

## **Construction (Design and Management) Regulations Corporate Procedure**

### **Issue Control**

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## AIM

The aim of this document is to assist West Lothian Council (WLC) Managers to fulfil their responsibilities and duties required under the [Construction \(Design and Management\) Regulations 2015](#) (CDM). It provides detailed information on the regulations and those with responsibilities must make themselves familiar with the contents and requirements outlined. As with any other health and safety related issues health and safety can provide further assistance if required.

## Scope

This procedure applies to:

- Managers at all levels which include Head Teachers, Supervisors, Co-ordinators & Team Leaders and Premises Responsible Persons - **herein referred to as managers.**
- All employees of West Lothian Council.

This Procedure is applicable to managers who:

- Commission works
- Prepare and communicate specifications, tender documents, pre-construction information and construction phase plans.
- Supervise and monitor the work, and
- Are in charge of premises (Responsible Persons).

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## Index

1. [CDM Regulations 2015](#)
2. [WLC Roles and Responsibilities](#)
  - [Head of Service](#)
  - [Manager](#)
  - [Employees](#)
3. [CDM Duty Holders](#)
  - [Client](#)
  - [Designer / Principal Designer \(PD\)](#)
  - [Contractor / Principal Contractor \(PC\)](#)
  - [Workers](#)
4. [Appointing Designers and Contractors](#)
5. [Risk Assessments](#)
6. [F10 Notification](#)
7. [Pre-construction Information \(PCI\)](#)
8. [Construction Phase Plan \(CPP\)](#)
9. [The Health and Safety File](#)
10. [Useful Links and Supporting Information](#)

[Appendix 1 - Project Flow Chart](#)

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## **1. CDM REGULATIONS 2015**

1.1 The CDM Regulations apply to all construction works regardless of the timeframe. The major changes to the regulations (from the 2007 CDM regulations) relate to the management of projects through revised roles and duties. Construction work is defined in the regulations as the carrying out of any building, civil engineering or engineering construction work and includes:

- The construction, alteration, conversion, fitting out, commissioning, renovation, repair, upkeep, redecoration, de-commissioning, demolition or dismantling of a structure 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).
- The preparation, excavation or clearance of a site for an intended structure, including site clearance, exploration, investigation (but not site survey).
- The assembly, disassembly and removal of prefabricated elements of a structure. This includes waste resulting from and demolition or dismantling of a structure or prefabricated element.
- 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.

1.2. The above descriptions of construction work would also include some asbestos surveys but would not involve work such as erection and de-rig of marquees, general maintenance of fixed plant and equipment or general horticultural work.

1.3. The CDM regulations cover temporary events, entertainment and domestic work. The term 'other maintenance' also covers a vast array of tasks that may not initially be considered as 'construction work' but will fall under the regulations.

## **2. WLC ROLES AND RESPONSIBILITIES**

2.1 The health and safety responsibilities of all employees are set out in [the Council's Health and Safety Policy](#). In addition to these and with specific reference to the management of health and safety at work:

### **Chief Executive**

2.2 The Chief Executive will provide effective leadership and direction for the management of safety.

### **Depute Chief Executive**

2.2 Depute Chief Executives are responsible and accountable to the Chief Executive for the health, safety and welfare of everyone affected by the work activities in their services and will demonstrate clear commitment to achieving high standards of health and safety management.

### **Heads of Service**

2.3 Heads of Service are responsible for ensuring:

- Arrangements in place for the identification of work projects that fall under the auspices of CDM.
- Adequate resources are allocated for dealing with all matters related to CDM

- Risk assessments and method statements have been submitted, examined and approved prior to any works commencing.

## **Managers**

2.4 Managers are responsible for ensuring:

- All CDM related projects, whether notifiable or not, comply with the requirement of the regulations and this procedure document
- All employees likely to be involved CDM projects are familiar and have a good understanding of the requirements of the regulations and received appropriate level of CDM related training, dependant on their role and involvement.
- Coordination and cooperation between the various duty holders.
- Project related risk assessments and method statements (RAMS) are suitable and sufficient and cover all relevant elements of the project.
- Regular performance / project related meetings take place between the various duty holders.
- Consult with Health and Safety on any deviation from agreed work plans, or any other health, safety or welfare matter identified as a concern.
- Monitor the performance of the contractor(s) measuring it against agreed work place and RAMS, bringing any concerns to the attention of Health and Safety.
- Ensure an adequate Construction Phase Plan (CPP) is produced and works are notified to the HSE as required.
- Identify who will be designated roles as stipulated in the CDM regulations for each construction project and ensure that these people are clear in their roles and responsibilities.
- Ensure construction projects follow the steps outlined in Annex 1 "PROJECT FLOW CHART".
- Consultation is carried out with employees and their relevant trade union representatives on measures implemented, risk assessments, provision of training and incidents as outlined in the Health and Safety Policy in relation to CDM.

## **Employees**

2.5 Employees must follow this procedure and:

- Work safely at all times, keeping themselves and others from risk of harm
- Ensure through their acts or omissions that health, safety or welfare arrangements are not being compromised.
- Inform their manager if they have any issue or concerns about a CDM project.
- Report any accident or near miss incident they have been involved in or witnessed to their line manager.
- Work in cooperation and coordination with other duty holders.

## **3. CDM DUTY HOLDERS**

3.1 The duty holder can be an organisation or an individual. Every duty holder has a responsibility to ensure that they, and others appointed by them, are competent, have

the necessary skills, knowledge and experience to ensure health, safety and welfare to safely complete the project. They must also report safety concerns and co-operate and co-ordinate with other duty holders to achieve a safe working environment. Under CDM, any construction project involving more than one contractor will invoke additional responsibilities e.g. the requirement to produce a health and safety file.

- 3.2 In almost all cases WLC will be the named Client in commissioned CDM projects, meaning the responsibility for the project falls to the Council. To that end, each service must be aware of what tasks fall under CDM and ensure any duty holder appointed is competent to do so. Maintenance and temporary projects falling under the scope of CDM should be controlled to the same standard. Risk documentation including risk assessments, safe working systems and Construction Phase Plans (CPP) must be physically checked prior to commissioning the project.

### **Client**

- 3.3 Clients are defined as organisations or individuals for whom a construction project is carried out. These duties cannot be delegated. An important consideration for a client is that the duties of a Principal Designer (PD) and Principal Contractor (PC) will fall to the Client if the PD and PC role is not confirmed in writing. A list of the client responsibilities for the duration of the project are listed below:

- Make suitable arrangements for managing a project safely.
- Check competence and resources of all appointees.
- Ensure arrangements and provision is made for welfare.
- Allow sufficient time and resources for all stages.
- Provide relevant pre-construction information to the PD.
- Notify the HSE (notifiable project, completion of F10 form).
- Ensure an adequate written CPP is produced.

- 3.4 If the project involves (or at any stage likely involve) more than one contractor, the client has the additional duties listed below:

- Provide information relevant to a Health and Safety file for the project.
- Appoint a PD and PC in writing.
- Ensure the PD and PC carryout their duties throughout the project.
- Ensure the PD prepares the Health and Safety file on completion of the project.

### **Designer / Principal Designer (PD)**

- 3.5 Designers are those, who as part of a business, prepare or modify designs for a building, product or system relating to construction work. Principal Designers are designers appointed by the client in projects involving more than one contractor. They can be an organisation or an individual with sufficient knowledge, experience and ability to carry out the role and are required to eliminate or reduce foreseeable risk when preparing or modifying designs in construction or maintenance by using the [general principals of prevention](#). The duties of a designer are listed below:

- Making clients aware of their duties
- Identifying, eliminating or controlling foreseeable design risks and providing design

3.6 For projects involving more than one contractor a Principal Designer will be appointed and will have the additional duties listed below:

- Assist the Client with the provision, collation and disseminating of pre-construction information
- Planning, managing, monitoring and co-ordinating the pre-construction phase
- Ensuring co-ordination and co-operation between all duty holders
- Liaise with the PC in the planning, management, monitoring and co-ordination throughout the project and assist with the construction phase plan
- Prepare and provide relevant information to other duty holders
- Prepare, revise and update a health and safety file for the Client on completion

### **Contractor / Principal Contractor (PC)**

3.7 A Contractor is an individual, sub-contractor, sole trader, self-employed worker or an organisation that carries out, manages or controls construction work as part of their business. Their duties under CDM are outlined below:

- Making clients aware of their duties
- Appointing, employing and training workers
- Providing supervision, information and instruction to employees
- Prepare, update and revise an adequate construction phase plan
- Providing suitable site inductions
- Take reasonable steps to prevent unauthorised access by securing the site.
- Providing welfare facilities i.e. toilets, rest areas, drinking water and a kettle

3.8 A PC must be appointed by the Client when more than one contractor is used in the project. They can be an organisation or person that will co-ordinate the work in the construction phase of a project and who has the right skills, knowledge, training and experience in relation to the nature of the work and health and safety risks involved. The PC must also be satisfied that sub-contractors possess the necessary skills, knowledge, and experience to carry out work safely. Clarity may be required for two projects running simultaneously at the same location. In addition to the contractor's duties above, a PC must:

- Plan, manage, monitor and co-ordinate the construction phase of a project
- Liaise with the Client, Principal Designer and workers throughout the project
- Organise contractors and co-ordinating their work
- Ensure workers are consulted and engaged in securing their health and safety

### **Workers**

3.9 All workers on a construction project must be consulted about safety related matters by the Contractor / Principal Contractor. They also have the following duties:

- To take care of their health and safety and that of others who may be affected by their actions or omissions.
- To report anything they see which is likely to endanger their own or others' health, safety or welfare.
- To co-operate with their employer, fellow workers, contractors and other duty holders.

#### **4 APPOINTING DESIGNERS / CONTRACTORS**

- 4.1 Anyone appointing a designer or contractor to work on a project on behalf of WLC must take reasonable steps to satisfy themselves that those who will carry out the work have the skills, knowledge, experience, and where they themselves are an organisation, the organisational capability to carry out the work in a way that secures health and safety. Reasonable steps will depend on the complexity of the project and the range and nature of the risks involved.
- 4.2 When appointing a designer or a contractor, managers must make sensible and proportionate enquiries about their organisational capability to carry out the work. Only enquiries for information that will address the anticipated risks and capability of the supplier should be made. Managers making appointments will find the standard health and safety questions in [PAS 91:2013](#) (Publicly Available Specification) Construction related procurement, which is free to download from the BSI Website. Using PAS 91 standard questions is one way of helping to assess organisational capability.
- 4.3 As well as carrying out pre-qualification checks on organisations, managers responsible for making appointments should also check that the designer or contractor has enough experience and a good record in managing the risks involved in projects of this nature. These checks can be carried out at the final stage after pre-qualification checks have been completed and before appointments are made.
- 4.4 When considering the requirements for designers and other construction professionals, due weight should also be given to membership of an established professional institution or body. For example, do these bodies have arrangements in place which provide some reassurance that health and safety is part of the route to membership of their profession? However, questions should also be asked of individuals to ensure that they have sufficient skills, knowledge, and experience to carry out the work involved, and that they keep those capabilities up to date.

#### **5 RISK ASSESSMENTS**

- 5.1 West Lothian Council must be provided with suitable and sufficient Risk Assessments and Method Statements (RAMS) prior to the project beginning. They and their sub contracted companies must be aware of the standards and values expected of them whilst carrying out their duties. They must stipulate in their RAMS their means of controlling the following aspects of their work:
- **Safe environment.** Every construction site must be, so far as is reasonably practicable, safe. This includes safe access and egress, traffic routes, lighting and ventilation.
  - **Emergency procedures.** Documented instructions to deal with all foreseeable emergencies must be made including fire and rescue plans. This should include emergency routes, exits and assembly areas.



- **Work at height.** All work at height, especially ad-hoc arrangements, must be assessed, supervised and safe. All scaffolding (including mobile work towers) must be inspected and documented after erection and weekly thereafter by a qualified individual. Mobile Elevated Work Platforms must only be used by qualified individuals.
- **Site security.** The security arrangements must physically prevent access to site from unauthorised persons at all stages of the project. There must also be suitable signage providing information on the hazards and Personal Protective Equipment (PPE) to be worn.
- **Fire.** An adequate fire risk assessment must be documented highlighting suitable arrangements for prevention, alarm and evacuation. This should incorporate any 'hot works'. On 'live' sites where other parties could be affected by fire, a 30 minute rated fire wall should be in place. Fire-fighting equipment and training should also be provided.
- **Excavations.** Where excavations are involved, suitable measures must be taken to locate underground services, prevent a collapse and unauthorised access. The contractor must also provide a documented inspection programme prior to every shift for any excavation that has been shored.
- **Collapse of structures** - support structures (such as walls, beams, chimney breasts and roofs) with props; ensuring 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** – refrain from starting any works if it is suspected that asbestos may be present until a demolition/refurbishment survey has been carried out.
- **Services (e.g. Gas / Electricity)** – Supplies should be isolated before drilling into walls or carrying out excavations. If the works require the use excavators or power tools near suspected buried services, these need to be strictly managed, using the appropriate cable avoidance tools, and where appropriate a permit to work system.
- **Protect members of the public**, the client, and others.
- **Welfare arrangements.** Construction projects must have suitable welfare arrangements in place. These include; toilets, changing areas, rest and eating areas and the provision of fresh drinking water.

## 6 F10 Notification

6.1 The Health and Safety Executive (HSE) require to be notified if the project exceeds (or is likely to exceed) any of the criteria below

- **If more than 30 working days and have more than 20-people working**
- **If the project exceeds 500 person working days**

This is a Client responsibility but can be performed by the PD on their behalf via a F10 form. The completed F10 form must be displayed at the construction site.

6.2 Even if a project is not notifiable to the HSE CDM requirements still apply to the works.

## 7 PRE-CONSTRUCTION INFORMATION (PCI)



- 7.1 The client has the responsibility for passing on pre-construction information which they possess or can reasonably obtain. The information must be relevant, have appropriate level of detail and be proportionate to the risk involved. For projects with more than one contractor, the PD has a duty to assist the client with pulling this information together. PCI information will usually contain asbestos surveys, location of underground services, plans and previous health and safety files.

## **8. CONSTRUCTION PHASE PLAN (CPP)**

- 8.1 The PC (or individual contractor on single contractor projects) must draw up the CPP for the client. If neither of these posts are confirmed in writing, the responsibility for the CPP falls to the client. The CPP must set out the arrangements for securing health safety and welfare during the construction phase and be reviewed, updated, revised and available on site. It must also be commensurate to the risk of the project and cover significant hazards created by the project.

## **9. THE HEALTH AND SAFETY FILE**

- 9.1 The health and safety file is only required for projects with more than one contractor. The Client will need to discuss and agree with the Principal Designer what information they require to keep for the health and safety file at the end of the project. The file should contain:

- A brief description of the work carried out and any hazards that have not been eliminated through the design and construction processes.
- Key structural principles including safe working loads, hazardous materials used and any relevant safety information for removal, maintenance and cleaning.
- As built designs showing information on safe access and egress, significant services and plant and equipment.

## **10. USEFUL LINKS AND SUPPORTING INFORMATION**

- 10.1 The following useful links may be helpful:

- HSE website <http://www.hse.gov.uk/construction/cdm/2015/index.htm>
- A short guide for clients CDM <http://www.hse.gov.uk/pubns/indg411.htm>
- Control of Contractors - <https://intranet.westlothian.gov.uk/article/41519/Control-of-Contractors>

CDM PROCEDURE - PROJECT FLOW CHART

