

Are you developing property?

A quick guide to your legal responsibilities as a client under the Construction (Design and Management) Regulations 2007



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Who needs to know about the Regulations?

Anyone having construction or building work carried out, including those who are developing property, has legal duties as a 'client' under the Construction (Design and Management) Regulations 2007 (CDM 2007), unless they are a domestic client.

Building work includes refurbishment activities such as the alteration, conversion, fitting out, renovation, redecoration, demolition or dismantling of a building.

A domestic client is someone who lives, or will live, in the premises where the work is carried out. The premises must not relate to any trade, business or other undertaking. Although a domestic client does not have duties under CDM 2007, those who work for them on construction projects will.

What do the Regulations do?

These Regulations help you make sure that your construction project is safe to build, safe to use and safe to maintain and delivers you good value.

Good health and safety planning also helps make sure that your project is well managed and that unexpected costs and problems are avoided.

I'm developing property – what do I need to do?

You have a big influence over how the work is done. Where potential health and safety risks are low, there is little you are required to do. Where they are higher, you need to do more.

CDM 2007 is not about creating unnecessary and unhelpful processes and paperwork. It is about choosing a competent team and helping them to work safely and efficiently together. Give them enough time and resources and you will get the building you want, when you want it and on budget.

As a client you need to do the following:

All construction projects

Appoint the right people

- You are more likely to get what you need if you make sure those who design and build are competent, have sufficient resources and are appointed early enough, so the work can be carried out safely.

- The easiest way to find competent designers and contractors is through a reputable trade association.

Allow adequate time

- A rushed project is likely to be unsafe and of poor quality. You need to allow enough time for the design, planning and construction work to be undertaken properly.
- If in doubt, talk to those you appoint.

Provide information to your team

- You need to pass on key information to your construction team if they are to design and construct something that is safe to build, safe to use and safe to maintain. They will need information about what you want, how you will use it, the site, and existing structures or hazards, such as asbestos. This will help your team to plan, budget and work around problems.
- If in doubt, talk to those you appoint.

Make sure you and your team communicate and co-operate

- Your project will only run efficiently if all those involved in the work communicate, co-operate and co-ordinate with each other.
- During the design stage, it is particularly important that you and your designers and contractors talk early on about issues affecting how the structure will be built, used and maintained. You don't want people injured or unexpected costs because issues weren't properly considered when design changes could still easily be made.

Make sure suitable management arrangements are in place

- Construction projects can be complex and involve many different trades and occupations. Frequently they also involve high-risk activities. The work is more likely to be done safely and on time if those doing the work have suitable management arrangements in place.
- You need to make sure that suitable arrangements are in place throughout the whole project.
- The type and level of checks needed depend on the work being undertaken and the risks involved. You may need help for more complex and high-risk projects.
- You are not required to take an active role in managing the work yourself.

Make sure there are adequate welfare facilities on site

- Before work starts you should make sure that your contractors have provided adequate welfare facilities for construction workers (a source of drinking water; enough toilets; adequate washing facilities with warm water; storage for clothing; and somewhere under cover for workers to rest and eat).

Make sure 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.
- You should ask anyone who is doing design work for you to confirm that these requirements have been complied with.

Notifiable construction projects

In addition, for notifiable construction work (work lasting longer than 30 days or involving more than 500 person days of work), you have to do the following:

Appoint a CDM co-ordinator

- Your CDM co-ordinator is there to advise and assist you with your CDM duties on notifiable jobs. They will:
 - advise you about selecting competent designers and contractors;
 - help identify what information will be needed by designers and contractors;
 - co-ordinate the arrangements for health and safety during the planning phase;
 - make sure that the Health and Safety Executive (HSE) is notified of the project;
 - tell you if the initial construction phase plan is suitable; and
 - prepare a health and safety file for you (this contains useful information you need to enable future cleaning, maintenance and alterations to be carried out safely).
- You should appoint the CDM co-ordinator as soon as possible, but no later than the initial design/preparation stage.
- CDM 2007 does not require the CDM co-ordinator to supervise or monitor work on site.

Appoint a principal contractor

- A principal contractor is needed to plan, manage and co-ordinate work while construction work is being carried out on notifiable jobs.
- Principal contractors are usually the main or managing contractor for the work.
- You should appoint the principal contractor at the earliest opportunity. This is so they can be involved in discussions about how the structure will be built, used and maintained and so they can have time to plan the work properly.

Make sure a health and safety plan is in place

- The principal contractor has to produce a construction phase health and safety plan outlining the key arrangements to make sure that the work is carried out safely. You should not allow work to start on site until there is an adequate plan.

Keep the health and safety file

- At the end of the project, the CDM co-ordinator will give you the health and safety file. The file is a record of useful health and safety information and will help you manage health and safety risks during any future maintenance, repair, construction work or demolition. The file needs to be kept safe, made available to anyone who needs to alter or maintain the building and updated if circumstances change.

Frequently asked questions

What happens if I don't comply with my client duties?

It is more likely that there will be a dangerous or fatal incident while your construction work is carried out if you do not make sure that CDM 2007 is followed. In addition, your finished structure may not be safe to use or maintain and may not deliver you good value for money.

If you don't appoint a CDM co-ordinator or principal contractor on a notifiable project, it will mean that you are legally liable if the things that they should have done aren't actually 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.

Can I appoint myself to carry out other duties?

Yes, you can appoint yourself as a CDM co-ordinator and/or principal contractor, provided you have the necessary competence and resources to comply with the additional CDM duties (many of which are not discussed in this leaflet but can be found at www.hse.gov.uk/construction/cdm.htm).

Do I have to supervise work on site?

No, CDM 2007 only requires you to check that suitable management arrangements are being followed. This does not mean you have to go on to the construction site. For simple, low-risk projects, this could include:

- checking there is adequate protection for the public and, where necessary, your own workforce;
- asking for confirmation that adequate welfare is provided; and
- asking your construction team to explain their arrangements for managing work on site.

How can I find out more?

Visit:

www.hse.gov.uk/property for more information.

Read:

Managing health and safety in construction. Construction (Design and Management) Regulations 2007. Approved Code of Practice L144
HSE Books 2007 ISBN 978 0 7176 6223 4

Health and safety in construction HSG150 (Third edition) HSE Books 2006
ISBN 978 0 7176 6182 4

Workplace health, safety and welfare. Workplace (Health, Safety and Welfare) Regulations 1992. Approved Code of Practice L24 HSE Books 1992
ISBN 978 0 7176 0413 5

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Discuss:

Your designer, contractor and, if applicable, your CDM co-ordinator will also be able to advise you on your duties.

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Fax: 0845 408 9566 Textphone: 0845 408 9577 e-mail: hse.infoline@natbrit.com or
write to HSE Information Services, Caerphilly Business Park, Caerphilly CF83 3GG.

This leaflet contains notes on good practice which are not compulsory but which
you may find helpful in considering what you need to do.

This leaflet is available at: www.hse.gov.uk/property

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