

# CDM

**A look at Clients' duties**

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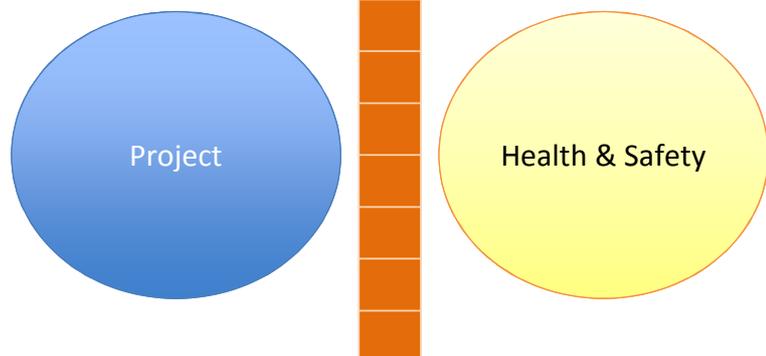
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# CDM

**The perception**



# CDM

## The aim



# CDM

- **A common misconception**
  - CDM only applies to notifiable projects
- **The reality**
  - CDM applies to all construction projects
  - The “**Construction** (Design and Management) Regulations”  
**not**  
the “**Notifiable Projects** (Design and Management) Regulations”

# CDM

## What it's all about

- Planning
- Communication

# CDM

## Duty holders

Client
Principal Designer
Designer
Principal Contractor
Contractor

# CDM

## The Client

“CDM 2015 makes the client accountable for the impact their decisions and approach have on health, safety and welfare on the project.”

*L153 Managing Health & Safety in Construction  
paragraph 29*

# CDM

## The Client's duties

- Planning
  - Arrangements for **managing** the project
  - Sufficient **time and resources**
  - **Communicate** with other Clients
- Designers and Contractors
  - Pre-Construction **Information**
  - **Check** competence
  - >1 Contractor = **Appoint** Principals **in writing**
- **Check** PDs and PCs are carrying out their duties
- **Notify** HSE (on notifiable projects)

## CDM

### **Pre-Construction Information: The purpose...**

- to enable prospective Designers and Contractors to put together a bid based on a clear understanding of the nature of the work involved.

## CDM

### **Pre-Construction Information: Must be provided...**

as soon as is practicable  
to every Designer and Contractor  
appointed, or  
being considered for appointment

In practice:

- Include with tender packages sent out to prospective Designers and Contractors

There is no set format

## CDM

### **Pre-Construction Information: Should include...**

- *proportionate* information about:
  - the project, e.g. Client brief and key dates;
  - the planning and management of the project, e.g.:
    - resources and time for each stage
    - arrangements to ensure there is cooperation and coordination between Duty Holders
  - the hazards of the site, e.g.:
    - results of ground condition surveys
    - asbestos surveys
    - design / construction hazards
- Info from existing Health & Safety File.



## CDM

### **Pre-Construction Information: After appointing the Principal Designer...**

The Client must then:

- assess the adequacy of the PCI in consultation with the Principal Designer;
- take reasonable steps to obtain the information needed to fill any gaps identified, e.g. by commissioning relevant surveys; and
- then provide the information to every Designer and Contractor as soon as practicable.



## CDM

- **Notifiable projects**

- More than 30 working days and 20 workers simultaneously working on the project

Or

- Exceed 500 person days  
(e.g. 50 people working more than 10 days each)

- The Client must make the notification to HSE as soon as practicable
- Use the HSE "F10" online form on the website
- F10 must be displayed on site and kept up to date



## CDM

### Principal Designer's duties

- **Manage** the pre-construction phase, including **coordination** of **information** exchanges
- **Assist** the Client to prepare and **issue** the PCI
- **Coordinate** with Designers on design risks
- **Liaise** with the Principal Contractor re the Construction Phase Plan
- Compile the Health & Safety File and **hand it over** to the Client or Principal Contractor



# CDM

## PD vs CDMC

- PD:
  - Typically an architect with little or no understanding of H&S
- CDMC:
  - Typically a H&S professional with little or no understanding of architectural design
  - No longer required under CDM2015 **but** Reg 7 of Management Regs '99 requires competent assistance for compliance with H&S



# CDM

## Designer's duties

- Check that the Client knows their duties
- Risk assess their design
- Provide information



## CDM

### Who is a designer?

- Architects and Architectural Technologists
- Chartered Surveyors
- Consulting Engineers
- Interior Designers
- Quantity Surveyors
- Technicians
- temporary work engineers; or
- anyone who specifies or alters a design.

## CDM

### Principal Contractor's duties

- Pre-Construction Phase
  - Liaise with the PD
  - Draw up the Construction Phase Plan
- Health & Safety File
  - Provide information to the PD
  - Take over the management of the HSF if needed
- Construction Phase
  - Plan, manage and monitor
  - Provide site induction, welfare and security
- Liaise with other PCs



# CDM

## Contractor's duties

- Check that the Client knows their duties
- Plan, manage and monitor own work
- Ensure the site is secured
- Ensure welfare facilities are provided
- Comply with instructions from the PD and PC
- Draw up the CPP (if the only Contractor)

**Will your contractor be using sub-contractors?(!)**



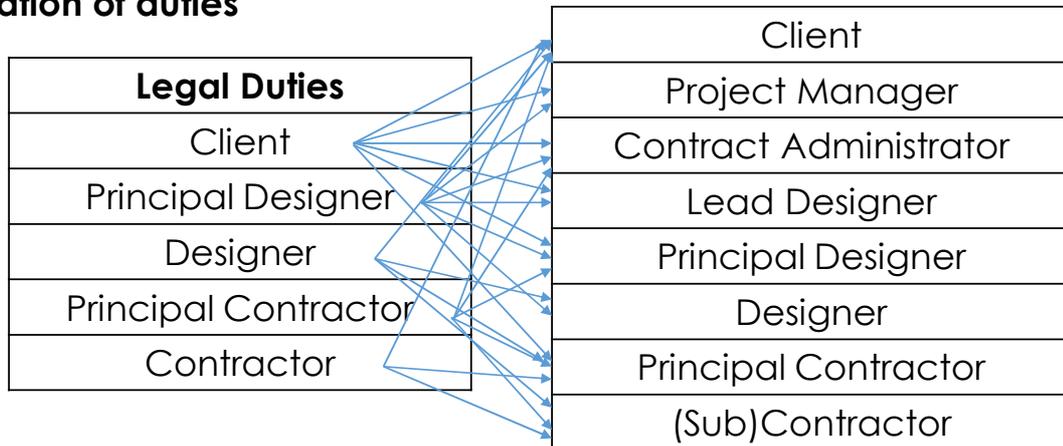
# CDM

## CDM Projects: roles in practice

Client
Project Manager
Contract Administrator
Lead Designer
Principal Designer
Designer
(Sub)Contractor
Principal Contractor

# CDM

## Allocation of duties



# CDM

## Key auditable outputs: Client

- Project management strategy / plan that includes:
  1. Arrangements for liaison with other Clients (where necessary)
  2. Allocation of sufficient time, resources and facilities
  3. Allocation of responsibilities and accountabilities
  4. Arrangements for compliance monitoring
  5. *Competent CDM compliance advice*
- Due diligence checks of the competence of Designers and Contractors
- PCI (and revisions) issued to all prospective Designers and Contractors
- Letters of appointment for the PD and PC (where necessary)
- F10 notification made to the HSE (where necessary)
- The H&S File is prepared by the Principal Designer (where necessary)
- The Construction Phase Plan is prepared by the (Principal) Contractor

# CDM

## Client prosecution

- Hatchmere Park Ltd pleaded guilty to a total of eight charges laid by both HSE and Torbay Council for a failure to comply with enforcement notices and for breaching Regulation 9(1) of CDM 2007.
- The company also pleaded guilty to breaching Regulation 4(1) of CDM 2015.
- An investigation in March 2015 by the HSE and Torbay Council had found multiple safety failings.
- There was an overall failure to take reasonable steps to manage the construction work without risk to the health and safety of both workers and residents.
- Particular issues included risks of falls from height and lack of shoring up slopes to prevent landslip.
- The company was fined a total of £90,000 plus costs of £25,000.

# CDM

## Challenges

- Uneducated / uninformed Clients
- CDMA's / former CDMCs not being taken seriously owing to lack of formal identification within the regs
- Reluctance of Designers to take on additional PD duties
  - Poor quality guidance and training for PDs
- Project team members unaware they are inadvertently taking on legal duties of particular duty holders



**citb** CDM Regs 2015 made simple

1



- Workers with the right skills, knowledge, training and experience
- Contractors providing appropriate supervision, instruction and information
- A written **construction phase plan**

2



**Section 1 plus...**

- principal designer and principal contractor must be appointed
- need a **health and safety file**

**citb** CDM Regs 2015 made simple

3

**If work is scheduled to:**

last longer than **30** working days **and**  
 have more than **20** workers working  
**simultaneously at any point** in the project  
**or** exceeds **500** person days



**All of sections 1 & 2 plus...**

- Client must notify project to HSE**

# CDM

## **In summary**

- Protect yourself
  - Plan
  - Communicate
  - Have access to competent advice