

CONSTRUCTION (DESIGN & MANAGEMENT) REGULATIONS 2015 – CLIENT UPDATE

April 2015

CONSTRUCTION DESIGN MANAGEMENT 2015 - WHAT DOES IT MEAN FOR YOU?

OVERVIEW

The Construction (Design & Management) Regulations 2015 (CDM 2015) came into force on 6 April 2015. This will have significant impact on the approach to managing health and safety on all construction projects going forward. Duty holders should be acting now to ensure that suitable arrangements are in place as soon as possible.

CDM applies to all building and construction work and includes new-build, demolition, refurbishment, extensions, conversions, repair and maintenance.

SIGNIFICANT CHANGES IN CDM 2015

1. The role of 'CDM Coordinator' is replaced creating a new duty holder, the 'Principal Designer' (appointment will be required where more than one contractor is working on a project)
2. Competence requirements are replaced with a requirement for appropriate training and skills
3. The CDM Approved Code of Practice (ACoP) is replaced with targeted duty holder guidance
4. Additional responsibilities placed on the client
5. 'Domestic Clients' exemption will be removed – i.e. general 'householders' will have duties under CDM 2015
6. The project notification threshold will change to any project lasting longer than 30 working days and have more than 20 workers working simultaneously at any point in the project, or exceeds 500 person days

HOW WILL THIS AFFECT YOU AS A CLIENT GOING FORWARD?

CDM 2015 defines a client as anyone for whom a construction project is carried out. The regulations apply to both domestic and commercial clients. The client must ensure that the construction project is set up so that it is carried out from start to finish in a way that adequately controls the risks to the health and safety of those who may be affected. To facilitate this, clients must ensure the following duties are discharged by:

1. A client must make suitable arrangements for managing a project, including the allocation of sufficient time and other resources including the appointment of a principal designer and principal contractor for all projects involving more than one contractor
2. Arrangements are suitable if they ensure that:
 - a) the construction work can be carried out, so far as is reasonably practicable, without risks to the health or safety of any person affected by the project; and
 - b) welfare facilities are provided in respect of any person carrying out construction work
3. A client must ensure that these arrangements are maintained and reviewed throughout the project
4. A client must provide pre-construction information as soon as is practicable to every designer and contractor appointed, or being considered for appointment, to the project
5. A client must ensure that:
 - a) before the construction phase begins, a construction phase plan is drawn up by the contractor if there is only one contractor, or by the principal contractor; and

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- b) the principal designer prepares a health and safety file for the project, which:
 - I. complies with the requirements of regulations
 - II. is revised from time to time as appropriate to incorporate any relevant new information; and
 - III. is kept available for inspection by any person who may need it to comply with the relevant legal requirements
6. A client must take reasonable steps to ensure that:
 - a) the principal designer complies with any their duties under CDM 2015; and
 - b) the principal contractor complies with their duties under CDM 2015
7. If a client disposes of the client's interest in the structure, the client must pass the health and safety file to the person who acquires the client's interest in the structure and ensuring that that person is aware of the nature and purpose of the file

HOW CBRE CAN HELP YOU

Our Health & Safety Consultancy team can offer you expert advice and assistance to meet the requirements of CDM 2015 and ensure that adequate arrangements are in place for managing your projects. Our services include:

- Advising on the competence of key duty holders (designers, contractors, etc.) appointed to undertake the works
- Coordinating design work ensuring that finished designs take into account relevant health and safety legislation, including the Workplace (Health, Safety & Welfare) Regulations 1992 and Regulatory Reform (Fire Safety) Order 2005
- Helping to identify foreseeable risks during the design phase and eliminating these where possible, or where not, ensuring so far as is reasonably practicable that adequate control measures are put in place
- Advising you on the principal contractor's arrangements for managing a project ensuring that construction work is carried out so far as is reasonably practicable without risk to the health and safety of any person
- Compiling the necessary pre-construction information on your behalf and issuing to the relevant duty holders as soon as practicable
- Ensuring that the principal designer and principle contractor comply with their duties and monitoring this throughout the duration of the project
- Where required, making sure the Health and Safety Executive (HSE) is notified of the project
- Making sure that the principal contractor has a suitable and sufficient construction phase plan in place prior to the construction phase commencing
- Ensuring that the minimum health and safety requirements for construction sites are compiled in respect of any person carrying out construction work
- Monitoring the principal contractor on-site to ensure that they are complying with their construction phase plan and not putting the project at risk through any breach of health and safety regulations
- Reviewing the principal contractor's Operations and Maintenance Manuals and ensuring that these are adequate before handover
- Assisting the principal designer prepare an appropriate health and safety file for handover at project completion

In addition to the CDM role outlined above, we are able to act as principal designer on your behalf when required.

FURTHER GUIDANCE

Further guidance is available from the [HSE](#). Targeted guidance for duty holders has been produced by the [Construction Industry Training Board](#).

For additional information, please contact:

Johnathan Coyne
Health & Safety Consultancy
Director
t: 020 7182 3607
e: johnathan.coyne@cbre.com

Peter Garrod
Health & Safety Consultancy
Surveyor
t: 020 7182 3386
e: peter.garrod@cbre.com