
APSE Housing, Construction and Building Maintenance Seminar 2015

Are you managing your CDM
responsibilities ?

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The times they are a changing.....

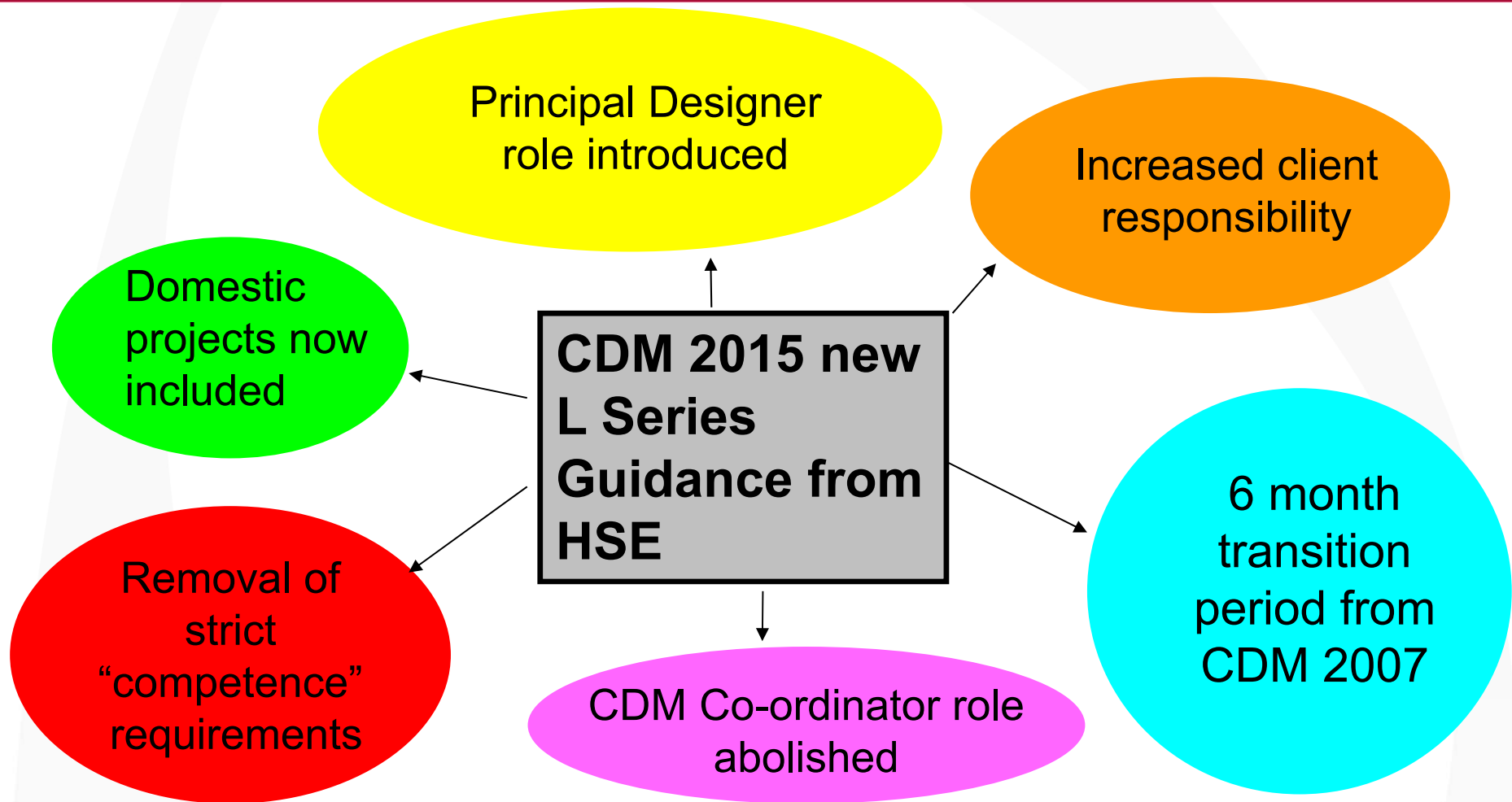


CDM 2015 – the basic essentials

- Replaces CDM 2007
- Limited transitional arrangements
- Came into force on 6 April 2015
- CDM ACoP is now withdrawn
- Supported by L Series guidance from HSE and CONIAC industry guidance
- No change to the scope of work that is classified as construction



Key Changes



Notifying projects – significant change

- Requirement to “notify” a construction project to the HSE has been revised:
 - Work scheduled to last longer than 30 working days and have more than 20 workers working simultaneously at any point in the project; or
 - Exceed 500 person days
- A construction phase H&S plan is now required on all construction projects – no matter how small – notification is now an end in itself
- Where there is more than one contractor then a principal designer and principal contractor must be appointed – in writing

Changes to CDM duties

- Wider responsibility for client - must take “reasonable steps” to ensure that PD and PC comply with their duties (e.g. the PC - throughout the construction phase)
- PD appointment can end when construction phase begins (unlikely to be appropriate)
- PC duties broadly unchanged – CPP now for all construction works
- Specific risks in CPP which **MUST** be addressed Schedule 3

The Client: Legal Duties

- Must make suitable arrangements for managing a project (including allocation of sufficient time & resources)
- Must ensure those arrangements are maintained and reviewed throughout the project
- Must provide pre-construction information to designers & contractors
- Must ensure that a construction phase plan is drawn up by the contractor/principal contractor before construction work starts
- Must ensure that the principal designer prepares a health & safety file (H&S files are for only projects involving more than one contractor)

More than one contractor – the Client's legal Duties

- Appoint the principal designer
- Appoint the principal contractor
- **Must take reasonable steps to ensure that the principal designer and principal contractor comply with their duties**
- Provide the health & safety file to the person acquiring a structure if they dispose of their interest
- Make suitable arrangements where there is more than one client on a project
- Notify the relevant enforcing authority of certain construction projects

Client duty takeaway

- A CDM client must take “reasonable steps to ensure that PD and PC comply with their duties (e.g. for the PC - throughout the construction phase)
- CDM 2007 – take “reasonable steps to ensure that the arrangements made for managing the project....by persons with a duty.....are suitable to ensure etc.

This appears to be a wider responsibility – what is the HSE guidance?

Client duty – HSE draft guidance

“Most clients, particularly those who only occasionally commission construction work, will not be experts in the construction process and for this reason they are not required to take an active role in managing the work. However, the client is required to make suitable arrangements for managing the project so that health, safety and welfare is secured”.

The arrangements should include:

“How the client will take reasonable steps to ensure that any appointed principal designer and principal contractor comply with their separate duties. This could take place at project progress meetings or via written updates”

And...

“On larger projects, the client may value an independent review of standards”

Principal Designer duties: more than a CDMC?

- Regulation 11
 - Must plan, manage and monitor the pre-construction phase and co-ordinate H&S matters
 - Plan work stages and estimate the time required to complete them
 - Take account of the general principles of prevention (construction, maintenance & intended use)
 - Ensure other designers comply with their duties
 - Ensure co-operation between parties
 - Must assist the client in the provision of pre-construction information and provide to others
 - Must prepare the H&S file and ensure that it is reviewed and updated

What is challenging the industry

- Who will take on the PD role?
- How is PD competency defined and measured?
- Are PC's going to be PD/be required by clients to do it?

The answers ????

- Can be an organisation or an individual
 - Normally the organisation with a lead individual
 - Technical knowledge of the construction industry *relevant to the project*
 - Skills, knowledge & experience to understand, manage & co-ordinate the pre-construction phase, *including any design work carried out after construction begins*
- Competency (paras 58-62 L153)
 - Organisational capability (PAS 91)
 - Membership of professional institutions, CPD

The answers ????

- Selected designers given additional h&s training to be the lead for the PD role
- Joint delivery between design teams and health and safety professionals
- Ex CDM C's as part of the PD team (or as a client adviser)
- Design practice takes on PD role but sub-contracts delivery
- Organisations writing a new procedure for PD delivery

In the real world.....

- The market is driving PC's to become PD's
 - A matter of how to best manage the delivery risk not whether to be a PD
 - How to deliver the PD role on small construction works
 - One size does not fit all
 - Industry guidance for Principal Designers from CONIAC, “don't leave home without it”

The transition period

- Finished 4 days ago

Q&A





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