



OUTSOURCE
SAFETY

CDM 2015

CLIENT BRIEFING (ABRIDGED)

It would be true to say that we rarely experience a change in regulation which causes so much speculation and conversation amongst safety professionals, designers and architects, contractors, clients and everyone else who might be involved in a construction project at some stage.



There is still a lot of confusion amongst the duty holders and so we thought we would attempt (based on the latest draft guidance documents) to explain how we think the regulations will work from the perspective of each duty holder from client to contractor.

(Important Note: this guidance is provided as is and without warranty and is based on some assumptions and other draft documents)

1. Notification of HSE (F10)

1. At present you are required to notify HSE should your project last more than 30 consecutive days or more than 500 person days
2. New Regs; you will be required to notify HSE only if you project lasts more than 30 working days and has more than 20 people on site simultaneously
3. or last more than 500 person days (add up the numbers on-site each day and the number of days, incidentally 19 persons x 26 days will be 494 person days...)
 - Note: we expect that this will reduce notifiable projects to less than one-third of their current number
 - The duty to notify technically rests with the client under the revised regulations

2. Transitional arrangements

1. The regulations are set to come into force in April 2015, however, for projects for which a CDM Coordinator has already been appointed at that time there will be a six monthly transitional period where the old regulations can still be applied.
 - Note: Many expect this to have some flexibility but all projects should aim to comply with the new requirements and the change from CDM Coordinator to Principal Designer by October 2015.



3. Removal of the domestic client exemption

1. This was a key lever in the change in the regulations. The UK did not apply this part of the EU directive fully and was under pressure from the EU to do so. The regulations will now apply to all domestic work involving 2 or more contractors.
2. The client duty to also ensure that the regulations are implemented on domestic projects will pass from the client to the principal contractor. This may present the largest challenge to smaller contractors or those specialising in domestic works for new builds and extensions which up until now have been exempt.
3. These regulations "apply to **ALL** building projects, whether or not a person is acting in the course or furtherance of a business"
 - Note: This is significant. Even small projects will require a safety plan albeit one which HSE expects and allows to be smaller and less detailed than a notifiable project. In truth, it is likely that these plans will follow a very similar layout to larger project plans in the absence of firm guidance on what should be included to be compliant with the new regulations. This is an area in which we can help so please contact us if you need to discuss this aspect.

4. Role of the Principal Designer (replaces the CDM Coordinator Role)

1. This is now expected to be a person in the design team (architect, structural engineer, services engineer). This may well be supported by a safety expert such as ourselves working on a framework agreement or support contract as a Principal Design Consultant.
 - Role and duties;
 - Eliminating or controlling risk throughout the design phase
 - Ensuring that the Principal Contractor (PC) is kept updated
 - Ensuring that a Construction Phase Plan (CPP) is prepared
 - Assisting the Client with the preparation of pre construction information and fulfilling their project / design brief
 - Make certain that all designers comply with their duties to design out risk where practicable
 - Preparing the Health and Safety file at project completion

5. Role of the Client

1. A key change is that the client must set a clear brief for the project and this should set out arrangements for how health and safety will be managed. This may well be seen to include provision for audit arrangements to ensure good safety provision, risk management and welfare arrangements, another area where we can and do provide support.
2. From the regulations;

"A client is required to appoint a principal designer as well as a principal contractor in any project where there is, or it is reasonably foreseeable that there

will be, more than one contractor working on the project (regulation 5). Under the 2007 Regulations appointments for similar roles were required for notifiable projects."

3. An additional role and interesting requirement placed on clients is to ensure that the Principal Designer and Contractors carry out their roles fully. How they might be able to fulfil this duty without recourse to a construction safety professional such as ourselves is questionable - we often support in house teams even under the 2007 regulations so a new and specific requirement makes this an area which must be addressed fully by clients from April 2015

6. Role of the Principal Contractor

1. There are more slight modifications for the role of Principal Contractor and the role is similar to the 2007 regulations for those who previously fell into scope. The largest change will be the notification and application changes mentioned above which bring far more projects, including domestic, into the scope of the regulations for these larger contractors.
2. However, the largest impact will be faced by small and medium sized business as **ALL** projects must now produce a health and safety plan and produce a health and safety file regardless of the projects size
3. Smaller and repetitive projects
 - What about small jobs which still involve more than one contractor? How could the regulations apply to maintenance works where only 2 hours are required at site for small works? If they do this it could be beyond onerous.
 - Our answer; We don't yet know how HSE will see this being managed but we can guess. Under the existing regulations repetitive works could generally be grouped together and it's possible that HSE will allow an overall arrangement for a maintenance contract rather than insist on repeated documents which could be argued to be unreasonable. We'll update you when we know more.

7. Sub-contractors and competency requirements (PQQ's, SSIP and Approval Schemes in general)

1. The requirement for competency has been replaced with a requirement of "skills, knowledge and experience" in an apparent effort to reduce this burden
 - Sum result: We would be amazed if this changes anything. A form of words which requires you to do much the same thing is very unlikely to have an impact on the current status quo so don't expect CHAS, SMAS or SafeContractor requirements to be affected.
2. In support of our opinion above it is worthy of note that the PAS 91 is specifically referenced as a means of assessing pre-qualification, anyone familiar with this document will know how detailed this assessment is.

Further guidance and support

It's likely that some of our guidance above will change as we learn more about the regulations and how HSE will apply them. It's also true to say that a greater understanding will come after an unlucky few suffer FFI fines and prosecution for failures in applying the Regs. We'll continue to keep you updated and if you want to find out a bit more detail we would recommend the CONIAC guidance which can be found below and the HSE guidance to be found here; [Legal \(L\) Series guidance](#)

- [industry-guidance-clients](#)
- [industry-guidance-contractors](#)
- [industry-guidance-designers](#)
- [industry-guidance-principal-contractors](#)
- [industry-guidance-principal-designer](#)
- [industry-guidance-workers](#)



About the Author

Roger Hart is a Chartered Safety and Health Practitioner and a Chartered Member of the Institution of Occupational Safety and Health (IOSH) with over 20 years consultancy experience. He holds a Masters Degree in Environmental Management and Honours Degree in Chemical Engineering and Project Management. He also serves as Treasurer for the Working Well Together Campaign in the Southwest (a partnership between the Health and Safety Executive and the construction industry).

About Outsource Safety

A multi disciplinary Health & Safety consultancy Outsource Safety offers consultancy services to all sectors of commerce.

Learn more at www.outsource-safety.co.uk or call us on 01453 800100

Copyright © 2012 C&G Safety & Environmental Limited

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording, or otherwise, without the prior permission of the copyright owners.

FOR INFORMATION ONLY: This White Paper is an informational document and does not form part of any guidance issued by C&G Safety to clients or other parties. Readers should note that this document has not been approved through any formal process and represents the opinion of the author at the time of publishing.

The definitive version of this document may change and is available from the author on request