

The Construction (Design and Management) Regulations 2007

Industry Guidance for Small, One-off and Infrequent Clients

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CONSTRUCTION CONFEDERATION



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The Construction Clients' Group is 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.

ConstructionSkills has made every effort to ensure that the information contained within this publication is accurate. Its content should be used as guidance material and not as a replacement for current regulations or existing standards.

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INTRODUCTION

Why clients should read this guide

If you are about to commission construction work, you are able to set standards and influence how it is carried out without risks to the long-term health and safety of the people working on site. By doing so you will bring the benefits of a smooth-running project and you will also meet the requirements of CDM 2007. These regulations set out a number of actions that clients must do so that they play their part with designers, contractors and product suppliers in securing the wellbeing of the site workers. Failure to do so could lead to prosecution, fines and penalties; serious accidents bring their own adverse publicity. Getting it right will benefit a well-run and safe project, which in turn will deliver a building that is safe to operate.

Good clients and good suppliers

Good clients:

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

Good clients will manage their project risks in a proportionate and considerate manner. They will expect likewise from their suppliers, together with value for money, making sure that bureaucracy and paperwork are kept to a minimum and all parties work together in a timely fashion. Good clients will be clear about what the high-level risks are during a project and which key risks need to be managed during operation and maintenance after completion.

Good suppliers will, for small projects especially, assist clients in achieving their expectations. Suppliers should not expect new and infrequent clients to be knowledgeable about the construction process or construction safety regulations.

The regulations

The Construction (Design and Management) Regulations 2007 (CDM 2007) fall under the Health and Safety at Work etc. Act 1974 and set out individual duties for those involved with activities defined as 'Construction' within Part 1 of these regulations. The CDM Regulations are supported by an Approved Code of Practice (ACoP), which aims to clarify the key requirements. The ACoP is supported by several guidance notes that focus on specific duty holders or activities produced by the industry; this document is the guidance for clients.

This guidance has been produced by the Construction Clients' Group (CCG) and is intended to support those who have not been involved with 'construction' before or who have not been involved with these activities for some time. CCG is 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, it works with other members of the supply team to deliver better-value, better managed and safer construction across the UK.

To see if this guidance can help you, consider the following questions:

- Do you know what type of activities fall within the CDM Regulations?
- Is this the first time you are having construction work carried out?
- Are you aware of the requirements on clients under the CDM Regulations?
- Has it been some time since you engaged in construction work?

It has been structured to provide a helpful source of information about the basic requirements placed on clients and to address the above questions.

This guidance will support you in ensuring compliance with the Construction (Design and Management) Regulations 2007 (CDM 2007) and provide assistance in their application. It is intended to compliment the regulations and the associated Approved Code of Practice (ACoP). You should ensure you have access to these and the regulations listed at the end of the ACoP.

This guidance also outlines best practice to enable you to obtain value through CDM 2007, as well as providing tools, templates and links to additional sources of information. References to organisations and information relevant to construction clients are given in Section 7.

The hierarchy of the documents outlined above is illustrated in Figure 1.



Figure 1 Hierarchy of documents

Definition of terms

ACoP

An Approved Code of Practice provides guidance on how to comply with specific regulations. It has been approved by the Health & Safety Commission and is seen as the accepted standard. It is not mandatory to follow the ACoP but it can be used as evidence in a court of law and failure to adopt the advice in the ACoP will be regarded as having failed to comply with the law.

business

A trade, business or other undertaking (whether for profit or not).

CDM co-ordinator

The person appointed to advise and assist the client on how to comply with the CDM Regulations during the project, and to ensure that suitable arrangements are made and implemented for the co-ordination of health and safety measures during planning and preparation for the construction phase. Only appointed on notifiable contracts.

client

A person who in the course or furtherance of a business seeks or accepts the services of another which may be used in the carrying out of a project for him; or carries out a project themselves.

construction site

Any place where construction work is being carried out or to which the workers have access
construction phase

The period of time starting when construction work in any project starts and ending when construction work in that project is completed.

construction phase plan

A document recording the health and safety arrangements, site rules and any special measures for the construction work

construction work

The carrying out of any building, civil engineering or engineering construction work.

contractor

Any person (including a client, principal contractor or other person referred to in these Regulations) who, in the course or furtherance of a business, carries out or manages construction work.

demolition or dismantling

The deliberate pulling down, destruction or taking apart of a structure, or a substantial part of a structure. It includes dismantling for re-erection or re-use. Demolition work normally needs meticulous planning and management to ensure that lives are not put at risk. Demolition does not include operations such as making openings for doors, windows, services or removing non-structural elements such as cladding, roof tiles or scaffolding. Such operations may, however, form part of demolition or dismantling work when carried out alongside other activities.

designer

Any person (including a client, contractor or other person referred to in CDM 2007) who in the course or furtherance of a business either prepares or modifies a design; or arranges for or instructs someone under their control to do so. The design relates to a structure; or a product, a mechanical or electrical system intended for a particular structure. A person is deemed to prepare a design where a design is prepared by a person under their control.

domestic clients

People who have work done on their own home, or the home of a family member that does not relate to their trade, or business. They have no duties under CDM 2007

duty holder

Someone who has duties under CDM 2007 including: client, co-ordinator, designer, principal contractor, contractor, worker.

guidance

This HSE-approved guidance describes ways of complying with the regulations but you do not have to follow it exactly. Guidance does not have the special legal status associated with the ACoP. However, following the industry-approved guidance will help you to comply with the CDM Regulations.

health and safety file

Information which people, including clients, designers, co-ordinators, contractors and others involved in carrying out construction or cleaning work on the structure in the future are likely to need, but could not be expected to know.

notifiable

For the purposes of the CDM Regulations, a project is notifiable if the construction phase is likely to involve more than 30 working days; or 500 person days, of construction work for a client.

notification

The most up-to-date information notified to HSE. A legible copy must be displayed where it can be read by people working on the site.

project

A project includes all the preparation, design, planning, construction work and the clearance or preparation of the site or structure for use or occupation at its conclusion required to achieve the end result desired by the client. Many projects involve several structures. Where there are substantial breaks between phases it may be each phase can be treated as a separate project, but projects should not be artificially split to avoid notification and the duties that follow go with it.

principal contractor

The duty holder who is required to ensure effective management of health and safety throughout the construction phase of the project. Their main duty is to properly plan, manage and co-ordinate work during the construction phase in order to ensure that hazards are identified and risks are properly controlled.

Regulations

A statutory device made under a general provision that is contained in an act of parliament. Regulations are approved by parliament and are generally absolute legal standards.

Section

1

What is CDM?

1.1 Introduction to the regulations

- 1.1.1 CDM 2007 revokes and replaces the Construction (Design and Management) Regulations 1994 (CDM 94) and the Construction (Health, Safety and Welfare) Regulations 1996 (CHSWR). Their development and revision has been referred to by the HSE as 'evolution not revolution'. One of the principal aims has been to reduce concerns over the perceived complexity and the bureaucratic approach previously adopted by the industry when trying to meet the requirements of these regulations. CDM 2007 requires all those who have duties to focus on the identification, reduction, management and communication of project-specific health and safety hazards. In addition, it requires that any planning and arrangements for hazard management is project specific and proportionate.
- 1.1.2 CDM 2007 applies to all 'projects' which include 'construction work'. The term 'project' is taken to mean any activity which will, or may, cover construction work (including maintenance and alteration works). It also includes all planning, management and other activities that take place up until the end of the project, including snagging and commissioning. This means that the requirements of these regulations need to be applied from the point where the need for a project is identified.

Often there is confusion over the point at which the requirements of CDM 2007 start and when 'duty holders' need to be appointed. Although this guidance offers information on when the latest formal appointment must be made to enable 'clients' to discharge these duties, it is the responsibility of the client to ensure that the requirements of CDM 2007 are met until these appointments have been formally made.

- 1.1.3 The requirements of Part 2 and Part 4 of the regulations apply to all construction work, with the exception of the client's duties when these works are carried out for a 'domestic client'. There is no definition in CDM 2007 for 'domestic client' but the ACoP identifies a 'domestic client' as somebody who is having work carried out on their own home, or that of a family member, not related to a business or other undertaking, whether for profit or not. 'Business' is defined as a trade, 'business or other undertaking'.
- 1.1.4 This means that all projects which include construction work fall within the scope of the regulations. Where these are carried out on behalf of a domestic client, and not a business, then only the client duties do not apply, but those duties placed on 'designers' and 'contractors' in Parts 2 and 4 still apply.

1.2 When are projects notifiable?

- 1.2.1 The requirements of Part 3 of the regulations are triggered by projects for which the 'construction phase' (the time works will take place on site) is likely to involve more than 30 days or 500 person days, of construction work. The interpretation of 'days' is taken to mean any day on which work is carried out, including holidays and weekends.

Figure 2 shows how these regulations apply.

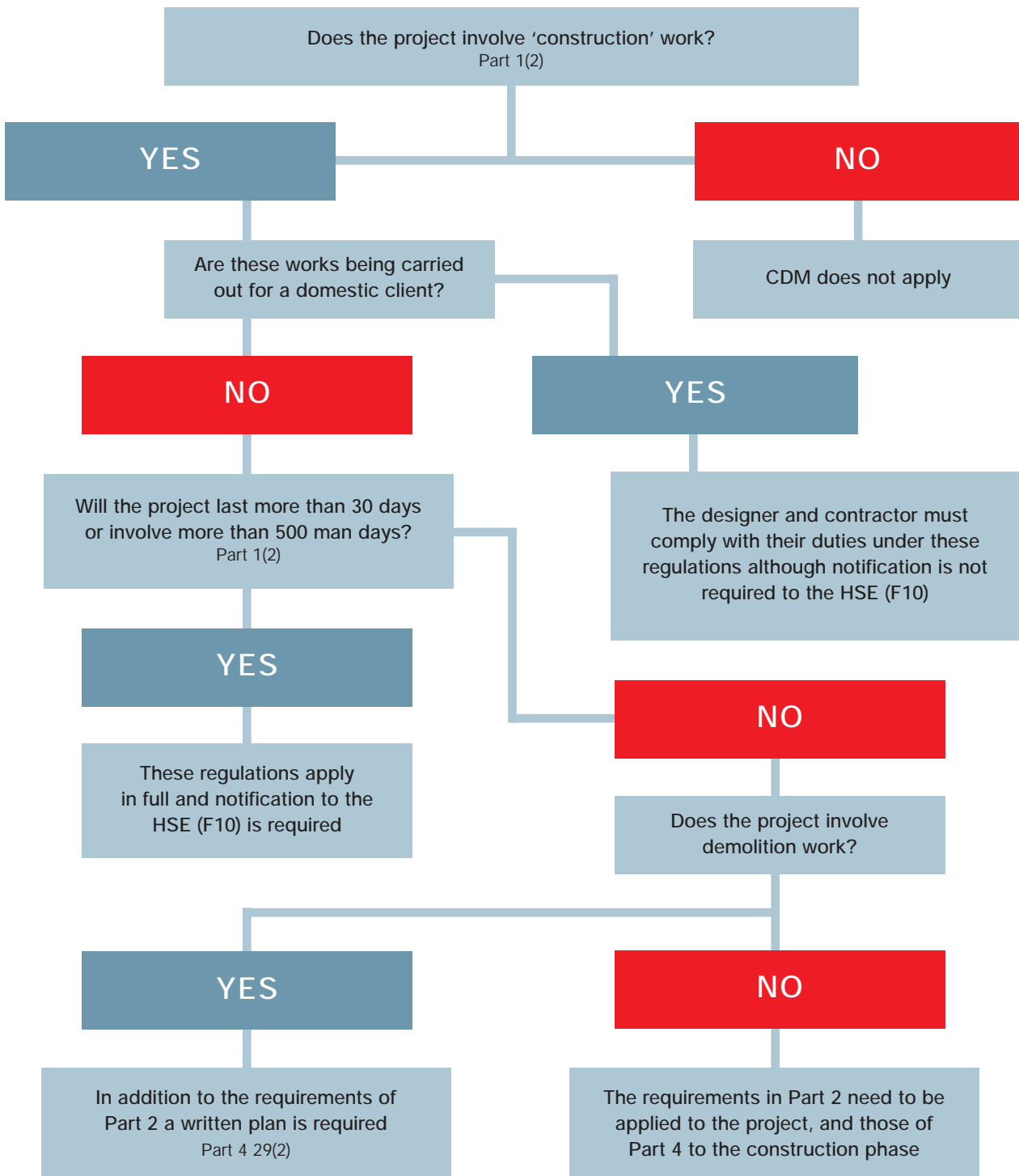


Figure 2 How the CDM 2007 regulations apply

- 1.2.2 These projects are referred to as 'notifiable' and are subject to Regulation 21 of CDM 2007, which requires the local Health and Safety Executive to be notified of specific information relating to the project on where these works will take place, see www.hse.gov.uk/forms/notification/f10hseoffices.htm. 'Notification' can be made in writing, either using the HSE project notification form (F10) or by letter, or alternatively it can be done online via www.hse.gov.uk/forms/notification/f10.pdf.

1.2.3 The following information is required:

- date of forwarding
- exact address of the construction site
- the name of the local authority where the site is located
- a brief description of the project and the construction work that it includes
- contact details of the client (name, address, telephone number and any email address)
- contact details of the CDM co-ordinator (name, address, telephone number and any email address)
- contact details of the principal contractor (name, address, telephone number and any email address)
- date planned for the start of the construction phase
- the time allowed by the client to the principal contractor under regulation 15(2)(b) for planning and preparation for construction work
- planned duration of the construction phase
- estimated maximum number of people at work on the construction site
- planned number of contractors on the construction site
- name and address of any contractor already appointed
- name and address of any designer already engaged
- a declaration signed by or on behalf of the client that he is aware of his duties under these regulations.

1.2.4 Responsibility for carrying out the notifications rests with the 'CDM co-ordinator' (ACoP Para 90(b)), who must be appointed by the client for notifiable projects. On the notification form (F10), the client is required to make a declaration that they are aware of their CDM duties; this can be signed on the client's behalf by their representative but the client maintains responsibility for this declaration.

1.2.5 Where projects are not notifiable but if delays occur during the construction phase which result in the project running over 30 days, there is no need to notify the HSE of the project retrospectively, unless the time slippage is greater than a few weeks, or if there has been a significant change in the scope of the project which leads to the programme being extended. Be aware that if your project does become notifiable, you will then be required to apply the additional requirements of Part 3 of these regulations.

1.2.6 If the project does not fall within the scope of being notifiable but involves 'demolition or dismantling', a written plan identifying the danger and the planned sequence for the works must be produced by the contractor, prior to works commencing on site. Such works must only then be carried out by a competent person or under their supervision (Reg 29(2)).

1.3 Project stages

1.3.1 This guide will refer to five project stages which can be applied to most projects. See Figure 3.

RIBA PROJECT STAGES	CCG GUIDANCE	CIC PROJECT STAGES
A – Inception B – Initial design & feasibility	STAGE 1	1 – Preparation 2 – Concept
C – Outline design D – Scheme design E – Project co-ordinated design	STAGE 2	3 – Design development
F – Tender selection G – Tender process H – Contractor appointed	STAGE 3	4 – Production of information 5 – Manufacture, installation & construction information
I – Production of information J – Construction works	STAGE 4	6 – Post practical completion
K – Operation and maintenance	STAGE 5	Is not included in life-cycle

Figure 3 Project stages applicable to most projects

1.3.2 The column on the left-hand side refers to the Royal Institute of British Architects' (RIBA) plan of work stages of project delivery, which are common in the construction industry. A similar set of project stages, shown in the right-hand column, is included in the new CIC Services, which is currently being prepared by the Construction Industry Council. These detail the tasks (including those required by the client) to be undertaken to determine or 'define' what is to be constructed. The flexible approach used may prove more suitable for the maintenance, modification and alteration activities included in CDM 2007.

Section

2

The client

2.1 Who is the client?

- 2.1.1 A 'client' is potentially anyone who, in carrying out a business or other undertaking, whether for profit or not, initiates a project which includes construction work. Clients include local authorities, school governors, insurance companies and project originators on Private Finance Initiative (PFI) projects.
- 2.1.2 Before your project even starts you need to identify who in your organisation will be the single point of contact, i.e. 'the client's representative', for the project. This is not required by the regulations but is considered best practice and can avoid confusion about 'who was going to do what and when' that may arise as the project develops. The Office of Government Commerce (OGC) has produced good practice examples for client organisations in the public sector (Section 7), which may be useful for private sector clients too, especially when undertaking a large project.
- 2.1.3 Ideally, the 'representative' should be a member of your in-house staff but, if relevant competencies are not available, you can appoint a third party to act in this role for you. CDM 2007 does not allow the client to transfer their duties to a third party, as was the case in CDM 2004 for the 'client's agent' role. But the appointment of an external agent to carry out the client's duties is still acceptable. However, the client retains the responsibility to ensure their duties under these regulations are met and can only delegate the tasks. Arrangements for the reporting and monitoring of this role are essential. A suggested example of terms of reference for a client's representative is set out in Section 6.1.

2.2 Election and change of clients

Regulation 8

- 2.2.1 For projects which have multiple clients, one or more of them may elect in writing to take the responsibility for the client duties under these regulations; this needs to be resolved by those involved at the earliest stage possible.
- 2.2.2 Such election is not mandatory but may help avoid confusion during the project. If no nomination has been made then all the clients will be liable for their responsibilities.
- 2.2.3 When the election is made, each individual 'client' still retains their responsibilities with regards to co-operation and their duties to provide information, including existing information relating to health and safety, required by the 'health and safety file'.

2.3 Private Finance Initiatives (PFIs), Public Private Partnerships (PPPs), etc.

- 2.3.1 Clearer guidance has also been provided by the HSE with regards to modern procurement routes, including PFI and PPP. The client duties fall to the project originator, who must ensure competence of the team and not delay the formal appointments required by the regulations, such as that of the CDM co-ordinator. These duties can be transferred once the formal contracts are in place but the ACoP states that such transfers should:
- be clear to, and agreed by, all those involved
 - be clearly recorded
 - provide the practical authority to discharge the client's duties.

- 2.3.2 The project originator is legally the client at the start and must take the initiative, for example by appointing the CDM co-ordinator and notifying HSE during the early design and specification phase. The project originator cannot wait until someone else takes over the client duties, for example Special Purpose Vehicle (SPV) or Private Finance Initiative (PFI) projects.
- 2.3.3 In some circumstances it may not be immediately obvious who is legally the client. To avoid confusion, this should be resolved at the earliest stage possible by those involved. Take into account who:
- ultimately decides what is to be constructed, where, when and by whom
 - commissions the design and construction work (the employer in contract terminology)
 - initiates the work
 - is at the head of the procurement chain
 - engages the contractors.

If you are still not sure, take advice.

2.4 Access to competent safety advice

- 2.4.1 Clients should ensure they have access to competent safety advice for all projects. Competent advice for general 'at work activities' is required under Section 7 of the Management of Health, Safety at Work Regulations 1999 (MHSWR). This may be sufficient, but the internal or external adviser should check their awareness of these regulations and the type of project and its activities. Where required, the client can retain the services of an external person to fulfil this role. For projects which are defined as notifiable within the regulations, the client must appoint a competent and adequately resourced CDM co-ordinator who will support them; this appointment also satisfies the requirements of the MHSWR for this aspect of their business.

Regardless of project type or whether the project is notifiable or not, the client should always ensure they have access to competent health and safety advice!

Section

3

What clients do and do not have to do

The duties of a client under the regulations are summarised below, together with CCG's suggestions as to how they can be discharged.

3.1 What clients have to do for all projects

What you have to do	How CCG advises you do it
1. Check competency of designers, contractors and individuals doing the work	<ul style="list-style-type: none"> Ask your suppliers for evidence that they are competent to do the work and, if they are not, to recommend someone else who is
2. Give information about the site and/or premises in advance of the works	<ul style="list-style-type: none"> Obtain relevant surveys for asbestos and services and make a reasonable search for other relevant information If there is one for an existing building, provide the current health and safety file and operating manuals Give this information before a quotation for the work is provided so that contractors price on known risks
3. Take reasonable steps to ensure that your arrangements for managing your own duties on this project, as well as those of others with duties under these regulations, are suitable	<ul style="list-style-type: none"> From time to time, check with your suppliers i.e. contractor, designer and CDM co-ordinator (where applicable) that they are doing what they said they would do in these arrangements, such as face-to-face meetings and written progress updates Check that your own client arrangements are working
4. Allow for sufficient time and resources	<ul style="list-style-type: none"> Get estimates of the likely time required to do the work when you ask for quotations and accept what seems most realistic Take advice from your designer, contractor, or other people
5. Co-operate with the contractor to allow them to discharge their duties	<ul style="list-style-type: none"> Be reasonable and considerate in your co-operation Do not expect the contractor to manage all risks, otherwise you will inherit more at the end of the works
6. Co-ordinate their own work so it does not affect the safety of those doing the job	<ul style="list-style-type: none"> Tell them in good time about any activities you do that may affect the work Give relevant information if requested
7. Ensure the contractor has appropriate welfare in place before work starts	<ul style="list-style-type: none"> Get the contractor to confirm that they will have welfare, e.g. toilets, water and restrooms, on site before they start work and that these will be adequate for the number of people and activities likely to be on site at any one time Do not specify what welfare is required Check that the provision of the facilities is covered in the quotation for the work
8. Make sure there are arrangements in place so that what is built complies with the Workplace Health, Safety and Welfare Regulations	<ul style="list-style-type: none"> Before designers start work, obtain a declaration that their designs will comply with the Workplace Regulations Get the contractor and designer to confirm and record that the finished work complies with the Workplace Regulations
9. Give the contractor adequate time for planning and preparation between their appointment and the 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 included as part of their quote Take advice on what is a reasonable time from others involved in the project
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	<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

3.2 In addition, what clients must do for notifiable projects

What you have to do under CDM 2007	How CCG advises you do it
1. Appoint a competent CDM co-ordinator, who will assist you with your duties and other legal functions	<ul style="list-style-type: none"> Contact the Association for Project Safety for CDM co-ordinators near to you The Institution of Civil Engineers (ICE) is also currently setting up a register of competent professionals (Section 7)
2. Appoint a competent principal contractor to plan and manage the work	<ul style="list-style-type: none"> You may wish to contact a third party accreditation scheme such as CHAS or National Britannia (neither of these bodies are yet officially recognised by the CCG), or contact a member organisation, to source a contractor near to you (See Section 7) Do it early to minimise costs as these often trigger changes in the project that are costly to rectify
3. Do not allow the work to start until the contractor has prepared a suitably developed plan to manage health and safety and install welfare facilities	<ul style="list-style-type: none"> Inform the contractor of this expectation before their appointment Use the CDM co-ordinator to provide pre-construction health and safety information from you and others in your tender; this allows the contractors to identify and plan for early risk issues in the project. This will give you better cost certainty and minimise surprises Do not expect all risks for the whole project to be dealt with at the early stages, especially in design and build contracts
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	<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 the building maintenance manual to avoid information that is required urgently from '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.

3.3 What clients do not have to do for any project

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 There may be role confusion if you do get involved; you will also pick up legal liability for design work
3. Provide welfare facilities or be expert 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 the welfare 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 do not have a CDM co-ordinator and the contractor does not 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 must 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 assure you that risk issues are under control

3.3 What clients do not have to do for any project *continued*

What you do not have to do	What CCG advises
6. Employ third-party assurance advisers 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 of one covering individual qualifications and health and safety awareness is CSCS. Other schemes cover organisational competence (Section 7)

3.4 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 CDM 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, e.g. 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 (e.g. 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.

Section

4

How to meet the client's duties for all projects

4.1 Competence

Regulation 4

- 4.1.1 Competency is key in CDM 2007 and underpins much of the responsibility given to clients. The client must ensure that designers, CDM co-ordinators, contractors and other members appointed to the project team are competent and adequately resourced to carry out their responsibilities under these regulations. It is important that their appointment is made with sufficient time for them to do what they need to do. In return, there is a duty on individuals, or companies, not to accept appointments or an engagement from a client unless they are competent.
- 4.1.2 For all projects, clients should look to their designers and contractors to be proactive in demonstrating their competence. Good suppliers will be readily able to do this. In many cases, the client will not know enough to determine the adequacy of competent staff and their organisation, how long works will take and the appropriate approach to managing risks. The ACoP provides details of core competence, including proposed standards and examples of evidence that those standards have been achieved. Section 6.5 provides a more detailed checklist. Clients should also seek assistance from their 'competent safety advice' to support them with this requirement (Section 2.5).
- 4.1.3 Whether for individuals or companies, the key issues to focus on in these assessments, are:
- their basic understanding of the risks in construction and how these are controlled
 - that they have sufficient knowledge of the tasks to be undertaken and the risks which the work will entail
 - that their experience and ability to carry out duties is based upon clear evidence which relates to projects of similar size and scope
 - a recognition of their limitations and take action to prevent harm to those carrying out construction work, or those affected by construction work.

Avoid the generic 'tick sheet' approach, ensuring these assessments focus on the specific requirements of the project.

- 4.1.4 Table 1 provides principles of assessment relevant to all projects; for small projects, apply them to the appointment of companies, and for larger projects, focus on the key team members. Competence is backward looking, while resource is forward looking. 'How will those you appoint put their knowledge and experience into practice during your project?'

COMPETENCE	V	RESOURCE
Backward looking Do they have the expertise?		Forward looking How will they put this expertise into practice?
Qualifications Professional bodies of which the company is a member Individual memberships within the organisation including CPD records		Who will be working on your project? Are there holidays planned or cover for sickness?
Experience and application References from previous projects Meet project team		Who delivered these projects and will you get the same team?
Authority Will your project have dedicated resources? How will they be managed?		How will you ensure your project has the resources promised?

Table 1. Principles of assessment relevant for all projects

- 4.1.5** Assessments should focus on the needs of a particular project and should be proportionate to the risks arising from the work. The client should ask for specific evidence to show that the requirements in each relevant area are met. If clients make decisions clearly based on the evidence they requested, which was provided, they will not be criticised if the company appointed subsequently proves not to be competent when the work is carried out.
- 4.1.6** Where projects are notifiable, the client can request that the competency assessments are carried out by the CDM co-ordinator on their behalf. There is a duty within these regulations for those appointed in the role of designer, CDM co-ordinator, principal contractor or contractor not to accept appointments for which they are not competent (Reg 4(1b)).

Resources

- 4.1.7** The duty to ensure adequate resources includes providing sufficient time for those appointed to plan and prepare throughout the project. A clear project programme should be established, which includes the time allocated between appointing the main contractor and the start of the works on site, as well as at all other stages of the project. CCG suggests that tendering contractors are requested to include the allowance of time in order to comply with their CDM responsibilities with their tender submission (it may be useful to record this).
- 4.1.8** When considering such resources, the client has specific duties to not allow work to commence until suitable welfare facilities are established on site. Again assurances should be sought from the tendering contractors by requiring that they set out their 'welfare strategy' for the project.

Example: The point at which a contractor arrives on site to erect a fence to secure the site is deemed to be part of the construction phase, and therefore welfare arrangements are required. These may be in the form of a static toilet or local amenities. As the site gets established a toilet block may be installed. As the project progresses and the structure is built, it may be possible to start using the new facilities which have been constructed on site. Such a plan needs to be clear and assurance reporting should be provided from the contractor to the client.

- 4.1.9 At the tender stage, there is the opportunity to assess the resources being allocated for key activities, or hazards identified by the design team or project risk register. Breaking down these items in the tender documentation allows you to review the resources being allocated by those tendering for these activities.

What is meant by the term 'adequate' in demonstrating how a client makes a decision?

In more than one place, the regulations refer to clients making 'adequate' decisions. CCG's advice is that 'adequate' means 'satisfactory in terms of quality and quantity'. A client should take into account the various criteria mentioned in this section and then (especially for non-notifiable work) make a decision based on the potential risk liability of appointing the chosen supplier to the project.

- If the supplier gives poor satisfaction in terms of quality and quantity, they are not likely to pass the competency and resource requirements; an appointment is likely to be 'inadequate' and the risk associated with it will be high.
- If the supplier gives good satisfaction, i.e. proportionate risk-based and considered evidence of good quality, then they are likely to pass the competency and resource requirements; the decision will be 'adequate' and be a minimal risk if appointed to the project.

In many cases the assessments are unlikely to be at these extremes, so clients should take a considered view. Maybe the supplier can be appointed but needs to take action within a specific time scale, or they can only be allocated a specific area of work. Alternatively, the supplier may not be allowed to take on work at all until they have addressed all client concerns.

4.2 Co-operation

Regulation 5

- 4.2.1 Everybody involved with the project must co-operate, not only with each other but also with those who may be affected by the project, for example on adjoining sites. The client must ensure their arrangements for managing health and safety for the project (Section 4.4) both set the expectation that this will be done and put arrangements in place to facilitate such co-operation from the outset of the project. During the construction phase, for notifiable projects, the principal contractor takes responsibility for leading co-ordination with contractors and their activities on site.
- 4.2.2 Arrangements for co-operation must focus on identifying anything which is likely to endanger health and safety, either to individuals or others, and enable everyone within the team to alert others of danger.

4.3 Co-ordination

Regulation 6

- 4.3.1 There is a similar expectation to co-ordinate their activities, not only with those in the project team, but also with those who may be affected by their activities. Arrangements for compliance with these requirements must again be included within the client's management arrangements.
- 4.3.2 A list of tools, of the type which can be used by the project team to co-ordinate their activities during the project, is provided in Table 2. Not all of these will be applicable for all projects, especially very small ones, but the aim is to give clients an idea of some of the things that can be done.
- 4.3.3 See Section 1.3 for a description of the project stages.

Project Stages	TOOLS
Stage 1	Project health and safety management arrangements User brief Base build specification
Stage 2	Design co-ordination meetings Workshops Stage reports Request for information (RFI) Risk register
Stage 3	Written information for tendering contractors Drawings Room data sheets Specifications Tender packages
Stage 4	Construction phase health and safety plan Site meetings Safety forums (consultation with employees) Toolbox talks Site inductions Safety alerts Safety award schemes
Stage 5	Health and safety file (or information to update existing file) Operation and maintenance manuals Risk register Project review

Table 2 Tools that may be used by the project team to co-ordinate activities

Co-ordination with designers

- 4.3.4 There should be clear arrangements and responsibility to ensure co-operation between designers with regards to the health and safety considerations of their designs and to ensure risks have been avoided and, where this is not possible, minimised and brought to everyone's attention.
- 4.3.5 This is particularly important where there are multiple designers or significant overlap; arrangements should ensure:
- that relevant information flows freely between the different designers and contractors, as well as between different designers. The appointment of a 'lead designer' from within the team may assist this
 - designers take proper account of the risks including constructability, maintenance, use and final decommissioning and provide suitable information to demonstrate compliance
 - designers co-ordinate their work to see how the various aspects of the overall design interact with each other and affect risks.

- 4.3.5 The above responsibilities rest with all duty holders and should be facilitated by the CDM co-ordinator for notifiable projects. Adequate attention needs to be given to these requirements for all projects, otherwise the client may inherit a structure which involves high risks to use and maintain. Early identification and reduction of these risks can provide the client with significant cost savings during the occupancy, or use, of the construction, but the longer the identification of such issues is left, the more difficult and costly they are to change!

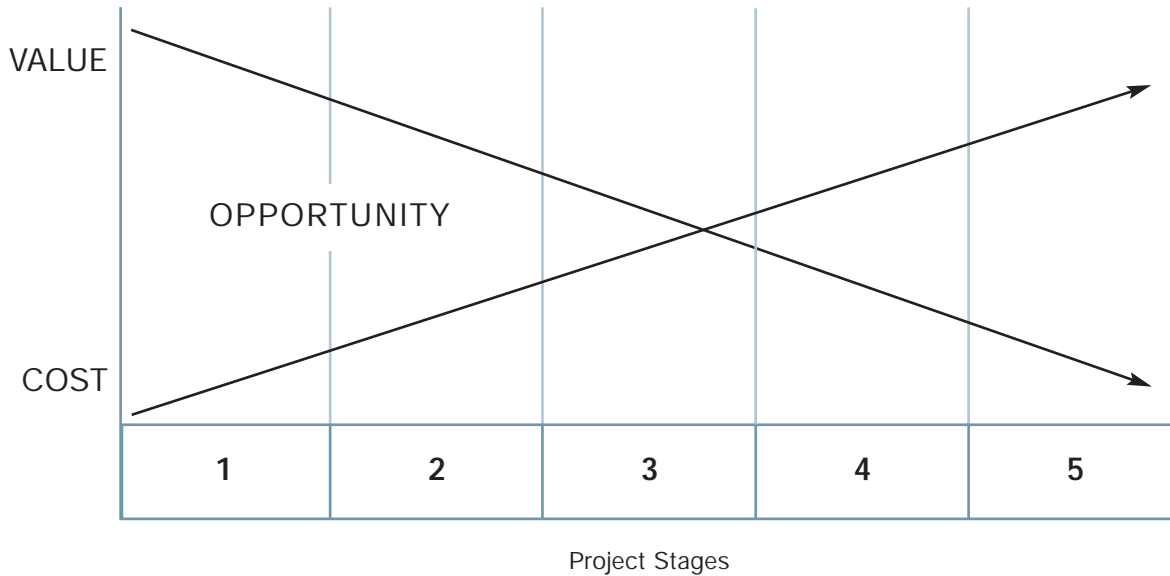


Figure 4 Cost benefits of making changes to a project

Figure 4 demonstrates that once the project enters the end of construction stage (3) the cost benefits of making changes could be lost and, indeed, further changes will incur additional costs.

Buyer beware! While designs can be compliant with the requirements of these regulations, it cannot be assumed they are practical!

All too often, the designer makes assumptions, or assumes controls, which are either not suited to the business operations or have significant costs associated with them.

4.4 Management arrangements for projects

Regulation 9

- 4.4.1 The client is responsible for taking reasonable steps to ensure that management arrangements (including the client's own arrangements) are in place throughout the project which ensure, so far as is reasonably practicable, that construction works can be carried out safely and without risks to health. The ACoP supporting these regulations highlights the important goal of these 'project arrangements' as 'that key tasks are clearly allocated and everyone understands what they have to do, when and in what order'. The key aspects of these arrangements must be recorded in the project information.
- 4.4.2 Most of the arrangements will be made by others in the project team, for example contractors, but there will be some which must be made, maintained and reviewed by the client throughout the project.

- 4.4.3 For businesses that do not normally carry out construction work as part of their core business, it is unlikely that existing arrangements to manage health and safety will be adequate to manage construction health and safety. As a new client, they will have to devise new arrangements to comply with the regulations, setting out what they expect the arrangements to deliver and how they will support their delivery, for example by appointing parties at times and in ways that help them to communicate. The level of the client's own arrangements should be in proportion to the size and complexity of the project. Small projects are likely to require less input than larger projects.
- 4.4.4 For notifiable projects, clients should seek the support and advice of their CDM co-ordinator who is required to advise and assist the client in establishing and reviewing these arrangements and ensuring they are adequate. The client must be able to rely on this advice, and therefore act upon it, for example when allowing works on site to commence.
- 4.4.5 For projects which do not require notification, the duty to ensure these arrangements are suitable and maintained lies with the client, but they should have access to competent advice that can support them; this does not require clients to employ a consultant to write a manual of arrangements. The requirement is for a document that is simple, meaningful, understandable and project-specific, which will be followed. If you carry out repeat projects or more complicated work, CCG advises you to have more comprehensive documentation together with external support, for example the appointment of a CDM co-ordinator may be required. If consultancy is used, you should be clear in specifying its outcomes.
- 4.4.6 The ACoP recognises that any assessment of the adequacy of these arrangements relies on clients making a 'judgment' on their suitability. The law says this is acceptable if the client has based their decision on evidence requested and provided for the specifics of the project and the risks involved. For low-risk projects (including most non-notifiable projects), a simple table setting out individual responsibilities about 'who does what and when' is likely to satisfy this requirement.
- 4.4.7 The scope and detail of these management arrangements will be appropriate to the complexity of the project; as a minimum they should include:
- the roles, functions and responsibilities of members of the project team, how they interrelate and, where relevant, the timing of appointments
 - how communication, co-ordination and co-operation (for example, between designers and contractors) will be facilitated and encouraged
 - the format of the health and safety file (when required) to ensure it is suitable for the client; how, when and by whom information is to be provided for it
 - the interface with any other projects on the same or neighbouring sites
 - any requirements which the client may have about the way the project is to be run (for example, fencing of the site, movement of vehicles or permit-to-work procedures) taking account of any risks to the public and the client's or site occupier's employees or customers
 - arrangements for the end of the project, for example arrangements for phased handover, partial occupation and practical completion, and ongoing snagging.
- 4.4.8 In addition, other actions you take as a client may support your fulfilment of the arrangements duty, including:
- a budget for health and safety
 - a project risk register
 - competent advice (especially for non-notifiable work)
 - project meetings that include health and safety
 - making sure that health and safety is addressed during any design / value engineering changes
 - asking for project progress reports highlighting health and safety issues

- use of third-party assurance/monitoring schemes (if you choose to do this)
- use of third-party supplier accreditation schemes (if you choose to do this)
- any co-ordination you and your suppliers have with planning, building control and/or environmental health, fire authority that addresses health and safety and related issues
- receipt of copies of any safety inspections carried out by any enforcing authority during the project and details from suppliers as to what action has been taken.

The arrangements should include a process for the review of proposed designs against the requirements of the Workplace (Health, Safety and Welfare) Regulations (Reg 9 (1e)) to ensure compliance. Clients should record assurances of this requirement from the design team.

- 4.4.9 It is good practice for clients to request a risk register in order to help them understand the key risks on the project (including but not limited to health and safety). A good risk register will inform the client of the action being taken to manage key risks, when they will be delivered and who is responsible for them. More details and an example register are given in 6.4.
- 4.4.10 For non-notifiable work, you should ask for the risk register from the lead designer and the main contractor. For notifiable projects, you should ask your project co-ordinator to take responsibility for the co-ordination and maintenance of this throughout the project through to practical completion.

4.5 Provision of information

Regulation 10

- 4.5.1 The client must ensure they pass on relevant information that is likely to be needed by the project team to plan and manage their work, in order to comply with this regulation. This means providing information on the condition of the site/premises that may include the location of services and extent of contamination. This is normally done through surveys, but may already be available in health and safety files from previous work or in operation and maintenance manuals. The client should meet with their competent safety adviser to agree what is required and record what has been made available. See 6.3.3, Figure 5 for an example of an information register.
- 4.5.2 Where information is not immediately available, the client should factor into the project the time and resource required to obtain the relevant information. In many cases, this investment will avoid unwelcome delays and surprises.
- 4.5.3 Clients cannot simply rely on contract terms such as 'underground cables may be present – contractor should carry out survey before digging'. If such risks exist then the client should allocate appropriate resources to instigate the relevant surveys or investigations.
- 4.5.4 More information on how to meet these requirements is given in Section 6.3.

4.6 Designs procured outside Great Britain

Regulation 12

- 4.6.1 Where designs are carried out by suppliers, manufacturers and designers outside Great Britain, the person who appoints them takes responsibility to ensure that those carrying out the designs are aware of their duties under these regulations and that their designs comply with the requirements of Regulation 11. Where such appointment is made by the client then it is the client that has these responsibilities.
- 4.6.2 If members of the project team procure part of their design outside Great Britain, they should ensure this is not detrimental to their responsibilities.
- 4.6.3 When the client nominates a design to be carried out outside Great Britain but the appointment will be through a third party, they should seek assurances that these responsibilities will be met.

4.7 Duties relating to health and safety on site

Regulation 25

- 4.7.1 Where clients impose restrictions or stipulate specific requirements relating to health and safety during the construction phase, which limit the control or manner in which they are carried out, they must take responsibility for those arrangements or requirements.

Example 1

There are restrictions on the amount of space for welfare facilities and a contractor cannot comply with their requirements. The client is then expected to do more, for example source temporary accommodation to assist compliance.

Example 2

The client elects to make their existing welfare facilities available; they will take responsibility for the requirements of these regulations with regard to suitability and access to these facilities. However, the contractor will still have a duty to ensure that toilets, drinking water, changing rooms, and so on, are provided.

Example 3

The work will take place within the existing compound of the client's operational warehouse. The client's in-house security team have control over access to the site and will manage the construction area. Due to restrictions in space for dedicated boundaries, the client has taken responsibility for the duties relating to clearly identifying or fencing off the perimeter of the site under Reg 27(2).

Section

5

How to meet additional duties for notifiable projects

5.1 Appointments for notifiable projects

Regulation 14

- 5.1.1 For projects which are notifiable (Section 1.2), the client must appoint a CDM co-ordinator to advise and assist them with their duties and to co-ordinate the arrangements for health and safety during Stages 1–3 (Section 1.3). This appointment should be made as early as possible in the project, ideally no later than the end of Stage 1. Until a formal appointment has been made, all of the CDM co-ordinator's responsibilities within these regulations fall to the client.
- 5.1.2 Information is available on the role of the CDM co-ordinator in the associated guidance, available from www.cskills.org/cdm. An outline example of terms of reference for this appointment and a suggested agenda for an initial meeting are contained in Section 6.2 of this guidance. After this appointment and early in the project, you should spend time with your CDM co-ordinator to review the requirements set out in Section 6.3 regarding the client's duties to provide information.
- 5.1.3 In addition to appointing the CDM co-ordinator, you are also required to appoint a principal contractor; it is advisable to do so as soon as you have enough information to make this appointment. The principal contractor can advise on the buildability of the design, as well as provide advice on the time required to plan and prepare before construction work starts.

5.2 Provision of information (notifiable works)

Regulation 15

Where the project is notifiable, the client should provide the information in their possession, as set out in Section 4.5 of this guidance, to the CDM co-ordinator.

5.3 Before works start on site

Regulation 16

Welfare

- 5.3.1 The client must ensure that contractors have made arrangements for suitable welfare facilities to be provided from the start of the project and throughout the construction phase.
- 5.3.2 Clients do not need to provide welfare facilities, nor be experts in deciding what facilities need to be provided for the project. Clients do, however, need to seek assurance that welfare has been set up before works start on site (see Section 4.7).
- 5.3.3 If you are in any doubt, you should ask your contractor to confirm what has been provided and that they deem these arrangements sufficient. Good contractors will have allocated sums in their quotations to enable you to make an assessment of the resources and their compliance with the regulations. Additionally, this provides you with the opportunity to make an appraisal of their intended resources to manage this aspect of their responsibilities. Good clients will not regard welfare as the first source of cost savings.

- 5.3.4 If welfare is not provided when the works start, then as the client you may be liable, unless you can demonstrate you have specifically checked this issue with the contractor. The best way to demonstrate this would be to obtain an assurance in writing from the contractor.

Construction phase plan

- 5.3.5 You must also ensure that the 'construction phase plan' has been adequately developed and is based on the information provided by the client and other duty holders including designers as required by regulation. You are only expected to make a decision on whether the construction phase plan is suitable from the information that is available at the start of the construction phase. For many projects, not all information that is relevant to the project may be available to develop the health and safety plan fully before the construction phase starts. For example, not all the design work may have been completed, or many of the subcontractors who will be carrying out the work may not yet have been appointed. However, the construction phase plan should be sufficiently developed so that it includes the general framework for:

- management organisation
- emergency procedures, arrangements for monitoring
- communications and confirmation that welfare is in place
- key tasks and risks that need to be managed in the early work packages.

- 5.3.6 The degree of detail in the construction phase plan should be site-specific and in proportion to the nature, size and level of health and safety risks involved in the project. Those projects involving minimal risks will call for simple, straightforward plans. Large projects, or those involving significant risks, will need further detail. Advice can be sought from your CDM co-ordinator or competent safety adviser. More detail on the structure and content of this plan can be found in the linked Contractors' guidance, available from www.cskills.org/cdm.

5.4 The health and safety file

Regulation 17

- 5.4.1 The client is to ensure that the CDM co-ordinator is provided with all the health and safety information within the client's possession relating to the project, which is needed for inclusion in the health and safety file, ready for hand over at the end of construction work (practical completion). The client needs to take reasonable steps to ensure that after the construction phase has been completed the file is kept available for inspection and revised as appropriate. The client, where able to, should be proactive in identifying the structure and content requirements of the document, for example, in existing premises, aligning the information to those documents already held.
- 5.4.2 The health and safety file will form part of the information which supports the ongoing maintenance, use and alteration of the premises. Once received by the client, this document must be retained and kept up to date by the occupier to inform any future construction work.
- 5.4.3 The key person for preparing the file is the CDM co-ordinator.
- 5.4.4 For projects which are not notifiable, there is no duty relating to the preparation of a health and safety file. However, there are duties on both designers (Reg 11(6)) and contractors (Reg 13 (3b)) to supply information, the type and structure of which should be established by the client prior to appointments. The client is required to use this to create or update the health and safety information for the building.

Section

6

Additional tools

6.1 Terms of reference for the client's representative

- 6.1.1 Table 5 gives suggested terms of reference for 'the client's representative' when undertaking the role of client under these regulations on behalf of the organisation, whether this appointment is in-house or appointed from outside.

SUGGESTED TERMS OF REFERENCE FOR 'THE CLIENT'S REPRESENTATIVE'

All projects	<ul style="list-style-type: none"> • Ensure that the contractual relationships within the project are clear and that responsibility for key CDM tasks is clearly allocated • Ensure all relevant information in the client's possession has been provided to the project team • Participate (with the CDM co-ordinator as necessary) in the tender evaluation of contractors, particularly in relation to the health and safety requirements of the organisation and the contractor's construction arrangements for safety and welfare • Request details from the designers and contractors of the arrangements they propose to implement throughout the project to ensure that construction work can be carried out safely without risk to health; assess this information and make a reasonable judgement on it adequacy, seeking clarification or revision if it is considered necessary • Resolve all safety issues in relation to client issues with the contractors. • Agree management arrangements for the project, taking account of competent health and safety advice.
In addition, for notifiable projects	<ul style="list-style-type: none"> • Monitor the CDM co-ordinator's assessments of the competence and resources of the other duty holders before their appointment • Confirm evidence of, and satisfaction with, the CDM co-ordinator's competency • Ask the CDM co-ordinator and designers whether further surveys are necessary • Seek confirmation from the CDM co-ordinator that the organisation's design requirements are implemented by the design team • Ensure that the CDM co-ordinator signs off the principal contractor's construction phase plan before work starts on site and confirms that arrangements for the welfare facilities on site appear to be satisfactory • Request details from the CDM co-ordinator, designers and contractors of the arrangements they propose to implement throughout the project to ensure that construction work can be carried out safely without risk to health; ensure that the CDM co-ordinator assesses this information and seeks clarification or revision if considered necessary by the CDM co-ordinator • Agree with the CDM co-ordinator all key CDM milestones and project safety targets or standards • Discuss and finalise management arrangements for the project with the CDM co-ordinator; keep records of all key information received, questions asked and arrangements agreed • Monitor the progress on the preparation of health and safety file information • Ensure that the health and safety file is passed to the client on completion.

6.2 Appointing and working with the CDM co-ordinator

Terms of reference

6.2.1 The CDM co-ordinator should provide the client with comprehensive advice in relation to all the client's duties under CDM 2007 and make recommendations on how to discharge them properly.

In particular they should carry out the following:

- Advise the client on competence and the adequacy of resources (including time) when they are considering appointments
- Review these procedures, and their required documentation and feedback, and agree with the client an appropriate standard which will be adopted in view of the scale, complexity and risks involved in the project
- Ensure, so far as is reasonably practicable, that enough attention has been paid to health and safety during design and that the design includes adequate information about anything which might affect the health or safety of people carrying out construction activities, or anyone else who might be affected by this work
- Take reasonable steps to ensure co-operation between designers
- Advise the client on the initial contents of the construction phase health and safety plan
- Notify the project to the Health and Safety Executive
- Ensure that the pre-construction health and safety information is prepared in good time
- Take part in the evaluation of tenders submitted by contractors to ensure that health and safety issues are considered
- If requested, give advice to the client on the principal contractor's and other contractors' competence and the adequacy of provision for health and safety
- Ensure that a health and safety file is prepared, reviewed and amended as necessary and delivered to the client at the end of the project.

6.2.2 Good CDM co-ordinators will set out how they will distribute their time and fee throughout all phases of the project.

They could also:

- visit the site to familiarise themselves with the environment
- contribute to project meetings and reports
- devise and co-ordinate a project risk register on behalf of a client
- give advice to other members of the project if they need and request it
- liaise with enforcing authorities on behalf of the client
- apply national guidance provided by the CCG and other relevant bodies to the client and project
- provide overall co-ordination of health and safety during planning and preparation
- advise the client about any additional surveys that may be required
- confirm that the principal contractor has made adequate arrangements for welfare facilities during the construction phase
- advise the client on the amount of time to be allowed to contractors for planning and preparation
- facilitate co-operation between designers and contractors in relation to design changes so far as these relate to significant health and safety issues

and, importantly, not focus on paper trails and keep bureaucracy down to an absolute minimum.

The first meeting between client and CDM co-ordinator

- 6.2.3 The objective of this meeting is to ensure that the CDM co-ordinator understands and accepts their duties, is acquainted with the project and has sufficient information to develop the pre-construction health and safety information. The information necessary is covered in Section 6.3.
- 6.2.4 Before the meeting, familiarise yourself with the likely content of the project management arrangements (Section 4.4)
- 6.2.5 Most of the actions described there will be met by following the steps in this guidance. However, you must establish at this meeting with the CDM co-ordinator the arrangements necessary for your particular project. The meeting itself should be formal and recorded.
- 6.2.6 A suggested agenda is given below.

Agenda

1. Application of the CDM 2007 Regulations
The CDM co-ordinator should explain to the client their duties under the regulations and what the CDM co-ordinator recommends needs be done in order to discharge those duties properly
2. Project health and safety management arrangements.
Use the suggested content in Section 4.4
3. Agree the terms of reference for the CDM co-ordinator (see above)
4. Agree processes for:
 - identification and management of risk (Section 6.4)
 - provision of information by the client (Section 6.3)
 - assessment of competence (Section 4.1 and 6.5)
 - design co-ordination (Section 4.3)
 - preparation of health and safety file (Section 5.4)
5. Outline of proposed project
6. The project programme
7. Need for site visits
8. Preparation of the pre-construction health and safety information
9. Confirm that the CDM co-ordinator can now begin to develop pre-construction health and safety information from the client (see Section 6.3).

6.3 Provision of information

- 6.3.1 The client is responsible for the provision of information as set out in Regulation 10. Specifically, you must provide all information relevant to safe construction activities in areas under your control. You must take reasonable steps to identify any health and safety hazards that your activities, land, buildings, property or plant may contain or pose.
- 6.3.2 The following list, which is not exhaustive, may help you.
- Check if any buildings or land are contaminated with hazardous materials such as asbestos (which is covered by specific regulations), combustible or explosive materials or toxic substances.

- Provide a plan and information relating to the services on the site and request information on the location of services from utility companies if you do not already have it.
- Check, via an environmental survey, that no equipment contains hazardous substances such as polychlorinated biphenyls (PCBs) in transformers and that no equipment rooms or cabinets utilise fire suppression systems such as CO₂ or halon flooding.
- Identify clearly any areas where there may be high levels of noise, particularly if it could be sudden and unexpected, such as generator rooms and plant rooms with HV circuit breakers.
- Check that no existing structure is unsafe through a structural survey.
- Check there is no sign, or reasonable suspicion, that the site is contaminated with any hazardous or toxic material, including methane-producing matter.
- Check if any surrounding land or buildings may present a hazard to site workers or occupants of your building.
- Check that no neighbour or adjacent building, such as a school, hospital or recreational facility, is especially vulnerable to the anticipated building operations or the intended outcome of the construction activities.
- Confirm with the CDM co-ordinator how and when your staff, and those for whom you are responsible, will require access to the site during the construction/building works.
- Send the CDM co-ordinator any copies of reports, surveys, plans, and so on you have or have obtained, including any health and safety file produced for previous works in the same area. Also notify the CDM co-ordinator of any information you know has existed but you are unable to produce.

6.3.3 Spend time with the CDM co-ordinator to ensure that the information the client is expected to provide is identified and that dates are set by when it is required. A suggested format to record this timetable is shown in Figure 5.

PROVISION OF INFORMATION REGISTER			
Information type	Area	Date information required	Date information provided

Figure 5 Provision of information register

6.4 Risk registers

'No construction project is risk free. Risk can be managed, minimised, shared, transferred or accepted – it cannot be ignored' (Sir Michael Latham, *Constructing the Team*, 1994).

- 6.4.1 Poor pre-construction organisation, planning and co-ordination are the underlying causes of a significant proportion of construction injuries and ill health. CDM 2007 requires co-operation and co-ordination between the various parties involved in a project, both during preparatory work and in its execution. But although the CDM co-ordinator and principal contractor are appointed to address these issues, it is not easy to see how they can be tackled.
- 6.4.2 A useful tool to improve co-operation and co-ordination is a risk register or risk management register. This has been found to help break down the barriers between parties that lead to working and managing risk in isolation (the silo mentality) and also, all too often, hiding risks and buck-passing, usually to those least able to argue or manage the risks, to avoid liability should something go wrong. For the same reason, it can help to avoid the production of excessive paperwork and to draw attention to key issues.
- 6.4.3 Risk registers formalise risk management and communicate the most important information in a structured manner. They can show links between commercial risks (for example cost and programme) and health and safety. A risk register also provides an audit trail for future reference, but if it is not kept up to date and developed it will become obsolete. To be useful, a register must be a living document, maintaining continuity throughout the whole project.
- 6.4.4 The process of assessing and managing risks is shown in Figure 6. Hazards are identified through consideration of the site and the proposed design and from this risks are assessed. By adopting the 'Hierarchy of controls', unacceptable risks are eliminated, or reduced, and those considered acceptable are managed through the risk register. Constructing Excellence has produced a guide to risk management which contains a model risk-management process (see Section 7).

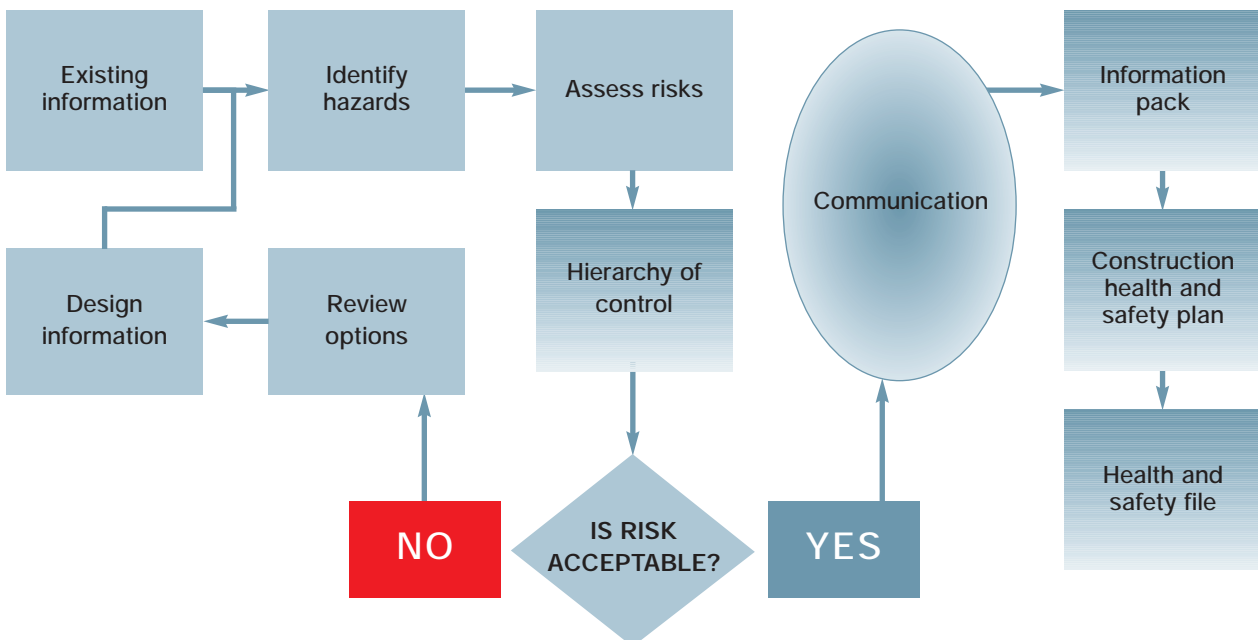


Figure 6 Flowchart to show the process of assessing and managing risks

- 6.4.5 The aim of project risk registers is to encourage the team to use their shared knowledge and experience to ensure that risks are identified, eliminated or reduced by whoever is best able to do so. The shared risk register is a core document whose preparation draws the parties together, briefly records their findings, the risk owner, agreed control measures and 'date to be done by'. A simple example is given in Figure 7.

TITLE: Project Risk Register 1

Ref no.	Risk description Information about risk being identified including drawing reference	Risk owner Name of designer or risk creator	When risk occurs		Financial implication		Review of risk including controls Risk reviewed and controls/costs updated	Date Date risk first identified	Client accepts risk Has the client accepted these risks including financial implications and their control
			During Construction	During Use	During Construction	During Use			
1					£	£			✓ Check
2									
3									

Qualitative or quantitative risk assessment

Figure 7 A simple example of a risk register

- 6.4.6 After initial completion it becomes a control tool, that can be used to check that the planned actions are implemented. It provides the basis for design risk-reduction and summarises the key issues covered in the pre-construction health and safety information. The remaining risks help the development of the construction phase plan and feed into the health and safety file at the end of the project.
- 6.4.7 If generic risks are included in the risk register, rather than confining it to strategic issues, it can become bureaucratic and unhelpful; so it should not deal with construction risks that are adequately covered by normal management procedures and operative training. It is intended to draw attention to, and assist the management of, significant, project-specific risks which could impact workers lives and the commercial success of the project.

6.5 Core competence

- 6.5.1 The list below sets out the areas in which the competence of an organisation should be assessed by a client, with suggestions on how this will be demonstrated. This is based on the list in Appendix 4 of the ACoP, which provides proposed standards and examples of evidence that those standards have been achieved.
- 6.5.2 You will expect designers, contractors and other suppliers to demonstrate this to you by a specific and succinct capability statement.

CHECKLIST FOR THE ASSESSMENT OF COMPETENCE

<input type="checkbox"/>	Health and safety policy and organisation for health and safety	This should set out not only their statutory duties to their staff but also for the service they deliver to the project. You should not expect to see everything, only relevant information
<input type="checkbox"/>	Arrangements	There should be information about their arrangements for the delivery of their policy
<input type="checkbox"/>	Competent advice	Under the Management of Health and Safety at Work Regulations all employers must have access to competent advice on matters relating to health and safety. Is this provision in-house or provided by an external consultant? Does this provide competent advice beyond their in-house arrangements to include the services they deliver?
<input type="checkbox"/>	Training and information	<p>What are the company's arrangements for identifying and planning its training requirements?</p> <p>Are there programmes in place for refresher training, e.g. a continuing professional development programme, to keep employees up to date?</p> <p>Their arrangements for providing information should include information about the other contractors, their subcontractors, including collation of documentation as required</p>
<input type="checkbox"/>	Individual competency	The company should provide details of the qualifications and/or experience of specific post holders and the numbers/percentage of people who have Construction Skills Certification Scheme (CSCS) or equivalent health and safety accreditation.
<input type="checkbox"/>	Monitoring, audit and review	Arrangements for reviewing and improving the standards previously set out and supported by records including corrective actions.
<input type="checkbox"/>	Workforce involvement	Employers have duties to engage with their workforce. CDM 2007 also requires those involved with projects to make arrangements for co-operation and communication during the project; this should set out how these will be facilitated.
<input type="checkbox"/>	Accident / incident reporting	How they report, record and use accident and incident information. It should also include arrangements for managing incidents on site (where applicable) or for bringing relevant information to the client's attention when incidents occur on a 'project'.
<input type="checkbox"/>	Subcontractors	Where companies subcontract services (including consultants) they should set out their arrangements for selection, monitoring and review. There should also be additional information when using the services of professionals from overseas; how they ensure that their services/equipment comply with British legislation and how they ensure information required is collected and reviewed.
<input type="checkbox"/>	Service-specific information	Here they should provide specific arrangements for the services they are providing as designers, CDM co-ordinators, contractors or principal contractors. This may include references or examples of similar projects to demonstrate competence.
<input type="checkbox"/>	Managing interfaces	How do they propose to work with other members of the project team?
<input type="checkbox"/>	Health and welfare	These can apply to all the duty holders, in particular those providing the role of principal contractor. The other duty holders also need to make arrangements for ensuring, for example, temporary facilities are included in site layouts and early preparation works.

6.5.3 Previously, the assessment of competence has generated unnecessary paperwork and bureaucracy. As a client, you need to emphasise that capability statements should be kept at a level which is proportionate and reasonable for the particular project. In addition, if you use the same contractor/designer more than once for similar work, then you will not need the full competency statement each time. This is where 'approved supplier lists' may reduce paperwork. In addition, particularly for non-notifiable work, you may also wish to use third-party assessors to assist you (Section 7).

References and further reading

Managing Health and Safety in Construction, Approved Code of Practice

MANAGING CONSTRUCTION PROJECTS

Information from CCG

Building Success: lessons from occasional clients who got it right – eleven case studies

www.constructingexcellence.org.uk/resources/publications/view.jsp?id=1255

Building Success: lessons from frequent clients who got it right – ten case studies

www.constructingexcellence.org.uk/resources/publications/view.jsp?id=3341

Information on 'Starting to Build' and 'Procuring Successful projects'

www.constructingexcellence.org.uk/sectorforums/constructionclientsgroup/default.jsp

From the Office of Government Commerce

Achieving Excellence in Construction Procurement

A series of freely downloadable guides to support client organisations in the public sector, which contain useful advice for privately funded projects.

www.ogc.gov.uk/ppm_documents_construction.asp

In particular:

Guide 2 Project organisation – roles and responsibilities, deals with the key players in the client organisation.

www.ogc.gov.uk/documents/CP0062AEGuide2.pdf

From BSI

PD 6079-4:2006 Project management. Guide to project management in the construction industry.

Sound principles, together with more specific recommendations, that can be tailored to specific projects of any size.

ISBN 0 580 48144

Price £45.

www.bsi-global.com/en/About-BSI/News-Room/BSI-News-Content/Sectors/Construction--Building/NEW-Project-Management-Guide/

MANAGING RISK

Constructing Excellence fact sheet

www.constructingexcellence.org.uk/pdf/fact_sheet/risk.pdf

Collaborative Risk Management Guidance, Constructing Excellence, 2005

www.constructingexcellence.org.uk/sectorforums/buildingstatesforum/downloads/RiskGuideNov05.pdf

Association for Project Management

0845 458 1944 www.apm.org.uk

Guidance on CDM and health and safety for clients

See CCG website:

www.constructingexcellence.org.uk/sectorforums/constructionclientsgroup/healthsafety.jsp

CCG Information Sheets covering

What clients have to do

What clients should expect of others in the project

What are the pitfalls for clients

Questions and answers

Where to go for help

FINDING A REPUTABLE CDM CO-ORDINATOR

Association for Project Safety (APS)

Directory of members assists clients to select and appoint a competent CDM co-ordinator

08456 121 290 www.aps.org.uk

Institution of Civil Engineers

ICE is in the process of inviting members and others to set up a register of professional with defined levels of competency

www.ice.org.uk/joining/joining_specialist_lists2.asp

FINDING A REPUTABLE CONTRACTOR*Chartered Institute of Building:*

Advice on finding a builder

www.ciob.org.uk/advice/choosebuilder/findingabuilder

Constructionline

Register of pre-qualified local and national construction and construction-related suppliers.

Recommends CHAS accreditation – see below

www.constructionline.co.uk

FINDING A REPUTABLE DESIGNER*Royal Institute of British Architecture*

A range of services to assist with the selection of the right architect

www.architecture.com/go/Architecture/Using/Finding_291.html

Institution of Structural Engineers

Details of structural engineering companies across the United Kingdom

www.findanengineer.com

Association for Consultancy and Engineering

020 7222 6557 www.acenet.co.uk

Association of Consultant Architects

Represents architects in private practice

020 8325 14 www.acarchitects.co.uk

ACCREDITATION OF COMPETENCY*Construction Skills Certification Scheme (CSCS)*

A single card for professionals and site workers which confirms their skills and qualifications and that they have passed a test showing they have awareness of health and safety. Many organisations and companies are committed to 100% of their staff holding an appropriate CSCS card.

0870 417877 www.cscs.uk.com

Contractors Health and Safety Assessment Scheme (CHAS) (not yet formally recognised by the CCG) – provides vetting of relevant health and safety systems to avoid multiple submissions to public bodies.

www.chas.gov.uk

National Britannia Group (not yet formally recognised by the CCG)

Available services include competent health and safety advisers and compliance audits

www.natbrit.com/health_serv.aspx

TRAINING IN HEALTH AND SAFETY*The Construction Health and Safety Group*

For those on site 01932 561 871/563 121 www.chsg.co.uk

A course for clients is under development

Institution of Occupational Health and Safety

A member organisation providing authoritative advice and guidance as well as training on health and safety issues

0116 257 3100 www.iosh.co.uk

OTHER

www.constructingexcellence.org.uk

www.architecture.com/go/Architecture/Using/Contracts_306.html

www.cic.org.uk/activities/Briefing-CICServicesExplainedDec06.pdf