



CDM 2015: what domestic clients need to do

Shaping and sharing good practice in design and construction health and safety risk management



The aim of the CDM2015 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 building or structure who may be affected by these works once it's completed.

YOU AND THE REGULATIONS:

If you are about to alter or extend your house or associated buildings, thinking of putting up a new one or demolishing an existing one, then the Construction (Design and Management) Regulations 2015 (CDM2015) apply to your project.

A Domestic Client is someone who has construction work done on their own home, or the home of a family member which is not in connection with a business.

Domestic Clients have a duty to appoint a Principal Designer and Principal Contractor on projects that are likely to involve more than one contractor. You are required to appoint a Principal Designer before significant detailed design work starts so that they can advise and assist you to provide information about your building or structure to all designers and contractors.

A Principal Designer is a Designer (architect, building surveyor or engineer for example) who can demonstrate to you that they have knowledge, skill and experience of CDM2015 and understand the process of Design Risk Management. The term Principal Designer under CDM2015 has a different meaning to "designer" or "lead designer" as commonly understood.

When you are talking to a Designer or Designers about your project you should check that they have the capability and experience to do the work for you, not only regarding the technical design they are undertaking, but also the management of Health and Safety information associated with the project. A Designer might have membership of one of the following design institutions: - ARB, RIBA, RIAS, CIAT, RICS, IStructE etc. and to carry out the Principal Designer role should have an accreditation in Construction Health and Safety Risk Management (a Member of APS for example) or can provide evidence of having undertaken appropriate training on CDM2015.

Advantages for You: If everyone involved in your project complies with the CDM2015 Regs, they will help to:

- 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 to construction workers or visitors to your site;
- Make sure that cleaning, maintenance and repair issues have been thought through;
- Reduce whole life costs of the building / structure;
- Provide useful information to you for the maintenance and possible future alteration of the house.

The Regulations recognise that Domestic Clients are unlikely to have experience of Construction Health and Safety and accordingly pass the responsibility for carrying out the Client duties specified in CDM2015 to the Contractor if there is only one, or the Principal Contractor.

If you fail to appoint a Principal Designer and Principal Contractor in writing, then the Designer in control of the design phase and the Contractor in control of the construction phase become Principal Designer and Principal Contractor, both by default and whether or not they actually want to carry out the duties or have suitable skills, knowledge and experience.

In many cases a Client wishing to alter or extend their property will initially speak to a Designer about their proposals, and develop the project design in detail before considering appointing a Contractor. In such cases you may wish to appoint a suitably capable Designer in writing to carry out your duties. If you do not decide to have a written agreement with your Principal Designer that they undertake these Client duties on your behalf, your Principal Contractor is automatically responsible for carrying out these duties under CDM2015 as soon as they are appointed.

It is, however, recommended that you, as the Client, carefully select and appoint your Principal Designer and Principal Contractor by making sensible enquiries about their capabilities to undertake the CDM2015 duties in order to avoid any confusion about who is undertaking the statutory duty and whether or not it is being done properly.

The Regulations are about making sure that there is:

- Early appointment or engagement of capable key people or organisations (the duty holders) that have sufficient skills, knowledge, experience and 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 coordination regarding Health and 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 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 and proportionate to the complexity of the project and level of risks. It is particularly important to be aware of and avoid unnecessary paperwork.

WHAT TYPE OF PROJECT ARE YOU PLANNING?

Irrespective of size or duration, the CDM2015 regulations separate construction projects into two types - dependent on how many contractors will be involved in the project.

The two types are:

- **Projects with only one contractor** – where the project will only require one contractor working on the site. An example of this might be an electrician rewiring the house or a plumber installing a replacement boiler, when no other trades are required to do any work.
- **Projects that are likely to involve more than one contractor¹** - this will be the majority of projects. If the work will require a bricklayer, electrician, plumber, roofer and plasterer, that is counted as five contractors unless they are all directly employed by one contractor.

If you are in doubt, you should assume that the project will require more than one contractor. Your designer or contractor if already appointed should be able to help you decide or you can contact the Public CDM Helpline as a source of independent advice on 0333 088 2015.

¹ More than one contractor means where there will be more than one trading business involved on the project. The only exception is where a single Contractor directly employs all trades working on the project.

CLIENT DUTIES PASS TO THE CONTRACTOR OR PRINCIPAL CONTRACTOR – OR THE PRINCIPAL DESIGNER:

1. Projects where there is only 1 contractor:

Where the project only involves one contractor, the Client duties specified in CDM2015 must be carried out by the Contractor. The Contractor needs to undertake these duties in addition to their own duties as a Contractor.

When you are selecting a Contractor, you should ensure that they are aware of their duties under CDM2015, including the Client duties that they are responsible for undertaking on your behalf. You should ask for examples of how they have done this on previous projects.

2. Projects where there is more than 1 contractor:

If it is likely that the project will require more than one contractor, then you, as the Client, must appoint a Designer with control over the Pre-Construction Phase² as Principal Designer and a Contractor with control over the Construction Phase as Principal Contractor.

These appointments must be made as soon as practicable and before the construction phase begins. If you fail to make these appointments, then the Designer in control of the Pre-Construction Phase is deemed to be the Principal Designer and the Contractor in control of the Construction Phase is deemed to be the Principal Contractor.

The domestic Client duties passed to the Principal Contractor (or Principal Designer) are: -

- Make suitable arrangements to manage project Health and Safety including allocating sufficient time and ensuring that there are sufficient resources to carry out the work safely;
- Make sure that construction work can be carried out safely;
- Make sure that there are suitable welfare facilities – toilets, washing facilities and so on – for the construction workers.
- Provide information in your possession about the project (Existing drawings, structural reports etc.) to all Designers and Contractors being appointed.
- Make sure that the Contractor or Principal Contractor prepares a Construction Phase Health and Safety Plan.
- Make sure that the Principal Designer, or the Principal Contractor if the Principal Designer appointment finishes before the end of construction, prepares a Health and Safety file to give to you at the end of the project.



On ALL projects – your Contractor (where there is only one Contractor) or your Principal Contractor (or if nominated your Principal Designer) will need to:

- Make suitable arrangements for managing the project and make sure they remain in place and are reviewed throughout the project, so that construction works can be carried out safely and without risk to health;
- Make sure sufficient time and resources are allocated for each stage of the project, including design, preparation for starting on site and the construction work itself;
- Be satisfied that suitable welfare facilities are provided by Contractors from the start and throughout the Construction Phase.
- Provide Pre-Construction Information as soon as practicable to every Designer and Contractor appointed, so that they can comply with their duties;
- Ensure that, before the Construction Phase commences, a suitable Construction Phase Plan is drawn up by the contractor;
- Notify the Health and Safety Executive of the project if the Construction Phase is likely to last longer than 500 person days or last longer than 30 days with 20 or more people on site at any one time.

The Regulations mostly require you to ensure that a number of things are done rather than actually do them yourself.

On Projects where it is likely that there will be more than one contractor working, your Principal Contractor or nominated Principal Designer MUST, in addition to those duties above, make sure that they:

- Ensure that the Principal Designer and Principal Contractor comply with their duties;

The Principal Designer must:

- plan, manage and monitor the pre-construction phase and coordinate health and safety matters to ensure that, so far as is reasonably practicable, the project is carried out without risks to health or safety;
- assist you in the provision of pre-construction information;
- liaise with the Principal Contractor for the duration of the Principal Designer's appointment and share relevant health and safety information;
- co-ordinate arrangements for Health & Safety during the design and planning (Pre-Construction) phase.

The Principal Contractor must:

- plan, manage and monitor the construction phase and coordinate health and safety matters to ensure that, so far as is reasonably practicable, the construction work is carried out without risks to health or safety;
- liaise with the Principal Designer for the duration of the Principal Designer's appointment and share relevant health and safety information;
- make and maintain arrangements for effective cooperation of matters relating to health, safety and welfare of workers;
- consult with workers on matters that may affect their health, safety and welfare;
- Ensure that where there is more than one contractor the Principal Designer prepares a Health & Safety File for the project. Agree the contents and format of the Health & Safety File with you and ensure that you provide the Principal Designer with relevant information that you already have for the File.

² The period known as the Pre-Construction Phase is any period where design work and planning is taking place. This includes any design work undertaken by the Principal Contractor or Contractors.



- The Principal Designer, or Principal Contractor if the Principal Designer appointment has ended before construction work is complete, 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;

Partial Design services on domestic projects:

If the Principal Designer is only appointed to provide permissions and construction drawings for pricing purposes the Principal Designer should hand over information to the Client to use in obtaining prices:

- The drawings and specifications from all designers
- The pre-construction information (this could be highlighted on drawings and specs)
- The Health and Safety file as developed

There needs to be clear written agreement when the PD role for the designer has concluded.

The Principal Designer role could conclude at Planning, Building Regulations or Tender stage.

The Client should receive from the Principal Designer formal confirmation advising that:

- The Principal Designer role has finished and another Principal Designer should be appointed if design work is to be continued during the Construction Phase. The Principal Designer duties can pass to the Principal Contractor if they have the capability to undertake the duties. Clients should always check this before appointing the Principal Contractor.

When the project is completed you will need to:

Keep the Health and 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 building or structure (i.e. sell your house) you must also pass on the File to those acquiring it.

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 capable of carrying out their work on your particular project in a safe and healthy manner.

Members of the Association for Project Safety are able to provide advice and assistance on all types of projects – and depending on their business model may act as Principal Designer or your CDM Adviser to assist you with Client duties (or both) – whilst the Professional Institutions should be able to help with this as well and the selection of suitable Designers and Contractors.

The Association for Project Safety is not the only source of CDM Advice. However, a key Client duty is that Clients appoint only those who have appropriate Skills, Knowledge and Experience in design and construction Health and Safety and APS membership is one way for someone to demonstrate that they not only have those requirements but are also committed to maintaining high standards through regular Continuing Professional Development.

All APS Corporate (Business) Members have had their CDM procedures audited against ISO 9001 and are accredited by the Safety Schemes in Procurement (SSIP) organisation as having met the criteria for organisational capability to deliver Principal Designer and Designer services. APS further audits their business members for CDM Adviser to Client and CDM Consultant to the Principal Designer services.

Incorporated (IMaPS), Certified Members (CMaPS) and Fellows of APS (FaPS) have at least five years experience in the construction industry and have committed themselves to a programme of Continuing Professional Development (CPD).

If you need any further information or independent advice on undertaking your CDM Regulations duties, please contact:

The Association for Project Safety
5 New Mart Place
Edinburgh EH14 1RW
Email: info@aps.org.uk

You can visit the HSE and APS websites for much more information at: www.hse.gov.uk and www.aps.org.uk respectively.