

CDM REGULATIONS

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CONTROLLING RISK TOGETHER

**How the
Regulations
Affect You and**

**A Question of
Competence**

CDM - HOW THE REGULATIONS AFFECT YOU

The construction industry has a poor health and safety record. Serious injury and death happen regularly as a result of construction work. This affects not only workers, but also members of the public. Good management of the construction process is essential to help prevent accidents and ill health in the industry.

This booklet tells you about the new Construction (Design and Management) Regulations (Northern Ireland) 1995 (CDM). These Regulations apply to construction projects and everyone associated with them: clients, designers, professionals, contractors and site workers. The Regulations are about management of health and safety. They do not apply to every project or everyone all of the time, but most projects and people are affected. This leaflet summarises how CDM affects you and tells you how you can get further guidance.

The CDM Regulations place new duties on clients, planning supervisors, designers and contractors to plan, co-ordinate and manage health and safety throughout all stages of a construction project.

Anyone who appoints a designer or contractor has to ensure that they are competent for the work and will allocate adequate resources for health and safety.

Five key parties (firms or individuals) have specific duties:

- 1. The client:** who should be satisfied that only competent people are appointed as planning supervisor and principal contractor. This also applies when making arrangements for the appointment of designers and contractors. They should also ensure, as much as they can, that sufficient resources, including time, have been or will be allocated to enable the project to be carried out safely. Duties on clients do not apply to domestic householders when they have construction work carried out.
- 2. The designer:** who should ensure, as much as they can, that structures are designed to avoid or where this is not possible, to minimise risks to health and safety while they are being built and maintained. Where risks cannot be avoided, adequate information has to be provided. Design includes the preparation of specifications - it is not limited to drawings.
- 3. The planning supervisor:** who has overall responsibility for co-ordinating the health and safety aspects of the design and planning phase and for the early stages of the health and safety plan and the health and safety file.

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4. The principal contractor: who should take account of health and safety issues when preparing and presenting tenders or similar documents. The principal contractor also has to develop the health and safety plan and co-ordinate the activities of all contractors to ensure they comply with health and safety legislation. Principal contractors also have duties to check on the provision of information and training for employees and for consulting with employees, and the self-employed on health and safety.

5. Contractors and the self-employed: who should co-operate with the principal contractor and provide relevant information on the health and safety risks created by their work and how they will be controlled. Contractors also have duties for the provision of other information to the principal contractor and to employees. The self-employed have duties similar to contractors.

Employees on construction sites should be better informed and have the opportunity to be more involved in health and safety.

WORKING TOGETHER AS A TEAM: Clients, planning supervisors, designers, principal contractors, contractors, employees and the self-employed all have their part to play in achieving health, safety and welfare standards on construction sites.

WHEN DOES CDM APPLY?

The CDM Regulations will generally apply to construction work which is notifiable, i.e. lasts for more than 30 days or will involve more than 500 person days of work. CDM also applies to non-notifiable work which involves five people or more on site at any one time. However, CDM will apply to any design work no matter how long the work lasts and how many workers are involved on site. If the work includes demolition, CDM also applies, regardless of the length of time or the number of workers.

If construction work is carried out on the residence of a domestic householder, so long as the residence is not used in connection with a business, CDM will not apply, except for the requirements on designers and for the project to be notified to the Health and Safety Executive Northern Ireland (HSENI). The Regulations do not apply to very minor construction work carried out in occupied premises, e.g. offices, shops, restaurants, etc. If in doubt, contact HSENI at 83 Ladas Drive, Belfast BT6 9FR (telephone (028) 9024 3249).

The term 'construction work' has been widely defined in the CDM Regulations and includes many activities within the building, civil engineering or engineering construction sector of the construction industry.

THE CLIENT

Many people can be clients. Some may regularly commission construction projects, while others may only have a single project built for them. For the smaller or inexperienced client, these duties may initially seem daunting. The point to recognise is that the client plays a positive role in making the key appointments and in setting the scene for the way in which health and safety is managed throughout the project. Some clients may need to seek professional help so that they can meet these duties but CDM ensures that the planning supervisor is there to advise them and designers have to take steps to tell clients about their duties.

The client's key duties are, as far as reasonably practicable, to:

- select and appoint a competent planning supervisor and principal contractor;
- be satisfied that the planning supervisor and principal contractor are competent and will allocate adequate resources for health and safety;
- be satisfied that designers and contractors are also competent, and will allocate adequate resources when making arrangements for them to work on the project;
- provide the planning supervisor with information relevant to health and safety on the project;
- ensure construction work does not start until the principal contractor has prepared a satisfactory health and safety plan;
- ensure the health and safety file is available for inspection, after the project is completed.

To help guide you through CDM, the Health and Safety Executive for Northern Ireland has published an Approved Code of Practice (NI) and also, a “Guide to Managing Health & Safety in Construction (NI)”.

THE PLANNING SUPERVISOR

The planning supervisor has to co-ordinate the health and safety aspects of project design and the initial planning to ensure as much as they can that:

- designers comply with their duties - in particular, the avoidance and reduction of risk;
- designers co-operate with each other for the purposes of health and safety;
- a health and safety plan is prepared before arrangements are made for a principal contractor to be appointed; and
- they are able to give advice, if requested, to the client on the competence and allocation of resources by designers and all contractors; advise contractors appointing designers; and also advise the client on the health and safety plan before the construction phase starts; and
- the project is notified to HSENI; and
- the health and safety file is prepared and delivered to the client at the end of a project.

“A Guide to Managing Health & Safety in Construction (NI)” provides more information on the Regulations.

THE DESIGNER

Designers play a key role in construction projects. They should ensure that the health and safety of those who are going to construct, maintain or repair a structure is considered during the design process. If they don't, they can often make it difficult for a contractor to devise a safe system of work.

Remember: contractors have to manage the risks on site, but designers can often eliminate or reduce them in the first place.

The designer's key duties are, as far as reasonably practicable, to:

- alert clients to their duties;
- consider during the development of designs the hazards and risks which may arise to those constructing and maintaining the structure;
- design to avoid risks to health and safety so far as is reasonably practicable;
- reduce risks at source if avoidance is not possible;
- consider measures which will protect all workers if neither avoidance nor reduction to a safe level is possible;
- ensure that the design includes adequate information on health and safety;
- pass this information on to the planning supervisor so that it can be included in the health and safety plan; and ensure that it is given on drawings or in specifications etc;
- co-operate with the planning supervisor and, where necessary, other designers involved in the project.

For guidance on CDM please read the Approved Code of Practice (NI) and also “Designing for Health & Safety in Construction” (HSE Publication).

THE PRINCIPAL CONTRACTOR

The principal contractor has to take over and develop the health and safety plan and co-ordinate the activities of all contractors so that they comply with health and safety law.

The principal contractor's key duties are to:

- develop and implement the health and safety plan;
- arrange for competent and adequately resourced contractors to carry out the work where it is subcontracted;
- ensure the co-ordination and co-operation of contractors;
- obtain from contractors the main findings of their risk assessments and details of how they intend to carry out high risk operations;
- ensure that contractors have information about risks on site;
- ensure that workers on site have been given adequate training;
- ensure that contractors and workers comply with any site rules which may have been set out in the health and safety plan;
- monitor health and safety performance;
- ensure that all workers are properly informed and consulted;
- make sure only authorised people are allowed onto the site;
- display the notification of the project to HSENI;
- pass information to the planning supervisor for the health and safety file.

The Approved Code of Practice “Managing Construction for Health & Safety (NI)” and “A Guide to Managing Health & Safety in Construction (NI)” provide more comprehensive details of the Regulations.

CONTRACTORS AND THE SELF-EMPLOYED

Contractors in general have duties to play their part in the successful management of health and safety during construction work. The key duties are to:

- provide information for the health and safety plan about risks to health and safety arising from their work and the steps they will take to control and manage the risks;
- manage their work so that they comply with rules in the health and safety plan and directions from the principal contractor;
- provide information for the health and safety file, and about injuries, dangerous occurrences and ill health;
- provide information to their employees.

The self-employed also have these duties when they act as contractors.

EMPLOYEES

Under CDM employees will benefit by being better informed and more able to play an active part in health and safety.

Employees are:

- entitled to information about health and safety during the construction phase;
- able to express their views about health and safety to the principal contractor.

The principal contractor has to check that employees have been provided with adequate information and training.

WHAT IS THE HEALTH AND SAFETY PLAN?

The health and safety plan provides the health and safety focus for the construction phase of a project. The pre-tender health and safety plan should be prepared in time so that it is available for contractors tendering or making similar arrangements to carry out or manage construction work. The planning supervisor is responsible for seeing that this is done. After being appointed by the client the principal contractor needs to develop the health and safety plan and keep it up to date.

The pre-tender health and safety plan

The pre-tender plan which the planning supervisor has to ensure is prepared, should include:

- a general description of the work;
- details of timings within the project;
- details of risks to workers as far as possible at that stage;
- information required by potential principal contractors to demonstrate competence or adequacy of resources;
- information for preparing a health and safety plan for the construction phase and information for welfare provision.

The health and safety plan for the construction phase

The plan developed by the principal contractor is the foundation on which health and safety management of construction work is based. It should include:

- arrangements for ensuring the health and safety of all who may be affected by the construction work;
- arrangements for the management of health and safety of construction work and monitoring of compliance with health and safety law;
- information about welfare arrangements.

WHAT IS THE HEALTH AND SAFETY FILE?

This is a record of information for the client/end user, which tells those who might be responsible for the structure in future of the risks that have to be managed during maintenance, repair or renovation.

The planning supervisor has to ensure that it is prepared as the project progresses and it is given to the client when the project is complete. The client has to make it available to those who will work on any future design, building, maintenance, or demolition of the structure.

A QUESTION OF COMPETENCE

The Construction (Design and Management) Regulations (NI) 1995 require a demonstration of competence from planning supervisors, designers and contractors.

This section addresses some of the issues relevant to competence. It is not an exhaustive list but it is felt to be a foundation on which the various duty holders can assess their own capabilities

COMPETENCE OF DESIGNERS & PLANNING SUPERVISORS

Are you likely to be involved as a designer or planning supervisor on a construction project? Can you prove your competence? Ask yourself the following questions and assess your own capabilities.

1. Are you conversant with the Health and Safety legislation relating to the Construction Industry, including the CDM Regulations?
2. Are you conversant with the construction practice relevant to the above regulations?
3. Are you conversant with the Approved Codes of Practice for asbestos, lead, substances hazardous to health etc?
4. Are you conversant with British Standards relevant to construction safety e.g. scaffolding, steel erection, demolition etc?
5. Are you conversant with relevant Guidance Notes* on construction safety e.g. falsework, roofing, window cleaning etc?
6. Are you satisfied that you have sufficient practical experience of Health and Safety on construction sites?
7. Are you satisfied that you have received adequate training in construction health and safety?
8. Are you conversant with the concept of risk assessment for the construction industry, including the design process?
9. Do you have access to competent health and safety advice relevant to the construction industry?

*** Guidance notes are produced by the Health and Safety Executive and are available from The Stationary Bookshop Office and all good booksellers.**

COMPETENCE OF CONTRACTORS

Every client has to ensure that he only appoints a competent principal contractor to carry out his construction work. Could you prove that your company is competent? Ask yourself the following questions and assess your own capabilities:

General

1. What is your experience in the construction industry?
2. Do you directly employ your own labour?
3. Do you use persons with “self-employed” status?
4. Do you accept that you are responsible for these self-employed persons?
5. (a) Do you have adequate employers liability insurance cover for the activities which you undertake?

(b) Does this insurance cover self-employed persons (SC60's and 715's)?
6. Are you a member of a trade association?

MANAGEMENT OF HEALTH & SAFETY

1. Do you have a health and safety policy?
2. Who is responsible for health and safety in your company?
3. Do you have a competent health and safety advisor or competent health and safety consultant?
4. Does this person spend adequate time on these duties?
5. Do you ensure that your supervisors and managers are fully aware of their responsibilities for site health and safety?
6. Are these persons held accountable for Health and Safety on site?
7. Do you have a policy in respect of the provision of personal protective equipment?
8. Are you satisfied that you fully appreciate how accidents and ill health occur in the construction process?
9. Are you satisfied with your company's performance in relation to accidents and ill health?
10. Can you supply references, if required, as to your health and safety competence?

HEALTH & SAFETY TRAINING

1. Have your managers had management safety training, and if so, was this adequate?
2. Have your foremen and managers had health and safety training in construction techniques and management?
3. Do you have an ongoing safety training programme?
4. Do you ensure that induction training is given to all operatives on site, including those engaged by sub-contractors, and if so, what form does this training take?
5. Do you ensure that specialist training is, or has been, given to those requiring same e.g. scaffolding, trench work, steel erection, roof work etc?

FURTHER GUIDANCE ON CDM

Legal guidance

Managing construction for health and safety: *Construction (Design and Management) Regulations (NI) 1995 Approved Code of Practice*

Both the CDM Regulations and the Approved Code of Practice are provided in this book, which offers formal guidance on compliance with the provisions of CDM. The Code supplements the Approved Code of Practice on the Management of Health and Safety at Work Regulations (NI) 1992.

Guidance for designers

Designing for health and safety in construction
ISBN 0 7176 0807 7 price £7.95

CDM places duties on designers which will affect the health and safety of construction and maintenance workers. Now the designer is required to try and avoid or reduce health and safety risks to the site worker at the design stage of the project. This booklet provides practical advice on how to do so.

Guidance for clients, planning supervisors, designers and contractors

A Northern Ireland guide to managing health and safety in construction

Everyone working on a construction project has health and safety duties and responsibilities. This booklet explains how CDM affects each phase of the construction project and the importance of teamwork in achieving health and safety success.

Guidance for builders and contractors

Health and safety for small construction sites
HS(G) 130 ISBN 0 7176 0806 9 price £5.95

This book is an invaluable health and safety guide to smaller firms in the construction industry. It covers a broad range of topics including working at height, groundwork, working in confined spaces, site transport, lifting loads, electricity, fire and protecting the public. The booklet also summarises CDM and how it affects the site worker and offers straightforward advice on how to set up a construction site.

HSE publications are available from:

HSE Books, PO Box 1999, Sudbury, Suffolk, CO10 6FS.

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