

CDM Regulations 2007 Update

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Introduction

- “The story so far”
- Arrangement of the Regs
- Parts 1, 4 and 5
- Part 2 – General duties applying to Construction Work
- Part 3 – Additional duties where the project is notifiable

The story so far

“Whatever way you look at it the Construction (Design and Management) Regulations have become a big headache for everybody in construction.

What started out as a well-intentioned law aimed at raising safety standards has descended into a tedious form-filling exercise that owes more to being seen to be safe than making meaningful assessments. That is why root and branch reform of the regulations is so badly needed.”

Construction News

Thursday April 7 2005

Question

- What is the difference between a problem and a puzzle?

Arrangement of the Regs

- Part 1 – Introduction
- Part 2 – General management duties applying to construction projects
- Part 3 – Additional duties where the project is notifiable
- Part 4 – Duties relating to H&S on Construction sites
- Part 5 – General

H&S at Work etc Act 1974

Section 2 (1)

- It shall be the duty of every employer to ensure, so far as is reasonable practicable (sfairp), the health, safety and welfare at work of all his employees

Legal definitions

- “To ensure” – absolute duty
- 'Reasonable care' - A judgement will be made in the light of contemporary knowledge and thinking
- “So far as is reasonably practicable” - a calculation of the degree of risk, on one hand, against the time, trouble, cost and physical difficulty needed to reduce the risk on the other

CDM 07 - Parts 1, 4 and 5

- Part 1 – definitions and application (Regs 1-3)
 - Commencement, 6th April 2007
 - Notifiable projects, 30 days or 500 person days
- Part 4 – Duties relating to H&S on construction sites (Regs 25-44)
 - Construction (HSW) Regs
- Part 5 – civil liability, transition arrangements, amendments to other Regulations (Regs 45-53)

CDM 07 Part 2 Regs 4 - 13

Reg 4 - Competence

- No person shall appoint a CDM duty holder unless he has taken reasonable steps to ensure that the duty holder is competent
- No person shall accept an appointment unless he is competent
- No person shall instruct a worker for design or construction work unless the worker is competent or under the supervision of a competent person

CDM 07 Part 2 Regs 4 - 13

Reg 9 – Client's duty in relation to arrangements for managing projects

- Clients to take reasonable steps to ensure that arrangements are made (and maintained) for –
 - Allocation of sufficient time and resources
 - Construction to be carried out safely without risk to the H&S of any person
 - Welfare facilities (schedule 2)
 - Any structure designed as a workplace will comply with the Workplace (HS&W) Regs

CDM 07 Part 2 Regs 4 - 13

Reg 10 – Client’s duty in relation to information

- The client shall ensure that designers and contractors are promptly provided with:
 - all pre-construction information in the client’s possession (or which is reasonably obtainable)
 - the minimum time allowed to the contractor before construction for planning and preparation for the construction works

CDM 07 Part 2 Regs 4 - 13

Reg 11 – Duties of designers

- No designer shall commence work unless any client for the project is aware of his duties
- Every designer shall be fair in preparing or modifying a design avoid foreseeable risk to the H&S of any person
 - Carrying out construction work
 - Liable to be affected by such construction work
 - Cleaning or maintaining structures
 - Using a structure as a workplace

CDM 07 Part 2 Regs 4 - 13

Reg 11 – Duties of designers (cont)

- The designer shall sfairp:
 - Eliminate hazards which may give rise to risks
 - Reduce risks from any remaining hazards

And in doing so shall give collective measures priority over individual measures

- Take account of the Workplace Regs
- Take reasonable steps to provide with his design sufficient information to assist other duty holders to comply with these Regs

CDM 07 Part 2 Regs 4 - 13

Reg 13 – Duties of contractors

- Ensure that any client is aware of his duties
- Plan, manage and monitor construction work to ensure safe that it is carried out without risks to H&S
- Inform any contractors that they engage of the minimum time they have to plan and prepare
- Ensure safe that there are welfare facilities (schedule 2)

CDM 07 Part 2 Regs 4 - 13

- Reg 13 – Duties of contractors cont.
- Every contractor shall provide every worker under his control information and/or training, including
 - Suitable site induction
 - Information on risks to their H&S identified by his risk assessment or arising out of the conduct of another contractor
 - Measures identified as a result of risk assessment
 - Site rules
 - Emergency procedures

CDM 07 Part 3 Regs 14 – 24

What follows are additional duties that apply on projects where the construction phase is likely to involve more than:-

- a) 30 days; or
- b) 500 person days

CDM 07 Part 3 Regs 14 – 24

Reg 14 – Appointments by the client where a project is notifiable

- Appoint a CDM co-ordinator *“as soon as is practicable after initial design work or other preparation for construction work has begun”*
- *“After appointing a CDM co-ordinator”* the client shall appoint a Principal Contractor *“as soon as is practicable after the client knows enough about the project etc”*
- The client shall be deemed to be the CDM co-ordinator and the PC for any period for which no such person has been appointed
- Any reference to appointment is to appointment in writing

CDM 07 Part 3 Regs 14 – 24

Reg 15 - Client's duty in relation to information where a project is notifiable

- The client shall promptly provide pre-construction information to the CDM coordinator (see Reg 10 above) including the minimum planning and preparation time

CDM 07 Part 3 Regs 14 – 24

Reg 16 – additional duties of clients

- The client shall ensure that the construction phase does not start without a construction phase plan or without the provision of welfare facilities

Reg 17 client's duty, H&S file

- The client shall ensure that the CDM co-ordinator is provided with all information in his possession (or which is reasonably obtainable) likely to be needed for the H&S file

CDM 07 Part 3 Regs 14 – 24

Reg 18 – Additional duties of designers

- Where the work is notifiable no designer shall commence work (other than initial design work) unless a CDM co-ordinator has been appointed
- Provide sufficient information to allow the CDM co-ordinator to comply with his duties

CDM 07 Part 3 Regs 14 – 24

Reg 19 – Additional duties of contractors

- Where the project is notifiable no contractor shall carry out construction work unless
 - He has the names of the CDM co-ordinator and the PC
 - He has access to relevant H&S information and the relevant parts of the construction phase plan
 - Notice of the project has been given to the HSE
- The contractor shall
 - Provide the PC with relevant H&S information
 - Carry out work in accordance with the construction phase plan
 - Notify the PC of findings that require the construction phase plan to be altered

CDM 07 Part 3 Regs 14 – 24

Reg 20 - General duties of CDM co-ordinators

- Give suitable and sufficient advice and assistance to the client
- Ensure suitable arrangements for the co-ordination of H&S measures
- Facilitate the implementation of preventative and protective measures
- Identify and collect pre-construction information and provide this to designers and contractors
- Take all reasonable steps to ensure that designers comply with their duties
- Co-ordinate design work and ensure co-operation
- Prepare the H&S file (if none exists)

CDM 07 Part 3 Regs 14 – 24

Reg 21 – Notification of the project by the CDM co-ordinator

- The CDM co-ordinator shall as soon as is practicable after his appointment ensure that notice is given to the HSE (details in schedule 1 and includes the time allowed by the client to the PC for planning and preparation for construction)

CDM 07 Part 3 Regs 14 – 24

Reg 22 – Duties of the Principal Contractor

- Plan and manage the work
- Liaise with the CDM co-ordinator
- Ensure that welfare facilities are provided
- Draw up necessary H&S rules
- Ensure co-ordination and co-operation of contractors
- Where necessary, consult with a contractor before finalising the construction phase H&S plan
- Ensure that every contractor is given sufficient time to prepare properly and given access to the H&S plan

CDM 07 Part 3 Regs 14 – 24

Reg 22 – duties of the PC cont.

- Ensure that the notice (Form 10) is displayed
- Prevent unauthorised access to site
- Provide suitable site induction
- Ensure that contractors provide the information and training to their workers (Reg 13)

CDM 07 Part 3 Regs 14 – 24

Reg 23 – PC duty, Construction Phase Plan

- Prepare (before construction starts, ensure safe work is planned so it can be started without risk to H&S)
- Review, revise and refine (from time to time)
- Implement (to ensure safe H&S)

CDM 07 Part 3 Regs 14 – 24

Reg 24 – Co-operation and consultation with workers

- Make arrangements to co-operate with workers to ensure H&S of workers
- Consult in good time
- Ensure that workers can inspect and take copies of information

Timetable

- 6th April 07 Regulations come into force
- March 07(?) ACoP published
- Spring 07 Industry produced guidance will be available free of charge on ConstructionSkills web-site

Answer

- A puzzle has only one answer whereas a problem has many different solutions
- CDM is not a puzzle!

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