Current Position

The Construction (Design and Management) Regulations 2007 (CDM 2007) came into force on 6 April 2007. They impose a management structure and a set of project management principles by identifying the key safety roles involved in construction projects and requiring that these key stakeholders undertake specified tasks.

The process applies to all stages including concept, design, construction and final handover of the structure to the client or 'end user'. This integrated process provides a continuity of responsibility through duty-holders with emphasis placed on the checking of competences and the provision of adequate resources.

HSE studies reveal considerable insurance and other costs relating to injuries and damage linked to construction project performance. Poor planning, ineffective communication, inadequate resources and unsatisfactory levels of competence are cited as key failures leading to these losses.

This underlines that effective implementation of CDM is a business issue, as well as a legal and moral concern.

Legal Requirements

The original Construction (Design and Management) Regulations came into force on 31 March 1995 to implement the design and management content of the EU Directive 92/57/EEC on health and safety arrangements at temporary or mobile construction sites. The Regulations applied in England, Wales and Scotland. A parallel set of measures covered Northern Ireland.

Revised Regulations came into force on 6 April 2007, aiming to provide more effective co-operation and communication within a competent project team. In support of this, the Health and Safety Commission:

- simplified the provisions to improve clarity and make it easier for duty-holders to know what is expected of them
- focused on planning and management, rather than paperwork, to emphasise active management and reduced bureaucracy
- maximised flexibility to allow engagement with the vast range of contractual arrangements
- strengthened requirements regarding co-ordination and co-operation, particularly between designers and contractors
- clarified assessment of organisations’ competence by providing more comprehensive guidance.

The object of CDM is to introduce a legal framework covering design, commissioning of work, and its planning and execution, which applies to all construction work likely to pose significant risks to workers and other parties. The Approved Code of Practice (ACoP L144, ‘Managing Health and Safety in Construction’) provides a considerable departure from the old style ACoP. L144 contains both approved guidance and other notes that do not have legal status and would have appeared in guidance prepared by other interested parties. The ACoP is the most comprehensive and authoritative guide that all professionals should use for first reference.
Scope

CDM 2007 applies to all construction projects, and in full to notifiable projects. The practical effect is that all projects require:

1. clients to be assured of the competence of all their appointees, ensure there are suitable management arrangements for the project, and allow sufficient time and resources for all stages and to make available to contractors pre-construction information.

2. designers to ensure clients are aware of their CDM duties, eliminate hazards and reduce risks due to design, and provide information about remaining risks so that they can be effectively managed and to ensure design for any workplace complies with the Workplace (Health, Safety and Welfare) Regulations 1992.

3. contractors to plan, manage and monitor their own work and that of workers. This includes checking the competence of all their appointees and workers; train their own employees; provide information to their workers; comply with the requirements for health and safety on the construction site; and ensure there are adequate welfare facilities for their workers.

4. all stakeholders to assure their own competence; co-operate with others involved in the project; report obvious risks; take account of the general principles of prevention in planning or carrying out construction work; and comply with health and safety requirements and other regulations for any work under their control.

Notifiable Projects

As well as these four areas, a notifiable project also requires:

- commercial (ie non-domestic) clients to appoint a CDM co-ordinator and ensure the project is run properly; appoint a Principal Contractor (PC); provide information; check (before construction work starts) that there is an effective construction phase plan and suitable welfare facilities; and retain and provide access to the health and safety file.

- CDM co-ordinators to advise and assist clients with their duties; notify HSE on revised form F10 or by any other effective means; co-ordinate design work; manage communication between client, designers and contractors; liaise with the PC on ongoing design issues; prepare and update the health and safety file.

- designers to check - before they start work - a CDM co-ordinator has been appointed; confirm HSE has been notified; and provide any information needed for the health and safety file.

- PCs to plan, manage and monitor the construction phase in liaison with other contractors; prepare, develop and implement a written construction phase plan (the initial plan to be completed before the construction phase begins); make sure suitable welfare facilities are provided from the start and maintained throughout the construction phase; check the competence of all their appointees; provide site inductions; consult with the workers; liaise with the co-ordinator on ongoing design issues; and secure the site.

- other contractors to confirm clients are aware of their duties and that a Principal Contractor and CDM co-ordinator has been appointed; co-operate with the PC in planning and managing work; check HSE has been notified; and provide any information needed for the health and safety file.

It should be noted that the new CDM regulations replace the 'Construction (Health, Safety and Welfare) Regulations 1996' and link the CDM process directly to specific site safety requirements, most notably:

- good order and site security
- site welfare
- safety of access and egress
- working at height
- avoiding danger from energy distribution installations
- traffic management and construction plant movement
- all groundwork's and civil engineering
- emergency exit routes, fire prevention, fire fighting and fire detection
- working near or above water
- protection of the public, including trespassers.

Deciding Whether a Project is Notifiable

The regulations apply when these criteria are met:

- the construction work will take more than 30 days of construction work to complete, including the work involved in site exploration and investigation, taking occupation of the site to organise security, setting out etc and finally vacating it for exclusive occupation by the end-user.

- the work will require an input of more than 500 person days of construction work.

A project is not notifiable when the work:

- is carried out for a householder or other domestic client
- lasts less than 30 days.
Information

It is essential to the success of the process (not to mention legal compliance) that all duty-holders are appointed in good time and that they demonstrate sufficient competence and make adequate resource to undertake the role.

A CDM co-ordinator should be appointed at the stage of concept/feasibility appraisal, however clients are sometimes reluctant about incurring costs at a stage where work may become abortive, or may not even be aware of their statutory obligations. Clients should note that if they do not appoint a CDM coordinator they take on, by default, the statutory obligations which would apply to a CDM coordinator as well as committing an offence by not making the appointment.

The Project is Notifiable – Now What?

Having decided the project falls within the scope of CDM, it is necessary to notify the local HSE that the project will take place.

The notification can be made on form 10(rev) or in any other form as long as the required information is given.

It is the CDM co-ordinator’s responsibility to make this notification. If all the information required is not available, further details must be sent to the HSE as soon as the Principal Contractor has been appointed.

Display

The Principal Contractor must display a copy of the most up to date notification in a prominent position on the construction site so that anybody who is affected by the work can see the information.

Who Are the Duty-holders?

The key safety roles or duty-holders are the client, the CDM co-ordinator, the designer, the principal contractor and contractors. These roles are described in the section on Key Terms; responsibilities are described in the section Key Actions.

CDM Documentation

The key to CDM compliance is not in the documentation, but the effective planning and management of the construction project.

Pre Construction Information

Whether or not the project is notifiable the Client has to provide relevant pre construction information to the designers and every contractor appointed by the Client. This pre construction information is listed in Appendix 2 of the ACOP but includes information on the description of the project, timescales and environmental considerations and on site risks. The Client is also required to include in the information whether the structure is intended to be used as a workplace.

Construction Phase Plan

It is important that the plan is both proportionate and appropriate. It is not a pre-requisite of CDM to have a large complicated document full of generic information for each and every project. Appendix 3 of the CDM ACOP gives detailed information on the scope and content of this plan.

The plan should concentrate on significant risks and, where necessary, highlight such risk clearly and concisely to tendering contractors. It is preferable to have a small document with clear simple instruction and constructive site-specific information. Large complicated documents with excessive amounts of generic content should be avoided. This clouds the real issues that contractor must address and reduce the potential for effectively influencing safety outcomes during the construction phase.

Plans should concentrate on providing contractors with detailed information about both construction site and design risks alike. This is particularly important where demolition is concerned. Demolition risks are often overlooked and this in part due to lack of knowledge. For example, to asbestos legislation requires that detailed demolition asbestos surveys (as described in HSE guidance HSG 264, Asbestos Survey Guide) be undertaken prior to demolition. It is the client’s duty to manage this process and the removal of asbestos containing materials is an activity, which with few exceptions is legally required to be carried out by specialist (licensed) contractors.

Construction phase plans should include information from engineers, surveyors and other technical reports. These may range from hazard specific surveys, such as the asbestos survey mentioned above, to structural engineers’ reports.

Health and Safety File

A health and safety file must be prepared by the CDM co-ordinator for every structure within a construction project. The file’s purpose is to inform owners, occupiers or managers of the completed structure of:

- the ‘as built’ drawings, rather than those produced in the original design
- how the structure was built
- details of the structure’s equipment, including manuals or instructions on how it should be maintained
- maintenance procedures for the structure itself
- details of the structure’s utilities, including information on fire fighting systems and other emergency arrangements.

It is the duty of the CDM co-ordinator to create and maintain an evolving health and safety file for use by the structure’s eventual user or occupier.
The Principal Contractor also has a duty to ensure that information is added into the health and safety file until the termination of the construction phase.

The client’s responsibility for the health and safety file is only discharged when he disposes of his entire interest in the structure. The health and safety file thus endures with the structure and should be added to throughout its life.

Project Review

The ‘Management of Health and Safety at Work Regulations 1999’ require employers to ensure that health and safety management is monitored and reviewed. When related to CDM, this requires the, Principal Contractor and contractors to review the project while it is in progress. The client does not have a legal duty to monitor the health and safety standards during the construction phase (unless the work is creating risks to their own operation) as this is the duty of the Principal Contractor. However many clients do find it useful to monitor standards in order to use the information to inform future principal contractor selection.

The areas which could be of value to review are:

- accident and incident data, including any discernible trends
- identify areas where standards were not available
- assess the levels of competence shown by the contractors
- assess the effectiveness of remedial actions
- assess how the health and safety plan could be updated and improved.

In practice this is an ongoing process throughout the life of the project. As new work starts, information is added to the construction phase plan, and completed work information added to the health and safety file where relevant.

Site Safety Issues

The previous provisions of the Construction (Health and Welfare) Regulations 1996 are now incorporated into Part 4 the CDM regulations (with some additions) and provide detailed requirements relating to construction site welfare and safety:

- auditing, inspection and reports. Key construction site features must be regularly inspected by competent persons including scaffolding, plant and lifting equipment. Health and safety plans should specify competent persons and confirm arrangements for preparing and recording reports of such inspections

- demolition and dismantling is a specialist activity that must be carried out by competent persons and a written demolition plan must be provided whether or not the project is notifiable

- doors and gates must be safe in operation and adequately secured

- emergency routes, exits and procedures. Consider and integrate with existing arrangements and ensure all those affected can escape quickly and safely

- excavations (including cofferdams and caissons) must be adequately shored and protected from collapse. Also falling hazards may be present. Considered design can reduce the risks

- explosives, again are a specialist method of demolition. This method will only be suitable in certain circumstances

- falling objects must be controlled. Particular consideration for public protection measures, especially on refurbishment or construction projects in town and city centers

- fire equipment should be provided. Training in its use will be necessary, with equipment provided to key areas. High risk activities (eg hot work) should be reduced by design if possible or other wise strictly managed

- fire risks - avoid build-up of materials and implement fire prevention strategies

- fragile materials, and the provision of protection to prevent falling through fragile building materials. Particularly important to identify these materials during demolition or refurbishment projects

- fresh air may be necessary where exhaust fumes or other contaminants are present. Ventilation equipment may be necessary and should be considered when planning the work

- good order, house keeping and general tidiness will reduce instances of slips, trips and minor falls

- site security in order to avoid risks to unauthorised persons entering the site and to stop children gaining access

- lighting may be necessary during construction. Temporary lighting must be adequate for safe access and safe working conditions. Power supplies and back-up should be considered

- prevention of drowning. Where works are carried out above or near water courses, the risk of drowning must be considered. Tidal waters and fast flowing rivers are generally higher risk
• prevention of falls, and the provision of hand rails, barriers etc. A key issue to be addressed in the health and safety plan. The form of construction and methods applied will significantly influence the need for fall protection. This should be considered at the design stage.

• safe workplaces, including safe access and egress and adequate workspace. This must be covered by the health and safety plan and the construction project program.

• stability of structures must be considered during any demolition work. Also contractors should consider arrangements for storing materials and preventing overloading of existing or new structures resulting in uncontrolled collapse.

• traffic routes must be adequately separated to allow safe passage of pedestrians and vehicles. Traffic management strategies must form part of the health and safety plan. One-way systems, clear signage and barriers will assist.

• vehicles. Movement of vehicles must be managed - reversing to be controlled and supervised by competent persons (banksmen). Again, considered design can assist in reducing risk.

• weather protection - the elements can have a significant effect on site safety. Health and safety plans should consider local weather conditions and provide for PPE and contingency plans.

• welfare facilities are essential to maintaining good hygiene and promoting good health. Washing facilities are vital to reducing risks from contact with cement and other products.

Key Actions

Responsibilities of the CDM Duty-holders

Each of the duty-holders has specific tasks to perform at each stage of the project. Although projects can vary due to the nature of the work, or the client’s business, a typical construction project can be divided into five stages:

• concept and feasibility
• design and planning
• tender/selection stage
• construction phase
• commissioning and handover.

Client

Concept and Feasibility Stage

The client’s specific responsibilities at the first phase of the project are:

• decide if the project falls within the scope of CDM
• appoint a competent CDM co-ordinator, as soon as reasonably practicable
• provide the CDM co-ordinator and designer(s) and appointed contractors all known information relevant to the health and safety issues of the project including (not exclusively) any existing site safety arrangements or environmental hazards, timescales and whether the premises will be used as a workplace.

Design and Planning Stage

The client must be satisfied of the competency in health and safety matters of the designer he has chosen, and provide any other relevant information to the CDM co-ordinator and designers as it becomes available.

Contractor Tender/Selection Stage

The client must appoint a Principal Contractor to undertake the construction work. In the past, selection criteria have focused on mainly on cost-related issues (ie the cheapest tender wins).

However CDM imposes an important additional element to the contractor selection process, and contractors must now be chosen on their competence to manage and control construction work, and the resources they propose to allocate to the project (not just financial resources, but also man-power, supervision, equipment and time).

Clients should be cautious in selecting contractors where these elements are found lacking. The CDM co-ordinator should be at hand to advice if required, and clients should seek advice where they are unsure or suspect that a contractor’s tender is unsatisfactory or his health and safety documentation inadequate.

Construction Phase

There are three specific client responsibilities in this phase, ensure that:

• construction work does not begin until the Principal Contractor has prepared an adequate and suitable construction phase plan
• sufficient account is taken of health and safety where there is any overlap between the usual work activities on the premises and the construction work (ie protection of the public and non-employees)
• the nominated contractors have made adequate provision for health and safety.

Commissioning and Handover

On completion of the construction work, the Principal Contractor must bring together relevant information to form the ‘health and safety file’. The file is a portfolio of information for the end user relating to the finished structure, its construction, equipment installed, and any relevant maintenance requirements.

The same responsibilities that were imposed in the construction phase remain in the commissioning and handover period. The client must make the health and safety file available for inspection by anybody with duties to comply with statutory requirements.

Should the completed structure be passed onto another person or organisation, the client must make the health and safety files available to the purchaser, and inform him of the important features of the file.

CDM Co-ordinator

Concept and Feasibility Stage

The responsibilities of this role begin immediately upon appointment by providing advice and assistance to the client in the following areas:

• notify the HSE about the construction project, if this is necessary (using HSE form F10)

• arrangements for ensuring the designer complies with his health and safety duties, and co-operates with other designers

• act as a facilitator and co-ordinator for early health and safety issues/information.

Design and Planning Stage

Some of the responsibilities begun in the first stage continue:

• advise the client on the designers’ competence and the adequacy of the health and safety measures taken in the initial phase construction plan

• ensure the continued co-operation of the designers

• ensure that the designers continue to comply with their duties under CDM

• begin preparation of the ‘health and safety file’.

Tender/Selection Stage

After the tenders are submitted, the client should seek advice from the CDM co-ordinator on the various submissions. The CDM co-ordinator must advise the client on competence and resources allocated by prospective Principal Contractors – in order to achieve this, the CDM co-ordinator may need to contact each contractor.

Construction Phase

The key tasks in this phase are to:

• advise the client (if required) on the Principal Contractor’s project plan and management arrangements, especially if substantial amendment is proposed after the contract is won

• continue to ensure that the designers comply with their duties in co-operation with each other

• continue to develop the health and safety file.

Commissioning and Handover

The duties identified throughout the project continue on in this phase.

The additional task here is to ensure that all relevant documentation is included in the health and safety file, and that it is passed to the client on handover of the structure by the Principal Contractor.

The CDM Regulations do not require the CDM co-ordinator to approve appointments, designs, or plans – or supervise construction work. Each of these is the responsibility of the respective duty-holders.

Designer

The role of designer has wide scope, potentially covering architects, engineers, surveyors, consultants, contractors, and manufacturers – anyone who prepares designs for construction work, including variations on original designs.

Don’t forget a ‘design’ can involve verbal designs and instructions as well as computer or paper drawings.

Concept and Feasibility Stage

The designer (or designers) has duties which begin at the early stages of the project:

• they must make the client aware of his duties

• identify the likely significant health and safety hazards of their prospective design work

• give appropriate consideration to the principles of risk reduction by design

• co-operate with other designers and the CDM co-ordinator.

Design and Planning Stage

The designer must take a detailed look at the plans drawn-up at the feasibility stage to ensure that the least hazardous construction options have been adopted, for example, in choice of materials or construction techniques.
Note there is a duty to give priority to health and safety of construction workers and all those affected by the work:

- consider design-based risk control strategies
- supply adequate health and safety information concerning the design of the project, and where required, suggest particular methods of operation to control health and safety risks
- co-operate with both the CDM co-ordinator and other designers, particularly where there is an overlap in the design work. This is very important on design and build projects, or where extensive demolition is involved.

**Tender/Selection Phase**

There is nothing significant for designers in this phase, however they may be needed to advise on any subcontract design elements included in the contract, such as specialist mechanical and electrical installations etc.

**Construction Phase**

During the construction phase there is an ongoing role to identify any significant health and safety hazards in either the designs themselves, or in any temporary work, design variations and alterations etc. Where additional designs are prepared, or changes to the original are required, the new designs must be accompanied by relevant information and prepared with due regard for risk reduction strategies.

**Commissioning and Handover**

Before commissioning work starts, the health and safety plan should be reviewed to ensure all relevant changes in the original designs are taken account of, and this information incorporated in the health and safety file.

**Principal Contractor**

**Tender/Selection Stage**

In terms of CDM, the Principal Contractor does not become involved until the tender/selection stage, although in practice contractors may be appointed very early in the project.

Those tendering for construction contracts must demonstrate their competence to the client by showing adequate provision for health and safety, demonstrating competence through training and providing evidence of suitable safety management systems.

**Construction Stage**

The Principal Contractor must develop the construction phase plan to completion, and ensure it sets out the arrangements for the health and safety of everyone working on the project or affected by it.

The health and safety plan is developed in liaison with the CDM co-ordinator. In addition, the Principal Contractor must:

- be reasonably satisfied that the other contractors are competent, and have made adequate provision for health and safety
- check the written safety method statements of the contractors, and ensure that any changes they imply for the health and safety plan are notified to the CDM co-ordinator
- manage and co-ordinate the contractors and their compliance with legislation, and impress upon them the continuing need for co-operation, particularly where there is any overlap in tasks. This means ensuring the contractors comply with the health and safety plan
- ensure that health and safety training of employees is both completed and understood, including emergency procedures and their implementation
- ensure there is adequate communication of safety advice and discussion generally, for example, through ‘tool-box talks’ or other briefing sessions
- take reasonable security steps to ensure only authorised people can access the site
- ensure that all statutory notices are displayed in prominent positions, and can be read by those affected
- provide the CDM co-ordinator with health and safety information as it becomes available (by reasonable enquiry) from contractors.

Principal Contractors have the legal right to give health and safety directions to other contractors on the site, and must provide written safety method statements where required by the health and safety plan.

It is important to emphasise the protection of the site and control of site security. Measures to ensure the protection of the public or other third parties, such as the client’s employees etc, must be clearly described and adequately controlled. Particular attention should be paid to vulnerable groups (eg younger and older people), or when working in premises where vulnerable groups are present (eg schools, colleges, care homes and hospitals).

**Commissioning and Handover**

Many of the tasks itemised for the construction phase continue on into the commissioning and handover stage.

In addition, the Principal Contractor must give further information to the CDM co-ordinator for inclusion in the Health and safety file. This may include commissioning certification and other safety critical documents, such as electrical testing and gas safety certification.
Contractors

Contractors are given specific duties by CDM. There are also general requirements to be observed by the self-employed, and employers who have employees working on site.

Employers and the Self Employed

Any worker or self employed person participating on a project covered by CDM must be made aware of the following pieces of information before they start work:

- the names of the CDM co-ordinator and Principal Contractor (public display of form F10)
- the health and safety plan, or relevant parts of it - especially those dealing with site hazards and their control
- arrangements in cases of emergencies.

General Contractors

Contractors are already bound by the ‘Management of Health and Safety at Work Regulations 1999’, which require them to make risk assessments, and give adequate information to all employees or other persons affected by the work including other employers. This information must be provided to the Principal Contractor to assist him when determining the hierarchy of risks for the project.

The additional requirements, which specifically relate to CDM projects are to:

- co-operate with the Principal Contractor and other contractors so as to enable each to carry out their legal duties
- promptly provide the Principal Contractor with any relevant information which might affect health or safety
- comply with any rules of the health and safety plan and directives of the Principal Contractor
- provide the Principal Contractor with information concerning any deaths, serious injuries, conditions or dangerous occurrences which are reportable via RIDDOR
- provide to the Principal Contractor with any information which he knows or could reasonably be expected to find out (and which the Principal Contractor is unaware of, but should know) so that it can be included in the health and safety file
- provide to the Principal Contractor any information which may prompt a review of the health and safety plan.

Key Terms

Client

Any person or organisation for whom a construction project is carried out, regardless of the project being undertaken in-house or contracted out. ‘Clients’ include originators under PFI projects, school governors, local authorities, charities etc.

Clients must be businesses or ‘undertakings’ in order to have duties under CDM – domestic clients have absolutely no duties under CDM.

The client’s main responsibilities are to:

- appoint a competent CDM co-ordinator and Principal Contractor
- commission and initiate the design and construction work
- provide sufficient resources to those appointed
- ensure the CDM co-ordinator has all the health and safety information required about the state of the site etc, for example on contamination, or presence of asbestos
- when the building is completed, to take charge of the health and safety file and make it available to anyone who may need it.

Competent

‘Competent’ persons and organisations are those fully conversant with the specific requirements of the regulations, and able and willing to fulfil their duties.

The CDM ACoP (see Appendices 4, 5 and 6) contains very detailed guidance on how to assess and develop the competence of duty-holders.

See our Guide on ‘Competent Persons’ for more generic information on this topic.

CDM Co-ordinator

A person or company appointed by the client who has the required knowledge and experience to manage health and safety issues, essentially during the pre-construction phase. It is the CDM co-ordinator’s responsibility to:

- notify the HSE of the project
- guarantee the designers co-operate by ensuring they pass relevant drawings between them and take proper account of health and safety issues
- ensure a pre-tender health and safety plan is available, and ultimately, a health and safety file to pass onto the client when the building is complete.
• advise the client on, for example, the competence (in health and safety terms) of the designers and contractors.

The CDM co-ordinator role has developed considerably since the introduction of CDM, and many now perceive this to be a risk manager role. Clients often fail to appoint the CDM co-ordinator either due to a lack of understanding of the regulations, or a perception that the role does not appear to be necessary.

The responsibilities that all employers carry under health and safety legislation and common law extend to third parties, including contractors and the general public. The CDM co-ordinator role is a manifestation of these principles incorporated into the construction project management arrangements. The role can be critical to ensuring successful project management principles are applied and the client’s interests protected. It is also worthy of note that clients are under increasing scrutiny from the HSE when they employ contractors.

Clients often lack expertise or detailed knowledge about construction activity within their organisations and the role of the CDM co-ordinator is essential to raising awareness and assisting in co-ordinating construction work. The CDM process itself can also be somewhat intimidating, even to the most able of clients, and it is important that clients realise the importance of employing a guide to support the project team specifically on matters of health and safety.

Although some are not specified in the regulations this developing role is implied, and has developed to make the CDM co-ordinator a key member of the project management team. When appointed and deployed appropriately, clients have a useful and effective risk manager who will add value to the project and reduce liability.

Construction Work

Includes building or civil engineering work, such as:

• preparation for construction, including site clearance, and excavation

• alteration, fitting out, commissioning, renovation, repair, redecoration, dismantling and demolition

• assembly of prefabricated components

• installation, commissioning and repair of mechanical, electrical, gas, compressed air, telecommunications, computer and similar services fixed to or within a structure.

It does not include mineral extraction and exploration.

Construction Phase

This is the time from when construction actually begins, to when the finished structure is handed over to the client.

Designer

This is any person who prepares a design or delegates the preparation of a design to an employee or someone within his sphere of control. Designers are appointed by the client, and may comprise an organisation with a range of disciplines. They have a legal responsibility to:

• give due regard to health and safety in their designs

• provide adequate information on the health and safety implications of their design

• co-operating with the CDM co-ordinator and other designers involved in the project.

Designers are in a good position to eliminate or reduce construction hazards, thus enabling the Principal Contractor to effectively discharge his duties. Where multiple designers are involved it may be prudent to appoint one of them as the CDM co-ordinator.

Enforcement of the Regulations

HSE enforcement of construction work

HSE will be the enforcing authority for construction work carried out on “construction sites” (where the principal work activity is construction work), or carried out at HSE enforced premises. HSE will also enforce construction work carried out at local authority enforced premises by persons who do not normally work at the premises if:

• the project is notifiable; or

• all or part of the work is to the external fabric of the building/structure; or

• the work is carried out in a physically segregated area, normal activities having been suspended to enable the work to take place, etc (and the work is not maintenance of insulation on pipes, boilers, or other parts of heating/ water systems etc).

Local authority enforcement of construction work

The local authority will be the enforcing authority for construction work at premises where they are the enforcing authority, where construction work is carried out by persons who do not normally work at the premises, if:

• the project is not notifiable; and

• all of the work is internal; and

• the work is carried out in an area which is not physically segregated etc.
Principal Contractor

The contractor who is appointed to manage a particular project and the work of all other contractors involved, in respect of all health and safety requirements. This person may change throughout the duration of a project, but the position must never be vacant.

The Principal Contractor is responsible for:

- ensuring co-operation between all contractors and self-employed people on site over health and safety issues
- securing compliance with safe working methods, and displaying all statutory notices around the site
- ensuring only authorised people have access to the construction site
- providing the CDM co-ordinator with any information he reasonably needs for the health and safety file
- giving every contractor sufficient information about health and safety risks on site, and ensuring their workers have adequate training
- offering health and safety advice to employees and the self-employed.

Reducing Risk by Design – the General Principles of Prevention

The hierarchy of design risk management can be represented as a series of questions to be asked when considering construction risks. They are:

1. can the hazard be eliminated completely so that the risk is avoided altogether?
2. if not, can the hazard be tackled at source?
3. failing this, give priority to measures that control the risk and will protect all workers
4. as a last resort only, take measures to control the risk by use of personal protection equipment.

It is implicit on designers and specifies to provide information regarding any significant risk that cannot be eliminated or controlled through the risk reduction process.

This information must be clearly communicated and explicitly identify the risks inherent in the design. Generic information about design risks is not acceptable, and design and site specific information must be provided to contractors via the health and safety plan and tender documents and process.

Structures

These include any:

- any fixed plant in respect of work which is installation, commissioning, de-commissioning or dismantling and where that work involves a risk of falling more than 2m
- any formwork, falsework, scaffold or other structure designed or used to provide support or means of access during construction work
- building, steel or reinforced concrete edifice (not being a building)
- cable, gas holder, road, airfield, mast, tower, pylon, underground tank, earth-retaining structure designed to preserve or alter any natural feature, and any similar structure to these
- dock, harbour, inland navigation tunnel, shaft, bridge, viaduct, waterworks, reservoir
- pipe or pipeline (regardless of intended or actual contents), aqueduct
- railway line or siding, tramway line
- sewer, sewage works, sea defence works, river works, drainage works, earthworks, lagoon, dam wall, caisson.

Related Documents

Managing Health and Safety in Construction; Construction (Design and Management) Regulations 2007 Approved Code of Practice (HSE; Legal Series L144; ISBN 978 0 7176 6223 4)

Want Construction Work Done Safely? Quick Guide for Clients on ‘Construction, Design and Management, Regulations 2007’ (HSE; INDG Series IND(G) 411)

Construction Design and Management Regulations 2007 (Parliament; SI 2007/320)

Construction, Design and Management, Regulations 2007; Baseline Study. Prepared by Bomel Ltd (HSE; Research Report RR 555)

Electrical Safety on Construction Sites (HSE; HSG Series HS(G) 141)

Health and Safety in Construction (HSE; HSG Series HS(G) 150)
Further Information and References

The HSE’s construction web pages are available at: http://www.hse.gov.uk/construction/index.htm

Other useful websites include:

European Agency for Safety and Health at Work: http://uk.osha.europa.eu/

UCATT: http://www.ucatt.info/

The British Safety Council: http://www.britishsafetycouncil.co.uk/


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Where possible, access restrictions should involve the Smoke Control. Work should always be used in the exceptional circumstance that ‘live’ working cannot be avoided. Permits should also be used for work involving isolation at a point remote from the place where the work is taking place.

In any case, sockets within workshops should be protected with residual current devices (RCDs). Fixed workshop machines such as pillar drills and abrasive wheels should be bolted down, include accessible emergency stop devices and be connected via a no volt release device. Further details are available within Barbour Guide ‘Electrical Services and Fixed Equipment’.

Portable electrical equipment should also be inspected and tested in accordance with a schedule devised by a competent person. Portable power tools should ideally be battery powered or 110v CTE, supplied via a transformer. Where 240v tools are necessary, they should be used only in dry conditions and supplied via a residual current device. Further details are available within Barbour Guide ‘Electrical Equipment: Portable’.

i. Chemicals and Flammable Substances

Hazardous and flammable substances are frequently used for maintenance activities e.g. paints, thinners, adhesives, LPG. There are also chemicals used in powered equipment e.g. lubricants and water treatment chemicals. Basic principles should be applied i.e.: the storage and use of only those substances required, substances selected to be the lowest hazard alternative possible, kept securely in a minimum quantity and used by authorised and trained persons only, who are properly equipped with carefully selected personal protective equipment. Flammable liquids should be kept in a bespoke...