CDM Regulations 2015 (Construction Design and Management)

The regulations came into force in Great Britain on 6 April 2015 and set out details of how a person is required to protect themselves, and anyone the work they conduct affects, from harm. Anyone involved in construction work will need to comply with the CDM regulations. The regulations assist you to: sensibly plan work so the risks involved are managed from start to finish; employ competent persons to conduct works in a timely manner; cooperate and coordinate your work with others; have the relevant information on the risks involved and how they should be managed; communicate this information effectively to all concerned; consult and engage with workers about any additional risks involved.

The new CDM Regulations 2015 place legal responsibilities on all involved in a construction project ‘dutyholders’: commercial clients, domestic clients, Designer, Principal Designer, Principal Contractor, Contractor and Workers.

For further information on CDM Regulations 2015 and your responsibilities as a dutyholder, contact one of Evolution’s experienced Consultants.

Excerpt from Evolution’s CDM guidance document – August 2015

Below in an excerpt from our CDM Regs 2015 guidance document. This document has been created to summarise key information and responsibilities for each dutyholder under the CDM 2015 Regulations in a clear, concise manner.

This document is provided within each of our main packages and with a select number of our Additional Services on offer. It can also be purchased as a one-off document. For further information contact one of our Advisors.

CDM Guidance Document (Version 1.4 - October 2015)

The below information has been created to provide companies with the key information required in a “no nonsense”, user friendly format, to give you the foundations in understanding the CDM regulations, understanding your position as a company; and providing you with the knowledge required to assist your company comply with its duties under the CDM Regulations 2015.
Common Questions

What Are The CDM Regulations 2015

The Construction Design and Management (CDM) Regulations 2015 are the main set of regulations for managing Health, Safety and Welfare for construction works

The aim of the regulations is to improve Health & Safety in the industry by assisting those involved in construction works to:

- Sensibly plan work so risks involved are managed from start to finish
- Have the right people for the job at the right time
- Cooperate and coordinate your work with others
- Have the right information about the risks and how they are being managed
- Communicate this information effectively to those who need it
- Consult and engage with workers about the risks and how they are being managed

(source HSE CDM Regulations 2015)

Who Do They Apply To

The CDM regulations apply to:

- **Clients** – anyone who has construction work carried out for them
- **Contractors** – an organisation or individual who directly employs or engages construction workers, or as part of their business conducts, manages or controls construction work
- **Principal Contractors** – contractor with control over the construction phase of a project involving more than one contractor
- **Designers** – an organisation or individual whose work involves preparing or modifying a design for construction projects or instructing others to do so
- **Principal Designers** – an organisation or Individual appointed by the client with control over the pre-construction phase to take the lead in planning, managing, monitoring and coordinating Health & Safety during the pre-construction phase of a project involving, or likely to involve, more than one contractor
- **Workers** – someone who works for, or under the control of, a Contractor on a construction site

Each of these Duty holders has their own responsibilities under the CDM 2015 regulations. See sections below
When Did The CDM 2015 Regulations Come Into Force

06 April 2015 The CDM Regulations came into force

06 October 2015 The 6 month period for transitional arrangements ended. Where clients had appointed a CDM Coordinator prior to the 06 April, and works were still in progress, clients must have appointed a Principal Designer by this date

What Is The Difference Between A ‘Commercial’ And ‘Domestic’ Client

<table>
<thead>
<tr>
<th><strong>Commercial Client</strong></th>
<th>Organisations or individuals for whom a construction project is carried out as part of a business, whether the business operates for profit (shops, retailers,) or not (schools, churches, community centres)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Domestic Client</strong></td>
<td>Someone who has construction work carried out on their own home (or the home of a family member) that is not done as part of a business.</td>
</tr>
</tbody>
</table>

What Is Classed As ‘Construction Work’

It is a common occurrence for people to class ‘Construction Work’ as the construction, extension or demolition of a structure. However the term construction covers a wide range of works, applying the CDM regs 2015 throughout including:

- Preparation work for an intended structure – including site clearance, investigative works (excluding site surveys), excavations etc
- Construction, alteration, conversion, fitting out, repair, renovation, re-decoration, upkeep or other maintenance of the structure (including cleaning which involves the use of water or an abrasive at high pressure, or corrosive or toxic substances)
- The installation, commissioning, maintenance, repair or removal of mechanical, electrical, gas, compressed air, hydraulic, telecommunications, computer or similar services which are normally fixed within or to a structure
- De-commissioning, demolition or dismantling of structure

What Is Classed As ‘Design’ Work

Any drawings, details, specifications and bills of quantities (including specification of articles or substances) relating to a structure and calculations prepared for the purpose of a design

This includes designs of a complete new build of large scale structures, to the design of heating or electrical systems to be installed in a building

What Is A Structure

Common understanding of a structure - buildings, walls, bridges, etc

Structures also include roads, drainage works and tunnels to reservoirs, railway lines, masts, pylons, fixed plant, pipe or pipelines, waterworks, sea defence works and more

Any false work, scaffold or other structures designed or used to provide support or means of access during construction work
**What Is ‘Preconstruction Information’**

Information about the project that is already in the client’s possession or which is reasonably obtainable by, or on behalf of, the client:

- Previous surveys on the building, or the results of surveys arranged for the project, locations of underground/overhead services, existing drawings covering construction, mechanical or electrical installations

It must:

- Be relevant and in proportion to the nature of the project

  (Client brief, key dates of the construction phase, resources and time for each phase, significant Health & Safety hazards of the site and how they will be addressed, information from an existing Health & Safety file)

- Be gathered and added to as the design process progresses

- Be clear, concise and easily understandable

**Notifiable Works**

**What Are The Notification Requirements**

The HSE requires projects of certain nature, duration, and man power to be reported

Construction works are notifiable where the project is scheduled to:

- last longer than 30 working days and has more than 20 workers working simultaneously at any point in the project

  exceed 500 person days

See [F10 Notification HSE CDM 2015](#)

**Who Is Responsible To Notify?**

<table>
<thead>
<tr>
<th>Commercial Projects</th>
<th>Domestic Projects</th>
</tr>
</thead>
<tbody>
<tr>
<td>The CLIENT must notify Projects to the HSE.</td>
<td>The responsibility to notify <strong>automatically</strong> passes to the Contractor (or Principal Contractor where there is more than one contractor working on the project) to notify the HSE</td>
</tr>
</tbody>
</table>

The **Principal Designer** can also notify the HSE where there is a **written agreement** between the Principal Designer and the Client for the Principal Designer to absorb the Client Duties for the duration of their involvement in the works
### Key Requirements

**ALL** involved on a Construction project must have the appropriate knowledge, experience, skills and training in the works being conducted

**ALL** projects must have a written construction phase plan, **in proportion** to the works being conducted

Where there is more than one contractor involved on a project:

- A Principal Designer and Principal Contractor must be appointed
- A Health & Safety file must be created

See specific requirements under each dutyholder below

### Why Do I Need To Comply With The CDM Regulations 2015

If you do not comply with your duties under CDM 2015 you will be in breach of Health & Safety legislation

This could result in construction work being **STOPPED** by the HSE, or local authority until the issue is rectified at **YOUR** expense

You may even face prosecution which can result in significant fines and even jail sentences

Finance – The HSE now recovers the cost of time spent in dealing with material breaches of Health & Safety law, known as the **Fee for Intervention (FFI)**

This applies when an inspector finds something wrong which they deem serious enough to formally write to the offender about. A fee is charged for the time spent by the inspector in ensuring the issue is rectified