



The Construction (Design and Management) Regulations 2015

The Construction (Design and Management) Regulations 2015 [CDM 2015] are effective in Great Britain from 6th April, 2015.

CDM [2015] are the main set of Regulations for managing health, safety and welfare on construction projects. This applies to **all** building and construction work including new build, refurbishment, demolition, conversions, extensions, maintenance and repair work.

Key Changes:

- The Regulations apply to all projects **including domestic client jobs**.
- All projects must have a **written construction phase plan**.
- The role of the **CDM Co-ordinator** in the previous CDM Regulations 2007 has been removed and been replaced with a new role of **Principal Designer**.
- A new **Duty** to ensure that all persons undertaking work have the correct **skills, knowledge, training and experience**.
- A **Principal Designer** and **Principal Contractor** must be appointed on all projects that will have more than one contractor.

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CDM 2015 – Legal Series Guidance (L153)

The HSE have produced Legal Series Guidance: 'Managing Health and Safety in Construction - Construction (Design and Management) Regulations 2015' – L153 on the legal requirements for CDM [2015]. This Guidance can be downloaded in a pdf format from <http://www.hse.gov.uk/pubns/books/l153.htm>

HSE will seek views later in 2015 on whether to replace this guidance with an Approved Code of Practice.

The HSE have also revised their construction web pages, produced a short client leaflet and a new construction phase plan template for **small** projects. <http://www.hse.gov.uk/pubns/cis80.pdf>

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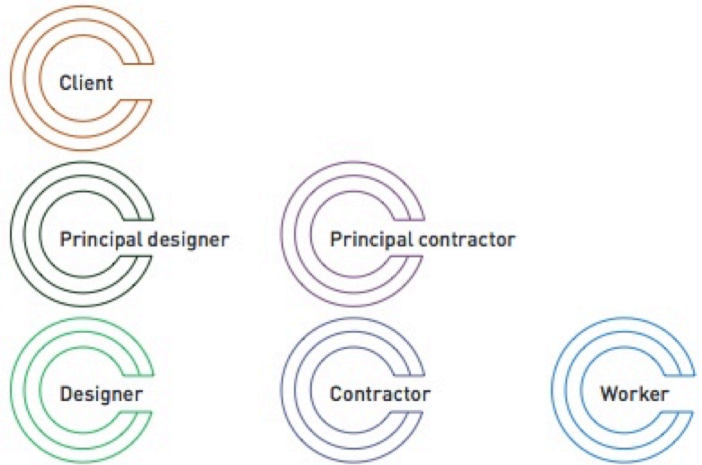
CDM Duty Holders

There are five 'duty holders' under CDM 2015:

- The Client
- The Principal Designer
- The Principal Contractor
- A Designer
- A Contractor

Industry guidance has been prepared to explain the roles and responsibilities for each of the five Duty Holders. A sixth industry guide has been produced for 'workers' and provides an excellent basis for a 'tool box talk' regarding CDM 2015.

The six guides are:



The six industry guides are available in a PDF printer friendly format from <http://www.citb.co.uk/health-safety-and-other-topics/health-safety/construction-design-and-management-regulations/cdm-guidance-documents/>

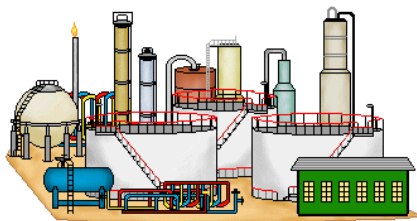
The 'Client'

CDM 2015 considers anyone who has construction work undertaken for them to be 'The Client'. This now includes ALL domestic contracts.

The primary legal duty for clients is to ensure the project is correctly managed, ensuring the health and safety of all those who may be affected by the work. The consideration must extend to members of the public who may be affected by the work activity.

There are two types of client recognized by CDM 2015:

Commercial Clients: A commercial client is anyone having construction work undertaken as part of their business. Property developers, companies managing domestic properties, individuals, partnerships, sole traders and larger businesses are all included. Full Client Duties apply.



Domestic Clients: Domestic clients usually have construction work carried out for them on their own home (or the home of a family member) but **NOT** in connection with any business. Client duties normally pass to other Duty Holders.

Further information can be obtained from the Industry Guide for Clients via the following link:

<http://www.citb.co.uk/documents/cdm%20regs/2015/cdm-2015-clients-printer-friendly.pdf>

The 'Principal Designer'

The 'Principal Designer' is a designer appointed by 'The Client' to control the pre-construction phase on projects with more than one contractor. The Principal Designer's main duty is to plan, manage, monitor and co-ordinate health and safety during the phase of the contract when most design work is undertaken. This role was previously fulfilled by the CDM Co-coordinator in CDM 2007.



Transitional arrangements from 6th April, 2015

For projects with more than one contractor:

- If the Construction Phase has not commenced and 'The Client' has not appointed a 'CDM Co-ordinator' prior to 6th April, 2015, 'The Client' must appoint a 'Principal Designer' as soon as practicable.
- If the 'CDM Co-ordinator' was appointed prior to 6th April, 2015 and the Construction Phase has commenced, 'The Client' must appoint a 'Principal Designer' to replace the 'CDM Co-ordinator' by 6th October 2015, unless the project comes to an end prior to this.
- The 'CDM Co-ordinator' should comply with the duties in Schedule 4 of CDM 2015 during the period it takes to appoint the 'Principal Designer'. [These reflect the duties assigned to 'CDM Co-ordinators' under CDM 2007, rather than requiring 'CDM Co-ordinators' to act as 'Principal Designers' under CDM 2015]

The Industry Guide for the 'Principal Designer' may be downloaded in a printable format from the following link: <http://www.citb.co.uk/documents/cdm%20regs/2015/cdm-2015-principal-designers-printer-friendly.pdf>

The 'Principal Contractor'

The 'Principal Contractor' must be appointed by 'The Client' to manage the Construction Phase on projects with more than one contractor. The 'Principal Contractor's' main duty is to plan, manage, monitor and coordinate health and safety during the Construction Phase: when all construction takes place.

N.B. A 'Principal Contractor' appointed under CDM 2007 will be considered to be a 'Principal Contractor' under CDM 2015.

The Industry Guide for the 'Principal Contractor' may be downloaded in a printable format from the following link: <http://www.citb.co.uk/documents/cdm%20regs/2015/cdm-2015-principal-contractors-printer-friendly.pdf>

A 'Designer'

A 'Designer' may be either an organization or an individual, whose work involves the preparation, modification of drawings, designs, modifications, bill of quantity or design calculations. Anyone who specifies and alters designs as part of their work may be considered to be a 'Designer'. The 'Designer' may be an architect, a quantity surveyor, consulting engineer, tradespeople or indeed anyone who specifies and alters designs as part of their work.

The main duty of a 'Designer' is to eliminate, reduce or control foreseeable risks that may arise during the construction work, or in the use and maintenance of the building once built. A 'Designer' works under the control of the 'Principal Contractor' on projects with more than one contractor.

The Industry Guide for a 'Designer' may be downloaded in a printable format from the following link:
<http://www.citb.co.uk/documents/cdm%20regs/2015/cdm-2015-designers-printer-friendly.pdf>

A 'Contractor'

A 'Contractor' may be an individual or business in charge of carrying out construction work e.g. building, alteration, maintenance or demolition. A 'Contractor' may be anyone who manages this work or directly employs/engages construction workers. The main duty for a 'Contractor' is to plan, manage and monitor the work in a way that ensures the health and safety of anyone it might affect (including members of the public).

A 'Contractor' works under the control of the 'Principal Contractor' on projects with more than one 'Contractor'.



The Industry Guide for a 'Contractor' may be downloaded in a printable format from the following link:

<http://www.citb.co.uk/documents/cdm%20regs/2015/cdm-2015-contractors-printer-friendly.pdf>

A 'Worker'

A 'Worker' is an individual who actually carries out the work involved in building, alterations, maintenance or demolition of buildings or structures. A 'Worker' includes: a plumber, electrician, joiner, painter, decorator, labourer, scaffolder, steel erector etc as well as supervisors. The duty of a 'Worker' includes cooperating with their employer and other dutyholders. A 'Worker' must report anything observed that may endanger the health and safety of themselves or others. A 'Worker' must be consulted on matters affecting their health, safety and welfare.

The Industry Guide for a 'Worker' may be downloaded in a printable format from the following link:

<http://www.citb.co.uk/documents/cdm%20regs/2015/cdm-2015-workers-printer-friendly.pdf>



Karen S W Wilson

Karen? May I Ask You A Question?

K.S.Safety Group Members have access to professional health and safety advice.

Here are a selection of some of the questions raised over the past couple of months – along with the appropriate response.

(01506) 419197 or (07810) 375773

Q. When is a project subject to HSE Notification under the new CDM 2015 Regulations?

Answer

From 6th April 2015, an HSE F10 Notification form will need to be completed and submitted, if the project will last longer than 500 person days OR 30 working days (with MORE than 20 people working at the SAME time).

Transitional Arrangements: Any project originally notified under CDM 2007 remains recognized as a notification under CDM 2015.

Q. I am a self-employed joiner and install kitchens for domestic clients. Does CDM 2015 apply to me?

Answer

YES. Any tradesman undertaking small-scale routine work such, for example:

- Installing a kitchen, bedroom, bathroom
- Replacing doors and windows
- Loft conversions
- Extensions
- Structural alterations e.g repair or rebuild of a chimney, roof repairs

You will be responsible for:

- Preparing a Construction Phase Plan (in writing)
- Organizing the work and
- Working together with others to ensure health and safety.

You MUST prepare a WRITTEN Construction Phase Health & Safety Plan.

An example Construction Phase Health & Safety Plan for SMALL projects may be downloaded from

<http://www.hse.gov.uk/pubns/cis80.pdf>

Q. Is someone else able to relieve the 'Domestic Client' of their Duties under CDM 2015?

Answer:

Though within the scope of CDM 2015, their 'Client' duties are normally transferred to:

- The 'Contractor' for single contractor projects
- The 'Principal Contractor' for projects with more than one 'Contractor'.

The 'Domestic Client' may however opt to have a written agreement with the 'Principal Designer' to carry out the 'Client' duties.

Other Health & Safety News

Working Safely With Acetylene Leaflet Revised

This leaflet provides guidance on the fire and explosion hazards of acetylene. It is for people who use acetylene for welding, cutting and similar processes and will help them comply with their legal duties under the Health and Safety at Work etc Act 1974 and the Provision and Use of Work Equipment Regulations 1998.

A free copy can be downloaded from the HSE's Publications Website:

<http://www.hse.gov.uk/pubns/indg327.htm?ebul=gd-welding&cr=2/Mar15>

Safe Use Of Four-Sided Moulding Machines

The Woodworking Information Sheet for Four-sided Moulding Machines has been revised to provide practical guidance for employers and operators. This is for use of both newer and older four-sided moulding machines. The information sheet WIS 40 (Revision 1) may be downloaded from the **HSE's Woodworking**

Website. <http://www.hse.gov.uk/pubns/wis40.htm>

Safe Use Of Work Equipment - Provision And Use Of Work Equipment Regulations 1998. Approved Code of Practice and Guidance.

This Approved Code of Practice and guidance has been revised and is aimed at employers, dutyholders and anyone who has responsibility for the safe use of work equipment, such as managers and supervisors. It sets out what is needed to comply with the Provision and Use of Work Equipment Regulations 1998. The Regulations, commonly known as PUWER, place duties on people and companies who own, operate or have control over work equipment. PUWER also places responsibilities on businesses and organisations whose employees use work equipment, whether owned by them or not.

A free copy of the Approved Code of Practice ACoP may be downloaded from the HSE's website via the following link:

<http://www.hse.gov.uk/pubns/books/l22.htm?ebul=gd-engineering&cr=5/Dec14>

Health & Safety Prosecutions

Quarry operator sentenced after worker died in dumper truck fall

13-02-2015 10:30 AM GMT

An Arbroath quarry operator has been fined for serious safety failings after a dumper truck driver died when his vehicle reversed over a stop block to the quarry floor below.

D Geddes (Contractors) Ltd, of Swirlburn, Colliston, Arbroath, was fined £200,000 after pleading guilty to breaching Regulation 6 of The Quarries Regulations (as amended) 1999.

An investigation by the Health and Safety Executive (HSE) was unable to identify the exact reason for the vehicle reversing. Mr Troup may have inadvertently pulled the gear lever into the reverse position when attempting to pull the tipping lever, since the two levers are side by side. The vehicle was able to move because the parking brake had not been applied.

HSE found that the stop block above the input hopper at the time was ineffective in stopping the reversing dump truck due to a combination of insufficient height and the ramping of sand and gravel used in the construction of the stop block.

Following the case, HSE Inspector Richard Noble said:

“The task of reversing a heavy vehicle to the stop block of an input hopper of a processing plant is an inherently dangerous one. D Geddes (Contractors) Ltd should have identified the risk of the vehicle reversing over the input hopper stop block and the driver being injured, or killed, and ensured measures were in place to prevent this from happening.

“There is well-established guidance available on safe tipping at quarries, which if followed, would have prevented this tragic incident.”

Quarrying remains one of the most dangerous industries to work in. Since 2000 more than 3,500 workers have suffered an injury reportable to HSE, 31 of which were fatal. For more information on quarry safety visit <http://www.hse.gov.uk/quarries/index.htm>

Lorry Driver Suffers Multiple Injuries – December 2014

Two engineering companies were fined after a lorry driver suffered multiple injuries whilst loading his lorry. A fork lift truck fitted with a lifting beam was being used to load railway engine wheels. Halfway through the lifting operation, the beam became detached from the fork lift truck and struck one of the company employees.

Brush Electrical Machines Ltd was fined £67,000 and ordered to pay costs of £15,500. Keenhandle Ltd was fined £25,000 and ordered to pay costs of £60,000

Metal Recycling Firm Fined After Worker Fell From Conveyor Belt

A Lincolnshire metal recycling firm has been prosecuted for safety breaches after a worker was left with broken ribs when he fell from a sloping conveyor belt. The worker was carrying out maintenance on the conveyor belt, leaning over the top end while working on the bearings. When the main power was switched on again, the whole line, including the belt, reactivated.

Myth-Busters

All Tools On Building Sites Need To Be A Maximum Of 110V

Issue

The enquirer was tasked with carrying out sound insulation tests in houses on a construction site. The site manager asked him if his equipment was battery operated to which his reply was "no, it will need to be plugged into a 230V socket". He asked if there was 230V power in the plots and the site manager said yes it was available but all "tools" on site need to run off a maximum of 110V as this was the company policy.

Panel opinion

The enquirer appears to have been planning to work in a completed (or nearly) completed house with the electrical system installed and compliant with requirements for electrical installations. This is a significantly lower risk from when the house is under construction. Whilst health and safety law does not ban 230v tools on construction sites, HSE strongly advises that 110v tools are preferable given the wet, dirty and dusty nature of construction sites and the possibility of mechanical damage to cables and tools.

In this instance a standard which is reasonable for a live, temporary, construction site is being applied to a different (domestic) environment where the risks would be much lower and the electrical system permanent and compliant with the latest standards. If a site or company decide to impose a higher (disproportionate) standard in this lower risk environment they can but it is not health and safety law that requires this.

K. S. Safety Group Membership

Forty-five businesses have become Members of the K.S.Safety Group, appointing Karen Wilson as their Professional Health and Safety advisor.

As an employer you must appoint someone competent to help you meet your health and safety duties.

Contact us to discover the benefits of Membership. We are here to help.



For professional health & safety advice

Please Contact Karen Wilson

Karen@ks-safety.com

(01506) 419197 or (07810) 375773