



**SUBJECT:** CDM 2007 – Consultation

**RECIPIENTS:** All LCC Services

**ISSUE DATE:** April 2014      **REF:** HSB34

## Consultation on changes to The Construction (Design and Management) Regulations 2007

Consultation began: 31/3/14 - Consultation ends: 6/6/14

Consultation document: CD 261

Link to consultation document and HSE feedback questionnaire: <http://www.hse.gov.uk/consult/condocs/cd261.htm>

The HSE are proposing to make significant changes with the key points listed below from the consultation document:

### Significant structural simplification of the regulations

- Aim to be more accessible and relevant to those involved in smaller projects
- No change to the definition of construction work

### Replacement of the CDM Co-ordinator role with a new role, that of the Principal Designer

- CDM-C role omitted and instead, new role of Principal Designer created
- Responsibility for discharging the function will rest with an individual or business appointed by the Client to be in control of the pre-construction phase when there is more than one contractor involved in the project
- Default position will be that the responsibility for discharging the function is within the existing project team, facilitating an integrated approach to risk management
- Expects to deliver considerable economies of scale

### Principal Designer (PD) will be responsible for:

- Planning, managing and monitoring the pre-construction phase
- Ensuring that where reasonable, practicable risks are eliminated or controlled through design work
- Passing information to the Principal Contractor
- Ensuring cooperation and coordination of all persons working on the project
- Ensuring designers comply with their duties
- Assisting the Client in preparing pre-construction information and providing it to each designer and contractor in a convenient form
- Preparing and subsequently revising the H&S file

### **Client's duties**

- Definition of Client means any person for whom project is carried out
- Proposals seek to maintain a strong focus on Clients and encourage them to take an active role in ensuring construction work being carried on their behalf is planned, managed in the right way
- A Client, where there is more than one contractor must appoint in writing a Principal Designer and Principal Contractor. If appointment not made the Client must fulfil the unfulfilled roles
- A Client must make arrangements for managing a project, taking reasonable steps to ensure defined arrangements are maintained and reviewed throughout the project, including ensuring a construction phase plan drawn up by Principal Contractor or Contractor
- A client must ensure that the PD and PC comply with the duties placed on them by the proposed regulations
- A Client, where a project is notifiable, must notify the HSE (similar to F10). Stand-alone duty to notify a project lasting longer than 30 working days and on which more than 20 workers are working simultaneously
- Declaration on notification signed by or on behalf of the Client that the Client is/are aware of the duties
- CDM to apply to domestic clients
- Addressing areas of the temporary or mobile constructions sites directive (TMCSO) relating to domestic clients: and the threshold for the appointment of the co-ordinator

### **Contractors and Principal Contractors (PC)**

- Duties on these people are largely unchanged as are the actual construction site safety standards

### **Removal of existing explicit competency requirements**

- Real concern on how the industry responded to corporate (designer/contractor) competence and a competent workforce
- Replacing current specific requirement for appropriate skills with plan to retain a general requirement for worker training as required by the Health and Safety at Work Act.

### **Replacement of the CDM ACOP with targeted guidance documents or website**

- Existing CDM ACOP, one of longest published to support H&S regulations
- Those who would find ACOP most benefit find it inaccessible, too long and complex, so the HSE propose replacing the ACOP with clear targeted guidance potentially aimed at small businesses

### **Construction Phase Plans**

- It is proposed that a CPP will be needed when specified risks are present in the project, not when the project is notifiable.

This paper is only a summary of the proposed changes and the potential impact. The full documents are available at <http://www.hse.gov.uk/consult/condocs/cd261.htm> and you can also provide feedback to the HSE via this link.

**If you require further assistance or clarification on the subject please contact:**

**Your Mouchel Health & Safety Adviser (see George section: Corporate > Information for Working > Risk Management > H&S Advisers)**