CONSTRUCTION (DESIGN & MANAGEMENT) REGULATIONS 2015

They’re out and they came into force on 6th April 2015!!!

Presented by Dave Carney
(Director of Carney Consultancy Ltd)

For

(Information Sourced from CONIAC, HSE & APS Presentations)
What am I going to Cover?

- CDM2007 v. CDM2015 – the key changes
- Reasons for the HSE changing CDM2007
- Domestic Clients
- The Principal Designer role – what will it involve?
- Implications for existing contracts
- Transitional arrangements.
Reasons for the HSE changing CDM2007

• The co-ordination function in the pre-construction phase was not in many cases well-embedded

• Two thirds or more of fatalities now occur on small sites – sites where fewer than 15 people work

• The larger, more structured part of the industry has made significant progress in improving its management of health and safety risks. Its motivation for achieving higher standards is often one of continuous improvement and innovation leading to best practice, rather than just meeting regulatory requirements.
HSE Policy Objectives:

- 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 (TMCSD) in a proportionate way;
- Discourage bureaucracy; and
- Meet better regulation principles.
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Application and Notification:

CDM2015 applies to all construction work (no change here) and includes:

- the construction, alteration, conversion, fitting out, commissioning, renovation, repair, upkeep or other maintenance, de-commissioning, demolition or dismantling of a structure;
- the site preparation, including site clearance;
- the assembly of prefabricated elements to form a structure;
- the removal of a structure;
- the installation, commissioning, maintenance, repair or removal of mechanical, electrical, gas, compressed air, hydraulic, telecommunications, computer or similar services which are normally fixed within or to a structure.
Significant change under CDM 2015:

Any project, where it is reasonably foreseeable that there will be more than one contractor working on the site, will require the appointment both a Principal Designer (PD) and a Principal Contractor (PC)
Who are Contractors?

- Anyone who directly employs or engages construction workers or manages construction is a contractor.

- An individual, a sole trader, a self-employed worker or a business that carries out, manages or controls construction work can be a contractor.
CDM 2015

Client

Principal Designer

Principal Contractor
A project is Notifiable whenever construction work is expected to:

- last longer than 30 days and have more than 20 workers simultaneously at any point

or

- exceed 500 person days.
Five Duty Holders under CDM 2015

- Client *(Including Domestic Clients)*
  - Principal Designer (PD)
  - Designers
  - Principal Contractor (PC)
  - Contractors
What is a 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.

- **A commercial** client is an organisation or individual for whom a construction project is carried out in connection with a business, whether the business operates for profit or not. Examples of commercial clients are schools, retailers and landlords.

- **You are a domestic** client if you are having work carried out which is not connected with running a business. Usually, this means arranging for work to be carried out on the property where you or a family member lives.
1. **Client** *(Including Domestic Clients)*

- Make suitable arrangements for managing a project. This includes making sure:
  - other duty holders are appointed;
  - sufficient time and resources are allocated

- Make sure: relevant information is prepared and provided to other duty holders;
  - the principal designer and principal contractor carry out their duties;
  - welfare facilities are provided.
Support for the Client

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.
Support for the Client

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

- (a) last longer than 30 working days and have more than 20 workers working simultaneously at any point in the project; or
- (b) exceed 500 person days.

Where a project is notifiable, the Client must give notice in writing to the enforcing authority (HSE) as soon as is practicable before the construction phase begins.
Definition of a client under CDM now includes domestic projects, however their duties can be carried out by others.
Where the client is a domestic client the clients duties must be carried out by:

- The contractor where there is only one contractor;

- The principal contractor for a project where there is more than one contractor; or

- The principal designer where there is a written agreement that the PD will fulfil those duties.
Domestic Clients:

If no appointments are made by the domestic client:

- The Designer in control of the pre-construction phase will be deemed to be the Principal Designer;

- The Contractor in control of the construction phase will be deemed to be the Principal Contractor.
2. Principal Designer (PD)

- 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

- Provide relevant information to the principal contractor to help them plan, manage, monitor and coordinate health and safety in the construction phase.
Designers are those who prepare or modify a design for a construction project.

The term design includes drawings, design details, specifications, bills of quantity and calculations prepared for the purpose of a design.
3. Designers

- When preparing or modifying designs, to eliminate, reduce or control foreseeable risks that may arise during:
  - construction; and
  - the maintenance and use of a building once it is built

- Provide information to other members of the project team to help them fulfil their duties

- Designers must take account of the GPP & PCI when carrying out design work.
Management of Health & Safety at Work Regs 1999

General Principles of Prevention (Reg 4 Schedule 1)

a) Avoid risk
b) Evaluate the risks which cannot be avoided
c) Combating the risk at source
d) Adapting the work to the individual
e) Adapting to technical progress
f) Replacing the dangerous by non-dangerous or the less dangerous
g) Developing a coherent overall prevention policy
h) Giving collective protective measures priority over individual protective measures
i) Giving appropriate instructions to employees.
HSE’s CDM Red, Amber Green (RAG) Lists

**Red Lists**: Hazardous procedures, products and processes that should be eliminated from the project where possible

- Lack of adequate pre-construction information, e.g. asbestos surveys, geology, obstructions, services, ground contamination etc.
- Hand scabbling of concrete (‘stop ends’, etc);
- Demolition by hand-held breakers of the top sections of concrete piles (pile cropping techniques are available);
- The specification of fragile rooflights and roofing assemblies;
- Processes giving rise to large quantities of dust (dry cutting, blasting etc.);
- On-site spraying of harmful substances;
- The specification of structural steelwork which is not purposely designed to accommodate safety nets;
- Designing roof mounted services requiring access (for maintenance, etc), without provision for safe access (e.g. barriers).
- Glazing that cannot be accessed safely, All glazing should be anticipated as requiring cleaning and replacement, so a safe system of access is essential.
- Entrances, floors, ramps, stairs and escalators etc not specifically designed to avoid slips and trips during use and maintenance, including effect of rain water and spillages.
- Design of environments involving adverse lighting, noise, vibration, temperature, wetness, humidity and draughts or chemical and/or biological conditions during use and maintenance operations.
- Designs of structures that do not allow for fire containment during construction.
HSE’s CDM Red, Amber Green (RAG) Lists

Amber Lists: Products, processes and procedures to be eliminated or reduced as far as possible and only specified/allowed if unavoidable. Including amber items would always lead to the provision of information to the Principal Contractor.

- Internal manholes / inspection chambers in circulation areas;
- External manholes in heavy used vehicle access zones;
- The specification of “lip” details (i.e. trip hazards) at the tops of pre-cast concrete staircases;
- The specification of shallow steps (i.e. risers) in external paved areas;
- The specification of heavy building blocks i.e. those weighing > 20kgs;
- Large and heavy glass panels;
- The chasing out of concrete / brick / blockwork walls or floors for the installation of services;
- The specification of heavy lintels (the use of slim metal or hollow concrete lintels being alternatives);
- The specification of solvent-based paints and thinners, or isocyanates, particularly for use in confined areas;
- Specification of curtain wall or panel systems without provision for the tying (or raking) of scaffolds;
- Specification of blockwork walls >3.5 metres high using retarded mortar mixes.
- Site traffic routes that do not allow for ‘one way’ systems and/or vehicular traffic segregated from site personnel
- Site layout that does not allow for adequate room for delivery and/or storage of materials, including specific components.
- Heavy construction components which cannot be handled using mechanical lifting devices (because of access restrictions / floor loadings etc)
- On-site welding, in particular for new structures.
- Need to use large piling rigs and cranes near ‘live’ railways and overhead electric power lines or where proximity to obstructions prevents guarding of rigs.
# HSE’s CDM Red, Amber Green (RAG) Lists

**Green Lists:** Products, processes and procedures to be positively encouraged.

- Adequate access for construction vehicles to minimise reversing requirements (one-way systems and turning radii);
- Provision of adequate access and headroom for maintenance in plant rooms, and adequate provision for replacing heavy components;
- Thoughtful location of mechanical/electrical equipment, light fittings, security devices etc. to facilitate access and away from crowded areas;
- The specification of concrete products with pre-cast fixings to avoid drilling;
- Specify half board sizes for plasterboard sheets to make handling easier;
- Early installation of permanent means of access, and prefabricated staircases with hand rails;
- The provision of edge protection at permanent works where there is a foreseeable risk of falls after handover;
- Practical and safe methods of window cleaning (e.g. from the inside);
- Appointment of a Temporary Work Coordinator (BS 5975);
- Off-site timber treatment if PPA- and CCA-based preservatives are used (Boron or copper salts can be used for cut ends on site);
- Off site fabrication and prefabricated elements to minimize on site hazards.
- Encourage the use of engineering controls to minimize the use of Personal Protective Equipment.
4. Principal Contractor (PC)

- Plan, manage, monitor and coordinate health and safety in the construction phase of a project. This includes: liaising with the client and principal designer;
  - preparing the construction phase plan;
  - organising cooperation between contractors and coordinating their work
- Ensure: 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.
Who is the Principal Contractor (PC)?

- The principal contractor is the contractor in overall charge of the construction phase.

- They are appointed by the client and there should only be one principal contractor for a project at any one time.

- The principal contractor is normally a contractor so will also have contractor duties. They may be principal contractor on some projects and a contractor on others.
What do Principal Contractors have to do?

- Liaise with the other duty holders
- Manage the construction phase
- Prepare the Construction Phase Plan
- Ensure welfare facilities are provided
- Provide site induction
- Secure the site
- Appoint contractors & workers
- Provide the right management and supervision
- Engage contractors and workers
- Monitor the risks on site
- Contribute to the health & safety file.
5. Contractors

• 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, coordinate 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.
General Duties - “Competence”:

Getting the right people for the job

• Individuals
  – Skills, knowledge, experience and training
  – Not about card schemes

• Body corporate
  – Organisational capability
  – Policies, structures, safe systems in place
Designers and Contractors can gain approval / accreditation by one of the schemes in the Safety Schemes in Procurement (SSIP).

What is SSIP?

- SSIP is not another health & safety pre-qualification scheme
- An umbrella organisation established to facilitate recognition between health and safety pre-qualification schemes (wherever it is practicable to do so).
CDM Coordinators:

- Will no longer exist as a statutory appointment from 6th October 2015;
- Anticipated 6 month Transitional Period:
- Any existing CDMC appointment will be allowed to run until October 2015 at the latest;

Some of the CDMC’s role will be taken on by the new Principal Designer.
CDM Documentation

There are three key documents referred to in the CDM 2015 Regulations:

• Pre-construction Information (PCI)
• Construction Phase Plan (CPP)
• Health & Safety File.

HSE’s document L153 gives guidance on the contents of each.
Construction Phase Plan

• Every project requires a Construction Phase Plan to be produced by the Contractor / Principal Contractor

• The client must ensure a construction phase plan is drawn up **before** the construction phase begins.

• The plan should **not** include documents that get in the way of a clear understanding of what is needed to manage the construction phase
CDM2015 – Welfare facilities (schedule 2)

• Sanitary conveniences

• Washing facilities

• Drinking water

• Changing rooms and lockers

• Facilities for rest

Note – Schedule 2 applies to all construction projects.
Implications

• The very short Transitional Period could cause contractual problems – particularly with Term Contract appointments;

• Many more projects will require the appointment of a Principal Designer and Principal Contractor – Standard Contracts will require significant amendments;

• Clients may find themselves without someone to adequately advise and assist them with their management arrangements;

• Not as many projects will require Notification to the HSE.
CDM 2015 - Summary

• Came into force on 6 April 2015

• The client is considered to have the most influence on the health and safety of the construction project:
  – They have responsibility for setting budget, programme and engaging a capable project team
  – This is reflected in the new regulations, with all of their duties now being elevated to a ‘must do’.
CDM 2015 – Summary

• What’s key for the client will be to ensure that all other duty-holders (principal designer and contractor) that they appoint have the relevant **skills, knowledge, training** and **experience / Organisational Capability** to fulfil these functions.

• In addition the client must ensure that sufficient arrangements are prepared for managing projects so that it can be delivered without risk to health and safety.
Further Info / Help
ANY QUESTIONS?

Why not visit our (new) website @ www.carneyconsultancy.co.uk

Or

e-mail info@carneyconsultancy.co.uk if you have any queries

https://CITB CDM 2015 You Tube Clip