



HS31: Construction Design and Management (CDM) Regulations 2015 - Client, principal designer, designer, principal contractor and contractor duties

1 Introduction

K W Dorrington takes its health and safety responsibilities very seriously. Part of that is concerned with ensuring that you, as a CDM Duty Holder, carry out your duties and responsibilities under these Regulations. Failure to carry out these duties is a criminal offence and carries the penalty of a fine or even imprisonment in the most serious of cases. If you are a Client, Principal Designer, Designer, Principal Contractor or Contractor you have CDM duties in respect of ALL projects. The duties given below represent a summary of the main duties which are contained in full in specially targeted guidance issued by the Construction Industry Training Board and can be obtained by following the relevant links.

2 Client duties

In respect of ALL projects you must check the competence and resources of all appointees. This means you need to check evidence of their training. You can do this by asking for copies of training certificates. You must also ensure there are suitable management arrangements for the project. What this means is that contractors must show you how they intend to manage the project. You can check this by asking for details of who the site manager will be, and details of any foremen, gangers etc. you might also ask them to supply you with an organisational chart showing exactly who will be doing what. You must allow sufficient time and resources for all stages of the project and you must fund any health and safety requirements e.g. scaffolding or Heras fencing. It is essential that these arrangements are such that the construction work can be carried out, so far as is reasonably practicable, without risks to the health and safety of any person affected by the project. You must also ensure that these arrangements are maintained and reviewed throughout the project. In addition you must allow the Contractor sufficient time to carry out health and safety functions such as providing welfare cabins etc. You also have a duty to provide pre-construction information to designers and contractors. For example if you know of the existence of asbestos on the site or oil contamination, then you must make these persons aware of it.

As a client you have a duty to ensure that a construction phase plan is drawn up by the contractor/principal contractor before the construction phase begins

Where there is more than one contractor or if it is reasonably foreseeable that more than one contractor will be working on the project at any time you must appoint in writing a Principal Designer and Principal Contractor.

The client also has a duty to notify certain projects to the HSE (Health and Safety Executive). A notifiable project is any project which exceeds 30 working days with more than 20 persons working simultaneously at any point in the project OR exceeds 500 person days.

<https://www.hse.gov.uk/construction/cdm/2015/summary.htm>

2.1 Domestic clients

A domestic client is someone who has construction work done on their own home, or the home of a family member, which is not done in connection with a business. Local authorities, housing associations, charities, landlords and other businesses may own domestic properties but they are not a domestic client for the purposes of CDM 2015. If the work is in connection with a business attached to domestic premises, such as a shop, the client is NOT a domestic client.

If you are a domestic client the duties of the client must be carried out by:

- The Contractor, for a project where there is only one contractor
- The principal contractor, for a project where there is more than one contractor
- The principal designer where there is a written agreement that the principal designer will fulfil these duties

3 Principal designers duties

If you are carrying out this role you have been appointed by the client for a project involving more than one contractor. You may be an individual or an organisation, but with sufficient knowledge, experience and ability to carry out the role. Your main duties involve planning, managing, monitoring and coordinating health and safety in the pre-construction phase of the project which includes:

- Identifying, eliminating or controlling foreseeable risks
- Ensuring designers carry out their duties
- Preparing and providing relevant information for other duty holders

You will also be required to liaise with the principal contractor to help in the planning, management, monitoring and coordination of the construction phase.

Please see 'domestic client' under Client Duties. If the client is a domestic client and there is a written agreement that you will fulfil these client duties, you will be required to carry out these as well.

<https://www.hse.gov.uk/construction/cdm/2015/summary.htm>

4 Designers duties

You are an individual or organisation who, as part of your business prepares or modifies designs for a building, product or prepares or modifies designs to any system relating to building work. When preparing or modifying these designs you are required to eliminate, reduce or control all foreseeable risks that might arise during the construction or the maintenance and use of the building once built. You are also required to provide information to other members of the project team to help them fulfil their duties.

<https://www.hse.gov.uk/construction/cdm/2015/summary.htm>

5 Principal contractors duties

You are a contractor appointed by the client to coordinate the construction phase of a project where it involves more than one contractor. Your main duties are to plan, manage, monitor and co-ordinate the construction phase of a project. This includes:

- liaising with the client and principal designer
- preparing the construction phase plan
- organising co-operation between contractors and co-ordinating their work

You must also ensure that:

- suitable site inductions are provided
- reasonable steps are taken to prevent unauthorised access
- workers are consulted and engaged in securing their health and safety
- welfare facilities are provided

Please see 'Domestic Clients' under Client Duties. You will be required to carry out these client duties if the client is a domestic client, there is more than one contractor and you are nominated the principal contractor in writing.

<https://www.hse.gov.uk/construction/cdm/2015/summary.htm>

6 Contractors duties

In respect of ALL projects you must plan, manage and monitor your own work and that of your workers. This means carrying out risk assessments, method statements and having a clear site management structure. You must check the competence of all your appointees and workers, train your own employees and make sure you check their training certificates. You must also provide information for your workers (e.g. site rules and site risks) and ensure they have adequate welfare facilities. You also have a duty to comply with the specific requirements of Part 4 of the CDM regulations. (These relate to real time health and safety on site and concern, amongst other things, traffic routes, fire, excavations etc.). For single contractor projects you must also prepare a Construction Phase Health & Safety Plan.

You must also provide information needed to complete the Health and Safety File. The Principal Contractor or Principal Designer will ask you for the relevant information and documents when needed. Finally, you must inform the Principal Contractor of any problems with the construction phase plan, and advise him of any reportable accidents, diseases or dangerous occurrences.

Please see 'Domestic Clients' under Client Duties. You will be required to carry out these client duties if the client is a domestic client and you are the only contractor.

<https://www.hse.gov.uk/construction/cdm/2015/summary.htm>