

A CDM GUIDE FOR PRINCIPAL DESIGNERS

UNDERSTANDING YOUR DUTIES
UNDER THE CDM REGULATIONS



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1.0 Introduction to the Guide

Since the inception of the CDM Regulations back in 1995, the construction fatality rate has significantly reduced from around 80 deaths per year, to 30 fatalities in 2018/19. This represents a substantial improvement, and it could be argued that the CDM Regulations have had a hugely positive impact on health, safety, and welfare standards across the construction industry. However, 30 deaths per year is still simply unacceptable. When you take into consideration that there are also over 3000 major injuries each year, it's hard not to see that there are still far too many significant incidents occurring on our building sites. Each incident has the potential to be fatal but, more often than not, will result in life changing injuries.

Principal Designers have an important role to play within the construction process in ensuring that the health and safety aspects during the design, or pre-construction phase are suitably coordinated, that designers are considering the health and safety implications of their designs, and that the right people are in receipt of the right information at the right time.

The Principal Designer role under the CDM Regulations is purely a health and safety coordination role. The regulations do not require you to undertake design work, as the title may imply. But you do need to be satisfied that designs pay adequate regards to health and safety, and that designers provide suitable information based on any foreseeable design risks, which could not be mitigated through the design process.

When agreeing to take on the duties of the Principal Designer you should ensure that you are competent to do so or engage with a Consultant that can help and assist you. There are specific health and safety duties imposed on Principal Designers by the CDM Regulations, these duties cannot be overlooked or ignored.

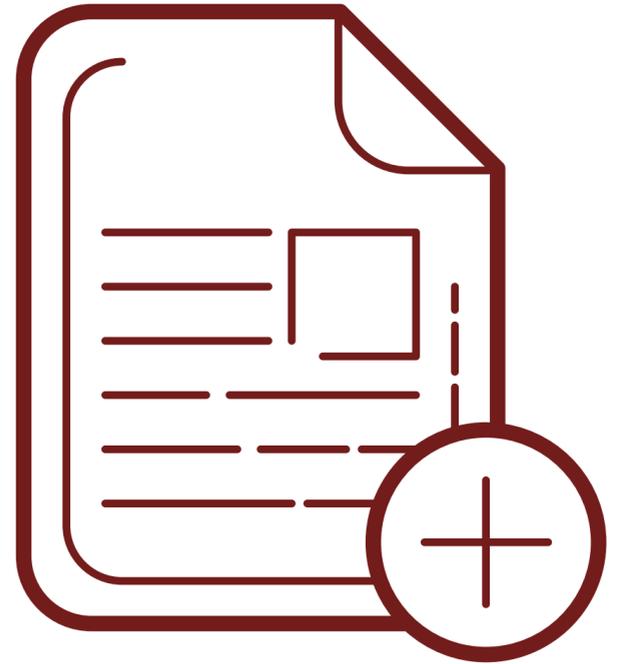
This CDM Guide aims to support **Principal Designers** to conform with the CDM Regulations, by identifying the health and safety duties imposed upon them, clarifying what needs to be done to comply with the regulations, as well as ensuring that health and safety is an essential consideration from the outset.



2.0 What are the CDM Regulations 2015?

The latest version of the Construction (Design & Management) Regulations 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. This also includes those who may clean and maintain the structure once it's complete.

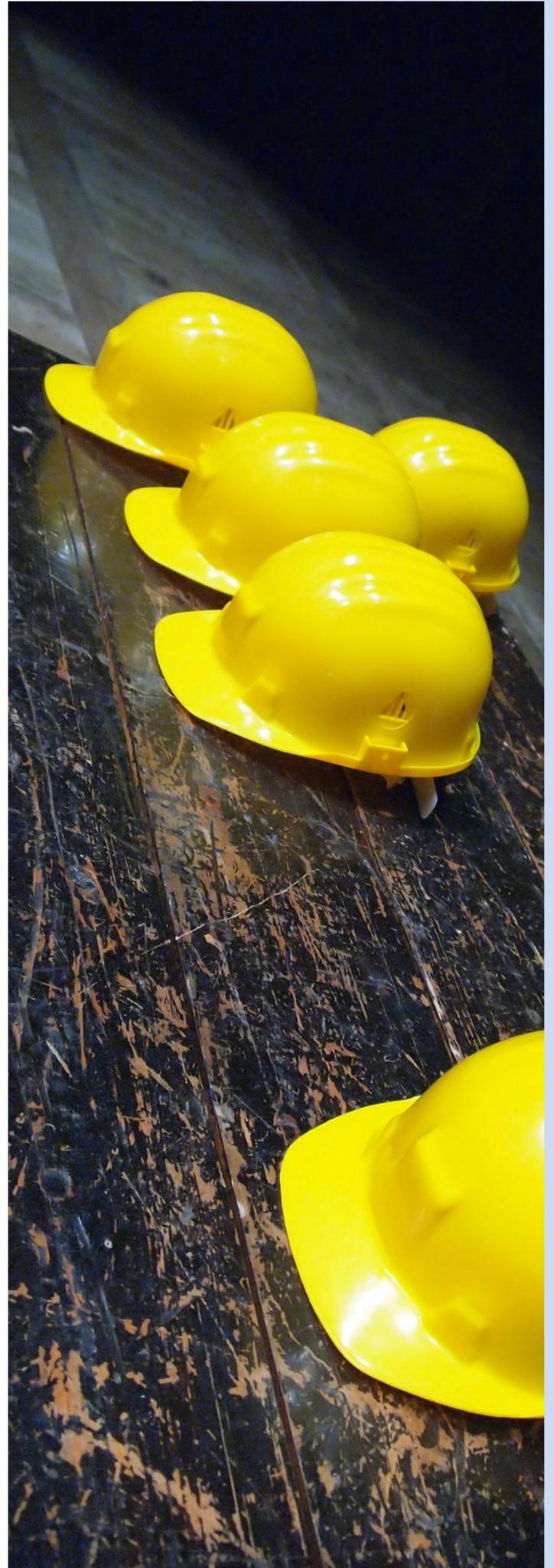


3.0 Duty Holders Under the CDM Regulations

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** – These are those who, as part of a business, prepare or modify designs for a building or systems relating to construction work.
- **Principal Designers** – These 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** – These 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** – These can be an organisation or individual who does actual construction work.
- **Workers** – These are the people who work for, or under the control of, Contractors on a construction site.



4.0 What is a Principal Designer, and What are Their Duties?

The Principal Designer has a significant role to manage, plan, coordinate, and monitor health and safety information during the pre-construction phase. The appointment of a Principal Designer by the Client is required on all projects where more than one trade Contractor is working. If the Client does not appoint a Principal Designer in writing, then the Client will become liable to fulfill the legal duties, as well as their own (as Client).

The Principal Designer has an important role in influencing how the health and safety risks identified during the design development stage are managed and dealt with. The decisions made during the pre-construction phase can have a significant bearing on how the project is ultimately delivered in a way that secures health and safety.

The Principal Designer is required to coordinate the design work of other design team members (such as architects, structural engineers, electrical or mechanical engineers etc.) to ensure that the significant and foreseeable design risks are managed throughout the design process and that information needed to plan and manage the construction phase is provided and made available.



4.1 Making the Client Aware of their Duties

There are many types of construction clients, many of whom do not typically operate within the construction industry. Therefore, it must be assumed that they know either very little or nothing at all of the duties imposed upon them by the CDM Regulations. From the outset, one of the duties of the Principal Designer is to ensure that the Client is aware of their duties and what they need to do to be compliant.



4.2 Pre-Construction Information

The pre-construction information is the health and safety information held in the Client's possession, that is relevant to the project. This can include drawings, surveys, and reports as well as details regarding the environment restrictions and constraints which may impact on safe working.

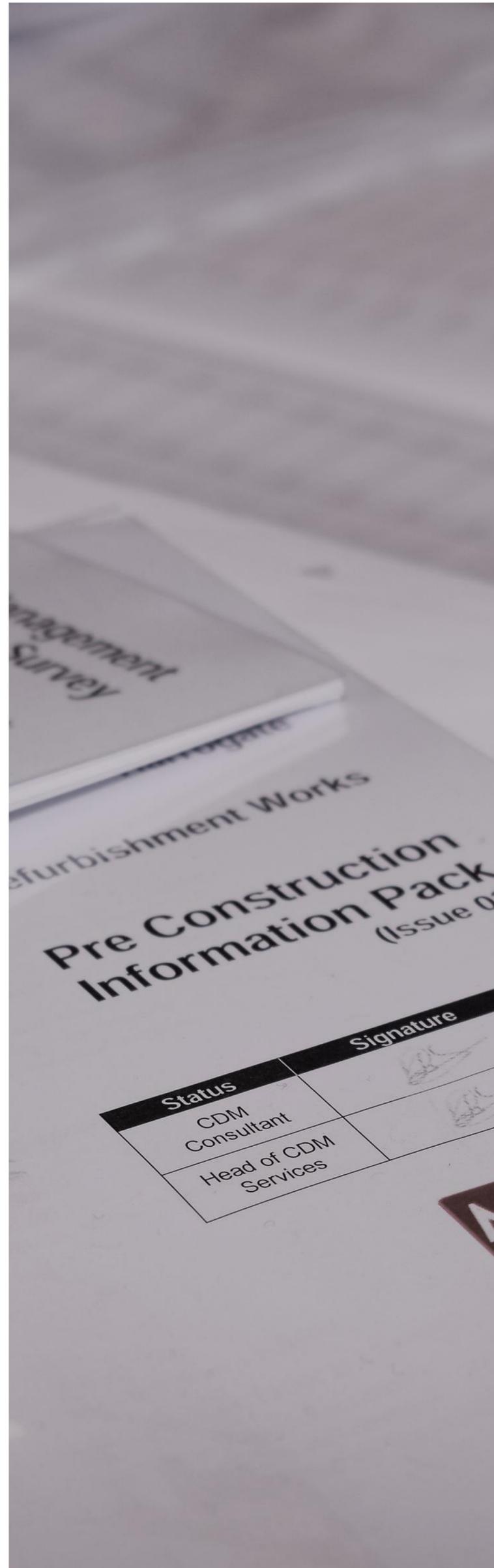
Should the Client's existing business operations continue during the project, the pre-construction information should also include the Client's existing management arrangements and activities, as the Principal Contractor will need to consider these when planning their works.

The Principal Designer will need to collate all the pre-construction information and then make it available to all Designers and Contractors that are either appointed or tendering for work. The information needs to be presented in a convenient form and the level of detail should be proportionate to the level of risk involved in the project.

The pre-construction information is a live document and should be updated as new information becomes available. This will include during the design development phase of the project, as design risks are identified which will have an impact on the health and safety arrangements for the build.

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 may be 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.



4.3 Coordinating the Pre-Construction Phase

The CDM Regulations are all about managing and coordinating the health and safety aspects of a project, from initial scheme concept, right through to completion of the build, so as to ensure worker protection. Part of the Principal Designer's responsibilities is to ensure that health and safety is an integral part of the pre-construction phase. They'll be required to liaise with other members of the design team to ensure that various design elements are compatible with each other (in terms of health and safety) and that design risk information is passed on to those who will need it.

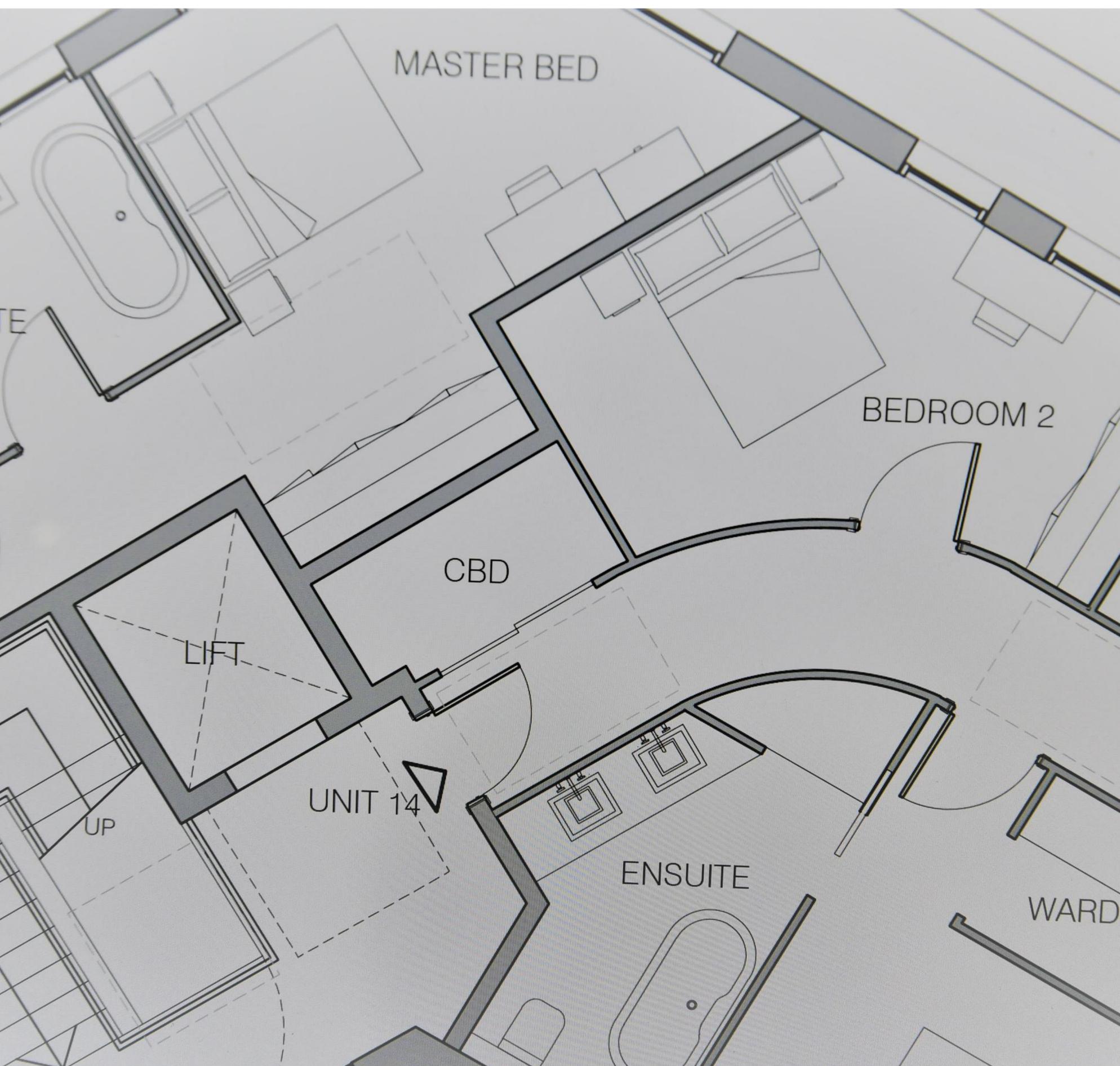
To ensure cooperation and coordination the Principal Designer is required to inform the design team of the expectations of how the pre-construction phase will be managed, including the methods of communication, the circulation of information, and attendance of either CDM or design team meetings.



4.4 Overseeing the Design

One of the responsibilities of the Principal Designer is to ensure that other Designers involved in the project are complying with their duties. This comprises of talking to members of the design team, reviewing their designs, and discussing the health and safety implications.

Designers should provide you with regular updates and provide information on design risk issues that may have an impact on health and safety. The Principal Designer should be prepared to challenge designers on the decisions and assumptions that they have made, especially when their decisions have created a potential risk.



4.5 Identifying, Eliminating, and Controlling Foreseeable Risks

One of the main duties of the Principal Designer is to ensure, as far as reasonably practicable, that foreseeable risks to health and safety are identified during the design process.

Working within construction is full of risks and experienced, competent Contractors manage these risks day in day out, as a matter of course. Therefore, bringing to their attention generic risks, such as working at heights, working with live services etc. is of no value, and if anything it obscures the real significant issues. So, the Principal Designer needs to ensure that only the significant risks are identified, that's ones which are unusual, difficult to manage, or those that you wouldn't expect a competent Contractor to be aware of.

Principal Designers should be prepared to question and challenge designers, so as to understand the decisions they have made to mitigate or control foreseeable risk when developing their designs. Designers shouldn't introduce risks and simply leave them for the Contractor to deal with.

When considering design risks, as well as considering the health and safety of those building the structure, the Principal Designer must ensure that consideration is also made to those who will clean, maintain, repair, and then eventually demolish the structure. The following documents may be used and then developed to record these risk issues which can then be added to the Health and Safety File:

- CDM Risk Register/Designer's Risk Assessments
- Cleaning Maintenance & Access Strategy
- Plant Replacement Strategy



4.6 Preparing, Reviewing and Updating the Health & Safety File

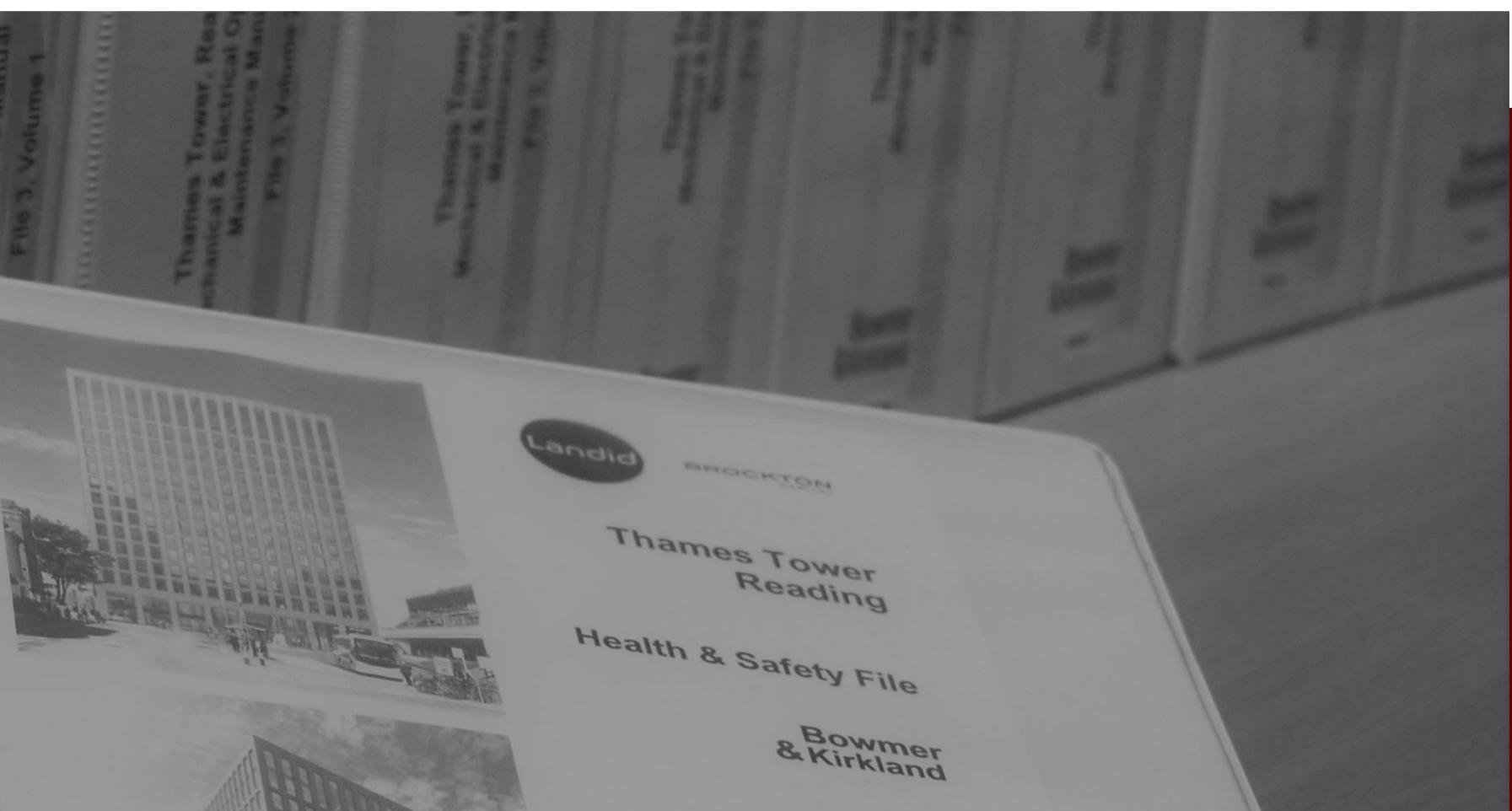
The Health and Safety File is a document which includes useful information on the health and safety issues that will need to be managed/dealt with during subsequent cleaning, maintenance, repair, construction, or demolition works. This important file will provide useful information which will assist those planning to develop safe systems of work, or plan for future construction work.

The responsibility for developing the file sits with the Principal Designer, unless the Principal Designer's appointment ends before the end of the construction phase, in which case, the Principal Designer must hand over the file in its current form, to the Principal Contractor. It is then their responsibility to complete the file and hand it over to the Client.

The contents of the file should include:

- Health and safety information on the residual risks which remain
- Details of hazardous or potentially hazardous materials
- Principles of design
- Unusual structural concepts and design assumptions
- Cleaning, maintenance, and access strategies
- Plant replacement strategies
- Details of incoming and buried service etc.

Contributions to the file are required from the entire project team and coordinated by the Principal Designer.



5.0 Do I Need CDM Health and Safety Assistance/Advice?

The Principal Designer role is purely a health and safety coordination role. If you have been appointed to undertake this function, you should firstly assess whether you have the appropriate skills, training, and experience. If the role is beyond your capabilities you could either decline the role, or appoint a CDM Consultant, from either within or outside your organization, to help and assist you.

When taking on the Principal Designer role, you'll have to decide whether you need CDM assistance or not. However, you should not disregard or undermine the importance of this role. There are specific responsibilities and duties which must be fulfilled. Here are some of the reasons why you must comply:

- Failure to comply may indirectly result in a fatality or major injury, the principle aim of the CDM Regulations being to provide worker protection
- You could face criminal prosecution by the HSE
- You could leave yourself open to potentially very expensive legal action.



6.0 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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