



DOCUMENT CHANGE RECORD

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1.0 WHO IS A CLIENT

CDM 2015 defines a client as anyone for whom a construction project is carried out. This definition includes both non-domestic (or 'commercial') clients and 'domestic' clients (ie clients for whom a construction project is carried out which is not done in connection with a business). The Regulations apply in full to commercial clients, but for domestic clients, the effect of regulation 7 is to pass the client duties on to other duty holders. This includes the principal designer and principal contractor duties falling to the designer and contractor in control of the pre-construction and construction phases, where the domestic client does not make these appointments.

2.0 SUMMARY OF ROLE HOLDER RESPONSIBILITIES

CDM duty holders:*	Summary of role/main duties
Clients are organisations or individuals for whom a construction project is carried out.	<p>Make suitable arrangements for managing a project. This includes making sure:</p> <ul style="list-style-type: none"> • other duty holders are appointed • sufficient time and resources are allocated. Make sure: • relevant information is prepared and provided to other duty holders; • the principal designer and principal contractor carry out their duties; • welfare facilities are provided.
Domestic clients are people who have construction work carried out on their own home, or the home of a family member that is not done as part of a business, whether for profit or not.	<ul style="list-style-type: none"> • Domestic clients are in scope of CDM 2015, but their duties as a client are normally transferred to: • the contractor, on a single contractor project; or; • the principal contractor, on a project involving more than one contractor. However, the domestic client can choose to have a written agreement with the principal designer to carry out the client duties.
Designers are those, who as part of a business, prepare or modify designs for a building, product or system relating to construction work.	<p>When preparing or modifying designs, to eliminate, reduce or control foreseeable risks that may arise during: construction; and the maintenance and use of a building once it is built. Provide information to other members of the project team to help them fulfil their duties.</p>



<p>Principal designers** are 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. This includes:</p> <ul style="list-style-type: none"> • identifying, eliminating or controlling foreseeable risks; • ensuring designers carry out their duties. Prepare and provide relevant information to other duty holders. Provide relevant information to the principal contractor to help them plan, manage, monitor and coordinate health and safety in the construction phase.
<p>Principal contractors are 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"> • liaising with the client and principal designer; • preparing the construction phase plan; • organising cooperation between contractors and coordinating their work. Ensure: <ul style="list-style-type: none"> • suitable site inductions are provided; • reasonable steps are taken to prevent unauthorised access; • workers are consulted and engaged in securing their health and safety; and • welfare facilities are provided.
<p>Contractors are those who do the actual construction work and can be either an individual or a company.</p>	<p>Plan, manage and monitor construction work under their control so that it is carried out without risks to health and safety. 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> <p>For single-contractor projects, prepare a construction phase plan.</p>
<p>Workers are the people who work for or under the control of contractors on a construction site.</p>	<p>They must:</p> <ul style="list-style-type: none"> • be consulted about matters which affect their health, safety and welfare; • take care of their own health and safety and others who may be affected by their actions; • report anything they see which is likely to endanger either their own or others' health and safety; • cooperate with their employer, fellow workers, contractors and other duty holders.

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

** Principal designers are not a direct replacement for CDM coordinators. The range of duties they carry out is different to those undertaken by CDM coordinators under CDM 2007

3.0 REGULATION 8 – GENERAL DUTIES (APPLYING TO ANYONE WORKING ON A PROJECT)

(1) A designer (including a principal designer) or contractor (including a principal contractor) appointed to work on a project must have the skills, knowledge and experience and, if they are an organisation, the organisational capability, necessary to fulfil the role that they are appointed to undertake, in a manner that secures the health and safety of any person affected by the project.

(2) A designer or contractor must not accept an appointment to a project unless they fulfil the conditions in paragraph (1).

(3) A person who is responsible for appointing a designer or contractor to carry out work on a project must take reasonable steps to satisfy themselves that the designer or contractor fulfils the conditions in paragraph (1).

(4) A person with a duty or function under these Regulations must cooperate with any other person working on or in relation to a project, at the same or an adjoining construction site, to the extent necessary to enable any person with a duty or function to fulfil that duty or function.

(5) A person working on a project under the control of another must report to that person anything they are aware of in relation to the project which is likely to endanger their own health or safety or that of others.

(6) Any person who is required by these Regulations to provide information or instruction must ensure the information or instruction is comprehensible and provided as soon as is practicable.

4.0 REGULATION 4 – CLIENT DUTIES IN RELATION TO MANAGING PROJECTS

(1) A client must make suitable arrangements for managing a project, including the allocation of sufficient time and other resources.

(2) Arrangements are suitable if they ensure that—

(a) the construction work can be carried out, so far as is reasonably practicable, without risks to the health or safety of any person affected by the project; and (b) the facilities required by Schedule 2 are provided in respect of any person carrying out construction work.

(3) A client must ensure that these arrangements are maintained and reviewed throughout the project.

(4) A client must provide pre-construction information as soon as is practicable to every designer and contractor appointed, or being considered for appointment, to the project.

(5) A client must ensure that—

(a) before the construction phase begins, a construction phase plan is drawn up by the contractor if there is only one contractor, or by the principal contractor; and (b) the principal designer prepares a health and safety file for the project, which— (i) complies with the requirements of regulation 12(5); (ii) is revised from time to time as appropriate to incorporate any relevant new information; and (iii) is kept available for inspection by any person who may need it to comply with the relevant legal requirements.

(6) A client must take reasonable steps to ensure that—

(a) The principal designer complies with any other principal designer duties in regulations 11 and 12; and

(b) The principal contractor complies with any other principal contractor duties in regulations 12 to 14;

(7) If a client disposes of the client's interest in the structure, the client complies with the duty in paragraph (5)(b)(iii) by providing the health and safety file to the person who acquires the client's interest in the structure and ensuring that that person is aware of the nature and purpose of the file.

(8) Where there is more than one client in relation to a project—

(a) one or more of the clients may agree in writing to be treated for the purposes of these Regulations as the only client or clients; and (b) except for the duties specified in sub-paragraph (c) only the client or clients agreed in paragraph (a) are subject to the duties owed by a client under these Regulations; (c) the duties in the following provisions are owed by all clients— (i) regulation 8(4); and (ii) paragraph (4) and regulation 8(6) to the extent that those duties relate to information in the possession of the client.

5.0 REGULATION 22 - EXCAVATIONS

(1) All practicable steps must be taken to prevent danger to any person, including, where necessary, the provision of supports or battering, to ensure that—

(a) No excavation or part of an excavation collapses; (b) no material forming the walls or roof of, or adjacent to, any excavation is dislodged or falls; and (c) no person is buried or trapped in an excavation by material which is dislodged or falls.

(2) Suitable and sufficient steps must be taken to prevent any person, work equipment, or any accumulation of material from falling into any excavation.

(3) Suitable and sufficient steps must be taken, where necessary, to prevent any part of an excavation or ground adjacent to it from being overloaded by work equipment or material.

(4) Construction work must not be carried out in an excavation where any supports or battering have been provided in accordance with paragraph (1) unless—

(a) the excavation and any work equipment and materials which may affect its safety have been inspected by a competent person— (i) at the start of the shift in which the work is to be carried out; (ii) after any event likely to have affected the strength or stability of the excavation; and (iii) after any material unintentionally falls or is dislodged; and (b) the person who carried out the inspection is satisfied that construction work can be safely carried out there.

(5) Where the person carrying out an inspection informs the person on whose behalf the inspection is carried out of any matter about which they are not satisfied (under regulation 24(1)), construction work must not be carried out in the excavation until the matter has been satisfactorily remedied.



6.0 REGULATION 23 – COFFERDAMS AND CAISSONS

(1) A cofferdam or caisson must be—

(a) Of suitable design and construction; (b) appropriately equipped so that workers can gain shelter or escape if water or materials enter it; and (c) properly maintained.

(2) A cofferdam or caisson must not be used to carry out construction work unless—

(a) the cofferdam or caisson and any work equipment and materials which may affect its safety have been inspected by a competent person— (i) at the start of the shift in which the work is to be carried out; and (ii) after any event likely to have affected the strength or stability of the cofferdam or caisson; and (b) the person who carried out the inspection is satisfied that construction work can be safely carried out there.

7.0 DUTIES OF DESIGNERS & CONTRACTORS

(1) A designer must not commence work in relation to a project unless satisfied that the client is aware of the duties owed by the client under these Regulations.

(2) When preparing or modifying a design the designer must take into account the general principles of prevention and any pre-construction information to eliminate, so far as is reasonably practicable, foreseeable risks to the health or safety of any person—

(a) carrying out or liable to be affected by construction work; (b) maintaining or cleaning a structure; or (c) using a structure designed as a workplace.

(3) If it is not possible to eliminate these risks, the designer must, so far as is reasonably practicable—

(a) take steps to reduce or, if that is not possible, control the risks through the subsequent design process; (b) provide information about those risks to the principal designer; and (c) ensure appropriate information is included in the health and safety file.

(4) A designer must take all reasonable steps to provide, with the design, sufficient information about the design, construction or maintenance of the structure, to adequately assist the client, other designers and contractors to comply with their duties under these Regulations.

Who is a designer?

A designer is an organisation or individual, who:

(a) prepares or modifies a design for a construction project (including the design of temporary works); or (b) arranges for, or instructs someone else to do so.

The term 'design' includes drawings, design details, specifications, bills of quantity and calculations prepared for the purpose of a design. Designers include architects, architectural technologists, consulting engineers, quantity surveyors, interior designers, temporary work engineers, chartered surveyors, technicians or anyone who specifies or alters a design. They can include others if they carry out design work, such as principal contractors, and specialist contractors, eg an engineering contractor providing design, procurement and construction management services. Where commercial clients become actively involved in designing in relation to their project, they may also be considered to be designers.

The person who selects products for use in construction is a designer and must take account of health and safety issues arising from their use. If a product is purpose-built, the person who prepares the specification is a designer and so are manufacturers, if they develop a detailed design.

What must a designer do?

A designer must not start any design work unless they are satisfied the client is aware of the duties clients have under CDM 2015. This duty can be fulfilled as part of routine business, e.g. in early meetings or liaison with the client to discuss the project. A designer should have a sufficient knowledge of client duties to give sufficient advice about the project. The level of advice will depend on the knowledge and experience of the client and the complexities of the project.

On projects involving more than one contractor, the task of informing the client of their duties should normally fall to the principal designer. Any other designers appointed can seek confirmation from the principal designer that the client has been made aware of their duties.

When preparing or modifying designs, a designer must take account of the general principles of prevention, and the pre-construction information provided to them, with the aim, as far as reasonably practicable, of eliminating foreseeable risks. Where this is not possible they must take reasonably practicable steps to reduce the risks or control them through the design process, and provide information about the remaining risks to other duty holders

Taking account of the general principles of prevention in design work.

(a) workers or anyone else (eg members of the public) who may be affected during construction; (b) those who may maintain or clean the building once it is built; or (c) those who use the building as a workplace.

Designs prepared for places of work also need to comply with the Workplace (Health, Safety and Welfare) Regulations 1992 (the Workplace Regulations), taking account of factors such as lighting and the layout of traffic routes.

Health and safety risks need to be considered alongside other factors that influence the design, such as cost, fitness for purpose, aesthetics and environmental impact. Working with contractors (including principal contractors) involved in the project can help identify the potential risks and ways they may be controlled.

Once the risks have been considered, the level of detail in the information provided to those who need it should be proportionate to the risks remaining. Insignificant risks can usually be ignored, as can those arising from routine construction activities, unless the design worsens or significantly alters these risks.

A designer must take account of pre-construction information the client or principal designer provides when making decisions about the extent to which they can eliminate foreseeable risks through the designs they produce; and, where these risks cannot be eliminated, the steps they take to reduce or control them. Eliminating, reducing or controlling foreseeable risks through design.

When designing, a designer must consider the risks people may be exposed to through the course of both constructing a building and using it once it is constructed. Designing is a process that often continues throughout the project and the following questions should be considered when design is carried out:

If risks cannot be eliminated altogether, a designer should apply the principles below in deciding how to reduce or control the remaining risks – if possible, in the following order:

When addressing risks, a designer is expected to do as much as is reasonable at the time the design is prepared. Risks that cannot be addressed at the initial stage of a project may need to be reviewed

later on during detailed design. On projects involving more than one contractor, the principal designer will lead in managing the review process.

What must a contractor do?

150 Contractors have a number of specific duties. They must also comply with the requirements of regulation 8 as they apply to contractors. These include the requirements:

(a) on anyone appointing a designer or contractor (such as the contractor appointing a sub-contractor) to ensure the designer or contractor has the skills, knowledge and experience and, where relevant, organisational capability to carry out the work for which they are being appointed; and (b) to cooperate with other duty holders.

Contractors must not carry out any construction work on a project unless they are satisfied that the client is aware of the duties the client has under CDM 2015. In cases where the contractor is the only one involved, they must liaise directly with the client to establish this. Liaison can be done as part of routine business during early meetings with the client to discuss the project. Contractors should make sure they have a sufficient knowledge of client duties as they affect the project so they can give proper advice. The level of advice will depend on the knowledge and experience of the client and the complexities of the project.

Contractors are required to plan, manage and monitor the construction work under their control so it is carried out in a way that controls the risks to health and safety. The effort devoted to planning, managing and monitoring should be proportionate to the size and complexity of the project and the nature of risks involved.

On projects involving more than one contractor, this will involve the contractor coordinating the planning, management and monitoring of their own work with that of the principal contractor and other contractors, and where appropriate the principal designer. Such coordination could involve regular progress meetings with other dutyholders to ensure that the contractor's arrangements for planning, managing and monitoring their own work can feed into, and remain consistent with, the project-wide arrangements. For single contractor projects, the arrangements to plan, manage and monitor the construction phase will normally be simpler.

In planning the work, the contractor must take into account the risks to those who may be affected, eg members of the public and those carrying out the construction work. Planning should cover the same considerations as those for the principal contractor, including considering the risks and ensuring the measures needed to protect those affected are in place.

On projects involving more than one contractor, each contractor must plan their own work so it is consistent with the project-wide arrangements. Contractors should expect help from other dutyholders, eg the client who must provide the pre-construction information.

On single contractor projects, the contractor is responsible for planning the construction phase and for drawing up the construction phase plan before setting up the construction site. The client must provide any relevant pre-construction information they possess and the time and other resources to help the contractor do this.

The arrangements for managing construction work must take into account the same issues that principal contractors must consider.

The contractor should monitor their work to ensure that the health and safety precautions are appropriate, remain in place and are followed in practice. Effective monitoring by the contractor must address the same issues principal contractors must consider. This includes using a mix of measures to check performance and taking prompt action when issues arise.

On projects involving more than one contractor, as part of the duty to cooperate with other duty holders, the contractor should provide the principal contractor with any relevant information that stems from their own monitoring so the principal contractor can monitor the management of health and safety at a project-wide level.

Complying with directions and the construction phase plan. For projects involving more than one contractor, the contractor is required to comply with any directions to secure health and safety given to them by the principal designer or principal contractor. They are also required to comply with the parts of the construction phase plan that are relevant to their work, including the site rule.

Drawing up a construction phase plan. For single contractor projects, the contractor must ensure a construction phase plan is drawn up as soon as practicable before the construction site is set up. Guidance on contractors' duties in relation to the construction phase plan is set out in Appendix 3. There is more guidance, including a template for a construction phase plan, for contractors working on small-scale, routine and domestic projects in the HSE leaflet Construction phase plan (CDM 2015):

Appointing and employing workers Appointing workers. When a contractor employs or appoints an individual to work on a construction site, they should make enquiries to make sure the individual:

(a) has the skills, knowledge, training and experience to carry out the work they will be employed to do in a way that secures health and safety for anyone working on the site; or (b) is in the process of obtaining them.

When appointing individuals who may be skilled but who do not have any formal qualifications, contractors may need to assess them in the working environment.

Supervisors are a vital part of effective management arrangements. Effective supervisors are those who have the skills, knowledge, training, experience and leadership qualities to suit the job in hand. Good communication and people management skills on site are important qualities for supervisors. Where site workers are promoted to a supervisory role, they should be provided with nationally recognised site supervisor training which includes leadership and communication skills.

The role of the supervisor may include team leading, briefing and carrying out toolbox talks. It may also include coaching and encouragement of individual workers and supporting other formal and informal means of engaging with workers. The supervisor has a particularly important part to play as a front-line decision maker in emergencies or when workers on site face immediate risks that may require work to stop.

Contractors should provide their employees and workers under their control with the information and instructions they need to carry out their work without risk to health and safety.