

# NEWS BULLETIN



## CDM 2007

RGWILBREY (CONSULTANTS) LIMITED

### CONSTRUCTION (DESIGN AND MANAGEMENT) REGULATIONS

After considerable consultation, review and subsequent amendment the long awaited changes to the CDM regulations are coming into force on the 6<sup>th</sup> April this year. The Construction (Design and Management) Regulations 2007 will replace the Construction (Design and Management) Regulations 1994 and the Construction (Health, Safety and Welfare) Regulations 1996 creating a single set of regulations concerned with the planning and carrying out of construction work.



CDM 2007 is intended to fulfil the same requirements as the original regulations but there have been a number of significant changes that will have an effect on everyone involved in construction work. The regulations are divided into 5 parts and there are 5 schedules providing additional information. The ACoP has a further seven appendices providing guidance on how to achieve the requirements of the regulations. The majority of the regulations; Parts 1,2,4 and 5, together with the schedules, apply to all construction work and imposes duties on clients, designers and contractors. Part 3 is for notifiable projects and includes additional duties for clients, designers, CDM co-ordinators, principal contractors and contractors. Under the new

regulations notifiable projects are classed simply as those that are expected to last more than 30 working days or 500 person days.

**The pre-tender Health and Safety plan disappears under CDM 2007 but there is a duty on clients to provide pre-construction information including:**

- Information about or affecting the site or the construction work.
- Information concerning the proposed use of the structure as a workplace.
- The minimum amount of time allowed before the construction phase for planning and preparation by the contractors appointed.
- Information in any existing health and safety file.

This information is required for **all projects not just notifiable ones** and is to be provided to all designers and every contractor who has been or may be appointed.

## SUMMARY OF DUTIES UNDER THE NEW REGULATIONS

	<b>All construction projects (Part 2 of the Regulations)</b>	<b>Additional duties for notifiable projects (Part 3 of the Regulations)</b>
<b>CLIENT</b>	<ul style="list-style-type: none"> <li>• Check competence and resources of all appointees</li> <li>• Ensure there are suitable management arrangements for the project including welfare facilities</li> <li>• Allow sufficient time and resources for all stages</li> <li>• Provide pre-construction information to designers and contractors</li> </ul>	<ul style="list-style-type: none"> <li>• Appoint CDM co-ordinator*</li> <li>• Appoint principal contractor*</li> <li>• Make sure that the construction phase does not start unless there are suitable:                             <ul style="list-style-type: none"> <li>• welfare facilities, and</li> <li>• construction phase plan in place</li> </ul> </li> <li>• Provide information relating to the health and safety file to the CDM co-ordinator</li> <li>• Retain and provide access to the health and safety file</li> </ul> <p>(* There must be a CDM coordinator and principal contractor until the end of the construction phase)</p>
<b>CDM COORDINATOR</b>		<ul style="list-style-type: none"> <li>• Advise and assist the client with his/her duties</li> <li>• Notify HSE</li> <li>• Co-ordinate health and safety aspects of design work and cooperate with others involved with the project</li> <li>• Facilitate good communication between client, designers and contractors</li> <li>• Liaise with principal contractor regarding ongoing design</li> <li>• Identify, collect and pass on pre-construction information</li> <li>• Prepare/update health and safety file</li> </ul>
<b>DESIGNER</b>	<ul style="list-style-type: none"> <li>• Eliminate hazards and reduce risks during design</li> <li>• Provide information about remaining risks</li> </ul>	<ul style="list-style-type: none"> <li>• Check client is aware of duties and CDM co-ordinator has been appointed</li> <li>• Provide any information needed</li> </ul>

**SUMMARY OF DUTIES UNDER THE NEW REGULATIONS (continued)**

	<b>All construction projects (Part 2 of the Regulations)</b>	<b>Additional duties for notifiable projects (Part 3 of the Regulations)</b>
<b>PRINCIPAL CONTRACTOR</b>		<ul style="list-style-type: none"> <li>• Plan, manage and monitor construction phase in liaison with contractor</li> <li>• Prepare, develop and implement a written plan and site rules. (Initial plan completed before the construction phase begins)</li> <li>• Give contractors relevant parts of the plan</li> <li>• Make sure suitable welfare facilities are provided from the start and maintained throughout the construction phase</li> <li>• Check competence of all appointees</li> <li>• Ensure all workers have site inductions and any further information and training needed for the work</li> <li>• Consult with the workers</li> <li>• Liaise with CDM co-ordinator regarding ongoing design</li> <li>• Secure the site</li> </ul>
<b>CONTRACTOR</b>	<ul style="list-style-type: none"> <li>• Plan, manage and monitor own work and that of workers</li> <li>• Check competence of all their appointees and workers</li> <li>• Train own employees</li> <li>• Provide information to their workers</li> <li>• Comply with the specific requirements in Part 4 of the Regulations</li> <li>• Ensure there are adequate welfare facilities for their workers</li> </ul>	<ul style="list-style-type: none"> <li>• Check client is aware of duties and a CDM co-ordinator has been appointed and HSE notified before starting work</li> <li>• Co-operate with principal contractor in planning and managing work, including reasonable directions and site rules</li> <li>• Provide details to the principal contractor of any contractor whom he engages in connection with carrying out the work</li> <li>• Provide any information needed for the health and safety file</li> <li>• Inform principal contractor of problems with the plan</li> <li>• Inform principal contractor of reportable accidents, diseases and dangerous occurrences</li> </ul>
<b>EVERYONE</b>	<ul style="list-style-type: none"> <li>• Check own competence</li> <li>• Co-operate with others and co-ordinate work so as to ensure the health and safety of construction workers and others who may be affected by the work</li> <li>• Report obvious risks</li> <li>• Comply with requirements in Schedule 3 and Part 4 of the Regulations for any work under their control</li> <li>• Take account of and apply the general principles of prevention when carrying out duties</li> </ul>	

## COMPETENCE

A recurring theme throughout the new regulations is the requirement that all parties involved in the project must be competent to carry out their duties.

There is a requirement on the person or organisation appointing the post holder (designer, contractor etc.) to take reasonable steps to ensure they are competent. There is also a duty on the person or organisation being appointed not to accept the appointment if they are not competent to carry out the duties. This added requirement makes it possible for the HSE to prosecute contractors (and others involved in a project) if they undertake work for which they have not got the necessary experience or for which they have no training.

The ACoP requires a 2 stage competency assessment:

**Stage 1:** An assessment of the company's organisation and arrangements for health and safety to determine whether these are sufficient to enable them to carry out the work safely and without risk to health.

**Stage 2:** An assessment of the company's experience and track record to establish that:-

- it is capable of doing the work
- it recognises its limitations and how these should be overcome

and

- it appreciates the risks from doing the work and how these should be tackled.

The ACoP includes core criteria for demonstration of competence including the standards to be achieved and examples of the evidence that can be used to demonstrate the required standard has been met.

**TIME** - Clients are required to consult with appointees, including contractors (and principal contractors where projects are notifiable) to find out how much time they need for planning and preparation before work starts. They must then inform the appointee how much time has been allowed.

Similarly, with notifiable projects, the Principal Contractor is required to ensure every contractor on the project is informed of the amount of time allowed for planning and preparation



## TRAINING

An essential part of competence is training and the ACoP gives clear guidance on what the authorities consider reasonable levels of training for people involved in construction projects. The CSCS Health and Safety test or equivalent is the initial training level for construction workers. Further training in the form of S/NVQ or regular in-house training is the required standard for all but the newest trainee. Site managers and the like will need suitable training to the same standard as the CITB "Site Management Safety Training Scheme."

R G Wilbrey (Consultants) Limited offer a wide range of training courses for both site operatives and all levels of the management team. Contact Claire on 01902 420920 or training@rgwilbrey.com for details of courses and costs.

### Need more information?

**Contact Claire on 01902 420920  
or e.mail training@rgwilbrey.com  
for details of CDM 2007 training  
courses and seminars**