

CDM duties in context



Health and safety is a major issue in the construction industry. Understand the legislation that governs it, and how this affects you.

If you plan to commission construction work in the UK, there are likely to be risks and costs that you will need to consider in your project planning. An early understanding of these is essential to the successful delivery of a project – so, it is always advisable to seek advice from a chartered construction professional with expertise in this field.

This guide gives a brief overview of the health and safety requirements of construction projects. It is designed to put CDM duties into context for professionals of all disciplines involved in construction work.

The law

In the UK, health and safety is governed by the Health and Safety at Work etc Act 1974. Several sets of Regulations have been made under this Act – many of which may apply to your project.

The main Regulations, and further sources of guidance, are listed in ADM003.1 **Health and safety legislation to consider**. Always bear in mind, though, that changes in legislation and enforcement focus can affect the actions you should take. So, you should not depend on this information as a definitive source of guidance.

CDM 2015

The main Regulations affecting the construction industry are the Construction (Design and Management) Regulations 2015. These apply to 'construction work', as defined in CDM 2015 and reproduced later in this guidance note for ease of reference.

Does CDM apply?

CDM 2015 always applies to all construction work. Sometimes work is not construction work but the arrangements required under CDM make sense and can be used. An example of this is ditch dredging and reed cutting. The first is construction, the second is not. These are seasonal tasks carried out by and under the supervision of the same team in the same location using the same plant. Keeping the management processes consistent makes sense.

Life outSIDE the tick box.



Some tasks such as archaeology are not construction unless they are part of a construction project. Other specialist activities that take place as part of a construction project may also have to take account of CDM. An example here is tree work carried out while the construction site is live and so under the control of a construction contractor.

Who is on the team?

If the project will have two or more contractors working on site at the same time, one of them needs to take the lead in terms of overall site management. This contractor is the Principal Contractor.

If there is a need for a Principal Contractor, then a Principal Designer needs to be appointed, regardless of the number of designers involved.

Unless and until the Client appoints the Principal Contractor and Principal Designer, the Client holds their duties, responsibilities and liabilities as well as his own.

It is this top tier team of Client, Principal Designer and Principal Contractor who manage the project and who are responsible for managing health and safety on the project. It is vital to agree early in the project how these three duty holders will manage in practice.

Tasks that are the responsibility of these three key duty holders can be contracted out to others. For instance, the Principal Contractor may like to seek specialist help in preparing the Construction Phase Plan or the Principal Designer help in preparing the Health and Safety File for the asset. The more integrated these tasks are, however, the better they tend to work as they are checked against other important project drivers such as programme and cost on an equal standing.

Is it a major project?

The Regulator needs to know about all projects except the very shortest duration ones. This notification requirement has changed since earlier versions of CDM and is now not linked to any commercial appointments to the project.

There are two tests to check:

- **Will the project last over 30 days AND have over 20 people at one time on site?**

OR

- **Will the project last more than 500 person-days?
Notification is done on line and is the responsibility of the Client.**

The statutory documents

There are three 'documents' that need to be prepared. These are the Pre-construction Information, the Construction Phase Plan and the Health and Safety File. Their structure and how they are to be communicated needs to be agreed at the outset to ensure proper information flow and help the duty holders all to meet their statutory duties.

Calling these bodies of information 'documents' is misleading. They are all bodies of appropriate information needed to communicate key health and safety matters effectively.

Life outSIDE the tick box.



Pre Construction information - PCI

The responsibility of the Client to lead on this, provide or arrange for the provision of content. This document provides information about the existing location and condition of the site and any structures on the site, the aspirations the client has to change that and any significant special information that might be needed to allow the design, construction, operation, maintenance, repair and demolition to be carried out safely and with adequate regard to health.

The information will need to be updated, for instance, as design decisions are agreed and further detail is required.

More information can be found at **ADM 007 Pre Construction Information**

Construction Phase Plan – CPP

The responsibility to lead on this is with the Principal Contractor. If there is no Principal Contractor there must still be a Construction Phase Plan developed and managed by the Contractor on the project.

The Principal Contractor needs to recognise and respect the skills, knowledge and experience of the contractors who are involved in the project and may need to modify his Construction Phase Plan to take account of the special needs their work activities have.

More information can be found at ADM 008: Management of the works: the Construction Phase Plan

Health and Safety File

The responsibility to lead on this is with the Principal Designer. For minor works where there is no Principal Designer, there is no need to produce a Health and Safety File. Where the Principal Designer's commission ceases before the end of the Project, the Principal Contractor must take over the completion of this document.

The Health and Safety File is for those who will operate, maintain, refurbish, alter or demolish the asset. It will form the core of any subsequent Pre Construction Information pack and so, ideally, should be similar in structure and referencing to this pack. Information in it should be the information that those who access it after the initial project would find useful. It is a Client document and professionals should respect this when arranging its structure and layout.

More information can be found at **ADM 008 Management of post-project information: the Health and Safety File**

Construction phase plan or health and safety file?

When deciding where information needs to be sent, remember:

The plan is for the present project

The file is for the future facility

Also remember that some information may need to go in both the plan and the file.

Life outSIDE the tick box.



Design risk assessments

There is a great deal of confusion about 'design risk management' and 'design risk assessments'. HSE and the leading industry bodies have said quite clearly that the common probability times severity matrices are of very little value to the complexity of the design process and are not required.

Considering design to include 'and decision making' helps to make sense of what is required of designers.

The classic example introduced by SID is the selection of a third crossing of the River Thames at Dartford. We know that a bridge or a tunnel is possible as we already have both. These solutions both have benefits and both have challenges. Designers cannot take a strategic decision or give advice on which may be the 'better' solution without considering a myriad of other factors. Various tables and a narrative risk assessment are much more likely to be clear to a non-specialist audience, ultimately required to sign off a design option.

If the selected solution is a second bridge, the designer has designed out all tunnel hazards. No tunnel means no tunnel related accidents. They have however designed in a huge range of potential bridge challenges and hazards. The designer's job is not over. They must continue to consider the bridge and the options available for the type of bridge given access routes, ground conditions, cost and so on. Each of these considerations has its own health and safety implications that will need to be factored in. The experienced designer will understand this complexity and exactly how integral challenges are to be managed throughout design and delivery.

More information is provided in **ADM 004 What designers and principal designers should know**

Useful resources

Health and Safety at Work etc Act 1974

Construction (Design and Management) Regulations 2015 Guidance on Regulations

- Free to download from <http://www.hse.gov.uk/pubns/priced/l153.pdf>

<http://www.hse.gov.uk/construction/index.htm>

See elsewhere on SID:

ADM004 What designer and principal designers should know

ADM005 Preparing practice policies

ADM007 Pre-construction information

ADM008 Managing the works; the construction phase plan

ADM009 Management of post project information: the health and safety file