



What you have to do if
you want construction
work done -
and how to do it



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This guidance is for all companies and organisations that carry out or are likely to carry out construction work as part of their business. It has been written by the construction industry to help you comply with the law.

Good construction clients:

- Treat others as they wish to be treated themselves
- Provide safe, healthy working conditions for themselves and for those that work for them
- Respect the communities in which they work.

New Health and Safety regulations¹ have been implemented that seek to improve the poor record of construction and unnecessary suffering associated with accidents and ill health.

As a construction client you have legal duties under these regulations in making sure you play your part with designers, contractors and product suppliers in securing the safety and health of workers on your project. Failure to meet your duties may make you liable for prosecution, incur fines and other penalties. Getting it right will bring benefits in a well run and safe project which will deliver a building that is safe to operate.

This guidance summarises what you have to do, what might go wrong and provides the Construction Clients' Group's (CCG) ideas and suggestions to help you. Answers to some frequently asked questions and a detailed directory of information and guidance is given in CCG's Information Sheet 2.

Is this relevant to you?

All construction projects for business purposes (whether or not for profit) are subject to the regulations – sports clubs, churches, landlords, as well as shops and factories. Only domestic clients are exempt.

Construction work does not simply mean a new building – refurbishment, maintenance, repair and demolition are all included.

If your project is relatively small – likely to last for less than 30 days or take less than 500 man days to complete – then the duties for you are set out in Table 1.

If it is larger than this, the regulations require notification of specific information relating to the project to the local Health and Safety Executive office in writing or online. You are required to appoint a 'CDM Co-ordinator' who has the task of making this notification. Further additional duties for you on notifiable projects are given in Table 2.

Table 3 sets out what you do **not** have to do for projects of any size, while what you do **not** have to do for small, non-notifiable, projects is set out in Table 4. The regulations set out what clients should expect of designers and contractors and this is summarised in Table 5.

This information does not constitute any client Management Arrangements (Regulation 9) in the CDM 2007 regulations.

What to do first

Find out what you need to do and what your duties are – from this and other guidance produced by the CCG, from the regulations themselves and the Health and Safety Commission's Approved Code of Practice². You will also expect the designers, architects and other professionals you employ to set out what is required of you in law an early stage, before design work starts.

Identify who in your organisation will be the single point of contact - 'the client's representative' - for the 'project'.

This is not required by the regulations but is considered best practice and can avoid confusion as the project develops over who was going to do what and when. Ideally, this person should be a member of your in-house staff but, if the competencies are not available, then you can appoint a third party to act in this role for you. However, you retain the responsibility to ensure the duties under these regulations are met and can only delegate the tasks, so arrangements for the reporting and monitoring of this role are essential.

Ensure you have access to competent safety advice.

Your competent advisor required under Section 7 of the Management of Health, Safety at Work Regulations 1999 (MHSWR) may be sufficient but their awareness of the CDM 2007 regulations and the type of project and its activities should be checked. Where required, the client can retain the services of an external person to fulfil this role.

CCG strongly recommends you to obtain competent health and safety advice BEFORE undertaking construction work.

¹The Construction (Design and Management) Regulations 2007 (CDM 2007) www.hse.gov.uk/construction/cdm.htm

²Managing Health and Safety in Construction. Construction (Design and Management) Regulations 2007, Approved Code of Practice. HSE Books www.hsebooks.com

1. What you have to do for all projects

What you have to do under CDM 2007	What might go wrong	Suggested solutions
<p>1 Check competency of designers, contractors and individuals doing the work.</p>	<ul style="list-style-type: none"> • You check the competency yourself although you may not have any idea as to what you are looking for. • The designers and contractors do not tell you that they are not competent to do all or part of the work. 	<ul style="list-style-type: none"> • Ask potential designers and contractors for evidence that they are competent to do the work, and if they are not, to recommend some one else who is. • Source and take competent health and safety advice.
<p>2 Give information about the premises in advance of the works.</p>	<ul style="list-style-type: none"> • You expect the contractors to do this for you as part of their work. • You have no idea as to what information needs to be provided. • You provide the information late or not at all, so cost increases are likely. 	<ul style="list-style-type: none"> • Ask what information the contractors need if you are not sure. • Give the information before the work is quoted for, so contractors price on known risks. • Provide information such as the position of services, contamination and what is reasonably obtainable i.e. through surveys. • If there is a current Health and Safety file and operating manuals for a building, provide these. • If the information is late, factor this into the project and your costs.
<p>3 Take reasonable steps to ensure that your arrangements for managing your own duties on this project, as well as the arrangements of others who have duties under these regulations, are suitable.</p>	<ul style="list-style-type: none"> • You have no idea as to what this means and do not do anything. • Your 'arrangements' do not follow HSE's and industry's guidance. 	<ul style="list-style-type: none"> • The designer and contractor should explain what is required of you. • From time to time, check the designer, contractor and other suppliers are doing what they said they'd do in these arrangements, such as face to face meetings and written progress updates. • Check that your own client arrangements are working.

What you have to do under CDM 2007	What might go wrong	Suggested solutions
	<ul style="list-style-type: none"> You spend £100s on a consultant for a one-off small project to write an 'arrangements' manual for you. 	<ul style="list-style-type: none"> One-off small projects are unlikely to need volumes of paper work and consultants' time devising 'arrangements'. Something simple, meaningful, understandable which is project specific and which will be followed is what is required.
<p>4 Allow for sufficient time and resources.</p>	<ul style="list-style-type: none"> You don't ask how long the work will take and what resources are required to get the job done safely. 	<ul style="list-style-type: none"> Get estimates of the likely time and resources required to meet CDM responsibilities ie dealing with hazards, when you ask for quotations and go for what seems most realistic. Take advice from designers, contractors or other people.
<p>5 Co-operate with the contractor to allow them to discharge their duties.</p>	<ul style="list-style-type: none"> You don't co-operate with the contractor in helping them to discharge their duties – leaving it all down to them. 	<ul style="list-style-type: none"> Be reasonable and considerate in your co-operation and do not expect the contractor to manage all risks, otherwise you will inherit more at the end of the works.
<p>6 Co-ordinate your own work so it does not affect the safety of those doing the job.</p>	<ul style="list-style-type: none"> You don't tell the contractor if you have any other work activities that may affect the safety of those doing the work. 	<ul style="list-style-type: none"> Tell them in good time about any activities you do that may affect the work. Give relevant information on method statements, traffic routes and material delivery and storage arrangements, for example.
<p>7 Ensure the contractor has welfare facilities in place before work starts.</p>	<ul style="list-style-type: none"> You don't check that the contractor has welfare facilities in place before work starts. What is provided does not meet the Regulatory requirements. 	<ul style="list-style-type: none"> Get the contractor to put in writing that they will have welfare eg: toilets, water, restrooms on site before work starts, and that these will be adequate for the number of people and activities likely to be on site at any one time.

What you have to do under CDM 2007	What might go wrong	Suggested solutions
	<ul style="list-style-type: none"> You think you need to specify to the contractor what is required and even to provide it. 	<ul style="list-style-type: none"> Do not specify what welfare is required or provide it. Check that the provision of these facilities is covered in the quotation for the work.
<p>8 Make sure what is built complies with the Workplace (Health, Safety and Welfare) Regulations 1992.</p>	<ul style="list-style-type: none"> You think you have to get training on design work to comply. You think you need to check and sign off each design. 	<ul style="list-style-type: none"> Before designers start work, obtain a declaration that their designs will comply with the Workplace Regulations. Get the designer and contractor to write a declaration to the effect that the works comply with the Workplace Regulations. You do not have to check and sign off any designs. This is what you are paying your designers for.
<p>9 Give the contractor adequate time for planning and preparation between their appointment and the start of the work.</p>	<ul style="list-style-type: none"> You ask the contractor to start on the Monday after their quote comes in. You don't have an idea of how long the planning will take between appointment and start of the work. 	<ul style="list-style-type: none"> When getting quotes, ask the contractor how much time they need to prepare before they can start work, and get this in writing as part of their quote. Take advice as to what is a reasonable time to plan from others involved in the project.
<p>10 Ensure you are provided with information about what has been built, to enable you to manage health and safety in this building over its life and ultimate demolition.</p>	<ul style="list-style-type: none"> At the end of the job you do not receive any information on the risks you need to manage in the building. 	<ul style="list-style-type: none"> Ask designers and contractors for information to keep your Health and Safety files up to date and to manage the building safely. Ask what key risks are left over from the project that need to be managed in future.
<p>11 Take care in appointing designers from overseas.</p>	<ul style="list-style-type: none"> You appoint an overseas designer who knows nothing about UK requirements – and inherit all their CDM duties. 	<ul style="list-style-type: none"> Appoint a designer who can comply, or at least another who can oversee compliance.

What you have to do under CDM 2007	What might go wrong	Suggested solutions
12 Make formal appointments for designers, contractors etc.	<ul style="list-style-type: none">• You don't make any formal appointments of the required roles for the project – and thus inherit all their legal duties.	<ul style="list-style-type: none">• All appointments are made in writing and you keep records to this effect.

2. In addition - What you have to do for notifiable projects

What you have to do under CDM 2007	How CCG advises you to do it
<p>1 Appoint a competent CDM Co-ordinator – who will assist you with your duties and other legal functions.</p>	<ul style="list-style-type: none"> • Contact the Association for Project Safety to find one near to you. www.associationforprojectsafety.co.uk
<p>2 Appoint a competent Principal Contractor – to plan and manage the work.</p>	<ul style="list-style-type: none"> • Contact a third party accreditation scheme or a member organisation to source a contractor near to you. • Do it early to minimise costs as these often trigger changes in the project that are costly to rectify.
<p>3 Don't allow the work to start until the contractor has prepared a suitably developed plan to manage health and safety and install welfare facilities.</p>	<ul style="list-style-type: none"> • Inform the contractor of this expectation before their appointment. • Use the CDM Co-ordinator to provide pre-construction information from you and others in your tender, which allows the contractors to identify and plan for early risk issues in the project. This will give you better cost certainty and minimise surprises. • Don't expect all risks for the whole project to be dealt with at the early stages – especially in Design and Build contracts.
<p>4 Make sure a Health and Safety file is prepared ready for handover at the end of the project and keep it readily available for future work/new owners.</p>	<ul style="list-style-type: none"> • Use your CDM Co-ordinator to explain what a file is. • Agree a template of how you want it presented. • Focus on key issues – less is more – avoid information that is not specific to the project. • Keep the file separate from a building maintenance manual to avoid information required urgently 'getting lost'. • Ask for an electronic copy as well as a hard copy. • Keep a copy on site for reference by maintenance staff and tenants. • Give over a copy of the file for any due diligence and to a new owner if you sell the building.

3. What clients do NOT have to do for any projects

What you do NOT have to do	What CCG advises
1 Plan or manage construction projects yourself.	<ul style="list-style-type: none"> If you have the competency, resources and insurances and choose to do this, you will pick up legal liability for the work you do and anything over which you have had control.
2 Specify how work should be done.	<ul style="list-style-type: none"> Unless you have the competency, resources and insurances to do this. This may create role confusion if you do get involved; you will also then pick up legal liability for design work.
3 Provide welfare facilities or be experts in determining what constitutes good or adequate welfare.	<ul style="list-style-type: none"> It is for your contractors to demonstrate to you in their quotations what welfare facilities are required to conform to construction regulations. You should accept a quote on the basis that appropriate facilities will be provided by the contractor before work starts. If you are not sure ask your CDM Co-ordinator. If you don't have a CDM Co-ordinator and the contractor doesn't know, then if they cannot get these basics right, they are probably not competent enough to run the project.
4 Check designs to make sure that they comply with designer duties and that the designs satisfy the Workplace Regulations.	<ul style="list-style-type: none"> Your designers are to demonstrate to you that their designs comply; you may want to request a written declaration to ensure, if later requested, you are able to demonstrate this. You are not expected to have detailed design knowledge; this is what you are paying your designers for.
5 Visit the site to supervise or check construction work standards.	<ul style="list-style-type: none"> You are not expected to be a health and safety expert. Your suppliers should be assuring you that risk issues are under control.
6 Employ third party assurance advisors to monitor health and safety standards on site.	<ul style="list-style-type: none"> There may be benefits in doing this. Good CDM Co-ordinators will be able to provide you with this service, normally for an additional fee.
7 Subscribe to a third party competence assessment scheme.	<ul style="list-style-type: none"> There may be benefits in doing this. There is no one overall scheme to make it easy for clients to choose, but an example covering individual qualifications and health and safety awareness is CSCS³. Other schemes cover organisational competence.

³Construction Skills Certification Scheme: www.cscs.uk.com

4. What clients do NOT have to do for non-notifiable work

What you do NOT have to do	What CCG advises
1 Appoint a CDM Co-ordinator	<ul style="list-style-type: none"> If you are new to construction and have not carried out a project before, and do not have access to competent health and safety advice, appointing a Co-ordinator may assist you with your responsibilities – otherwise you do not need to appoint one.
2 Appoint a Principal Contractor	<ul style="list-style-type: none"> If the work is complicated and needs some management oversight, or you have concerns about the management abilities of your contractors, then this appointment may be useful to you – otherwise you do not need to appoint one.
3 Have a Health and Safety Plan in place before construction work starts	<ul style="list-style-type: none"> Good clients will ask for a project risk register from all suppliers to see what the key risks are and how they will be managed. Other information, such as method statements, traffic routes and material delivery and storage arrangements, will assist those on site and those who may be affected by these activities eg neighbours, other tenants and your staff. Get the contractors to explain the key risks of their work to you and make you aware of any decisions you need to take that may affect the way the work is done (eg: on cost) and of the implications of your decisions.
4 Receive a Health and Safety file	<ul style="list-style-type: none"> Good clients will ask for information about how the completed work will be operated and maintained safely and should not sign off the work or give final payment until this key information has been received from suppliers. A file from a CDM Co-ordinator is not required.

5. What to expect from designers and contractors

What CDM 2007 says clients should expect designers and contractors to do	How should they do this?
1 Be told what your duties are as a client.	<ul style="list-style-type: none"> • Set out in writing or at a meeting what is expected of you in law BEFORE design work starts.
2 Demonstrate they are competent to do the work.	<ul style="list-style-type: none"> • Show you verifiable evidence that they are members of a recognised body and that their workers for your project will be properly trained and supervised.
3 Give risk information about the works.	<ul style="list-style-type: none"> • Give you written information about any risks that you will need to manage, either during or after the project.
4 Have arrangements in place to check the work is being done safely.	<ul style="list-style-type: none"> • Manage the works so that it is being done safely and without risks to health.
5 Allow for sufficient time and resources.	<ul style="list-style-type: none"> • Make sure they plan enough time and allocate sufficient resources so that the work can be done safely.
6 Co-operate with you to allow you to discharge your duties.	<ul style="list-style-type: none"> • Give you relevant information and co-operate with you eg provide you with risk registers on request.
7 Co-ordinate their own work so it does not affect the safety of those doing the job.	<ul style="list-style-type: none"> • Liaise with you so that their activities do not adversely affect health and safety in both your and their businesses.
8 The contractor to demonstrate they have welfare in place before work starts.	<ul style="list-style-type: none"> • Give you written confirmation that what ever is required has been assessed and provided BEFORE work starts.
9 Make sure that what is built complies with the Workplace (Health, Safety and Welfare) Regulations 1992.	<ul style="list-style-type: none"> • The designer or contractor gives you written assurance to this effect.
10 The contractor sets out a minimum time to allow them to plan and prepare between their appointment and start of the work.	<ul style="list-style-type: none"> • The contractor provides you with a written estimate of the time required for planning and preparation as part of their quote.

Where do I find out more?

Information Sheet 2 in this series provides further information, answers to common questions and a detailed directory of information, guidance and resources.

Download this free from the CCG website:

[www.constructingexcellence.org.uk/
sectorforums/constructionclientsgroup](http://www.constructingexcellence.org.uk/sectorforums/constructionclientsgroup)

You can also download *Guidance on CDM 2007 for small, one-off and inexperienced clients* written by CCG which provides more details on what clients have to do.

Who are the Construction Clients' Group?

We are a representative body of UK construction clients in both the public and private sectors, large and small, repeat and inexperienced. As part of Constructing Excellence, we work with other members of the supply team to deliver better value, better managed and safer construction across the UK.

Acknowledgements

This information sheet was written and reviewed by the members of the CCG Health and Safety Working Group.

They are grateful to EC Harris LLP, a member of Constructing Excellence, for their contribution of design work for these information sheets.

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