

Need building work done?

A short guide for clients on the Construction (Design and Management) Regulations 2015



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This leaflet is aimed at you if you are a building owner, user or managing agent and are having maintenance, small-scale building work or other minor works carried out in connection with a business – as you will be a client with legal duties under the Construction (Design and Management) Regulations 2015 (CDM 2015).

Following the simple steps in this leaflet will help you meet your responsibilities as a client and ensure construction work and repairs are undertaken safely and without damaging worker's and other people's health.

What does CDM 2015 do?

Complying with CDM 2015 will help ensure that no-one is harmed during the work, and that your building is safe to use and maintain while giving you good value. Effective planning will also help ensure that your work is well managed with fewer unexpected costs and problems.

What do clients need to do?

Many clients, particularly those who only occasionally have construction work done, are not experts in construction work. Although you are not expected to actively manage or supervise the work yourself, you have a big influence over the way the work is carried out. Whatever the size of your project, you decide which designer and contractor will carry out the work and how much money, time and resource is available. The decisions you make have an impact on the health, safety and welfare of workers and others affected by the work.

CDM 2015 is not about creating unnecessary and unhelpful processes and paperwork. It is about choosing the right team and helping them to work together to ensure health and safety.

As a client, you need to do the following.

1 Appoint the right people at the right time

If more than one contractor will be involved, you will need to appoint (in writing) a principal designer and a principal contractor.

A principal designer is required to plan, manage and coordinate the planning and design work. Appoint them as early as possible so they can help you gather information about the project and ensure that the designers have done all they can to check that it can be built safely.

A principal contractor is required to plan, manage and coordinate the construction work. Appoint them as early as possible so they are involved in discussions with the principal designer about the work.

Getting the right people for the right job means your designers and your contractors need to have the skills, knowledge and experience to identify, reduce and manage health and safety risks. This is also the case if they are a company (known as having 'organisational capability' for the job). The designers and the contractors should be able to give references from previous clients for similar work and explain to you how they will achieve this.

Professional bodies can help you choose your architect and other designers. The Safety Schemes in Procurement (SSIP) website has lists of businesses which have been assessed on their health and safety management. A contractor may be a member of a trade association.

2 Ensure there are arrangements in place for managing and organising the project

The work is more likely to be done without harming anyone and on time if it is properly planned and managed. Sometimes the work is complex and uses many different trades. Often it involves high-risk work such as the work listed in the bulleted list below. The principal designer should understand these types of risks and try to avoid them when designing your project. The principal contractor or builder should manage the risks on site.

These are the biggest causes of accidents and ill health in construction work, and your designer and contractor can manage the risks by doing the following.

- Falls from height:
 - Make sure ladders are in good condition, at a 1:4 angle and tied or footed.
 - Prevent people and materials falling from roofs, gable ends, working platforms and open edges using guardrails, midrails and toeboards.
 - Make sure fragile roof surfaces are covered, or secure working platforms with guard rails are used on or below the roof.
- Collapse of excavations:
 - Shore excavations; cover or barrier excavations to prevent people or vehicles from falling in.
- Collapse of structures:
 - Support structures (such as walls, beams, chimney breasts and roofs) with props; ensure props are installed by a competent person.
- Exposure to building dusts:
 - Prevent dust by using wet cutting and vacuum extraction on tools; use a vacuum cleaner rather than sweeping; use a suitable, well-fitting mask.
- Exposure to asbestos:
 - Do not start work if it is suspected that asbestos may be present until a demolition/refurbishment survey has been carried out.
- Electricity:
 - Turn the electricity supply and other services off before drilling into walls.
 - Do not use excavators or power tools near suspected buried services.
- Protect members of the public, the client, and others:
 - Secure the site; net scaffolds and use rubbish chutes.

Discuss with your designer and builder before work starts and throughout the build how these risks are being managed.

3 Allow adequate time

Work that is rushed is likely to be unsafe and of poor quality. Allow enough time for the design, planning and construction work to be undertaken properly.

4 Provide information to your designer and contractor

Your designer and builder will need information about what you want built, the site and existing structures or hazards that may be present such as asbestos, overhead cables, and buried services. Providing this information at an early stage will help them to plan, budget and work around problems. Your principal designer can help you gather this information.

Putting together a 'client brief' at the earliest stages which includes as much information as you have about the project, along with the timescales and budget for the build and how you expect the project to be managed can help you to set the standards for managing health and safety.

5 Communicate with your designer and building contractor

Your project will only run efficiently if everyone involved in the work communicates, cooperates and coordinates with each other.

During the design and planning stage, you, your designer and contractor need to discuss issues affecting what will be built, how it will be built, how it will be used and how it will be maintained when finished. This will avoid people being harmed or having unexpected costs because issues were not considered when design changes could still easily be made.

Meeting with your designer and contractor as the work progresses gives an opportunity to deal with problems that may arise and discuss health and safety. This will help to ensure that the work progresses as planned.

6 Ensure adequate welfare facilities on site

Make sure that your contractor has made arrangements for adequate welfare facilities for their workers before the work starts. See the HSE publication *Provision of welfare facilities during construction work* (see 'Further reading').

7 Ensure a construction phase plan is in place

The principal contractor (or contractor if there is only one contractor) has to draw up a plan explaining how health and safety risks will be managed. This should be proportionate to the scale of the work and associated risks and you should not allow work to start on site until there is a plan.

8 Keep the health and safety file

At the end of the build the principal designer should give you a health and safety file. If the principal designer leaves before the end of the project, the principal contractor (or contractor if there is only one contractor) should do this. It is a record of useful information which will help you manage health and safety risks during any future maintenance, repair, construction work or demolition. You should keep the file, make it available to anyone who needs to alter or maintain the building, and update it if circumstances change.

9 Protecting members of the public, including your employees

If you are an employer, or you have members of the public visiting your premises, you need to be sure that they are protected from the risks of construction work.

Discuss with your designer and contractor how the construction work may affect how you run your business, eg you may have to re-route pedestrian access; make sure signs to your entrance are clear; or change the way your deliveries operate.

10 Ensure workplaces are designed correctly

If your project is for a new workplace or alterations to an existing workplace (eg a factory or office), it must meet the standards set out in the Workplace (Health, Safety and Welfare) Regulations 1992 (see 'Further reading').

Notifying construction projects

For some construction work (work lasting longer than 30 days with more than 20 workers working at the same time, or involving 500 person days of work), you need to notify HSE of the project as soon as possible before construction work starts. In practice, you may request someone else to do this on your behalf.

How can you find out more?

Your principal designer or principal contractor will be able to advise you on your duties.

Why you should comply with your duties as a client

If you do not comply with CDM 2015, you are likely to be failing to influence the management of health and safety on your project. This means that your project could be putting workers and others at risk of harm, and that the finished structure may not achieve good standards and be value for money.

If you don't appoint a principal designer or principal contractor you will be responsible for the things that they should have done.

Serious breaches of health and safety legislation on your construction project could result in construction work being stopped by HSE or your local authority and additional work may be needed to put things right. In the most serious circumstances, you could be prosecuted.

Fee for Intervention

HSE now recovers the costs of time spent dealing with material breaches of health and safety law. This is known as Fee for Intervention (FFI). FFI applies when an inspector finds something wrong that they believe is serious enough for them to write to you about. A fee is charged for the time spent by the inspector in sorting it out. Following the simple guidance in this leaflet may help you to avoid having to pay a fee.

Domestic clients

If you are having work done on your own home, or the home of a family member, and it is **not** in connection with a business, you will be a domestic client. The only responsibility a domestic client has under CDM 2015 is to appoint a principal designer and a principal contractor when there is more than one contractor. However, if you do not do this, (as is common practice) your duties as a domestic client are automatically transferred to the contractor or principal contractor. If you already have a relationship with your designer before the work starts, the designer can take on your duties, provided there is a written agreement between you and the designer to do so.

Further reading

CONIAC industry guides www.citb.co.uk/health-safety-and-other-topics/health-safety/construction-design-and-management-regulations/cdm-guidance-documents

Construction phase plan (CDM 2015): What you need to know as a busy builder
Construction Information Sheet CIS80 HSE Books 2015
www.hse.gov.uk/pubns/cis80.htm

Health and safety in construction HSG150 (Third edition) HSE Books 2006
ISBN 978 0 7176 6182 4 www.hse.gov.uk/pubns/books/hsg150.htm

Managing health and safety in construction. Construction (Design and Management) Regulations 2015. Guidance on regulations L153 HSE Books 2015
ISBN 978 0 7176 6626 3 www.hse.gov.uk/pubns/books/l153.htm

Provision of welfare facilities during construction work Construction Information Sheet CIS59 HSE Books 2010 www.hse.gov.uk/pubns/cis59.htm

Workplace health, safety and welfare. Workplace (Health, Safety and Welfare) Regulations 1992. Approved Code of Practice and guidance L24 (Second edition) HSE Books 2013 ISBN 978 0 7176 6583 9 www.hse.gov.uk/pubns/books/l24.htm

Further information

For information about health and safety, or to report inconsistencies or inaccuracies in this guidance, visit www.hse.gov.uk. You can view HSE guidance online and order priced publications from the website. HSE priced publications are also available from bookshops.

This guidance is issued by the Health and Safety Executive. Following the guidance is not compulsory, unless specifically stated, and you are free to take other action. But if you do follow the guidance you will normally be doing enough to comply with the law. Health and safety inspectors seek to secure compliance with the law and may refer to this guidance.

This leaflet is available at: www.hse.gov.uk/pubns/indg411.htm.

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