

A CDM GUIDE FOR CLIENTS

UNDERSTANDING YOUR DUTIES
UNDER THE CDM REGULATIONS



Marpal

Contents

1.0 Introduction to the Guide	3
2.0 What are the CDM Regulations 2015?	4
3.0 Who is a Client in Construction?	4
4.0 Duty Holders under the CDM Regulations	5
5.0 What is the Client's role?	6
6.0 Clients Duties for ALL Projects	7
6.1 Appointing Competent Individuals and Organisations	7
6.2 Suitable Management Arrangements	8
6.3 Pre-Construction Information	9
6.4 The Construction Phase Plan	9
6.5 Welfare Provisions	10
6.6 F10 Notification	11
7.0 Clients Duties for Projects which involve more than one trade Contractor	12
7.1 Appointing a Principal Designer	12
7.2 Appointing a Principal Contractor	13
7.3 Checking that Duty Holders comply with their Duties	13
7.4 The Health & Safety File	14
8.0 Do I need Health and Safety Assistance/Advice?	15
9.0 How Marpal can help	16



1.0 Introduction to the Guide

Within the UK, the Construction Industry is considered to be one of the most dangerous to work in, with over 30 fatalities each year and around 3000 major injuries. All those involved within the construction process have a key role to play in reducing accidents, incidents and cases of ill health. Although health and safety statistics show that there has been a downward trend in recent years, these numbers are still alarming and much more needs to be done; after all, everyone has the right to arrive home from work safe and sound.

For Clients who are unfamiliar with the Construction Industry, there are specific health and safety responsibilities imposed upon them by The Construction (Design & Management) Regulations 2015; these duties cannot be ignored or overlooked.

Clients are given explicit duties under the CDM Regulations, as quite often Clients are the ones who dictate how health and safety is implemented on a project. After all, Clients hold the purse strings, make the key appointments of the project team, dictate timescales, and so on. It's therefore no surprise that Clients have an important role to play in health and safety.

For many Clients, complying with the requirements of CDM can be frustrating and can create uncertainty as to whether they are doing the right thing or not. The CDM Regulations are no different to many other types of regulations; if you don't eat and breathe them, day in day out, they can easily be misinterpreted or misunderstood, resulting in you failing to meet your statutory obligations.

This CDM Guide aims to assist **Commercial Construction Clients** in complying with the CDM Regulations 2015 by identifying the health and safety duties imposed upon them, and to clarify what needs to be done to comply with the regulations, as well as ensuring that health and safety is a fundamental aspect of your project.



2.0 What are the CDM Regulations 2015?

The Construction (Design & Management) Regulations 2015 came into force on the 6th April 2015 and are the main set of regulations for the management of health, safety and welfare on construction projects.

The aim of the CDM Regulations is to ensure that health and safety is an integral part of the planning and management of a project, with the overall objective being to protect the health and safety of those involved in construction work and others who may be affected by these activities; including those who may clean and maintain the structure once it's complete.



3.0 Who is a Client in Construction?

A Client under the CDM Regulations is anyone who has construction work carried out on their behalf.

The CDM Regulations 2015 applies to all construction work. The definition of construction work is far reaching and briefly includes, but is not limited to, new builds, demolition, extensions, refurbishments, renovation, fitting out, earth works, site clearance, repairs, maintenance, electrical or mechanical installations (or decommissioning of), painting and decorating etc.

There are two types of Clients under the CDM Regulations, there are Domestic Clients and Non-Domestic Clients (or Commercial Clients; in other words, those who have construction work undertaken in connection with a business, whether for profit or not). The regulations fully apply for Commercial Clients, whereas for Domestic Clients the duties under Regulation 7 are passed on to other Duty Holders.

4.0 Duty Holders Under the CDM Regulations

Regardless of your role on a project, everyone has specific responsibilities under the CDM Regulations. Duty holders are summarised below:

Commercial Clients – These are organisations or individuals for whom a construction project is carried out in connection with a business.

Domestic Clients – These are people who have construction work undertaken on their own home, or the home of a family member.

Designers - Are those who, as part of a business, prepare or modify designs for a building or systems relating to construction work.

Principal Designers – Are those appointed by the Client to plan, manage, monitor and coordinate the health and safety aspects of the Pre-Construction Phase of a project; this role only applies where there is more than one contractor involved in the project.

Principal Contractors – Are Contractors appointed by the Client to plan, manage, monitor and coordinate the health and safety aspects of the Construction Phase of a project; this role only applies where there is more than one contractor involved in the project.

Contractors – Can be an organisation or individual who does actual construction work.

Workers – Are the people who work for, or under the control of, Contractors on a construction site.



5.0 What is the Client's Role?

The Client has the overall responsibility for the successful management of health and safety on a construction project, supported by the Principal Designer during the pre-construction phase, and the Principal Contractor during the construction phase. The successful delivery of the project, in terms of health and safety, rests with these 3 main Duty Holders, therefore good communication, coordination and cooperation between the Client, Principal Designer and Principal Contractor are essential.

In light of experience, the early appointments by the Client of a Principal Designer and Principal Contractor will have a positive impact on your project. This allows the significant health and safety hazards and associated risks to be identified at the earliest opportunity and enables appropriate arrangements to be made to either design out the risks completely, or introduce appropriate control measures to reduce risks to a minimum.



6.0 Clients Duties for ALL Projects

The Construction (Design & Management) Regulations 2015 require Clients to undertake certain tasks for all projects, regardless of time, cost, size or risks involved in the project, these obligations must be fulfilled and should not be disregarded.



6.1 Appointing Competent Individuals and Organisations

If health and safety is to be an integral part of your project, you must do your due diligence and ensure that the individuals or organisations that you appoint have the appropriate competencies for the roles they're being asked to undertake.

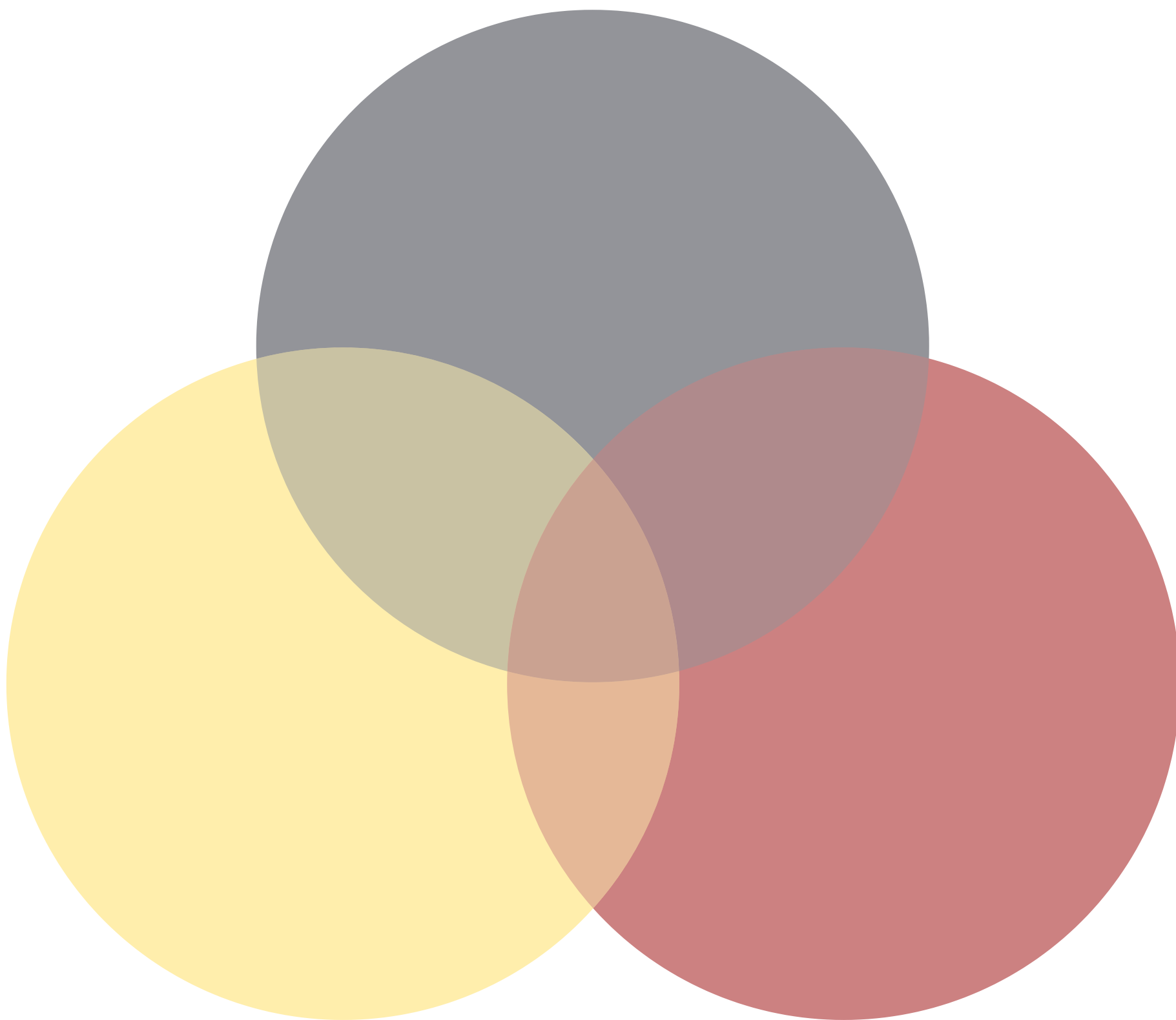
Checking competencies will firstly involve looking at the organisation's health and safety management systems and procedures, then secondly, checking that the individuals intended to be used on your project have the appropriate qualifications, received the necessary training and have gained the relevant experience; after all, you wouldn't want a competent road builder with no house building experience building your home!

6.2 Suitable Management Arrangements

Although Clients are not expected to be experts in the construction process, be health and safety professionals, or take an active role in managing the works, Clients are required to make suitable management arrangements so as to ensure health, safety and welfare for those working on the project. The arrangements should always be proportionate to the size and the risks associated with the project. Such arrangements will briefly include:

1. Assembling the Project Team (discussed in 6.1);
2. Ensuring sufficient time and resources are allocated for each stage of the project;
3. Ensuring that suitable mechanisms are in place for the Project Team to communicate, coordinate and cooperate with each other;
4. Ensuring that reasonable arrangements are in place to check that the Principal Designer and the Principal Contractor comply with their duties;
5. Ensuring that workers are provided with suitable welfare provisions throughout the construction phase.

In some instances, Clients may want to specify the health and safety standards to be adopted and the safe working practices that will need to be employed, particularly where works are being undertaken on premises which will remain occupied by the Client. On some projects, the arrangements for commissioning and handing over parts of a building or a complete building may be essential to maintaining the Client's existing operations. On a project by project basis, the management arrangements may be quite different and will need to be considered.



6.3 Pre-Construction Information

The Pre-Construction Information is the information held in the Client's possession regarding a site or structure. This could include, but is not limited to:

- Asbestos surveys
- Condition surveys
- Structural reports
- Ground investigation reports
- Topographical surveys
- Drawings showing the location of existing live services
- Health and safety files
- Building manuals
- Existing health and safety management arrangements
- Environmental restrictions/constraints
- Fire and emergency procedures

The Client has a specific duty to make any existing information available to the Principal Designer. The Principal Designer's duty is to collate the Pre-Construction Information and make it available to the Project Team. Where information is required, but is not in the Client's possession, the Principal Designer will advise the Client what surveys maybe required to fill these information gaps.

The information provided will assist Designers in preparing safe designs and will help the Principal Contractor when planning for the construction phase and developing the Construction Phase Plan.

6.4 The Construction Phase Plan

Contractors and Principal Contractors have specific duties under the CDM Regulations to ensure that a Construction Phase Plan is drawn up for each project. The development of a suitable and well-developed Plan is instrumental to ensuring and maintaining a healthy and safe working environment on site.

Prior to the commencement of the construction phase, the Client must be satisfied that the Construction Phase Plan has been suitably developed and addresses the significant risks that will need to be managed during the early stages of the project. As already discussed, Clients are not expected to be health and safety professionals or understand construction health and safety but they must ensure that suitable arrangements are in place. Therefore, if the Client does not possess the expertise to assess the Plan, then they are expected to consult with a Competent Person, whether that be within the organisation or externally.

6.5 Welfare Provisions

For each construction project, the Principal Contractor or Contractor must allow within their costs for the provision of suitable welfare facilities. This is based on the number of workers expected to work on site. In some previous instances, Contractors compromised on welfare facilities in order to keep the project costs down to remain competitive. However, the changes to the CDM Regulations in 2015 aimed to stop this by also making the Client responsible for ensuring adequate welfare provisions as it is ultimately the Client that pays for it.

Before Clients allow commencement of the construction work, they should make reasonable checks to ensure that suitable welfare provisions are provided from the start of the project. This includes:

1. Adequately lit and ventilated sanitary conveniences;
2. Suitable and sufficient washing facilities including a supply of clean hot and cold water, soap, and towels contained in an adequately lit and ventilated room;
3. An adequate supply of drinking water and drinking vessels;
4. Where required, suitable and sufficient changing rooms;
5. Suitable and sufficient rest rooms or rest areas equipped with an adequate number of tables and chairs, with suitable arrangements for allowing meals to be prepared and eaten, means of boiling water and maintaining an appropriate temperature.



6.6 F10 Notification

On certain projects, the Client must ensure that the Health and Safety Executive (or another relevant Enforcing Authority) is notified of a project on a standard F10 Form before the start of construction. This is the case if the following criteria is met:

1. The construction phase is likely to last longer than 500 person days or
2. Lasts longer than 30 days of construction work and involves more than 20 workers working simultaneously at any point in the project.

If your project does not follow the above conditions, then you do not have to do anything. However, should during the course of the project it becomes obvious that the above criteria will be met, the Client must notify the work to the relevant Enforcing Authority as soon as possible.

Once the F10 has been issued, the Client must ensure that a copy of the form is displayed on site (i.e. on the site notice board). If there are any changes to the project and the information provided becomes outdated, then the Client must modify the F10 Form making it clear that it relates to a previous notification.

The reason for issuing the F10 is to allow the Enforcing Authorities to gather useful statistics from the information provided and help them decide whether or not the project is worthy of a visit.



7.0 Clients Duties for Projects which involves more than One Trade Contractor

Under the CDM Regulations, if the project involves more than one trade contractor, the Client has further duties imposed upon them in addition to those described previously. This is likely to be the case on most projects. For example, to build a simple extension, contractors involved include ground workers, bricklayers, joiners, electricians, plumbers and roofers.

Clients' additional duties briefly include:

- Appointing a Principal Designer;
- Appointing a Principal Contractor;
- Checking that Duty Holders comply with their Duties;
- The Health & Safety File.

7.1 Appointing a Principal Designer

Clients must appoint a Principal Designer whose responsibility it is to coordinate the health and safety aspects of the pre-construction phase of the project. It is important that the appointment of a Principal Designer is made as early as possible in the design process so that the Principal Designer has sufficient time to carry out their duties. Such duties include assisting the Client in matters including collation of the pre-construction information, coordinating the health and safety aspects of the design and preparing the Health and Safety File.

Under the CDM Regulations, should the Client decide not to appoint a Principal Designer, then by default, the Client is deemed to be the Principal Designer and must carry out these duties.



7.2 Appointing a Principal Contractor

The Client is also required to appoint a Principal Contractor whom has overall responsibility for coordinating the construction phase of the project. It is advisable for Clients to appoint the Principal Contractor early enough during the pre-construction phase to allow the Construction Phase Plan to be drawn up and enable the Client to meet their duty, to ensure that a suitable plan is prepared before the construction phase commences (see Section 6.4).

As with the appointment of the Principal Designer, the Client takes on the duties of the Principal Contractor until an appointment has been made in writing.

7.3 Checking that Duty Holders comply with their Duties

As a Client, you have done your due diligence and appointed a competent Principal Designer and Principal Contractor. These fundamental roles are crucial to how health and safety standards are applied on the project and the Client must take reasonable steps to ensure that both the Principal Designer and the Principal Contractor are complying with their duties.



7.4 The Health & Safety File

At the end of the project, you will be handed over the Health and Safety File by the Principal Designer, or if their appointment concludes before the end of the project, then the Principal Contractor.

The Health and Safety File contains useful information regarding the health and safety aspects of the building or structure which will need to be brought to the attention of those undertaking future works such as contractors, tradesmen, designers etc. The details contained within the File will be useful for those who are looking to develop safe systems of work during cleaning, maintenance, repairs, refurbishments, future construction or demolition works.

The Client has specific duties in relation to the Health and Safety File to make it available to those who need it. It should be situated on the premises in which it relates and must be updated accordingly if new information becomes available.

Should the structure or part of the structure be sold, then the Client must ensure that either all or relevant parts of the File are handed over to the new owners.

Asbestos Management

offer a range of Asbestos Management services all aimed at identifying and reducing to the exposure of asbestos.

- Asbestos Management Surveys
- Management of Asbestos Abatement Works
- Inspections
- Asbestos Management Plans
- Asbestos Policies
- Asbestos Awareness Training

FREE HEALTH CHECK!

CDM Services
(Construction Design & Management)

Every construction project comes with health and safety obligations. We offer a comprehensive service which ensures compliance with Regulations.

- CDM Consultants
- Health & Safety Advisors
- Site Safety Inspections
- Construction Phase Plans
- Health & Safety Files
- CDM Procedures
- CDM / Health & Safety Training

8.0 Do I need Health and Safety Assistance or Advice?

As previously discussed, construction Clients are not expected to be knowledgeable in construction or health and safety. However, they do have specific tasks to ensure that certain things are done to ensure health and safety. In fulfilling these obligations, you may need to turn to a competent person from either within or outside your organisation for assistance and advice you.



Whether you need health and safety assistance or advice to guide you through the CDM process and deliver a project without compromising health and safety will depend on a number of factors. You will have specific health and safety responsibilities and duties to undertake. However, you will need to make an assessment as to whether or not you can carry out either all or some of these tasks.

In the eyes of the law, ignorance is no defense. Here are some of the reasons why you must comply:

- Failure to comply may indirectly result in a fatality or major injury. The principal aim of the CDM Regulations is to provide worker protection.
- If you fail to appoint a Principal Designer or Principal Contractor, you will be legally liable for their duties and will be deemed to be carrying them out.
- You could face criminal prosecution by the HSE.
- You could leave yourself open to potentially very expensive legal action.

9.0 How Can Marpal Help?



Marpal are a Health and Safety Consultancy specialising in CDM and Construction Health and Safety. Since 1998, we have been assisting Clients in complying with their health and safety obligations and providing the ongoing support that is needed.

We have a common-sense approach to CDM. Our friendly and approachable CDM Consultants possess the necessary skills and experience to help you fulfill your duties. We do not compromise on health and safety but we do not over specify what is required either. We only recommend what is needed based on the level of risk associated with a project.

Save time and allow Marpal to ease the burden. **Contact us today to discuss exactly how we can do to ensure that you meet the health and safety requirements on your project.** We have got the knowledge and insight of the construction industry needed to deliver projects that are free of incident and injury.

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