

CDM - WHAT YOU NEED TO KNOW

The Construction (Design and Management) Regulations 2015 ('CDM 2015') came into force on 6 April 2015 replacing the Construction (Design and Management) Regulations 2007. The CDM 2015 form an integral part of the health and safety legislation affecting all construction and engineering projects and property development, including construction work for domestic households. The aims of the CDM 2015 are to help people to:

- Sensibly plan the work so the risks involved are managed from start to finish;
- Have the right people for the right job at the right time;
- Cooperate and coordinate how you work with others;
- Have the right information about the risks and how they are being managed;
- Communicate this information effectively to those who need to know; and
- Consult and engage with workers about the risks and how they are being managed.

The CDM 2015 apply throughout a project. Duty holders have duties before, during and after construction. Understanding the CDM 2015 is essential for anyone involved in or advising on construction, development or redevelopment work in Great Britain as the CDM 2015 apply to almost every construction project since 6 April 2015. There can be serious consequences if you fail to comply with CDM 2015.

We strongly recommend that anyone involved in a construction project seeks independent professional assistance bespoke to their project, to ensure that they comply with the CDM 2015. Such assistance may come from a surveyor, architect or engineer already involved in the project, or alternatively specialist advice may be appropriate. Please speak to us if you need any help identifying the appropriate person for the work.

SUMMARY OF DUTIES UNDER CDM 2015

Who are the CDM 2015 duty holders?	What are the main roles of the duty holders?
<i>Commercial Clients</i> - A commercial client is any individual or organisation that carries out a construction project as part of a business (they will sometimes be referred to as the developer or the employer).	<p>Make suitable arrangements for managing a project for example:</p> <ul style="list-style-type: none">• Ensuring so far as is reasonably practicable that the work is carried out without risks to the health or safety of any person;• Allowing sufficient time and resources to carry out the work; and• Making sure welfare facilities are provided for the duration of the work. <p>Make sure management arrangements are maintained and reviewed throughout the project.</p> <p>Provide pre-construction information as soon as is practicable to every designer and contractor appointed or being considered for appointment.</p>

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<i>Commercial Clients</i>	<p>Ensure that the principal contractor or contractor prepares a construction phase plan before that phase begins.</p> <p>Ensure that the principal designer prepares a health and safety file for the project, make sure it is revised when appropriate and made available to everyone who needs it for subsequent work at the site.</p> <p>Ensure so far as is reasonably practicable that the principal designer and contractor comply with their duties within the CDM 2015.</p>
<i>Domestic Clients</i> - A domestic client is any individual who has construction work carried out on their own home, or the home of a family member, that is not done as part of any business.	<p>The duties required by a domestic client (the same as outlined above for a commercial client) are passed on to other duty holders. The duties normally pass to the contractor if it is a single contractor project who must take on the additional legal duties as well as their own as contractor or the principal contractor, for projects with more than one contractor who must take on the client's legal duties in addition to their own as principal contractor.</p>
<i>Designers</i> - A designer is any person who in the course of business prepares or modifies designs for construction projects or arranges or instructs others to do so. Designs include drawings, design details, specifications, bills of quantity and design calculations. Designers can be architects, consulting engineers, quantity surveyors, interior designers or anyone who specifies and alters designs as part of their work.	<p>When preparing or modifying designs, eliminate, reduce or control foreseeable risks that may arise during:</p> <ul style="list-style-type: none"> • Construction • The maintenance and use of a building once it is built. <p>Provide information to other members of the project to help them fulfil their duties.</p>
<i>Principal Designers</i> - Designers appointed by the client in projects involving more than one contractor. They can be an organisation or an individual with sufficient knowledge, experience and ability to carry out the role.	<p>Plan, manage, monitor and coordinate health and safety in the pre-construction phase of a project. This includes:</p> <ul style="list-style-type: none"> • Identifying, eliminating or controlling foreseeable risks • Ensuring designers carry out their duties. <p>Prepare and provide relevant information to other duty holders.</p> <p>Liaise with the principal contractor to help with the planning, management, monitoring and coordination of the construction phase.</p>

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<p><i>Contractors</i> - Those who carry out the actual construction work, contractors can be an individual or a company.</p>	<p>Plan, manage and monitor construction work under their control so it is carried out without risks to health and safety.</p> <p>For projects involving more than one contractor, coordinate their activities with others in the project team; in particular, comply with directions given to them by the principal designer or principal contractor.</p> <p>For single contractor projects, prepare a construction phase plan.</p>
<p><i>Principal Contractors</i> - Contractors appointed by the client to coordinate the construction phase of a project where it involves more than one contractor.</p>	<p>Plan, manage, monitor and coordinate health and safety in the construction phase of a project. This includes:</p> <ul style="list-style-type: none"> • Liaising with the client and principal designer • Preparing the construction phase plan • Organising cooperation between contractors and coordinating their work. <p>Make sure:</p> <ul style="list-style-type: none"> • Suitable site inductions are provided • Reasonable steps are taken to prevent unauthorised access • Workers are consulted and engaged in securing their health and safety • Welfare facilities are provided.
<p><i>Workers</i> - Those working for or under the control of contractors on a construction site.</p>	<p>Workers must:</p> <ul style="list-style-type: none"> • Be consulted about matters which affect their health, safety and welfare • Take care of their own health and safety, and of others who might be affected by their actions • Report anything they see which is likely to endanger either their own or others' health and safety • Cooperate with their employer, fellow workers, contractors and other duty holders.

PENALTIES FOR NON COMPLIANCE

The duty holders, mentioned above, must comply with the CDM 2015, and the duties are taken very seriously by the courts. The penalty for non-compliance can include imprisonment for up to two years and/or a fine of up to £10million. A micro-business (with turnover up to £2million) can expect a fine of up to £450,000; the fine will be higher for larger businesses.