



Construction (Design and Management Regulations 2007

An Introduction for Clients
wishing to undertake
Construction Work



The Regulations

- The Construction (Design and Management) Regulations 2007 (CDM2007) come into force on 6 April 2007
- They replace the:
 - Construction (Design and Management) Regulations 1994 and
 - Construction (Health, Safety and Welfare) Regulations 1996



Key Changes

- The revised CDM Regulations will introduce the following changes:
 - Clarify construction client responsibilities when they are exercising their influence over the health and safety standards on their projects.
 - Planning Supervisor replaced by CDM co-ordinator
 - Emphasise the importance of competence at **all** levels
 - Drive out needless health and safety paperwork and bureaucracy
 - Simplify when a project is notifiable, and formal plans and appointments are required



Structure of CDM2007

- **CDM2007** is divided into five parts.
 - **Part 1** - Interpretation and application
 - **Part 2** - General management duties which apply to all construction projects
 - **Part 3** - Additional management duties which apply to notifiable projects
 - **Part 4** - Covers physical safeguards which need to be provided to prevent danger on all construction sites
 - **Part 5** - Civil liability; transitional provisions and amendments and revocations of other legislation



The Aim of CDM2007

- To integrate H&S into the management of the project and to encourage everyone involved to work together to:
 - improve the planning & management from the very start
 - identify hazards early on, so they can be eliminated or reduced at the design or planning stage
 - target effort where it can do the most good in terms of H&S
 - discourage unnecessary bureaucracy.

[CDM2007 ACOP P.2]



The Purpose of CDM2007

- CDM2007 is intended to focus attention on planning and management throughout construction projects, from design concept onwards. The aim is for health and safety considerations to be treated as an essential, but normal part of a project's development – not an afterthought or bolt-on extra

[CDM2007 ACOP P.3]



Regulation 3 - Application

- CDM2007 shall apply to and in relation to **construction work**.
- The duties under Part 3 shall apply only where a project is **notifiable**; and is carried out for or on behalf of, or by, **a client**.
- Part 4 shall apply only in relation to a **construction site**.



Definition - Construction Work

- “**construction work**” means the carrying out of any building, civil engineering or engineering construction workbut does not include the exploration for or extraction of mineral resources or activities preparatory thereto carried out at a place where such exploration or extraction is carried out.



Construction work includes:

- the construction, alteration, conversion, fitting out, commissioning, renovation, repair, upkeep, redecoration or other maintenance (including cleaning which involves the use of water or an abrasive at high pressure or the use of corrosive or toxic substances), de-commissioning, demolition or dismantling of a structure;
- the preparation for an intended structure, including site clearance, exploration, investigation (but not site survey) and excavation, and the clearance or preparation of the site or structure for use or occupation at its conclusion;
- the assembly on site of prefabricated elements to form a structure or the disassembly on site of prefabricated elements which, immediately before such disassembly, formed a structure;
- the removal of a structure or of any product or waste resulting from demolition or dismantling of a structure or from disassembly of prefabricated elements which immediately before such disassembly formed such a structure; and
- the installation, commissioning, maintenance, repair or removal of mechanical, electrical, gas, compressed air, hydraulic, telecommunications, computer or similar services which are normally fixed within or to a structure.



Definition - Notification

Under CDM2007 a project is notifiable if the construction phase is likely to involve more than:

- 30 days; or
- 500 person days,
of construction work.



Definition - Client

- A client is an organisation or individual for whom a construction project is carried out.
- Clients only have duties when the project is associated with a business or other undertaking (whether for profit or not).
- Domestic clients are a special case and do not have duties under CDM2007
- Domestic clients are people who have work done on their own home or the home of a family member, that does not relate to a trade or business, whether for profit or not. It is the type of client that matters, not the type of property.



Definition - Construction Site

- “construction site” includes any place where construction work is being carried out or to which the workers have access, but does not include a workplace within it which is set aside for purposes other than construction work;



Clients Duties

- Clients must make sure that:
 - **Appointment:** Check competence and resources of all appointees
 - **Management Arrangements:** Ensure there are suitable management arrangements for the project including welfare facilities
 - **Welfare:** Ensure there are suitable arrangements for welfare facilities
 - **Time:** Allow sufficient time and resources for all stages
 - **Pre Construction Information:** Provide pre-construction information to designers and contractors
 - **Appointment:** designers, contractors and others that they propose to engage are competent, adequately resourced and appointed early enough for the work they have to do



Appointment

- Clients must make sure that designers, contractors and other team members that they propose to engage are competent (or work under the supervision of a competent person), are adequately resourced and appointed early enough for the work they have to do
- Guidance on assessing competence is given in paragraphs 193-240 of the Approved Code of Practice to CDM2007 and later in this presentation



Arranging for Design Work

- Clients must only employ designers who are competent to carry out their CDM duties.
- Further help with assessing competence of designers is given in paragraphs 193-240 of the Approved Code of Practice to CDM2007

[CDM2007 ACOP P.47]



Management Arrangements

- Clients must take reasonable steps to ensure that suitable management arrangements are in place throughout the life of the project so that the work can be carried out safely and without risk to health.
- The arrangements put in place should focus on the needs of the particular job and should be proportionate to the risks arising from the work



Management Arrangements

- The client will need to ensure that arrangements are in place to ensure that:
 - there is clarity as to the roles, functions and responsibilities of members of the project team
 - duty holders have sufficient time and resource to comply with their duties
 - there is good communication, co-ordination and co-operation between project team members
 - designers are able to confirm that their designs have taken account of the requirements of CDM2007 Regulation 11 and that the different design elements will work together in a way which does not create risk
 - that the contractor is provided with the pre-construction information
 - contractors are able to confirm that health and safety standards on site will be controlled and monitored, and welfare facilities will be provided by the contractor from the start to end of the construction phase



Welfare

- Clients do not have to provide welfare arrangements for construction workers, but if there are particular constraints which make it particularly difficult for facilities to be provided, the client should co-operate with contractors to assist them with their arrangements
- On notifiable projects the client must ensure that the construction phase does not start until the Principal Contractor has made suitable arrangements for suitable welfare facilities to be present from the start of the construction phase



Time

- Unrealistic deadlines and a failure to allocate sufficient funds are two of the largest contributors to poor control of risk on site
- When engaging designers and contractors, and for notifiable projects appointing CDM co-ordinators and principal contractors, clients have to consider the resources (for example staff, equipment and, particularly, time) needed to plan and do the work properly
- Any contractors who are being considered for appointment should be informed of the minimum time period allowed to them for planning and preparation before construction work begins on site
- Contractors should be given sufficient time after their appointment to allow them to plan the work and mobilise the necessary equipment (for example welfare facilities) and staff to allow the work to proceed safely and without risk to health

[CDM2007 ACOP P.45]



Pre construction Information

- Clients must provide designers and contractors who may be bidding for the work (or who they intend to engage), with the project-specific health and safety information needed to identify hazards and risks associated with the design and construction work. (The pre-construction information)
- Clients who already have a health and safety file from earlier work, or who have previously carried out surveys or assessments, including assessments and plans under the Control of Asbestos Regulations 2006, may already have all, or much of the information needed. However, where there are gaps in this information, the client should ensure that these are filled by commissioning surveys or by making other reasonable enquiries
- It is not acceptable for clients to make general reference to hazards which might exist - for example that '.... there may be asbestos present in the building'. Clients should carry out the necessary surveys in advance and provide the necessary information to those who need it.
- The pre-construction information provided should be sufficient to ensure that significant risks during the work can be anticipated and planned for. It should concentrate on those issues that designers and contractors could not reasonably be expected to anticipate or identify, and not on obvious hazards such as the likelihood that the project would involve work at height.



Client Duties – Notifiable Projects

- In addition on notifiable projects clients must:
 - Appoint CDM Co-ordinator
 - Appoint Principal Contractor
 - Make sure that the construction phase does not start unless there are suitable:
 - welfare facilities in place, and
 - construction phase plan in place
 - Provide information relating to the health and safety file to the CDM co-ordinator
 - Retain and provide access to the health and safety file
 - Ensure that there is a CDM co-ordinator and principal contractor until the end of the construction phase



Appointing a CDM-C

- The client must the CDM co-ordinator as soon as practicable after initial design work or other preparations for construction work have begun
- For notifiable projects, if a client does not make these appointments they become legally liable for the work that the CDM co-ordinator and principal contractor should do, as well as for not making the appointments.



When to appoint a CDM-C

- The Regulations require the appointment to take place as soon as is practicable after initial design work or other preparation for construction work has begun.
- This allows the client to appraise their project needs and objectives, including the business case and any possible constraints on development to enable them to decide whether or not to proceed with the project before appointing the CDM co-ordinator
- The CDM co-ordinator needs to be in a position to be able to co-ordinate design work and advise on the suitability and compatibility of designs, and therefore they should be appointed before significant detailed design work begins
- Significant detailed design work includes preparation of the initial concept design and implementation of any strategic brief.

[CDM2007 ACOP P.66]



CDM-C - Competence

- Getting the right people for the role of CDM co-ordinator and making early appointments is particularly important as they will need to rely on the advice given by the CDM-C on matters relating to the competence of those who they intend to appoint, and the adequacy of the management arrangements made by appointees
- As with other duty holders client must ensure that CDM-C they appoint is competent and adequately resourced.
- Guidance on the assessment of competence of a CDM co-ordinator can be found in paragraphs 193-240 of the Approved Code of Practice to CDM2007



The CDM-C

- The CDM co-ordinator provides clients with a key project advisor in respect of construction health and safety risk management matters. Their main purpose is to help clients to carry out their duties; to co-ordinate health and safety aspects of the design work and to prepare the health and safety file.



CDM-C Duties

- give suitable and sufficient advice and assistance to clients in order to help them to comply with their duties, in particular:
 - the duty to appoint competent designers and contractors; and
 - the duty to ensure that adequate arrangements are in place for managing the project
- notify HSE about the project
- co-ordinate design work, planning and other preparation for construction where relevant to health and safety
- identify and collect the pre-construction information and advise the client if surveys need to be commissioned to fill significant gaps
- promptly provide in a convenient form to designers, the principal contractor and such parts of the pre-construction information which are relevant to each
- manage the flow of health & safety information between clients, designers and contractors
- advise the client on the suitability of the initial construction phase plan and the arrangements made to ensure that welfare facilities are on site from the start
- produce or update a relevant, user friendly, health and safety file suitable for future use at the end of the construction phase.



Principal Contractor

- On notifiable projects, clients must appoint one competent, adequately resourced principal contractor to plan, manage and monitor the construction
- The principal contractor can be an organisation or an individual
- A principal contractor's key duty is to co-ordinate and manage the construction phase to ensure the health and safety of everybody carrying out construction work, or who is affected by the work.
- There can only be one principal contractor at any one time.
- To ensure continuity, clients should normally keep the same principal contractor for the whole project from site clearance and preparation to final completion. However, there may be exceptions, for example where:
 - preliminary works, for example involving demolition or site preparation work, where there is a substantial delay between site clearance and the start of new construction work;
 - separate projects for different clients, for example for a building shell and subsequent fitting-out work



Construction Phase Plan

- For notifiable projects, before construction work begins clients must check to ensure that the construction phase plan has been prepared by the principal contractor
- With the help of the CDM co-ordinator, clients must ensure that the plan is project-specific and suitable
- Guidance on the content of the construction phase plan is given in the CDM2007 ACOP Appendix 3
- Once the construction phase has begun, neither clients nor CDM co-ordinators have a duty to check that the plan is updated; this is the responsibility of the principal contractor



Health and Safety File

- For notifiable projects, the health and safety file ('the file') is a source of information that will help to reduce the risks and costs involved in future construction work, including cleaning, maintenance, alterations, refurbishment and demolition
- Clients therefore need to ensure that the file is prepared and kept available for inspection in the event of such work
- It is a key part of the information, which the client, or the client's successor, must pass on to anyone preparing or carrying out work to which CDM2007 applies
- As soon as a CDM-C is appointed, clients should discuss and agree a suitable, user-friendly format for the file and what type of information it should contain
- At the end of the construction phase, normally at practical completion, the file must be finalised and given to the client by the CDM-C



Competence and training

- To be competent, an organisation or individual must have:
 - sufficient knowledge of the specific tasks to be undertaken and the risks which the work will entail
 - sufficient experience and ability to carry out their duties in relation to the project; to recognise their limitations and take appropriate action in order to prevent harm to those carrying out construction work, or those affected by the work
- Organisations and individuals will need specific knowledge about the tasks they will be expected to perform, and the risks associated with these tasks. This will usually come from formal or 'on the job' training.



Assessing Competence

- Competency assessments of organisations (including principal contractors, contractors, designers and CDM co-ordinators) should be carried out as a two-stage process:
- **Stage 1:** An assessment of the company's organisation and arrangements for health and safety to determine whether these are sufficient to enable them to carryout the work safely and without risk to health
- **Stage 2:** An assessment of the company's experience and track record to establish that it is capable of doing the work; it recognises its limitations and how these should be overcome and it appreciates the risks from doing the work and how these should be tackled
- In order to provide more consistency in the way in which competency assessments of companies are carried out, a set of 'core criteria' have been agreed by industry and HSE. These are set out in Appendix 4 of the Approved Code of Practice to the CDM2007
- Stage 1 and Stage 2 assessments should be made against these core criteria.



Competence Core Criteria Stage 1

1. Health and safety policy and organisation for health and safety
2. Arrangements
3. Competent Advice –Corporate and Construction related
4. Training and Information
5. Individual Qualifications and Experience
6. Monitoring, Audit and Review
7. Workforce involvement
8. Accident reporting and enforcement action; follow up investigation
9. Sub-contracting/consulting procedures
10. Hazard elimination and risk control (Designers only)
11. Risk assessment leading to a safe method of work (Contractors only)
12. Cooperating with others and coordinating your work with that of other contractors (Contractors)
13. Welfare Provision (Contractors)



Competence - H&S Policy

- Standard to Achieve
 - You are expected to have and implement an appropriate policy, regularly reviewed, and signed off by the Managing Director or equivalent.
 - The policy must be relevant to the nature and scale of your work and set out the responsibilities for health and safety management at all levels within the organisation
- Examples of Evidence Required
 - A signed, current copy of the company policy (indicating when it was last reviewed and by whose authority it is published)



Competence - Arrangements

- Standard to Achieve
 - These should set out the arrangements for health and safety management within the organisation and should be relevant to the nature and scale of your work. They should set out how the company will discharge their duties under CDM 2007. There should be a clear indication of how these arrangements are communicated to the workforce
- Examples of Evidence Required
 - A clear explanation of the arrangements which the company has made for putting its policy into effect and for discharging its duties under CDM 2007



Competence – Competent Advice

- Standard to Achieve
 - Your organisation, and your employees, must have ready access to competent health and safety advice, preferably from within your own organisation
 - The advisor must be able to provide general health and safety advice, and also (from the same source or elsewhere) advice relating to construction health and safety issues
- Examples of Evidence Required
 - Name and competency details of the source of advice, eg a safety group, trade federation, or consultant who provides health and safety information and advice
 - An example from the last 12 months of advice given and action taken



Competence – Training

- Standard to Achieve
 - You should have in place, and implement, training arrangements to ensure your employees have the skills and understanding necessary to discharge their duties as Contractors or Designers. You should have in place a programme for refresher training, eg a Continuing Professional Development programme or life long learning which will keep your employees updated on new developments and changes to legislation or good health and safety practice. This applies throughout the organisation- from Board or equivalent, to trainees.
- Examples of Evidence Required
 - Headline training records
 - Evidence of a H&S training culture including records, certificates of attendance and adequate H&S induction training for site based workforce.
 - Evidence of an active CPD programme.
 - Sample ‘tool box talks’.



Competence – Qualifications

- Standard to Achieve
 - Employees are expected to have the appropriate qualifications and experience for the assigned tasks, unless they are under controlled and competent supervision.
- Examples of Evidence Required
 - Details of qualifications and/or experience of specific corporate post holders;
 - Other key roles should be named or identified and details of relevant qualifications and experience provided.
 - **FOR CONTRACTORS:** details of number/percentage of people engaged in the project who have passed a construction health and safety assessment;
 - For site managers, details of any specific training such as the Construction Skills CITB 'Site Management Safety Training Scheme' certificate or equivalent;
 - For professionals, details of qualifications and/or professional institution membership;
 - For site workers, details of any relevant qualifications or training such as S/NVQ certificates;
 - Evidence of a company based training programme suitable for the work to be carried out.
 - **FOR DESIGN ORGANISATIONS-** details of number/percentage of people engaged in the project who have passed a construction health and safety assessment;
 - Details of any relevant qualifications and/or professional Institution membership and Any other specific qualifications such as ICE construction H&S Register, NEBOSH Construction Certificate, APS Design Register;
 - Evidence of a clear commitment to training and the Continuing Professional Development of staff.



Competence – Monitoring

- Standard to Achieve
 - You should have a system for monitoring your procedures, for auditing them at periodic intervals, and for reviewing them on an on-going basis
- Examples of Evidence Required
 - Could be through formal audit or discussions/reports to senior managers.
 - Evidence of recent monitoring and management response.
 - Copies of site inspection reports (Contractors).



Competence – Consultation

- Standard to Achieve
 - You should have, and implement, an established means of consulting with your workforce on health and safety matters.
- Examples of Evidence Required
 - Records of HS Meetings/Committees.
 - Names of appointed safety representatives (trades union or other);
 - For those employing <5, be able to describe how you consult with your employees to achieve the consultation required.



Competence – Accidents

- Standard to Achieve
 - You should have records of all RIDDOR reportable events for at least the last 3 years. You should also have in place a system for reviewing all incidents, and recording the action taken as a result.
 - You should record any enforcement action taken against your company over the last 5 yrs, and the action which you have taken to remedy matters subject to enforcement action
- Examples of Evidence Required
 - Evidence showing the way in which you record and investigate accidents and incidents;
 - Records of last 2 accidents/incidents and action taken to prevent recurrence;
 - Records of any enforcement action taken over the last 5 years, and what action was taken to put matters right; (Information on enforcement taken by HSE over the last 5 years is available on the HSE website)
 - For larger companies, simple statistics showing incidence rates of major injuries, over three-day injuries, reportable cases of ill-health and dangerous occurrences for the last three years.
 - Records should include any incidents that occurred whilst the company traded under a different name, and any incidents that occur to direct employees or labour only subcontractors.



Competence – Subcontracting

- Standard to Achieve
 - You should have arrangements in place for appointing competent sub-contractors/consultants;
 - You should be able to demonstrate how you ensure that sub contractors will also have arrangements for appointing competent sub-contractors or consultants.
 - You should have arrangements for monitoring sub-contractor performance
- Examples of Evidence Required
 - Evidence showing how you require similar standards of competence assessment from sub contractors;
 - Evidence showing how you monitor sub-contractor performance;



Competence – Hazard Elimination

- [Designers Only]
- Standard to Achieve
 - You should have, and implement, arrangements for meeting your duties under regulation 11 of CDM2007
- Examples of Evidence Required
 - Evidence showing how you:
 - Ensure co-operation and co-ordination of design work within the design team and with other designers/contractors;
 - Ensure that hazards are eliminated and any remaining risks controlled;
 - Ensure that any structure which will be used as a workplace will meet relevant requirements of the Workplace (Health Safety and Welfare) Regulations 1992.
 - Examples showing how risk was reduced through design.
 - A short summary of how changes to designs will be managed
 - (Note: the emphasis here should be on practical measures which reduce particular risks arising from the design, not on lengthy procedural documentation highlighting generic risks.)



Competence – Risk Assessment

- [Contractors Only]
- Standard to Achieve
 - You should have procedures in place for carrying out risk assessments and for developing and implementing safe systems of work/ method statements.
- Examples of Evidence Required
 - Evidence showing how the company will identify significant HS risks and how they will be controlled.
 - Sample risk assessments/ safe systems of work/method statements;
 - If you employ less than 5 persons and do not have written arrangements, you should be able to describe how you achieve the above.



Competence – Cooperation

- Standard to Achieve
 - You should be able to illustrate how cooperation and coordination of your work is achieved in practice, and how you involve the workforce in drawing up method statements /safe systems of work.
- Examples of Evidence Required
 - Evidence could include for sample risk assessments, procedural arrangements, project team meeting notes.
 - Evidence of how the company co-ordinates its work with other trades



Competence – Welfare

- [Contractors Only]
- Standard to Achieve
 - You should be able to demonstrate how you will ensure that appropriate welfare facilities will be in place before people start work on site
- Examples of Evidence Required
 - Evidence could include for example health and safety policy commitment; contracts with welfare facility providers; details of type of welfare facilities provided on previous projects



Competence Core Criteria Stage 2

- **Work experience**
- Standard to Achieve
 - You should give details of relevant experience in the field of work for which you are applying
- Examples of Evidence Required
 - A simple record of recent projects/contracts should be kept, with the phone numbers /addresses of contacts who can verify that work was carried out with due regard to health and safety.
 - This should be sufficient to demonstrate your ability to deal with the key health and safety issues arising from the work you are applying for.
 - Where there are significant shortfalls in your previous experience, or there are risks associated with the project which you have not managed before, an explanation of how these shortcomings will be overcome.



CDM-C Competence - advanced

- Stage 1 - Stage Knowledge and experience
 - Area 1: Task knowledge appropriate for the tasks to be undertaken. May be technical or managerial.
 - Area 2: Health and safety knowledge sufficient to perform the task safely, by identifying hazard and evaluating the risk in order to protect self and others, and to appreciate general background.
- Stage 1 - Field of knowledge and experience
 - Area 1: The design and construction process.
 - Area 2: Health and safety in construction.
- Stage 1 - Examples of attainment
 - Area 1: Professionally Qualified to Chartered level (Note 1). Membership of a relevant construction institution, for example CIBSE; ICE; IEE; IMechE; IStructE; RIBA; CIAT; CIOB.
 - Area 2: Validated CPD in this field, and typical additional qualification for example: NEBOSH Construction Certificate; Member of health and safety register administered by the ICE (Note 2); Membership of Association for Project Safety; Membership of Institution of Construction Safety (formerly the Institution of Planning Supervisors).
- Stage 2
 - Experience and ability sufficient to perform the task, (including where appropriate an appreciation of constructability), to recognise personal limitations, task-related faults and errors and to identify appropriate actions.
 - Experience relevant to the task. Evidence of significant work on similar projects with comparable hazards, complexity and procurement route.



CDM94 - 07 Summary of Changes

- **Generally:** CDM & CHSW combined: new Regulations restructured by dutyholder and to show general duties and those only applicable to notifiable projects
- **Application:** No change in that the CDM 2007 Regulations apply to all construction work (domestic and non-domestic); but minor clarification changes to some definitions, e.g. “client”, “construction work” and “structure”
- **Notification:** 5 person rule no longer applies. Domestic projects no longer need to be notified
- **Appointment:** Simplified trigger for appointments of Principal Contractor (PC), CDM Coordinator (CDM-C) and preparation of H&S plan and file
- **Demolition:** Demolition is treated in the same way as any other construction activity, except a written plan is required for all demolition work.
- **Competence:** those appointing or engaging need to ensure duty holder competence and the duty holders themselves ensure they are competent to take on the role. New, simplified assessment guidelines in the ACoP.
- **Clients:** Enhanced duty to ensure that the arrangements other duty holders have made are sufficient to ensure the health and safety of those working on the project. Must tell PC and contractors they appoint how much time they have allowed, before work starts on site, for appointees to plan and prepare for the construction work. Removal of formal provision allowing appointment of Client’s Agent and transfer of CDM liability.
- **Designers:** New duty to eliminate hazards and reduce remaining risks, so far as is reasonably practicable. New duty on designers to ensure that any workplace they design complies with relevant sections of the Workplace (Health Safety and Welfare) Regulations 1992
- **Planning Supervisor:** No longer exists. Replaced by the CDM Co-ordinator (CDM-C)
- **CDM Co-ordinator (CDM-C):** New empowered duty holder, to provide the client with suitable and sufficient advice to help and advise the client; to co-ordinate the planning and design phase and to prepare the health and safety file.
- **Principal Contractor:** No substantial changes to duties. Must tell those they appoint how much time they have allowed, before work starts on site, for appointees to plan and prepare for the construction work.
- **Contractor:** No substantial changes to duties



Further information

- The Construction (Design and Management) Regulations 2007 are available on the Office of Public Sector Information website at:
<http://www.opsi.gov.uk/si/si200703.htm>
- The CDM 2007 Regulations are supported by an Approved Code of Practice (ACoP) "*Managing Health and Safety in Construction*", (ISBN 9780717662234) which was published on 27 February 2007, priced at £15. The ACoP is available through HSE Books, PO Box 1999, Sudbury, Suffolk, CO10 2WA. Tel: 01787 881165 or fax: 01787 313995.



Construction (Design and Management Regulations 2007

An Introduction for
Construction Designers



Designers

- Designers are in a unique position to reduce the risks that arise during construction work, and have a key role to play in CDM2007. Designs develop from initial concepts through to a detailed specification, often involving different teams and people at various stages. At each stage, designers from all disciplines can make a significant contribution by identifying and eliminating hazards, and reducing likely risks from hazards where elimination is not possible.

[Paragraph 109 CDM 2007 ACOP]



Designers Responsibilities

- Designers' responsibilities extend beyond the construction phase of a project. They also need to consider the health and safety of those who will maintain, repair, clean, refurbish and eventually remove or demolish all or part of a structure as well as the health and safety of users of workplaces

[Paragraph 111 CDM 2007 ACOP]



Designers Duties (all projects)

Designers should:

- make sure that they are competent and adequately resourced to address the health and safety issues likely to be involved in the design
- check that clients are aware of their duties
- when carrying out design work, avoid foreseeable risks to those involved in the construction and future use of the structure, and in doing so, they should eliminate hazards (so far as is reasonably practicable, taking account of other design considerations) and reduce risk associated with those hazards which remain
- provide adequate information about any significant risks associated with the design
- co-ordinate their work with that of others in order to improve the way in which risks are managed and controlled.



Preparing a Design

- Designers have to weigh many factors as they prepare their designs. Health and safety considerations have to be weighed alongside other considerations, including cost, fitness for purpose, aesthetics, buildability, maintainability and environmental impact
- CDM2007 allows designers to take due account of other relevant design considerations. The Regulations do not prescribe design outcomes, but they do require designers to weigh the various factors and reach reasoned, professional decisions.



Avoiding Foreseeable Risks

- Designers are required to avoid foreseeable risks ‘so far as is reasonably practicable, taking due account of other relevant design considerations’.
- The greater the risk, the greater the weight that must be given to eliminating or reducing it.
- Designers are not expected to consider or address risks which cannot be foreseen, and the Regulations do not require zero risk designs because this is simply impossible.
- Designers must not produce designs that cannot be constructed, maintained, used or demolished in reasonable safety



Designers Duties (Notifiable)

- In addition to the duties outlined above, when the project is notifiable, designers should:
 - ensure that the client has appointed a CDM co-ordinator
 - ensure that they do not start design work other than initial design work unless a CDM co-ordinator has been appointed
 - co-operate with the CDM co-ordinator, principal contractor and with any other designers or contractors as necessary for each of them to comply with their duties. This includes providing any information needed for the pre-construction information or health and safety file.



Initial Design Work

- Significant detailed design work includes preparation of the initial concept design and implementation of any strategic brief. As a scheme moves into the detailed design stage, it becomes more difficult to make fundamental changes that eliminate hazards and reduce risks associated with early design decisions

[Paragraph 66 CDM 2007 ACOP]