



## The Construction (Design & Management) Regulations 2015

### Brief guidance for Designers and Principal Designers

The Construction (Design & Management) Regulations 2015 (or 'CDM15') took effect from **6 April 2015**, and will profoundly affect the whole of the construction industry, **particularly designers**.

There are several important changes of which ALL designers must be aware. These are described in brief below. Further detailed advice can be found on the internet (all free to download); the Regulations and definitive guidance from the HSE:

<http://www.hse.gov.uk/pubns/books/l153.htm>

and definitive guidance from the CITB for designers:

<https://www.citb.co.uk/documents/cdm%20regs/industry-guidance-designers.pdf>

<https://www.citb.co.uk/documents/cdm%20regs/industry-guidance-principal-designer.pdf>

and Clients:

<https://www.citb.co.uk/documents/cdm%20regs/industry-guidance-clients.pdf>

*For further advice, guidance and appropriate training, please do not hesitate to contact Wenlock Health & Safety Ltd.*

### When does CDM15 apply?

CDM has always applied to all construction work, regardless of its nature and duration. However, CDM15 now makes it very plain that this includes work on domestic properties:

- ❑ **The 'Domestic Client' now has duties, including the appointment of a Principal Designer**
- ❑ **The following rules apply to ALL sites, including domestic work**
- ❑ **It always has been, and remains, the first duty of any designer to make the Client aware of his/her duties**

### Who is a 'designer'?

The CDM definition of a 'Designer' has not changed. A Designer is anyone (company or person) who instructs, arranges for, prepares or modifies a design for a structure or site, or a product, M&E or other system intended for use within that structure or site.

Therefore, the term 'Designer' can include Clients, contractors, and anybody else who has an influence, on or input into, the design of either the construction process or end-product. The prime responsibilities of designers have not changed. The objectives remain: the elimination or reduction of risks to both contractors (through construction, maintenance, repair and cleaning) and end-users through good design. All designers must:

- ❑ **Assess foreseeable risks to contractors and end-users**
- ❑ **Pay due attention to the 'general principles of prevention' (refer to Appendix 1 of CDM15)**
- ❑ **Ensure they have adequate knowledge and expertise to be able to do so**

### **Appointment of Principal Designer**

The first important change is that the over-30-day rule (requiring a project to be notified to the HSE) no longer has any bearing on the management of a project.

The second important change is that the role of CDM Co-Ordinator ceases; instead:

- ❑ **A Principal Designer must now be appointed by the Client "where more than one contractor will be working on a project at any time"**
- ❑ **A Principal Designer must be appointed from the outset (i.e. from concept) and the role continues through all planning, detailed design and construction stages**
- ❑ **The appointment of the Principal Designer must be made in writing**

The role of Principal Designer is required until 'design' ceases; given that amendments to the design may be made by contractors or the Client right up to project completion, by implication, the Principal Designer is required throughout the Construction Phase and until the Health & Safety File is passed by him to the Client.

Where a designer wishes to take on the role of Principal Designer for a limited period only (e.g. until Planning Permission has been granted), this must be made clear, and agreed in writing, by the Client at appointment. The Client should be reminded that it is a mandatory duty to then appoint another Principal Designer for the remainder of the project until completion.

**N.B.** Designers taking on the role of Principal Designer should contact their insurance companies to make sure their policies are updated and adequate.

### **Duties of the Principal Designer**

To ensure good health & safety management with ALL construction work, both before and during the Construction Phase, the essence of the former CDM Co-Ordinator role is now absorbed into the role of Principal Designer **on ALL projects where there is more than one contractor**. As such, the Principal Designer must:

- ❑ **Advise and assist the Client with undertaking and maintaining his legal duties to plan, manage and monitor health & safety issues during the design, pre-start and the construction phases, including the engagement of competent contractors**
- ❑ **Ensure co-operation and co-ordination between all parties, particularly other designers and the Principal Contractor**
- ❑ **Provide adequate information to all relevant designers and contractors**
- ❑ **Establish and maintain a project Health & Safety File from the outset and through construction to project completion**
- ❑ **Ensure the necessary skills, knowledge, experience and capability according to the nature and complexity of the work**

However, the Regulations, the HSE's Guidance, and the HSE themselves do stress that the documentation and management control required for the role of Principal Designer can be proportionate to the nature and complexity of the work provided that all applicable design and construction health & safety issues are considered.

For instance, the Health & Safety File will need to be extensive on a major project, whilst it need only consist of as-fitted drawings, technical detail, electrical certificates and the asbestos survey for a kitchen refurbishment. Equally, the role of the Principal Designer on a major project will be very demanding; however, discussion about health & safety issues, and ensuring the co-operation and compliance of contractors, may be all that is necessary on a small kitchen refurbishment.

*Contact Wenlock Health & Safety Ltd for advice if in doubt, and for assistance if necessary to ensure that the required health & safety expertise is engaged.*

## **The Health & Safety Plan**

**CDM15 now requires that ALL construction work is covered by a Construction Phase Health & Safety Plan, including all minor or brief work, and all domestic work**

This must be written by:

- ❑ **The Principal Contractor, who will be appointed "where... more than one contractor will be working on a project at any time"**
- ❑ **The Contractor where there is only one contractor**

It is a Client duty to ensure a Health & Safety Plan is in place before work is allowed to start. As many Clients will be unsure of what is required, the Principal Designer may well be asked to advise on its suitability in relation to the nature and complexity of the work.

*Contact Wenlock Health & Safety Ltd for advice if in doubt and for assistance if necessary to ensure that a competent judgement has been made.*

## The F10 Notification

The F10 'Notification of Construction Project' now has no bearing on the way any construction work takes place; **nothing in CDM relies on the issue of the F10**. The F10 is now required for all projects:

- ❑ **Over 30 working days and more than 20 workers (of any type) at any one time on site**
- ❑ **Over 500 person days (e.g. 10 workers for 50 days)**
- ❑ **Including domestic projects falling under these criteria**

The responsibility for notification falls to:

- ❑ **The Client for commercial work**
- ❑ **The Contractor or Principal Contractor for domestic work**

As many Clients will, again, be unsure of what is required, the Principal Designer may well be asked to advise. For your information, the F10 Notification is a simple on-line form which details all known information about the work: [www.hse.gov.uk/forms/notification](http://www.hse.gov.uk/forms/notification)