



# Construction (Design and Management) Regulations 2015: A Clients Duty



CONSTRUCTION (DESIGN AND MANAGEMENT) CDM

As a high voltage specialist electrical engineering company with over 45 years of experience Powersystems have grown by reputation to become a trusted force in the design, installation and commissioning of electrical infrastructure across the UK.

Powersystems health and safety initiative own brand Priority No.1 is a key culture goal with in our organisation. This drives promotion and improvement in the business around health, safety and well-being as everyone takes responsibility, works at their best and can actively contribute to our success if they feel they work in a healthy and supportive environment, whether based in head office our out on one of our clients' operational sites.

## **The current version of the Construction (Design and Management) Regulations came into force in 2015, replacing the 2007 version.**

The main objective of the Construction (Design and Management) Regulations, also known as the CDM Regulations was to place more onus on those involved at the start of the project such as clients and designers to think about risk. Much can be done at the start of the project to design out risk, reducing the risk to those who have to construct, use and decommission the project. Smart design and planning can make work safer for everyone, at all stages if thought about soon enough.

Even though the regulations came into force seven years ago, some clients are still unaware of their responsibilities under the regulations. Failure of a client to meet the requirements of the regulations places them at greater risk of investigation by the Health and Safety Executive (HSE). The HSE have the power to investigate, which is chargeable under the fees for intervention at £163.00 per hour. In addition, the site can be shut under a prohibition notice causing delays to the project which can have significant financial impacts. Finally individuals or organisations can be prosecuted which can result in fines or even imprisonment. According to the HSE, there have been 95 cases of prosecutions brought under the CDM 2015 regulations, with the largest fine being £800,000. The majority of these prosecutions are for the Principal Contractor but the number of client prosecutions are increasing with the HSE placing more emphasis on client duties as shown in the HSE sector plan for health and safety.

## **Who is a client?**

A client is anyone for which a construction project is carried out and covers any building, civil engineering or engineering construction work such as

- ▶ The construction, alteration, conversion, fitting out, commissioning, renovation, repair, upkeep, redecoration, decommissioning, demolition or dismantling.
- ▶ Preparation for construction works such as site clearance
- ▶ Assembly of pre-fabricated elements
- ▶ Removal of a structure
- ▶ Installation, commissioning, maintenance, repair or removal of mechanical, electrical, gas, compressed air, hydraulic, telecommunications, computers etc. which are fixed in or to a structure.

Clients can be both commercial and domestic however the requirements are slightly different for domestic. The CDM 2015 regulations apply to all of these types of project listed above and therefore the client's duties under the CDM 2015 regulations are as follows: *overleaf*.

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## Pre-Construction

- ▶ **Appoint a Principal Designer.** If there is likely to be more than one contractor working on the site then the client must appoint a Principal Designer in writing otherwise the duty remains with the client. In appointing the Principal Designer, the client has to ensure they have the appropriate technical knowledge, understand and skill in order to take the role.
- ▶ **Prepare a specification or brief.** The brief sets out the function and operation of the finished project, how the project shall be managed within realistic timescales along with points of contact from the client's side.
- ▶ **Appoint a Principal Contractor.** If the project is likely to have more than one contractor, then the client must appoint them in writing. The client must ensure that the organisation appointed to this role have the necessary skill, knowledge and experience to deliver the project safely.
- ▶ **Provide pre-construction information.** The Principal Designer should be able to help with this element. Pre-construction information is anything that a contractor will need to build the project safely, such as a previous health and safety file, asbestos surveys, adjacent landowners which provide a significant risk etc.
- ▶ **Allow sufficient time and resources at each stage of the project.**
- ▶ **Notify the HSE if the project is notifiable** (in excess of 500 person days or 20 workers working simultaneously for 30 days or longer)

## Construction

- ▶ **Ensuring that members of the project team communicate and cooperate.** Usually through project progress meeting or reports.
- ▶ **Ensure that the Principal Designer and Principal Contractor are undertaking their separate duties.** This can be through formal meetings however inspections, review of records and informal conversations can give the client confidence that both are fulfilling their roles to keep everyone safe.
- ▶ **Ensure the Principal Contractor (or contractor for single projects) completes a construction phase plan.** The plan needs to be written prior to works starting on site and then regularly reviewed to ensure that it remains valid.
- ▶ **Ensure welfare facilities are in place, adequate for the numbers and types of activities on site, clean and maintained.** It's the Principal Contractors role to provide but the client needs to check they are in place and remain in place for the project. This is usually checked by site visits and inspections.
- ▶ If the Principal Designers role ends before the completion of the project, then **the client has to ensure that the health and safety information is passed from the Principal Designer to the Principal Contractor.**



## Post Construction

- ▶ Hold and maintain the health and safety file for the project. The health and safety file provide information to safely manage and operate the project and provide information to future contractors to keep them safe.

## Domestic Clients

The CDM Regulations also apply to domestic clients however due to their lack of experience and knowledge of the Regulations their duties automatically pass to the contractor or principal contractor if there is more than one contractor on site.

Over the past 45 years Powersystems UK's work involves the design and installation of high voltage networks and therefore we are well versed in the CDM Regulations from the Designer, Principal Contractor, and Contractor's perspective. We have worked on small supplies to farmers buildings to large wind farms for major electricity generators and have seen CDM from the exemplary to the poor.

Powersystems try to work with our clients and potential clients to make them aware of their responsibilities on their projects so that they comply with the regulations. We see our clients as potential partners, with ambitions to work with these client's long term to deliver their on-going project ambitions. As partners, we believe that helping our clients to not only protect themselves but making the sites safer is in the interests of everyone.



For more information

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