

# Construction (Design and Management) Regulations 2015

The Construction (Design and Management) Regulations 2015 (CDM 2015) came into force in April 2015. Under CDM 2015, virtually everyone involved in a construction project has legal duties. The various 'duty holders' are defined as follows:

**Client** - Anyone who has construction work carried out for them. The main duty for clients is to make sure their project is suitably managed, ensuring the health and safety of all who might be affected by the work, including members of the public.

CDM 2015 recognises two types of client:

- **Non-domestic Clients** have construction work carried out as part of their business. This could be an individual, partnership or company, and includes property developers and companies managing domestic properties. It would also include any person who is acting as a client on behalf of any Wessex Trust for any construction project. Their duties are set out below.
- **Domestic clients** have construction work carried out for them but Not in connection with any business – usually work done on their own home or the home of a family member. CDM 2015 permits domestic clients to pass their duties on to the contractor or designer.

**Designer** - An organisation or individual whose work involves preparing or modifying designs, drawings, specifications, bills of quantity or design calculations. Designers can be architects, consulting engineers and quantity surveyors, or anyone who specifies and alters designs as part of their work. They can also include trades people if they carry out design work.

The designer's main duty is to eliminate, reduce or control foreseeable risks that may arise during construction work, or in the use and maintenance of the building once built. On projects with more than one contractor, designers work under the control of a principal designer.

**Principal designer** - 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 coordinate health and safety during this phase, when most design work is carried out.

Principal contractor - A contractor 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 this phase, when all construction work takes place.

Contractor - An individual or business in charge of carrying out construction work (eg building, altering, maintaining or demolishing). Anyone who manages this work or directly employs or engages construction workers is a contractor. Their main duty is to plan, manage and monitor the work under their control in a way that ensures the health and safety of anyone it might affect (including members of the public). Contractors work under the control of the principal contractor on projects with more than one contractor.

Worker - An individual who actually carries out the work involved in building, altering, maintaining or demolishing buildings or structures. Workers include: plumbers, electricians, scaffolders, painters, decorators, steel erectors and labourers, as well as supervisors such as foremen and charge hands. Their duties include cooperating with their employer and other duty holders, reporting anything they see that might endanger the health and safety of themselves or others.

Workers must be consulted on matters affecting their health, safety and welfare.

# Non-domestic clients: roles and responsibilities

As outlined above, a non-domestic client is any individual or organisation that carries out a construction project as part of a business. Although we are not a business as such, church projects (and those of us organising them) will still fall into this category.

As a client, we have a crucial influence over how our projects are run, including the management health and safety risk management. Whatever the project size, the commercial client has contractual control, appoints designers and contractors, and determines the money, time and other resources for the project.

For all projects, commercial clients must:

- Prepare a client brief, describe the main requirements of the finished building and any expectations about the design or construction process, confirm a single point of contact for any client queries, and set a realistic timeframe and budget.
- make suitable arrangements for managing their project, enabling those carrying it out to manage health and safety risks in a proportionate way. These arrangements include:
  - appointing the contractors and designers to the project (including the principal designer and principal contractor on projects involving more than one contractor) while making sure they have the skills, knowledge, experience and organisational capability
  - allowing sufficient time and resources for each stage of the project
  - making sure that any principal designer and principal contractor appointed carry out their duties in managing the project
  - making sure suitable welfare facilities are provided for the duration of the construction work.
- maintain and review the management arrangements for the duration of the project
- provide pre-construction information to every designer and contractor either bidding for the work or already appointed to the project
- ensure that the principal contractor or contractor (for single contractor projects) prepares a construction phase plan before that phase begins
- ensure that the principal designer prepares a health and safety file for the project and that it is revised as necessary and made available to anyone who needs it for subsequent work at the site.

# Notification

A notifiable project - where planned construction work will last longer than 30 working days and involves more than 20 workers at any one time; or where the work exceeds 500 individual worker days, a commercial client must:

- notify HSE in writing with details of the project (see below)
- ensure a copy of the notification is displayed in the construction site office.

Construction work - includes the construction, alteration, conversion, fitting out, commissioning, renovation, repair, upkeep, redecoration or other maintenance (including cleaning which involves the use of water or an abrasive at high pressure, or the use of corrosive or toxic substances) decommissioning, demolition or dismantling of a structure. For example a long period of maintenance such as the external cleaning of a church, or repairs to roofs, or even a full repainting may be included, depending on the number of working days or workers.

Who needs to notify?

The commercial client for the construction work is required to send the notification to the HSE and this is usually done on the F10 form (there are exceptions but only for domestic clients).

How do we notify?

We strongly recommend that you first discuss any intended works with the Synod Property Officers who will advise you in filling out the online form, which has been developed to make notification as simple and convenient as possible. The form lists basic details about the project, its location, and those involved.

Once the online form has been submitted to the HSE, you will receive an email providing you with a copy of your form and a serial number which you can use to access your form and provide updates.

The four-page form can be found on the HSE website here:

[extranet.hse.gov.uk/lfserver/external/f10](https://extranet.hse.gov.uk/lfserver/external/f10).

If you can't access the online form, then you may notify the HSE in writing, making sure you include all relevant information, and send it to

F10 Scanning Centre  
Health and Safety Executive,  
% Central Despatch  
Redgrave Court,  
Merton Road  
Bootle,  
Merseyside  
L20 7HS

#### Transitional Arrangements

CDM 2015 recognises that there will be construction projects that started before the Regulations come into force on 6 April 2015 and continue beyond that date. For these projects, the following transitional arrangements apply.

Where there is, or is expected to be, more than one contractor on a project:

- where the construction phase has not yet started and the client has not yet appointed a CDM co-ordinator, the client must appoint a principal designer as soon as practicable
- if the CDM co-ordinator has already been appointed and the construction phase has started, the client must appoint a principal designer to replace the CDM co-ordinator before 6 October 2015, unless the project comes to an end before then
- in the period it takes to appoint the principal designer, the appointed CDM co-ordinator should comply with the duties contained in Schedule 4 of CDM 2015. These reflect the duties placed on CDM co-ordinators under CDM 2007 rather than requiring CDM coordinators to act as principal designers, a role for which they may not be equipped.

Other transitional arrangements are:

- pre-construction information, construction phase plans or health and safety files provided under CDM 2007 are recognised as meeting the equivalent requirements in CDM 2015
- any project already notified under CDM 2007 is recognised as a notification under CDM 2015
- a principal contractor appointed under CDM 2007 will be considered to be a principal contractor under CDM 2015.

In all other circumstances, the requirements of CDM 2015 applied in full from 6 April 2015.

## Relationship between CDM 2015 and Property Consents

When a project approved by the URC F&P committee, it may also need notifying to the HSE.

This will not happen automatically and a separate notification will need to be made using the F10 form if it is a Notifiable project.

Structural changes to the property includes small projects such as installing a ramp or disabled toilet, or much larger extensions or refurbishments involving the reconfiguring of a building, or demolition of all or any part of a URC building. ALL structural changes to our buildings need prior Property consent.

Any work to a listed building or a building in a conservation area must be reviewed by the LBAC and the Property Officer with final approval by the F&P.

If the construction work will last longer than 30 working days and involves more than 20 workers at any one time (or where the work exceeds 500 Individual worker days), it will require notification on the form F10.

Before any monies are to be used to fund the cost of a property project, approval from the F&P must be received before works begin, but the cost of the project has no bearing on whether the project is Modifiable under the CDM 2015 Registration

The following activities, although needing to going through the Consents process, do not need notification to the HSE:

- acquisition of any new interest in property.
- giving up an interest in any part of a property
- proposals to share a building with another denomination or any other partner.