
CDM 2007 – BRADFORD OCCUPATIONAL HEALTH GROUP

DAVID DEAN

**H.M. PRINCIPAL
INSPECTOR OF HEALTH
& SAFETY**

DOCUMENTATION



- L144 – APPROVED CODE OF PRACTICE
- <http://www.cskills.org/healthsafety/cdmregulations/>

STRATEGY



- Part 1 Setting the scene
- Part 2 New duties on Clients
- Part 3 The Coordinator
- Part 4 Designers, Principal Contractors and contractors
- Part 5 Competence and Training
- Part 6 Worker Engagement and communication
- Part 7 Bradford Work at Height Initiative



CDM 2007 --- Setting the scene

- Output - 8% of UK GDP: 8% working population;
- 1.75M site workers and 450k professionals and consultants
- 190,000 companies
- Over 200+ Stakeholders
- No entry threshold/transitory workplaces
- £17bn unofficial economy.

ACCIDENTS/ILL-HEALTH 05/06



- Employs 8% of working population, but 28% fatalities and 15% major injuries;
- 59 fatal accidents to construction workers;
- 3677 major injuries to employees;
- 7492 over 3 day injuries to employees
- 86,000 suffering from work-related ill health.
- 3.2 M working days lost per year (injury and ill health)

Structure of the Regulations

- Five parts
 - Part 1 Introduction
 - Part 2 General management duties applying to construction projects
 - Part 3 Additional duties where projects is notifiable
 - Part 4 Health and Safety on Construction sites (formerly CHSW)
 - Part 5 General
 - Schedules 1 to 4

Simple Trigger for Appointment



CDM 2007 applies to all Construction Work
but Part 3 only to notifiable work.

- Notification on F10 -30 days or 500 person days work. Notification does not apply to work for a domestic client.

CLIENT DUTIES



Election by Client

Where there are a number of clients for a project they can elect one or more of those clients to be treated as the only client(s). This must be agreed in writing.

There is no Client's Agent declaration provision. Clients cannot delegate their duties in criminal legislation

CLIENT ROLE



The regulations recognise the influence that clients can and should have over the health and safety standards of their project.

They do not in the main confer new duties but explicate their existing duties under the old CDM regulations as well as MHSW and HSWA and clarify how those duties should be exercised on their construction project

NEW CLIENT DUTIES—ALL SITES



- Make them accountable for the impact they have on H&S standards;
- They should make sure things are done, not do them themselves;
- CDM Coordinator is their key advisor for **notifiable** projects
- Must provide enough time and resource to allow the project to be delivered safely, including PC planning time

CLIENT DUTIES ---ALL SITES



- Cooperation and coordination – already a requirement of MHSW
- Take reasonable steps to ensure management arrangements, including their own, are suitable to ensure that construction work can be carried out without risk to health and safety
- The requirements for welfare provisions set out in schedule 2 are complied with
- a structure designed as a workplace complies with Workplace (HSW) Regulations

CLIENT DUTIES

- Provision of pre construction information to non-notifiable projects – ACOP Appendix 2
- For notifiable projects where no CDM Coordinator or Principal Contractor is appointed then the client will be deemed to be Coordinator &/or PC and subject to their duties
- Revision of the H&S file to incorporate any new information

CLIENT DUTIES – ALL SITES



Preconstruction Information

- Provide project specific H&S information to designers and contractors at **early procurement stage**
- Information should be identified, assembled and supplied in good time
- Where there are gaps in the information then it is for the client to fill the gap e.g. commissioning asbestos survey It is not acceptable to make a general reference that asbestos may be present.

CLIENT DUTIES



Management Arrangements

Client should make periodic checks of the contractors arrangements throughout the life of the project to make sure these arrangements have been implemented and updated. For notifiable projects the coordinator can advise the client on the suitability of the arrangements.

CLIENT DUTIES



Part 3 – Notifiable Projects

- Appoint competent CDM Coordinator
- Provide Coordinator with pre-construction information
- Appoint Principal Contractor
- Ensure the construction phase does not start unless there are;
 - Suitable welfare facilities provided
 - Construction phase health and safety plan
- Retain and provide access to the health and safety file

CLIENT DUTIES -NNP



Low risk project – low key approach

Not expected to take active role in managing work

Approach should be proportionate to the risk

Simple checks

Minimum paperwork

CLIENT



Management Arrangements

Client needs to ensure that arrangements are in place to ensure that :

- **There is clarity of roles, functions & responsibilities**
- **There is sufficient time and resources to comply with duties**
- **There is good communication, coordination, cooperation between project team**
- **Designers can confirm design takes account of Reg 11**
- **Contractor is provided with pre-construction information**
- **Contractors can confirm H&S standards on site will be controlled, monitored and welfare provided**

CLIENT DUTIES ---NNP



Management arrangements

Where contractors employ less than five people they can demonstrate their policy, organisational arrangements etc by giving an oral briefing.

Clients can ask their contractors or project team to explain their management arrangements or give examples of how they are going to manage issues.

CLIENT DUTIES ---NNP



Management arrangements

For simple projects a brief summary that sets out who does what and in what order will be enough

Where the project is more complex or the risk higher then the management arrangements should be more akin to the construction health and safety plan.

THE CO-ORDINATOR -- BACKGROUND



In CDM 1994:

- The duties of coordination for the on-site construction processes were placed on the “Principal Contractor”, a role which in effect already existed.
- The role of “Planning Supervisor” was created to coordinate health and safety issues during the design and preparatory phase.

THE CO-ORDINATOR

- The Coordinator is not just a new name. It is a new role and more is expected
- Purpose
 - to provide the client with advice in respect of construction health and safety risk management.
- Reg 20 applies (part 3 - notifiable jobs only)
- Not needed for non notifiable work (but optional)

THE CO-ORDINATOR



- The client/coordinator relationship is key to the revision of CDM
- An appointment has be made and made early
- Coordinator is empowered by linking the role to supporting the client to carry out his duties - 'client's best friend'
- There are big expectations to act to reduce risk *NOT* to generate paper unnecessary paper
- 12 month transition for existing PSs to retrain

THE CO-ORDINATOR

- Coordinators must give suitable and sufficient advice to clients in order to help them to comply with their duties, in particular
 - to appoint competent designers and contractors
 - to ensure that adequate arrangements are in place for managing the project
 - on the suitability of the initial construction phase plan
 - welfare facilities are on site from the start
 - Notify HSE of the project

THE CO-ORDINATOR



- Coordinators do not have to
 - Approve the appointment of other duty holders, although they give advice
 - Approve or check designs, although be satisfied the hierarchy is addressed
 - Approve or supervise the PC's construction phase plan
 - Supervise or monitor work on site

DESIGNERS



- Broadly the same duty but (regulation 18) where a project is notifiable no design work shall commence unless a co-ordinator has been appointed
- Reg 11 part 2 applies to ALL design work
- Duty is SFAIRP

DESIGNERS



- Designers have to
 - Ensure clients are aware of their duties
 - Make sure they (the designer) are competent
 - Coordinate their work with others as necessary to manage risk
 - Cooperate with Coordinator and others
 - Provide information for the file

•DESIGNERS

- Designers have to avoid foreseeable risks SFAIRP by:
 - Eliminating hazards from the construction, cleaning, maintenance, and proposed use (workplace only) & demolition of a structure
 - Reduce risks from any remaining hazard
 - Give collective risk reduction measures priority over individual measures

DESIGNERS



Designers must also:

- Take account of the Workplace Regs when designing a workplace structure
- Provide information with the design to assist clients, other designers, & contractors
- In particular – inform others of significant & unusual/ “not obvious” residual risks

DESIGNERS



- Designers have to be given relevant information by the Coordinator
- Risks which are not foreseeable do not need to be considered
- The Regulations do not require zero risk designs because this is impossible.
- Effort made to eliminate hazards & reduce risks should be proportionate to degree of risk

DESIGNERS



- A process of design review will help to ensure buildability, usability, & maintainability
- Designers should involve the contractor when reviewing buildability
- Designers should involve the client (or building operators) when reviewing usability and maintainability
- Involve the coordinator if project is notifiable

Principal contractors

- Little change between CDM 1994 and CDM 2007
- Clients must appoint a PC for notifiable projects and appoint as soon as is practicable

CONTRACTORS



- For ALL projects contractors (including Principal Contractors) must:
 - Check clients are aware of their duties
 - Not start work until they have obtained the pre-construction information from the client.
 - Plan, manage and monitor their own work to make sure that their workers are safe (the duties on contractors to their workers include employees, self employed and agency staff without distinction)
 - satisfy themselves that they and anyone they employ or engage are competent and adequately resourced

CONTRACTORS AND S/E



- Inform any contractor that they engage, of the minimum amount of time they have for planning and preparation
- provide their workers (whether employed or self-employed) with any necessary information and training and induction which they need to work safely, report problems or respond appropriately in an emergency.
- report anything he is aware is likely to endanger the H&S of himself or others
- ensure that any design work they do complies with regulation 11
- comply with other requirements

COMPETENCE AND TRAINING



Important changes in CDM 2007

Reg 4 applies to all persons who have duties under CDM

- Should take “reasonable steps” to ensure persons appointed are competent
- Should not accept an appointment unless they are competent

COMPETENCE AND TRAINING



- Applies to Corporate and Individual competence
- Objective 1 is to reduce the amount of paperwork and to encourage a streamlined assessment process
- Objective 2 is to create a competent (and fully qualified) work force.
- Assessments should focus on the needs of the particular project and be proportionate to the risk, size and complexity of the work.



Competence & Training

How corporate competency should be assessed:

A 2 stage approach

- Stage 1: An assessment of the company's organisation and arrangements for health and safety
- Stage 2: An assessment of the company experience and track record

Companies will be expected to reach the standards set out in the Core Criteria in Appendix 4, which have been agreed between industry & HSE

COMPETENCE & TRAINING



- Duty holders can
 - assess potential appointees against the core criteria or
 - can use independent accreditation schemes such as CHAS, Nat Britannia Safe Contractor
- The agreed criteria will help prevent a diversity of demands from clients
- We want to encourage the core criteria

DESIGNERS (inc INDIVIDUALS)



- Stage1 Membership of professional institution e.g.
 - RIBA, CIAT, ICE, I Struct E, CIOB etc.
- Stage2
 - Based on past experience

CO-ORDINATOR



- For smaller projects
- Stage 1: Knowledge of the design process and Health and Safety in construction (e.g. qualification such as NEBOSH construction certificate. Membership of the ICE health and safety register, IPS, APS, etc
- Stage 2: Experience in applying the knowledge of construction.

CO-ORDINATOR



- For larger/higher risk projects
- Likely to be a corporate Coordinator appointment
- Appendix 5 of ACOP provides detailed guidance to assess – including professional qualifications, & experience

WORKER ENGAGEMENT/COMMUNICATION



- What duty holders in control must do for ALL projects:
 - Provide information needed to carry out work without risk
 - Site specific induction
 - Advise on findings from risk assessment
 - Explain site rules
 - What to do if imminent danger
 - Advise who is responsible for implementing health and safety on site

WORKER ENGAGEMENT



- Allow for those who:
 - Cannot read
 - Cannot understand English
- Workers have the duty to report anything that will endanger him or others
- Worker safety representatives are entitled to employer funded training
- Arrangements for serious danger Reg 8 MHSWR
 - Communicate to workers what to do

WORKER ENGAGEMENT



For a notifiable project the PC must:

- Make & *maintain* arrangements to ensure cooperation and consultation between themselves, contractors and workers.
- To carry out consultation with workers.

WORKER ENGAGEMENT



The importance of worker engagement:

- Can develop a safety culture
- Fewer accidents & better health
- Better staff retention
- Improved innovation & productivity
- Effective challenges to poor procedures

Worker engagement should be led by example, not managed by procedure.

THE CONSTRUCTION PLAN



For notifiable jobs only – no major change

Purpose of Plan

- A plan prepared by the PC proportionate to the risks that sets out how health and safety is to be managed during the construction phase.
- The client must ensure the construction phase does not start until the PC has prepared a plan

PART 4 –SITE SAFETY



Equivalent to CHSW

Applies to ALL sites

Duties upon every contractor and those in control of construction work

The wording may be different but the basic requirements are the same

Part 4 –site safety changes

- Good order now requires a site to be identified by suitable signs, **be fenced off** or both in accordance with the level of risk
- New requirement to record **in writing** arrangements for demolition and dismantling
- Excavations, Cofferdams & Caissons - These provisions have been extensively rewritten to make them more succinct and cohesive

SUMMARY



- Focus on effective planning and management of risk
- Enable the next 'step change' in industry performance;
- Paperwork should be risk focussed and project specific
 - Actively drive out wasteful bureaucracy
- Provide the right information to the right people at the right time;
- All duty holders need to be competent
 - Requirements for competence assessment given by agreed core criteria
- Real investment in competence and skills of workforce

Further Advice



- HSE Web Site internet and intranet
www.hse.gov.uk/construction/cdm.htm
- New industry guidance
- Draft CDM 2007 Regs and ACOP at
www.hse.gov.uk/aboutus/hsc/iacs/coniac/index.htm
- Safety in design (SiD)- www.safetyindesign.org
- Design Best Practice - www.dbp.org.uk
- Design - www.dqi.org.uk
- www.cic.org.uk
- www.ciria.org.uk/cpn_intro.htm
- www.constructingexcellence.org.uk

2006 BRADFORD WAH CAMPAIGN



- 25 May to 30 June 2006
- 61 visits
- 4 PNs
- 1 IN
- 18 other sites stopped work voluntarily