

Construction (Design & Management) Regulations 2007

1. Outline of the Regulations

The Regulations are divided into five parts. Part 1 of the Regulations deals with matters of interpretation and application. The Regulations apply to all construction work in Great Britain and, by virtue of the Health and Safety at Work etc Act 1974 (Application outside Great Britain) Order 2001, its territorial sea, and apply to both employers and the self-employed without distinction.

Part 2 covers general management duties which apply to all construction projects, including those which are non-notifiable.

Part 3 sets out additional management duties which apply to projects above the notification threshold (projects lasting more than 30 days, or involving more than 500 person days of construction work). These additional duties require particular appointments or particular documents which will assist with the management of health and safety from concept to completion.

Part 4 of the Regulations applies to all construction work carried out on construction sites, and covers physical safeguards which need to be provided to prevent danger. Duties to achieve these standards are held by contractors who actually carry out the work, irrespective of whether they are employers or are self employed. Duties are also held by those who do not do construction work themselves, but control the way in which the work is done. In each case, the extent of the duty is in proportion to the degree of control which the individual or organisation has over the work in question.

This does not mean everyone involved with design, planning or management of the project legally must ensure that all of the specific requirements in this section are complied with. They only have such duties if, in practice, they exercise significant control over the actual working methods, safeguards and site conditions. For example, contractors carrying out excavation work are normally responsible for ensuring that the excavation is safe to work at, but if a client specifies that it is dug and supported in a particular way, then the client will have a duty to ensure their instructions comply with the requirements in regulation 31.

Contractors must not allow work to start or continue unless the necessary safeguards are in place. For example, a brickwork contractor should not cause or permit workers under his control to work on an incomplete scaffold, even if providing the scaffold is another contractor's responsibility.

Part 5 of the Regulations covers issues of civil liability; transitional provisions which will apply during the period when the Regulations come into force, and amendments and revocations of other legislation.

2. The Company Acting as Principal Contractor

Good management of health and safety on site is crucial to the successful delivery of a construction project. The key duty of principal contractors is to properly plan, manage and co-ordinate work during the construction phase in order to ensure that the risks are properly controlled. Principal contractors must also comply with the duties placed on all contractors under the Regulations.

Aspull Electrical Services Ltd

124-128 Frog Lane
Wigan, Lancashire
WN6 7DS

Tel 01942 247459
Fax 01942 826367
Email info@aspullelectrical.co.uk

Principal contractors are usually the main or managing contractor. This allows the management of health and safety to be incorporated into the wider management of project delivery. This is good business practice as well as being helpful for health and safety purposes.

What principal contractors must do

Principal contractors must:

- (a) satisfy themselves that clients are aware of their duties, that a CDM co-ordinator has been appointed and HSE notified before they start work;
- (b) make sure that they are competent to address the health and safety issues likely to be involved in the management of the construction phase;
- (c) ensure that the construction phase is properly planned, managed and monitored, with adequately resourced, competent site management appropriate to the risk and activity.
- (d) ensure that every contractor who will work on the project is informed of the minimum amount of time which they will be allowed for planning and preparation before they begin work on site;
- (e) ensure that all contractors are provided with the information about the project that they need to enable them to carry out their work safely and without risk to health. Requests from contractors for information should be met promptly;
- (f) ensure safe working and co-ordination and co-operation between contractors;
- (g) ensure that a suitable construction phase plan ('the plan') is:
 - (i) prepared before construction work begins,
 - (ii) developed in discussion with, and communicated to, contractors affected by it,
 - (iii) implemented, and
 - (iv) kept up to date as the project progresses;
- (h) satisfy themselves that the designers and contractors that they engage are competent and adequately resourced ;
- (i) ensure suitable welfare facilities are provided from the start of the construction phase;
- (j) take reasonable steps to prevent unauthorised access to the site;
- (k) prepare and enforce any necessary site rules;
- (l) provide (copies of or access to) relevant parts of the plan and other information to contractors, including the self-employed, in time for them to plan their work;
- (m) liaise with the CDM co-ordinator on design carried out during the construction phase, including design by specialist contractors, and its implications for the plan;
- (n) provide the CDM co-ordinator promptly with any information relevant to the health and safety file;

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What principal contractors don't have to do

Principal contractors don't have to undertake detailed supervision of contractors' work.

Planning and managing health and safety in the construction phase

Principal contractors must plan, manage and co-ordinate work during the construction phase taking account of the information contained in the preconstruction information provided by the client, and any other information provided by contractors.

The effort devoted to planning and managing health and safety should be in proportion to the risks and complexity associated with the project.

The principal contractor should work with other contractors to identify the hazards and assess the risks related to their work, including the risks they may create for others. Using this information and applying the general principles of prevention (see Appendix 7) the principal contractor, in discussion with the contractors involved, must plan, manage and co-ordinate the construction phase. This includes supervising and monitoring work to ensure that it is done safely and that it is safe for new activities to begin.

Where the project involves high-risk work, for example alterations that could result in structural collapse, or work on contaminated land, specialist advice is likely to be needed at the planning stage.

Site rules

Principal contractors should include any necessary rules for the management of construction work in the construction phase plan, which others on the site have to follow. These may cover issues such as restricted areas, permit-to-work systems, hot work and emergency plans. In order to avoid cluttering the plan with detailed arrangements for implementing site rules, the plan should refer to other documents or put detailed arrangements in appendices. Site rules should be:

- (a) set out in writing;
- (b) understandable to those who have to follow them;
- (c) brought to the attention of everyone who has to follow them;
- (d) enforced.

Copies of the site rules should be displayed on site in a place where they can be seen by those who work there.

Display of notification to HSE

The principal contractor must display a legible copy of the most up-to-date information notified to HSE where it can be read by people working on the site.

Controlling access onto sites

A principal contractor must take reasonable steps to prevent access by unauthorised persons to the construction site. Only people who are explicitly authorised, individually or collectively, by the principal contractor, should be allowed access. The authorisation may cover the whole site or be restricted to certain areas. Authorised people should have relevant site rules explained to them and undertake any necessary site induction, and should comply with site rules and co-operate with the principal contractor. Some authorised visitors may need to be supervised or accompanied while on site or visiting specific areas.

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Site induction, training and information

Site induction, training and information are vital to securing health and safety on site. The principal contractor has to ensure, so far as is reasonably practicable, that every worker has:

- (a) a suitable induction; and
- (b) any further information and training needed for the particular work.

This does not mean that the principal contractor has to train everyone on the site - this will be the responsibility of individual contractors. Further advice on training and competence is given in paragraphs 193-240. of the 2007 CDM Regulations.

Induction

Inductions are a way of providing workers with specific information about the particular risks associated with the site and the arrangements that have been made for their control. Induction is not intended to provide general health and safety training, but it should include a site-specific explanation of the following:

- (a) senior management commitment to health and safety;
- (b) the outline of the project;
- (c) the individual's immediate line manager and any other key personnel;
- (d) any site-specific health and safety risks, for example in relation to access, transport, site contamination, hazardous substances and manual handling;
- (e) control measures on the site, including:
 - (i) any site rules,
 - (ii) any permit-to-work systems,
 - (iii) traffic routes,
 - (iv) security arrangements,
 - (v) hearing protection zones,
 - (vi) arrangements for personal protective equipment, including what is needed, where to find it and how to use it,
 - (vii) arrangements for housekeeping and materials storage,
 - (viii) facilities available, including welfare facilities,
 - (ix) emergency procedures, including fire precautions, the action to take in the event of a fire, escape routes, assembly points, responsible people and the safe use of any fire-fighting equipment;
- (f) arrangements for first aid;
- (g) arrangements for reporting accidents and other incidents;
- (h) details of any planned training, such as 'toolbox' talks;
- (i) arrangements for consulting and involving workers in health and safety, including the identity and role of any:
 - (i) appointed trade union safety representatives,
 - (ii) representatives of employee safety,
 - (iii) safety committees;
- (j) information about the individual's responsibilities for health and safety.

3. The Company Acting as a Contractor

For all projects contractors must:

- (a) check clients are aware of their duties;
- (b) satisfy themselves that they and anyone they employ or engage are competent and adequately resourced;

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- (c) plan, manage and monitor their own work to make sure that workers under their control are safe from the start of their work on site;
- (d) ensure that any contractor who they appoint or engage to work on the project is informed of the minimum amount of time which will be allowed for them to plan and prepare before starting work on site;
- (e) provide workers under their control (whether employed or self-employed) with any necessary information, including about relevant aspects of other contractors' work, and site induction (where not provided by a principal contractor) which they need to work safely, to report problems or to respond appropriately in an emergency;
- (f) ensure that any design work they do complies with regulation 11;
- (g) comply with any requirements listed in Schedule 2 and Part 4 of these Regulations that apply to their work;
- (h) co-operate with others and co-ordinate their work with others working on the project;
- (i) ensure the workforce is properly consulted on matters affecting their health and safety; and
- (j) obtain specialist advice (for example from a structural engineer or occupational hygienist) where necessary when planning high-risk work – for example alterations that could result in structural collapse or work on contaminated land.

Additional duties for notifiable projects

In the case of notifiable projects, contractors must also:

- (a) check that a CDM co-ordinator has been appointed and HSE notified before they start work (having a copy of the notification of the project to HSE F10, is normally sufficient);
- (b) co-operate with the principal contractor, CDM co-ordinator and others working on the project or adjacent sites;
- (c) tell the principal contractor about risks to others created by their work;
- (d) provide details to the principal contractor of any contractor whom he engages in connection with carrying out the work;
- (e) comply with any reasonable directions from the principal contractor, and with any relevant rules in the construction phase plan;
- (f) inform the principal contractor of any problems with the plan or risks identified during their work that have significant implications for the management of the project;
- (g) tell the principal contractor about accidents and dangerous occurrences;
- (h) provide information for the health and safety file (see paragraphs 256-268).

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4. Pre-construction Information

When drawing up the pre-construction information, each of the following topics should be considered. Information should be included where the topic is relevant to the work proposed. The pre-construction information provides information for those bidding for or planning work, and for the development of the construction phase plan. The level of detail in the information should be proportionate to the risks involved in the project.

5. Health and Safety File

The health and safety file should contain the information needed to allow future construction work, including cleaning, maintenance, alterations, refurbishment and demolition to be carried out safely. Information in the file should alert those carrying out such work to risks, and should help them to decide how to work safely. The file should be useful to:

- (a) clients, who have a duty to provide information about their premises to those who carry out work there;
- (b) designers during the development of further designs or alterations;
- (c) CDM co-ordinators preparing for construction work;
- (d) principal contractors and contractors preparing to carry out or manage such work.

The file should form a key part of the information that the client, or the client's successor, is required to provide for future construction projects under regulation 10. The file should therefore be kept up to date after any relevant work or surveys. **The scope, structure and format for the file should be agreed between the client and CDM co-ordinator at the start of a project.** There can be a separate file for each structure, one for an entire project or site, or one for a group of related structures. The file may be combined with the Building Regulations Log Book, or a maintenance manual providing that this does not result in the health and safety information being lost or buried. What matters is that people can find the information they need easily and that any differences between similar structures are clearly shown.

Contents of Health & safety File

- (a) a brief description of the work carried out;
- (b) any residual hazards which remain and how they have been dealt with (for example surveys or other information concerning asbestos; contaminated land; water bearing strata; buried services etc);
- (c) key structural principles (for example, bracing, sources of substantial stored energy - including pre- or post-tensioned members) and safe working loads for floors and roofs, particularly where these may preclude placing scaffolding or heavy machinery there;
- (d) hazardous materials used (for example lead paint; pesticides; special coatings which should not be burnt off etc);
- (e) information regarding the removal or dismantling of installed plant and equipment (for example any special arrangements for lifting, order or other special instructions for dismantling etc);
- (f) health and safety information about equipment provided for cleaning or maintaining the structure;
- (g) the nature, location and markings of significant services, including underground cables; gas supply equipment; fire-fighting services etc;
- (h) information and as-built drawings of the structure, its plant and equipment (for example, the means of safe access to and from service voids, fire doors and compartmentalisation etc).

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6. Information for Employees

Under CDM employees are entitled to information about health and safety (especially information about the significant risks) during the construction phase.

They must be given an opportunity (by the Principal Contractor) to comment on the health and safety aspects of the project; i.e. the Principal Contractor must make arrangements to consult with the site's employees.

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