

## **A short guide for clients on the Construction (Design and Management) Regulations 2015**

**This leaflet is aimed at you if you are a building owner, user or managing agent and are having maintenance, small-scale building work or other minor works carried out in connection with a business – as you will be a client with legal duties under the Construction (Design and Management) Regulations 2015 (CDM 2015).**

Following the simple steps in this leaflet will help you meet your responsibilities as a client and ensure construction work and repairs are undertaken safely and without damaging worker's and other people's health.

### **What does CDM 2015 do?**

Complying with CDM 2015 will help ensure that no-one is harmed during the work, and that your building is safe to use and maintain while giving you good value. Effective planning will also help ensure that your work is well managed with fewer unexpected costs and problems.

### **What do clients need to do?**

Many clients, particularly those who only occasionally have construction work done, are not experts in construction work. Although you are not expected to actively manage or supervise the work yourself, you have a big influence over the way the work is carried out. Whatever the size of your project, you decide which designer and contractor will carry out the work and how much money, time and resource is available. The decisions you make have an impact on the health, safety and welfare of workers and others affected by the work.

CDM 2015 is not about creating unnecessary and unhelpful processes and paperwork. It is about choosing the right team and helping them to work together to ensure health and safety.

As a client, you need to do the following.

#### ***1 Appoint the right people at the right time***

If more than one contractor will be involved, you will need to appoint (in writing) a principal designer and a principal contractor.

***A principal designer is required to plan, manage and coordinate the planning and design work. Appoint them as early as possible so they can help you gather information about the project and ensure that the designers have done all they can to check that it can be built safely.***

A principal contractor is required to plan, manage and coordinate the construction work. Appoint them as early as possible so they are involved in discussions with the principal designer about the work.

Getting the right people for the right job means your designers and your contractors need to have the skills, knowledge and experience to identify, reduce and manage health and safety risks. This is also the case if they are a company (known as having 'organisational capability' for the job). The designers and the contractors should be able to give references from previous clients for similar work and explain to you how they will achieve this.

Professional bodies can help you choose your architect and other designers. The Safety Schemes in Procurement (SSIP) website has lists of businesses which have been assessed on their health and safety management. A contractor may be a member of a trade association.

#### ***2 Ensure there are arrangements in place for managing and organising the project***

The work is more likely to be done without harming anyone and on time if it is properly planned and managed. Sometimes the work is complex and uses many different trades. Often it involves high-risk work such as the work listed in the bulleted list below. The principal designer should understand these types of risks and try to avoid them when designing your project. The principal contractor or builder should manage the risks on site.

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These are the biggest causes of accidents and ill health in construction work, and your designer and contractor can manage the risks by doing the following.

Falls from height:

- Make sure ladders are in good condition, at a 1:4 angle and tied or footed.
- Prevent people and materials falling from roofs, gable ends, working platforms and open edges using guardrails, mid-rails and toe-boards.
- Make sure fragile roof surfaces are covered, or secure working platforms with guard rails are used on or below the roof. | Collapse of excavations:
- Shore excavations; cover or barrier excavations to prevent people or vehicles from falling in. | Collapse of structures:
- Support structures (such as walls, beams, chimney breasts and roofs) with props; ensure props are installed by a competent person.

Exposure to building dusts:

- Prevent dust by using wet cutting and vacuum extraction on tools; use a vacuum cleaner rather than sweeping; use a suitable, well-fitting mask.

Exposure to asbestos:

- Do not start work if it is suspected that asbestos may be present until a demolition/refurbishment survey has been carried out.

Electricity:

- Turn the electricity supply and other services off before drilling into walls.
- Do not use excavators or power tools near suspected buried services.

Protect members of the public, the client, and others:

- Secure the site; net scaffolds and use rubbish chutes.

***Discuss with your designer and builder before work starts and throughout the build how these risks are being managed.***

### ***3 Allow adequate time***

Work that is rushed is likely to be unsafe and of poor quality. Allow enough time for the design, planning and construction work to be undertaken properly.

### ***4 Provide information to your designer and contractor***

Your designer and builder will need information about what you want built, the site and existing structures or hazards that may be present such as asbestos, overhead cables, and buried services. Providing this information at an early stage will help them to plan, budget and work around problems. Your principal designer can help you gather this information.

Putting together a 'client brief' at the earliest stages which includes as much information as you have about the project, along with the timescales and budget for the build and how you expect the project to be managed can help you to set the standards for managing health and safety.

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### ***5 Communicate with your designer and building contractor***

Your project will only run efficiently if everyone involved in the work communicates, cooperates and coordinates with each other.

During the design and planning stage, you, your designer and contractor need to discuss issues affecting what will be built, how it will be built, how it will be used and how it will be maintained when finished. This will avoid people being harmed or having unexpected costs because issues were not considered when design changes could still easily be made.

Meeting with your designer and contractor as the work progresses gives an opportunity to deal with problems that may arise and discuss health and safety. This will help to ensure that the work progresses as planned.

### ***6 Ensure adequate welfare facilities on site***

Make sure that your contractor has made arrangements for adequate welfare facilities for their workers before the work starts. See the HSE publication *Provision of welfare facilities during construction work* (see 'Further reading').

### ***7 Ensure a construction phase plan is in place***

The principal contractor (or contractor if there is only one contractor) has to draw up a plan explaining how health and safety risks will be managed. This should be proportionate to the scale of the work and associated risks and you should not allow work to start on site until there is a plan.

### ***8 Keep the health and safety file***

At the end of the build the principal designer should give you a health and safety file. If the principal designer leaves before the end of the project, the principal contractor (or contractor if there is only one contractor) should do this. It is a record of useful information which will help you manage health and safety risks during any future maintenance, repair, construction work or demolition. You should keep the file, make it available to anyone who needs to alter or maintain the building, and update it if circumstances change.

### ***9 Protecting members of the public, including your employees***

If you are an employer, or you have members of the public visiting your premises, you need to be sure that they are protected from the risks of construction work.

Discuss with your designer and contractor how the construction work may affect how you run your business, e.g. you may have to re-route pedestrian access; make sure signs to your entrance are clear; or change the way your deliveries operate.

### ***10 Ensure workplaces are designed correctly***

If your project is for a new workplace or alterations to an existing workplace (e.g. a factory or office), it must meet the standards set out in the Workplace (Health, Safety and Welfare) Regulations 1992 (see 'Further reading').

## **Notifying construction projects**

For some construction work (work lasting longer than 30 days with more than 20 workers working at the same time, or involving 500 person days of work), you need to notify HSE of the project as soon as possible before construction work starts. In practice, you may request someone else to do this on your behalf.

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### How can you find out more?

Your principal designer or principal contractor will be able to advise you on your duties.

### Why you should comply with your duties as a client

If you do not comply with CDM 2015, you are likely to be failing to influence the management of health and safety on your project. This means that your project could be putting workers and others at risk of harm, and that the finished structure may not achieve good standards and be value for money.

If you don't appoint a principal designer or principal contractor you will be responsible for the things that they should have done.

Serious breaches of health and safety legislation on your construction project could result in construction work being stopped by HSE or your local authority and additional work may be needed to put things right. In the most serious circumstances, you could be prosecuted.

### Fee for Intervention

HSE now recovers the costs of time spent dealing with material breaches of health and safety law. This is known as Fee for Intervention (FFI). FFI applies when an inspector finds something wrong that they believe is serious enough for them to write to you about. A fee is charged for the time spent by the inspector in sorting it out. Following the simple guidance in this leaflet may help you to avoid having to pay a fee.

### Domestic clients

If you are having work done on your own home, or the home of a family member, and it is **not** in connection with a business, you will be a domestic client. The only responsibility a domestic client has under CDM 2015 is to appoint a principal designer and a principal contractor when there is more than one contractor. However, if you do not do this, (as is common practice) your duties as a domestic client are automatically transferred to the contractor or principal contractor. If you already have a relationship with your designer before the work starts, the designer can take on your duties, provided there is a written agreement between you and the designer to do so.


## Summary of duties under Construction (Design and Management) Regulations 2015 (CDM 2015)

Summary of duties for CDM dutyholders	
CDM Dutyholders* – Who are they?	Main duties – What they need to do
<p><u>Commercial clients</u> – Organisations or individuals for whom a construction project is carried out that is done as part of a business.</p>	<p>Make suitable arrangements for managing a project, including making sure:</p> <ul style="list-style-type: none"> <li>• other dutyholders are appointed as appropriate</li> <li>• sufficient time and resources are allocated</li> </ul>


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	<p>Make sure:</p> <ul style="list-style-type: none"> <li>• relevant information is prepared and provided to other dutyholders</li> <li>• the principal designer and principal contractor carry out their duties</li> <li>• welfare facilities are provided</li> </ul>
<p><u>Domestic clients</u> – People who have construction work carried out on their own home (or the home of a family member) that is <b>not</b> done as part of a business.**</p>	<p>Though in scope of CDM 2015, their client duties are normally transferred to:</p> <ul style="list-style-type: none"> <li>• the contractor for single contractor projects</li> <li>• the principal contractor for projects with more than one contractor</li> </ul> <p>However, the domestic client can instead choose to have a written agreement with the principal designer to carry out the client duties.</p>
<p><u>Designers</u> - Organisations or individuals who as part of a business, prepare or modify designs for a building, product or system relating to construction work.</p>	<p>When preparing or modifying designs, eliminate, reduce or control foreseeable risks that may arise during:</p> <ul style="list-style-type: none"> <li>• construction</li> <li>• the maintenance and use of a building once it is built</li> </ul> <p>Provide information to other members of the project team to help them fulfil their duties.</p>
<p><u>Principal designers</u> - Designers appointed by the client in projects involving more than one contractor. They can be an organisation or an individual with sufficient knowledge, experience and ability to carry out the role.</p>	<p>Plan, manage, monitor and coordinate health and safety in the pre-construction phase of a project.</p> <p>This includes:</p> <ul style="list-style-type: none"> <li>• identifying, eliminating or controlling foreseeable risks</li> </ul>

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	<ul style="list-style-type: none"> <li>ensuring designers carry out their duties</li> </ul> <p>Prepare and provide relevant information to other dutyholders.</p> <p>Liaise with the principal contractor to help in the planning, management, monitoring and coordination of the construction phase.</p>
<p><u>Principal contractors</u> – Contractors appointed by the client to coordinate the construction phase of a project where it involves more than one contractor.</p>	<p>Plan, manage, monitor and coordinate health and safety in the construction phase of a project. This includes:</p> <ul style="list-style-type: none"> <li>liaising with the client and principal designer</li> <li>preparing the <u>construction phase plan</u> </li> <li>organising cooperation between contractors and coordinating their work</li> </ul> <p>Make sure:</p> <ul style="list-style-type: none"> <li>suitable site inductions are provided</li> <li>reasonable steps are taken to prevent unauthorised access</li> <li>workers are consulted and engaged in securing their health and safety</li> <li>welfare facilities are provided</li> </ul>
<p><u>Contractors</u> – Those who carry out the actual construction work, contractors can be an individual or a company.</p>	<p>Plan, manage and monitor construction work under their control so it is carried out without risks to health and safety.</p> <p>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.</p>

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	For single contractor projects, prepare a <a href="#"><u>construction phase plan</u></a>  .
<p><u>Workers</u> – Those working for or under the control of contractors on a construction site.</p>	<p>Workers must:</p> <ul style="list-style-type: none"> <li>• be consulted about matters which affect their health, safety and welfare</li> <li>• take care of their own health and safety, and of others who might be affected by their actions</li> <li>• report anything they see which is likely to endanger either their own or others' health and safety</li> <li>• cooperate with their employer, fellow workers, contractors and other dutyholders</li> </ul>

\* Organisations or individuals can carry out the role of more than one dutyholder, provided they have the skills, knowledge, experience and (if an organisation) the organisational capability necessary to carry out those roles in a way that secures health and safety.

\*\* CDM 2015 applies if the work is carried out by someone else on the domestic client's behalf. If the householder carries out the work themselves, it is classed as DIY and CDM 2015 does not apply.

### Further reading and Assistance

Contact our qualified specialist Neil O'Brien BSc. (Hons) MRICS RMaPs. (Registered Member 2015).

CONIAC industry guides [www.citb.co.uk/health-safety-and-other-topics/health-safety/construction-design-and-management-regulations/cdm-guidance-documents](http://www.citb.co.uk/health-safety-and-other-topics/health-safety/construction-design-and-management-regulations/cdm-guidance-documents)

*Construction phase plan (CDM 2015): What you need to know as a busy builder* Construction Information Sheet CIS80 HSE Books 2015 [www.hse.gov.uk/pubns/cis80.htm](http://www.hse.gov.uk/pubns/cis80.htm)

*Health and safety in construction* HSG150 (Third edition) HSE Books 2006 ISBN 978 0 7176 6182 4 [www.hse.gov.uk/pubns/books/hsg150.htm](http://www.hse.gov.uk/pubns/books/hsg150.htm)

*Managing health and safety in construction. Construction (Design and Management) Regulations 2015. Guidance on regulations* L153 HSE Books 2015 ISBN 978 0 7176 6626 3 [www.hse.gov.uk/pubns/books/l153.htm](http://www.hse.gov.uk/pubns/books/l153.htm)

*Provision of welfare facilities during construction work* Construction Information Sheet CIS59 HSE Books 2010 [www.hse.gov.uk/pubns/cis59.htm](http://www.hse.gov.uk/pubns/cis59.htm)

*Workplace health, safety and welfare. Workplace (Health, Safety and Welfare) Regulations 1992. Approved Code of Practice and guidance* L24 (Second edition) HSE Books 2013 ISBN 978 0 7176 6583 9 [www.hse.gov.uk/pubns/books/l24.htm](http://www.hse.gov.uk/pubns/books/l24.htm)