

# **CDM 2007**

## **Construction (Design & Management) Regulations 2007**

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# CDM 2007 – Outline of Talk

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- HSE construction work 2011/12
- Quick review of CDM 2007 (Parts 1-4)
- Review of main roles under CDM 2007 & common problems
- Frequently asked questions
- Key messages & guidance

# Construction Division – Plan of Work 2011-12



## WORKSTREAMS

- Asbestos (Licensed Work)
- Small Sites / Projects (15 or fewer on site)
- Refurbishment
- Major Clients / Projects
- Large Contractors

## Construction Division – Plan of Work 2011-12

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### VISIT PRIORITIES

- Contractor Competence
- Worker Involvement
- Leadership
- Management of Health Risks
- Temporary Works
- CDM Dutyholder Trackback

### GENERIC RISKS

- Work at Height
- Welfare
- Good Order
- Asbestos
- Respiratory Risks

## CDM 1994 vs CDM 2007

- CHSW and CDM combined; **One set of Regulations to cover all Construction activities**
- Disadvantages =
- Not obvious from name but CDM 2007 also covers general construction H&S
- Also covers management arrangements for all construction jobs (whatever the size)
- Part 3 = the CDM part of the Regs. Applies if the work is notifiable (equivalent to old CDM 1994)

# Summary of Main Changes (1)

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Combining the regulations has allowed us to restructure the package to make it easier and clearer to follow. The new regs are divided into 5 parts:

- **Part 1** contains definitions and application;
- **Part 2** contains General duties which apply to **ALL** projects:
  - All construction work, whatever the size or duration
  - Co-operation,
  - Co-ordination
  - Provision of information
  - Competence – clients, designers, contractors

# Summary of Main Changes (2)

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- **Part 3** covers additional duties where site is notifiable;
- **Part 4** contains duties which apply to all construction sites: CHSW: existing regulations unchanged, some additional regulations to comply with TMCS directive
- **Part 5** contains transitional provisions and revocations.

# **Client Duties – Summary**

## **All construction projects**

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### **All Construction projects (Part 2 of Regulations)**

- Check competence and resources of all appointees
- Ensure there are suitable management arrangements for the project including welfare facilities
- Allow sufficient time and resources for all stages
- Provide pre-construction information to designers and contractors

# Client Duties – Summary

## Additional duties – notifiable jobs



Additional duties for notifiable projects (Part 3 of Regulations)

- Appoint CDM co-ordinator
- Appoint principal contractor
- Make sure construction phase does not start until there are suitable welfare facilities and construction phase plan in place
- Provide information relating to H & S file to CDM co-ordinator
- Retain and provide access to the H & S file

# Client Duties – What Clients don't have to do



- Plan or manage construction projects
- Specify how work must be done
- Provide welfare
- Check designs comply with Reg 11
- Visit the site to supervise or check standards or engage third party assurance advisors to check site
- Subscribe to third party competence assessment schemes

## Domestic clients.

- Projects for domestic clients don't need notifying, even large ones lasting well in excess of 30 days.
- This has resulted from the process of simplifying the notification process.
- Disadvantage = HSE won't know about large projects carried out at a level where checks on competence are unlikely to be at the level of more commercial projects.

# CDM 2007 – FAQ:

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## Who is the client?

Eg. For refurbishment of a school.

- Difficult to make a wide ranging decision on this as each project can have differing arrangements.
- Generally though, it can be considered that the person at the top of the chain is the client

# CDM 2007 – FAQ:

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## Who is the client?

Eg. For repair schemes of privately owned houses.

- If occupier engages architect & contractor then it is likely to be the occupier that is the client.
- However, charities and local authorities involved in such work could still have limited client and designer duties depending on level of control retained.

# CDM 2007 – Clients

## Insurance companies

If insurance company (or agent) arranges construction work under an insurance policy then they are the client. If they pay the cost of the work but the work is arranged by the insured, then the insured is the client. If this is a domestic client then they attract no CDM duties.

## PFI, PPP

The project originators are the client at the start of the project until such time as the SPV or equivalent has been set up and has assumed the role of client which should be recorded

## Election by client

Where there are a number of clients for a project they can elect one or more those clients to be treated as the only client(s). This must be agreed in writing.

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# CDM 2007 – Welfare

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- Client to ensure adequate welfare provided:
- Sanitary Conveniences.
- Washing Facilities.
- Changing Facilities.
- Clothing Lockers.
- Rest Facilities.
- Drinking Water.

# CDM 2007 – Welfare

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## Toilet facilities

- Facilities should be ‘provided’ and ‘accessible’. ‘Provided’ means physical provision of the required facilities by or on behalf of the contractor, and ‘accessible’ should be interpreted to mean within no more than [10 minutes] of the worksite. Facilities could be:
  - Large sites ‘portaloos’ + main facility at base
  - Use of client’s fixed facilities, if working on premises
  - those provided in a cabin on site

# CDM 2007 – Welfare

## Toilet facilities

- Kept in a clean and orderly condition



# CDM 2007 – Welfare

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## Washing Facilities.

- Hot and cold (or warm) running water.
- Soap.
- Towels.
- Suitably sized sinks.
- Sufficient number.
- Showers should be provided on the basis of a risk assessment for work likely to involve heavy contamination.

# CDM 2007 – Welfare



# CDM 2007 – Welfare



# CDM 2007 – Washing Facilities



# Contractors – All Projects (1)

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- Check clients are aware of their duties
- Co-operate and co-ordinate their work with others
- Plan manage and monitor own work and that carried out under your control
- Obtain specialist advice when planning high risk work – eg where alterations could affect a building's stability and lead to structural collapse, work on contaminated land
- Check competence of all appointees and workers
- Train own employees

# Contractors – All Projects (2)

- Provide information to workers and consult workforce
- Ensure any design work complies with Reg 11
- Comply with part 4 (ex CHSW regs)
- Inform their subcontractors of minimum time they have to prepare for construction work
- Ensure adequate welfare start (Sch 2)
- Prevent access to site - fencing



# Contractors – Notifiable Work

- Check that a CDM coordinator has been appointed and HSE notified
- Co-operate with principal contractor
- Provide information for the H&S file
- Inform PC of any problems with the plan
- Inform PC of reportable accidents & dangerous occurrences



# Principal Contractor Duties – What PC's don't have to do



- PC's don't have to undertake detailed supervision of contractors' work

# CDM 2007 – FAQ:

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## What is HSE's expectation of coordinators?

- Clarity is key
- They must be discouraged from:
  - Developing unproductive paper based systems
  - Asking for proof from designers such as DRA
- They do not have to approve PC's risk assessments or method statements
- Advise on management arrangements not the detail
- Reduce risk, not generate paper

# CDM 2007 - Coordinators



# CDM Co-ordinator Duties – What CDMC's don't have to do



- Approve appointments of principal contractors etc
- Approve or check designs
- Approve PC's construction phase plan
- Supervise PC's implementation of c- phase plan
- Supervise or monitor construction work

# CDM 2007 - Designers



# CDM 2007 – Designers

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Designers have to:

- Ensure clients are aware of their duties
- Co-ordinate with others to manage risk
- Eliminate hazards and reduce risks from the start of the design process
- Provide information for the H&S file

# CDM 2007 - Designers

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## What do the duties mean in practice?

- Designs should be safe to build, use, clean, maintain, and demolish
- Inform others of significant or unusual risks which remain
- Amount of effort put in to risk reduction should be proportionate to the risk
- Take account of relevant provisions of Workplace Regulations

# CDM 2007 – FAQ:

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## Initial Design.

Designer can only do initial design until the coordinator is appointed for notifiable projects.

A lot of people have asked HSE: **We are only doing designs to get planning permission, so is this just initial design?**

Answer = **No**. Designs submitted for achieving planning permission often go beyond that of an initial design

# CDM 2007 – FAQ:



## Planners

- **Planners and other official bodies stipulating requirements beyond their statutory powers.**
- Such people may inadvertently assume role of a designer.
- This was always the case in CDM 94.



# CDM 2007 – FAQ:



## Designs from abroad.

- If designs are brought in from abroad then the design house or other person is responsible for ensuring that design meets CDM Regulations and Workplace Regulations.

# CDM 2007 - Designers



# CDM 2007 – Designers – Fatality 1



# CDM 2007 – Designers – Fatality 1



# CDM 2007 – Designers – Fatality 1



# CDM 2007 – Designers – Fatality 2

- Design failure
- Fatal outcome
- £200K fine
- £68K costs



# CDM 2007 - Designers



# Designer Duties – What Designers don't have to do



- Take into account unforeseeable hazards and risks
- Design for future uses of structures that are not anticipated
- Specify construction methods unless specific to design
- Exercise an health & safety management function over contractors or others
- Worry about trivial risks

# CDM 2007 – The Paperwork



# CDM 2007 - Paperwork (F10s, File, Plans) etc.



## Part 2 - Things that must be done for all construction work

- Provision of pre construction information

## Part 3 - Things that must be done for notifiable projects

- Notification (F10)
- Construction Phase Plan
- The File

# CDM 2007 - Pre construction information

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- Purpose - to ensure the right information for the right people at the right time
- Required for all construction work
- Duty on client to provide all relevant information in his possession or that which can reasonably be obtained.
  - **Sufficient to ensure risks can be managed**

# CDM 2007 - Pre construction information



# CDM 2007 – FAQ

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## F10s

More questions on this than anything else!

HSE considers that no matter who signs the F10, the duty is on the client to comply with their duties under CDM.

Time aspect of F10 – If when the F10 is submitted it is not known how long will be given for the project, guesstimate and revise F10 if necessary when project scope and appointments become clearer.

## Notification of term contracts

Eg. A 3 year contract with a local authority to resurface roads as required.

- Any F10 notification is fairly meaningless, eg. road repairs, sometime in the next 3 years, somewhere in Anglesey.
- However, the individual projects within the term contract that exceed 30 days should be notified.

# CDM 2007 - Competence



# CDM 2007

## Competence and Training

Important changes in CDM 2007

Reg 4 applies to all persons who have duties under CDM

- Should take “reasonable steps” to ensure persons appointed are competent
- Should not accept an appointment unless they are competent



# Competence- Assessment

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**Competence assessment:** Simplify and standardise the process through guidance in the ACOP. 2 stage process, 3 key elements-

- Basic understanding of the risks in construction and how these are controlled;
- Sufficient knowledge of the tasks to be undertaken and the risks which the work will entail;
- Experience and ability to carry out duties; to recognise your limitations and take action to prevent harm to those carrying out construction work, or those affected by construction work.

# CDM 2007 – FAQ



## What is adequate for clients to do to assess competence?

- Very tricky to answer in general
- The key word in the legislation is ‘reasonable’
- Appendix 4 gives examples only
- If some form of competence assessment is carried out then it is often a good start.

# Core Competencies – Contractors 1

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## Stage 1      Assessment of company's organisation & arrangements for H&S

- Safety Policy
- Safety arrangements
- Competent advice
- Training & information
- Individual qualifications

## Core Competencies – Contractors 2

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### Stage 1      Assessment of company's organisation & arrangements for H&S

- Monitoring, audit & review
- Worker engagement
- Accident reports, enforcement action, investigations
- Sub-contracting procedures
- Risk assessments

## Core Competencies – Contractors 3

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Stage 1      Assessment of company's  
organisation & arrangements for H&S

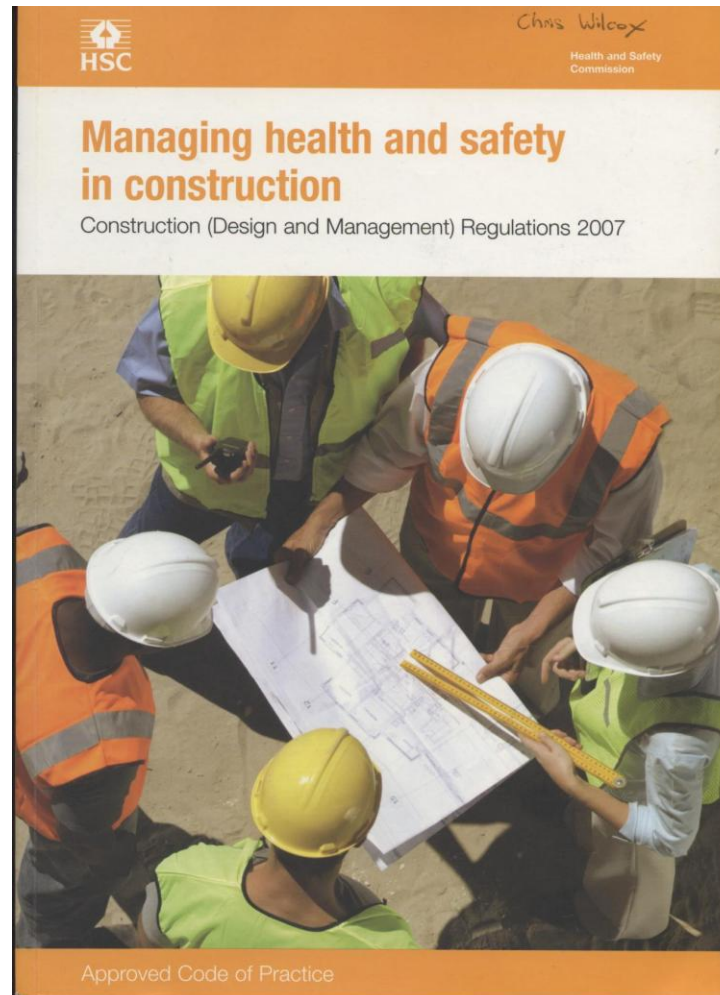
- Coordination with others
- Welfare provision
- Stage 2 Assessment of work experience
- Record of recent projects
- Ability to deal with contract applied for
- Shortcomings – how will any lack of experience / expertise be addressed

# Competency – Final Points

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- Competence assessments should focus on needs of the particular project and be proportionate to the risks, size and complexity of the work
- No requirement for paperwork for paperwork's sake – be specific to the job
- For small projects only necessary to provide minimum paperwork to show that you meet competence criteria (eg. H&S arrangements & track record / experience)

# Approved Code of Practice (L144)



# CDM 2007 – FAQ



## What is adequate for clients to do to assess competence?

- Very tricky to answer in general
- The key word in the legislation is ‘reasonable’
- Appendix 4 gives examples only
- If some form of competence assessment is carried out then it is often a good start.

## What is construction work?

- Clear definition of what is/isn't construction work in Regulation 2(1)
- Queries have been raised regarding the distinction between inspection & maintenance work.
- CDM does not apply to inspection work.

## Fixed Plant.

- Included in definition of ‘structure’.
- There is no definition of ‘fixed plant’ in CDM 2007.
- For plant to be considered as fixed plant for CDM purposes, it should be structural in size, or the relevant work on it must be akin to construction work.

## Flooding.

- Removal of contents from a dwelling is not construction work unless plasterboard etc is being stripped out.
- Drying out period is not construction work – nothing is happening!
- Final repair works are construction and may be notifiable if they last more than 30 days.

**Time** - 2 main requirements that refer to time:

- Client to ensure management arrangements include sufficient time and resources
- Client needs to specify the minimum time that will be allowed between the appointment of the PC and the instruction to commence work

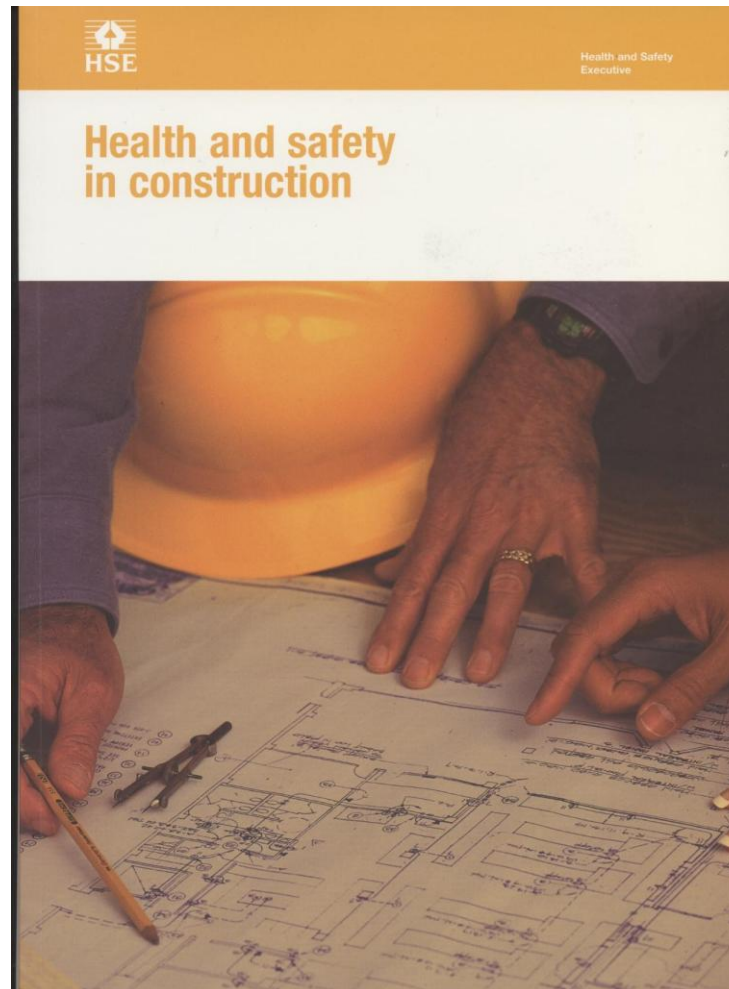
# CDM 2007 – Key Messages

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- Industry and HSE have worked in partnership to revise and simplify CDM.
- Focus on effective planning and managing risk by having the right people at the right time to manage risks on site, reduce paperwork and encourage teamwork.
- All dutyholders need to be competent



# General Guidance (HSG 150)



Thank you – Any questions?