

Your reference

Our reference

Date

CDM REGULATIONS 2007: WHAT CLIENTS NEED TO DO

COX

YOU AND THE REGULATIONS: If you are about to: alter or extend a building or structure, put up a new one or demolish an existing one, then the Construction (Design and Management) Regulations 2007 place a number of specific duties on you. The extent of these duties varies with the type of project involved. On larger projects you are required to appoint a "CDM Co-ordinator" before significant detailed design work starts so that they can advise and assist you with all of your duties.

The aim of these Regulations is to make Health & Safety an essential and integral part of the planning and management of projects and to make sure that everyone works together to reduce the risk to the Health & Safety of those who work on the structure, who may be affected by these works, or who will use it as a place or work once it's completed.

Advantages for You: If everyone involved in your project complies with the CDM Regs, they will help:

- Improve planning and management and so help ensure that the project is completed on time, within budget and to the required standards
- Reduce costs, delays and bad publicity resulting from accidents or ill health
- Make sure that cleaning, maintenance and repair issues have been thought through
- Reduce whole life costs of the building / structure
- Provide useful information for the maintenance and possible future development of the building/structure

The Regulations recognize that you - the Client - hold the power to influence and control those you engage or appoint on a project, and therefore that the ultimate responsibility for the achievement of a safe project is in your hands as much as theirs.

The Regulations are about making sure that there is:

- Early appointment or engagement of competent and capable key people or organisations that have sufficient resources
- A realistic project programme which gives enough time for planning and programming as well as carrying out the work itself
- Early identification and reduction of construction risks and proper management of those that remain, so that construction is safe and does not damage the health of workers or others
- Co-operation between all involved in a project and effective co-ordination regarding Health & Safety issues
- Adequate welfare facilities provided from the start and throughout the construction phase

and that:

- Appropriate information is made available to the right people at the right time, from the start of the design process through construction, use (if a place of work) and maintenance to the eventual demolition or removal, so that work can be carried out safely and without risk to health

However it is important that the amount of effort devoted to managing Health & Safety is kept appropriate to the complexity of the project and level of risks.

SIZE IS NOT AN ISSUE

the CDM regulations separate construction projects into two types - dependent on how long they take to build and how many people are involved.

- Non-Notifiable Projects - where the project is likely to involve LESS THAN 30 days or 500 person days of construction work, or
- Notifiable projects - where the project is likely to involve MORE THAN 30 days or 500 person days of construction work

CDM
co-ordinationDesign
managementEmployers
agentProject
managementEnvironmental
engineering

YOUR DUTIES AS A CONSTRUCTION CLIENT:

Your project is Notifiable so we have simplified your duties into one list for Notifiable Projects

You must do the following:

- Appoint or engage people and organisations that are competent and capable of carrying out the work they have to do and are adequately resourced
- Ensure that all appointments are made early enough to enable those appointed to carry out their duties effectively
- See that management arrangements are put in place and make sure they remain in place throughout the project, so that construction works can be carried out safely and without risk to health
- Allow sufficient time for each stage of the project, including design, preparation for starting on site and the construction itself
- Provide information likely to be needed by anyone involved, so that they can comply with their duties
- Co-operate with everyone involved, to make it easier for them to carry out their duties
- Co-ordinate your own work with all those involved, to ensure the health and safety of those carrying out construction work and anyone affected by it
- Be satisfied that any workplaces are designed to comply with all relevant Health & Safety legislation
- Give notice to Contractors of the minimum time they will be allowed for planning and preparation between their appointment and starting the construction work
- Be satisfied that suitable welfare facilities are provided by Contractors from the start and throughout the construction phase
- Appoint a 'CDM Coordinator' to advise and assist you and also to co-ordinate arrangements for Health & Safety during the design and planning phase. The Approved Code of Practice (ACoP) requires that appointment should be before significant detailed design work which" includes preparation of the initial concept design and implementation of any strategic brief." (ACoP para 66). Designers are not permitted to undertake any other design work until the CDM Co-ordinator has been appointed
- Appoint a 'Principal Contractor' as soon as practicable to advise on buildability and maintainability and later to plan & manage the construction work
- Do not allow construction works to start until the Principal Contractor has prepared a suitable Construction Phase Plan and put suitable welfare facilities in place
- Agree the contents and format of the 'Health & Safety File' and provide the CDM Co-ordinator with relevant information for this document. The CDM Co-ordinator will ensure the 'Health & Safety File' is prepared, reviewed or updated (as appropriate) ready for handing over to you on completion of the work. This is an important legal document
- Keep the Health & Safety File safe and make it available to anyone who may need it in the future, and explain its purpose to them. You must also update it whenever necessary. When you dispose of your interest in the structure you must also pass on the File to those acquiring it
- Once appointed, your 'CDM Co-ordinator' can help you carry out all your other duties but until you make this appointment you will be deemed to be carrying out the CDM Co-ordinator's duties yourself. An early appointment is not only required but also makes a lot of sense!

The CDM Co-ordinator is there to help you carry out those duties and will advise you throughout the project on what needs to be done.

WHAT HAPPENS IF YOU DON'T CARRY OUT THESE DUTIES

- If you fail to appoint a 'CDM Co-ordinator' or 'Principal Contractor' you will be legally liable for their duties and will be deemed to be carrying them out
- You could leave yourself open to potentially very expensive civil action
- You will miss the opportunity to gain from the advantages listed above, and
- You could face criminal prosecution by the HSE

NEED HELP

Getting the right people to do what they are supposed to do under these regulations is particularly important when you don't have much experience of construction or Health & Safety, so you need to be reasonably sure that those you appoint are competent and capable of carrying out their work on your particular project.

Don't forget that once appointed for a Notifiable Project, your CDM Co-ordinator can help you carry out all your duties and a good designer should be able to advise you on how you can comply with your duties on most Non-Notifiable Projects.

If you need any further information, contact:

MICHAEL COX AND COMPANY LIMITED 17 HEOL MYNYDD BYCHAN, HEATH,
CARDIFF CF144NL

TEL 02920623336 MOB 07968336341 E MIKE@MICHAELCOXANDCO.COM