

The Construction (Design and Management) Regulations 2015



CDM2015
PRINCIPLES IN PRACTICE

Industry guidance for **Clients**

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1 Introduction

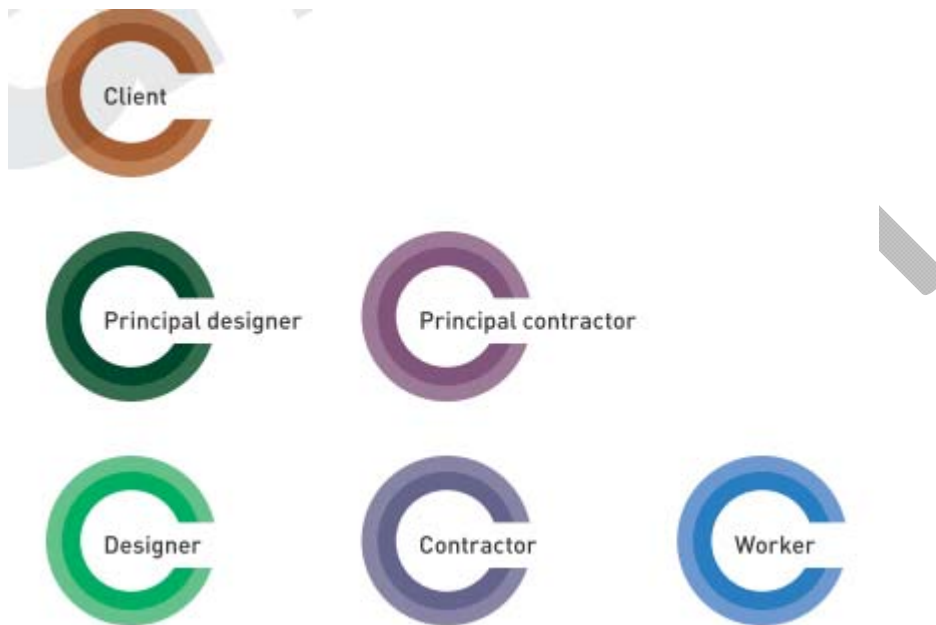
1.1 General introduction

The Construction (Design & Management) Regulations (CDM) are the main set of regulations for managing the health, safety and welfare of construction projects.

CDM applies to all building and construction work and includes new build, demolition, refurbishment, extensions, conversions, repair and maintenance.

This guide is based on sound industry practice and will help small businesses and organisations deliver building and construction projects in a way that prevents injury and ill-health.

There are six guides: one for each of the five duty holders under CDM and an additional one for workers. The six guides are:



These guides should help you better understand your role, and that of other duty holders, especially if you have more than one role under CDM.

The Health and Safety Executive (HSE) has produced the CDM L-series to offer further guidance. It is downloadable from the HSE website: www.hse.gov.uk

1.2 What is a client?

CDM 2015 defines a client as anyone for whom a construction project is carried out. The regulations apply to both **domestic** and **commercial** clients.

A **commercial** client is an organisation or individual for whom a construction project is carried out in connection with a business, whether the business operates for profit or not. Examples of commercial clients are schools, retailers and landlords.

**Larger construction clients may wish to refer to guidance and advice produced by the Construction Client Group of Constructing Excellence:
www.constructingexcellence.org.uk/sectorforums/constructionclientsgroup**

You are a **domestic** client if you are having work carried out which is not connected with running a business. Usually, this means arranging for work to be carried out on the property where you or a family member lives.

This guidance is aimed at commercial clients. Domestic clients should refer to separate guidance produced by the HSE (*link to Busy Builder information sheet for domestic clients*).

1.3 Introduction to the role of the client

The CDM Regulations place responsibility for managing the health and safety of a construction project on three main duty holders.

The client has overall responsibility for the successful management of the project and is supported by the principal designer and principal contractor in different phases of the project. For the successful delivery of a project, good working relationships between the duty holders are essential from the start.

- **The client** ensures that the construction project is set up so that it is carried out from start to finish in a way that adequately controls the risks to the health and safety of those who may be affected.
- **The principal designer** manages health and safety in the pre-construction phase of a project. The role extends to the construction phase through the principal designer's duties to liaise with the principal contractor and ongoing design work
- **The principal contractor** manages the construction phase of a project. This involves liaising with the client and principal designer throughout the project, including during the pre-construction phase.

Depending upon the nature of the project, the principal designer and principal contractor may be supported by designers, contractors and workers.

There are three important phases of a project: before, during and after construction or building work. This guide refers to them as:

- **the pre-construction phase:** the inception, design and planning stage of a project (before the construction or building work starts), although it is acknowledged design and planning continues into and through the construction phase
- **the construction phase:** the start-to-finish stage of the construction or building work
- **the post-construction phase:** the practical completion of the construction or building work, including handover.

Designers and contractors should be appointed at the earliest opportunity to help prepare and plan your project. You should also get involved so you can give your views as and when required.

Experience has shown that, when designers and contractors are involved early in the project, everyone is better able to plan ahead and solve problems together to deliver a more successful project.

Even the simplest tasks, such as arranging routine maintenance or minor building work, require adequate time to plan and manage the work safely.

A summary of all duty holders and their roles can be found in Annex A.

2 Preparation: the client brief

A client brief explains to others what your project is about and your requirements before, during and after the build.

2.1 What is a client brief?

One way of explaining what you want, as well as helping you to carry out your duties under CDM, is to develop a client brief.

As the client, you will have requirements and expectations that will assist those designing, constructing or using the structure or building. Sharing these at an early stage can help shape how each duty holder approaches, plans and accommodates your requirements.

The client brief may take the form of verbal discussions or it could be a written document drafted by you or by a designer or contractor after you have discussed your requirements with them.

A good brief can be essential to the success of your project, especially if it is clear and unambiguous, sets out key requirements, outlines your vision of the project and communicates your aims and aspirations.

2.2 What should the client brief include?

The brief should:

- describe the main function and operational requirements of the finished building or structure
- outline your motivation for initiating the project
- give your expectations during the project
- explain the design direction you have in mind
- establish a single point of contact for any client queries or discussions during the project
- set a realistic timeframe and budget.

Whilst the initial client brief sets out your general requirements and expectations for the project, it is also important that it outlines your health and safety expectations.

Although smaller and one-off clients might not have the same degree of influence as larger, repeat clients, they still have a significant role to play. All clients can set standards and ensure work is carried out without risking the long-term health and safety of those on site.

**Further information on how to write a client brief can be found on the RIBA website:
www.architecture.com/FindAnArchitect/Workingwithanarchitect/Howdouseanarchitect.aspx**

3 What do you have to do in the pre-construction phase?

The pre-construction phase is the period before site work starts. As the client, you must ensure that construction work is properly planned, resourced and managed to protect the health, safety and welfare of those carrying out work on, or who may be affected by, your project.

3.1 Make suitable arrangements for managing the project

As the client, you must make suitable arrangements to ensure that, throughout the planning, design and construction of a project, adequate consideration is given to the health, safety and welfare of all those affected and involved in the construction work.

The most important action is to clearly allocate key tasks and ensure everyone understands what they have to do and when.

Your arrangements should be appropriate to the nature of the work and enable other duty holders to carry out their work without risk to themselves or anyone else who may be affected.

The management arrangements should:

- include requirements for how the project is to be run, taking into account any risks to the public
- explain how you will select and appoint designers and contractors to ensure they have the necessary capabilities for the work they are required to do
- allocate sufficient time and resources to each stage of the project, from concept through to completion
- ensure suitable welfare facilities are in place before works start.

For projects involving more complex work and significant risks, the management arrangements will also need to cover:

- what is expected of the design team to ensure that they consider health and safety risks for the construction phase, as well as when maintaining and using the building once it is built
- the arrangements for procuring the design and construction team, including establishing that designers and contractors are adequately trained, and have the right skills and experience of health and safety
- the arrangements for monitoring designers' and contractors' performance, for example by arranging progress meetings with the principal designer and principal contractor to ensure that the project runs in line with your expectations and meets legal requirements. The meetings also give you the opportunity to take action where that is not the case
- the format for the health and safety file or a building manual that incorporates the health and safety file.

3.2 Select the project team and formally appoint duty holders

If more than one contractor will be working on your project then, as the client, you must appoint a principal designer and a principal contractor in writing. If you do not do this then you take on these roles and associated legal duties yourself.

One of your main duties is to ensure that those you propose to appoint are able to demonstrate that they can deliver the project for you in a way that secures health and safety.

This means that they should:

- have the necessary capabilities and resources
- have the right blend of skills, knowledge, training and experience
- understand their roles and responsibilities when carrying out the work.

You may need to make specific enquires about their basic health and safety knowledge when carrying out the job in question. This can be done in a number of ways:

- For smaller jobs, you should look for straightforward evidence from previous construction work.
- The Public Available Specification (PAS) 91 provides a set of health and safety questions that can be asked by construction clients and those who appoint designers and contractors as part of the pre-qualification process.

- You could use a Safety Schemes in Procurement (SSIP) member-assessed scheme to find designers or contractors who have been assessed and confirmed by a SSIP Forum member as meeting acceptable health and safety standards.

Only make enquiries for information that will address the anticipated risks and capability of the supplier – excessive or duplicated pre-qualification and other paperwork should be avoided because it can distract attention from the practical management of risks.

3.3 Provide information to help with design and construction planning

As the client, you must provide relevant information which you may already have, or that can be obtained by sensible enquiries, for example any surveys or the results of other investigations.

It is important to pass on all this **pre-construction information** at the earliest opportunity as it will help the others, such as designers and contractors. It will also inform them of any risks that may have an impact on the design of the building or structure, as well as on its construction and future use.

A list of suggested pre-construction information can be found in Annex B.

For projects with more than one contractor, you can expect to receive help from the principal designer in drawing this information together. They have a duty to assist you in this.

You will also need to discuss and agree with the principal designer what information you will need to keep at the end of the project to help you and others safely use and maintain the completed building. This information is known as the **health and safety file**.

More information about the health and safety file can be found in Annex C.

As a client, you may already have contractors or in-house contractors who are engaged on fixed-term facilities management contracts or similar work. If so, you will need to make the principal designer and principal contractor aware of these contractors so they can involve them in the design, planning and management of the construction works.

3.4 Notify the project to the enforcing authorities, where required

If your project is expected to last longer than 30 working days, or exceed 500 person days and have more than 20 workers working on the project at any one time, you will need to make sure that your project is notified to the relevant enforcing authority.

The easiest way to notify any project to the HSE, the Office of Rail Regulation (ORR) or the Office for Nuclear Regulation (ONR) is to use the online notification form F10 on HSE's website.

Further information on how to notify construction work can be at www.hse.gov.uk/construction/cdm/faq/notification.htm

3.5 Check that the principal designer is carrying out their duties

As the client, you are required to ensure that the arrangements made for managing health and safety during the pre-construction phase are working successfully. You should also satisfy yourself that the principal designer is complying with their duties. Progress meetings provide a good way of ensuring the project runs in line with your expectations and meets legal requirements.

3.6 Pre-construction client checklist

You may find this checklist useful as an aide memoire.

		Tick
1	Are you clear about your responsibilities?	
2	Have you made your formal appointments?	
3	Have you checked that the principal designer or designer has the capability and necessary skills, knowledge, training and experience to fulfil their duties?	
4	Have you checked that the principal contractor or contractor has the capability and necessary skills, knowledge, training and experience to fulfil their duties?	
5	Have you checked that the project team is adequately resourced?	
6	Has a project or client brief been issued to the project team?	
7	Has the project team been provided with information about the existing site or structure (pre-construction information)?	
8	Has project-specific health and safety advice been sought?	
9	Are suitable arrangements in place to manage health and safety throughout the project?	
10	Has a schedule of the key activities for the project been produced?	
11	Has sufficient time been allowed to complete the key activities?	
12	Where required, has an online F10 notification form been submitted to HSE to notify them of commencement of work?	
13	Have you checked that a construction phase plan has been adequately developed before work starts on site?	
14	Are you satisfied that suitable welfare facilities have been provided before work starts on site?	
15	Have you agreed the format and content of the health and safety file?	

4 What do you have to do in the construction phase?

4.1 Ensure the construction phase plan is in place

The principal contractor is required to produce a plan of how they will manage health and safety on site during the construction phase.

Before the work starts on site you will need to satisfy yourself that the plan is adequate for the work. You could do this by checking with the principal contractor that the plan is relevant and meets the requirements of the job.

The plan should be project-specific, take into account the pre-construction information provided, and its contents should be proportionate to the site risks.

More details about the construction phase plan can be found in the industry guidance for principal contractors.

4.2 Ensure welfare facilities are in place

You must ensure suitable welfare facilities are provided on site.

You should check that they are in place from the very start of the site work by:

- agreeing that your existing welfare facilities are made available to those carrying out the work
- carrying out a site visit
- asking for confirmation from the principal contractor (or contractor on a single contractor project) of what facilities are being provided.

More details about the provision of welfare facilities can be found in *the Industry guidance for principal contractors (CDM15/5)*.

4.3 Ensure the management arrangements are working

As the client, you are required to ensure that the arrangements made for managing health and safety during construction are working successfully. You should also satisfy yourself that the principal contractor is complying with their duties.

This may be carried out through face-to-face progress meetings or via written updates.

4.4 Check completion and handover arrangements

As the project nears its end, you should check any arrangements made for its completion and handover. This could include a phased handover, such as you taking partial possession of finished parts of the building and checking that agreed measures are in place to ensure the health of safety of those in the areas that have been handed over.

5 What do you have to do in the post-construction phase?

5.1 Check that the health and safety file has been prepared

At the end of the project, you must ensure that the principal designer provides you with the health and safety file. On projects where the principal designer's role has finished before the end of the project, the principal contractor will have taken on responsibility for the file and for handing it over to you.

The file contains the information needed to ensure the health and safety of anyone carrying out any future construction, demolition, cleaning or maintenance work on your building or structure.

You and the principal designer should identify and agree the structure, content and format for the health and safety file at the beginning of the project.

Before it is passed to you, it should have been reviewed and updated to ensure it contains all the necessary information. You may wish to ask for an explanation of what the completed file contains, such as any key risks that need to be managed in the future.

For further information about the health and safety file, refer to Annex C.

5.2 Maintain and make available the health and safety file

Once the project is completed, the client or the owner of the building must keep the health and safety file, this can be in an electronic format, on paper, on film or in any other durable form.

Keep the file separate from the building maintenance manual to avoid losing information that may be required urgently.

If responsibility for the premises is passed on or shared, you must give the health and safety file to each new owner and make it available to leaseholders. You should ensure that they are aware of the nature and purpose of the file.

You must also ensure that the file is regularly revised and updated where required, and that it is available to anyone who may need it to comply with health and safety law.

Annex A

CDM duty holders and their roles summarised

CDM duty holders* – who are they?	Summary of role/main duties
Clients	
Organisations or individuals for whom a construction project is carried out.	<p>Make suitable arrangements for managing a project. This includes making sure that:</p> <ul style="list-style-type: none"> • other duty holders are appointed • sufficient time and resources are allocated. <p>Clients must also make sure that:</p> <ul style="list-style-type: none"> • relevant information is prepared and provided to other duty holders • the principal designer and principal contractor carry out their duties • welfare facilities are provided.
Domestic clients	
People who have construction work carried out on their own home, or the home of a family member, that is not done in furtherance of a business, whether for profit or not.	<p>Domestic clients are in scope of CDM 2015, but their duties as a client are normally transferred to:</p> <ul style="list-style-type: none"> • the contractor, on a single contractor project, or • the principal contractor, on a project involving more than one contractor. <p>However, the domestic client can choose to have a written agreement the principal designer to carry out the client duties.</p>
Principal designers**	
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 co-ordinate 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 in the planning, management, monitoring and co-ordination of the construction phase.</p>
Designers	
Those who, as part of a business, prepare or modify designs for a building, product or prepare or modify designs to system relating to construction 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 team to help them fulfil their duties.</p>
Principal contractors	
Contractors appointed by the client to co-ordinate the construction phase of a project where it involves more than one contractor.	<p>Plan, manage, monitor and co-ordinate 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 co-operation between contractors and co-ordinating their work. <p>Ensure that:</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.

Contractors	
Those who do the actual construction work. They can be either an individual or a company.	<p>Plan, manage and monitor construction work under their control so that it is carried out without risks to health and safety.</p> <p>For projects involving more than one contractor, co-ordinate 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>
Workers	
The people who work for or under the control of contractors on a construction site	<p>They 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 that of others who may be affected by their actions • report anything they see which is likely to endanger either their own or others' health and safety • co-operate with their employer, fellow workers, contractors and other duty holders.

* Organisations or individuals can carry out the role of more than one duty holder, provided they have the skills, knowledge, experience and (if an organisation) the organisational capability necessary to carry out those roles in a way that secures health and safety.

** Principal designers replace the role undertaken by CDM co-ordinators under CDM 2007.

Annex B

Pre-construction information

What is pre-construction information?

1. Pre-construction information provides the health and safety information needed by:

- a. designers and contractors who are bidding for work on the project, or who have already been appointed, to enable them to carry out their duties
- b. principal designers and principal contractors in planning, managing, monitoring and co-ordinating the work of the project.

It also provides a basis for the preparation of the construction phase plan. Some material may also be relevant to the preparation of the health and safety file (see Annex C).

2. Pre-construction information is defined as information about the project that is already in the **client's possession or which is reasonably obtainable by or on behalf of the client**. The information must:

- a. be relevant to the particular project
- b. have an appropriate level of detail
- c. be proportionate, given the nature of the health and safety risks involved.

3. Pre-construction information should be gathered and added to as the design process progresses to reflect new information about the risks to health or safety and how they should be managed. Preliminary information gathered at the start of the project is unlikely to be sufficient.

4. When pre-construction information is complete it must include proportionate information about:

- a. the project, such as the client brief and key dates of the construction phase
- b. the planning and management of the project, such as the resources and time being allocated to each stage of the project and the arrangements to ensure there is co-operation between duty holders and that the work is co-ordinated
- c. the health or safety hazards of the site, including design and construction hazards and how they will be addressed
- d. any relevant information in an existing health and safety file.

5. The information should be in a convenient form and be clear, concise and easily understandable to allow other duty holders involved in the project to carry out their duties.

Annex C

Health and safety file

The health and safety file is defined as a file appropriate to the characteristics of the project, containing relevant health and safety information to be taken into account during any subsequent project. **The file is only required for projects involving more than one contractor.**

The file must contain information about the current project that is likely to be needed to ensure health and safety during any subsequent work such as maintenance, cleaning, refurbishment or demolition. When preparing the health and safety file, information on the following should be considered for inclusion:

- a. A brief description of the work carried out.
- b. Any hazards that have not been eliminated through the design and construction processes, and how they have been addressed (for example, surveys or other information concerning asbestos, contaminated land, water-bearing strata, buried services and so on).
- c. Key structural principles (for example, bracing or sources of substantial stored energy including pre- or post-tensioned members) and safe working loads for floors and roofs
- d. Hazardous materials used (for example, lead paints and special coatings).
- e. Information regarding the removal or dismantling of installed plant and equipment (for example, any special arrangements for lifting such equipment).
- 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 and fire-fighting services.
- h. Information and as-built drawings of the building, its plant and equipment (for example, the means of safe access to and from service voids, and the position of fire doors).

There should be enough detail to allow the likely risks to be identified and addressed by those carrying out the work and be proportionate to those risks.

The file *should not* include things that will *not* help when planning future construction work, such as pre-construction information, the construction phase plan, construction phase risk assessments or contractual documents.