affected and involved in the construction work.

Your arrangements should be appropriate to the nature of the work and enable other duty holders to carry out their work without risk to themselves or anyone else who may be affected.

The management arrangements should:

- Include requirements for how the project is to be run, taking into account any risks to the public
- Explain how you will select and appoint designers and contractors to ensure they have the necessary capabilities for the work they are required to do
- Allocate sufficient time and resources to each stage of the project, from concept through to completion
- Ensure suitable welfare facilities are in place before works start.

If more than one contractor will be working on your project then, as the client, you must appoint a principal designer and a principal contractor in writing. If you do not do this then you take on these roles and associated legal duties yourself.

One of your main duties is to ensure that those you propose to appoint are able to demonstrate that they can deliver the project for you in a way that secures health and safety.

This means that they should:

- Have the necessary capabilities and resources
- Have the right blend of skills, knowledge, training and experience
- Understand their roles and responsibilities when carrying out the work.

You may need to make specific enquires about their basic health and safety knowledge when carrying out the job in question. This can be done in a number of ways:

- For smaller jobs, you should look for straightforward evidence from previous construction work.
- The Public Available Specification PAS 91 provides a set of health and safety questions that can be asked by construction clients and those who appoint designers and contractors as part of the pre-qualification process.
- You could use a Safety Schemes in Procurement (SSIP) member-assessed scheme to find designers or contractors who have been assessed and confirmed by a SSIP Forum member as meeting acceptable health and safety standards.

As the client, you must provide relevant information which you may already have, or that can be obtained by sensible enquiries, for example any surveys or the results of other investigations. It is important to pass on all this pre-construction information at the earliest opportunity as it will help the others, such as designers and contractors. It will also inform them of any risks that may have an impact on the design of the building or structure, as well as on its construction and future use.

If your project is expected to last longer than 30 working days and have more than 20 workers working on the project at any one time, or exceed 500 person days, you will need to make sure that your project is notified to the relevant enforcing authority. The easiest way to notify any project to the HSE, the Office of Rail Regulation (ORR) or the Office for Nuclear Regulation (ONR) is to use the online notification form F10 on the HSE's website. Further information on how to notify construction work can be found at www.hse.gov.uk/construction/cdm/faq/notification.htm

PRE-CONSTRUCTION CHECKLIST

1. Are you clear about your responsibilities?
2. Have you made your formal appointments?
3. Have you checked that the principal designer or designer has the capability and necessary skills, knowledge, training and experience to fulfil their duties?
4. Have you checked that the principal contractor or contractor has the capability and necessary skills, knowledge, training and experience to fulfil their duties?
5. Have you checked that the project team is adequately resourced?
6. Has a project or client brief been issued to the project team?
7. Has the project team been provided with information about the existing site or structure (pre-construction information)?
8. Do you have access to project-specific health and safety advice?
9. Are suitable arrangements in place to manage health and safety throughout the project?
10. Has a schedule of the key activities for the project been produced?
11. Has sufficient time been allowed to complete the key activities?
12. Where required, has an online F10 notification form been submitted to HSE to notify them of commencement of work?
13. Have you checked that a construction phase plan has been adequately developed before work starts on site?
14. Are you satisfied that suitable welfare facilities have been provided before work starts on site?
15. Have you agreed the format and content of the health and safety file?

CONSTRUCTION

The principal contractor is required to produce a plan of how they will manage health and safety on site during the construction phase. Before the work starts on site you will need to satisfy yourself that a construction phase plan is prepared. You do this by checking with the principal contractor that the plan is relevant and meets the requirements of the job.

The plan should be project-specific, take into account the pre-construction information provided, and its contents should be proportionate to the site risks.

You must ensure suitable welfare facilities are provided on site.

You should check that they are in place from the very start of the site work by:

- Agreeing that your existing welfare facilities are made available to those carrying out the work
- Carrying out a site visit
- Asking for confirmation from the principal contractor (or contractor on a single contractor project) of what facilities are being provided.

As the client, you are required to ensure that the arrangements made for managing health and safety during construction are working successfully. You will need to take reasonable steps to ensure that the principal contractor is complying with their duties. This may be carried out through face-to-face progress meetings or via written updates.

You are not required to undertake routine monitoring of construction phase activities.

As the project nears its end, you should check any arrangements made for its completion and handover. This could include a phased handover, such as you taking partial possession of finished parts of the building and checking that agreed measures are in place to ensure the health and safety of those in the areas that have been handed over.

THE HEALTH AND SAFETY FILE

The health and safety file contains the information needed to ensure the health and safety of anyone carrying out any future construction, demolition, cleaning or maintenance work on your building or structure. The file is only required for projects involving more than one contractor.

The file must contain information about the current project that is likely to be needed to ensure health and safety during any subsequent work such as maintenance, cleaning, refurbishment or demolition. When preparing the health and safety file, information on the following should be considered for inclusion.

- A brief description of the work carried out.
- Any hazards that have not been eliminated through the design and construction processes, and how they have been addressed (for example, surveys or other information concerning asbestos, contaminated land or buried services).
- Key structural principles (for example, bracing or sources of substantial stored energy including pre- or post-tensioned members) and safe working loads for floors and roofs.
- Hazardous materials used (for example, lead paints and special coatings).
- Information regarding the removal or dismantling of installed plant and equipment (for example, any special arrangements for lifting such equipment).
- Health and safety information about equipment provided for cleaning or maintaining the structure.
- The nature, location and markings of significant services, including underground cables, gas supply equipment and fire-fighting services.
- Information and as-built drawings of the building, its plant and equipment (for example, the means of safe access to and from service voids, and the position of fire doors).

You and the principal designer should identify and agree the structure, content and format for the health and safety file at the beginning of the project.

Before it is passed to you, it should have been reviewed and updated to ensure it contains all the necessary information. You may wish to ask for an explanation of what the completed file contains, such as any key risks that need to be managed in the future.

Once the project is completed, the client or the owner of the building must keep the health and safety file. This can be in an electronic format, on paper, on film or in any other durable form.

Keep the file separate from the building maintenance manual to avoid losing information that may be required urgently.

If responsibility for the premises is passed on or shared, you must give the health and safety file to each new owner and make it available to leaseholders. You should ensure that they are aware of the nature and purpose of the file.

You must also ensure that the file is regularly revised and updated where required, and that it is available to anyone who may need it to comply with health and safety law.

**THANK YOU FOR TAKING THE TIME TO READ THIS UPDATE.
FOR MORE INFORMATION ABOUT THESE REGULATIONS,
GET IN TOUCH WITH OUR TEAM FOR ADVICE**

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