



HS35: Contractors responsibilities for domestic clients under CDM 2015

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 Health & Safety 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 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. Clients also have duties under CDM 2015 but where the client is a Domestic Client the duties pass to the Contractor.

2 Who is a domestic client?

A domestic client is someone who has construction work carried out on their own home, or the home of a family member and which is not carried out 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 being carried out in connection with a business attached to domestic premises, such as a shop, the client is NOT a domestic client.

Under Health and Safety law you as a domestic client, have certain duties that must be carried out.

The client must allow sufficient time and resources for all stages of the project and they must fund any health and safety requirements e.g. scaffolding or safety fencing as required. 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.

3 The duties of a domestic client

The duties of the client are to ensure suitable arrangements for managing the health and safety of a project are in place and that it is maintained and reviewed for its duration so that it is carried out in a way that manages the health and safety risks involved. As a domestic client however the responsibilities pass to other duty holders as outlined below by one of the following who has been appointed by the client.

- The Contractor (builder) - where there will be only one contractor used on the project OR

Where there is going to be more than one contractor working on the project, or if it is reasonably foreseeable that more than one contractor will be working on the project at any time, the client must appoint in writing-

- a contractor as principal contractor OR;
- a designer with control over the pre-construction phase as principal designer (this is the person who takes the lead on designing the project such as an architect or architectural technician)

The appointments must be made as soon as is practicable, and in any event, before the construction phase begins. If the client does not make these appointments in writing, the designer in control of the pre-construction phase of the project is the principal designer; the contractor in control of the construction phase of the project is the principal contractor.

The main duties that are to be carried out by either one of the three persons that the client appoints as mentioned above are to:

- ensure that there are suitable arrangements for overseeing the project, to include sufficient time and money for health and safety risks to be managed
- have in place a clearly defined system for managing the project which sets out exactly who does what
- ensure that the work is carried out in such a way that risks to the health and safety of anyone working on the project are either eliminated or reduced to the lowest reasonably practicable level
- provide welfare facilities such as toilets, hot and cold water, drying facilities, and a means of heating food

- provide pre-construction information at an early stage to every contractor or designer being considered for appointment (e.g. the existence of asbestos or contaminated land)
- ensure that construction does not start until a construction plan is drawn up
- ensure that the Principal Designer prepares a health and safety file
- ensure that 'notifiable' projects are reported 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. These projects must be advised to the HSE.

4 The duties of a contractor

As a contractor appointed by a client the main duties are to plan, manage, monitor and co-ordinate the construction phase of a project. This includes:

- having in place a clear management structure for running the project
- liaising with the client and designer
- preparing the construction phase plan
- organising co-operation between contractors and co-ordinating their work
- carrying out site inductions
- making sure the site is secure and does not admit unauthorised persons
- drafting site rules
- consulting with workers
- providing adequate welfare facilities
- carrying out risk assessments and method statements
- ensuring that everything reasonably practicable is done to eliminate or minimise health and safety risks to persons working on or affected by the project
- checking the competence of all contractor appointees and workers
- training employees and making sure that their training certificates are checked
- complying with the specific requirements of Part 4 of the CDM regulations (These relate to real time health and safety issues on site and concern, amongst other things, traffic routes, vehicles, fire, excavations, working near water etc.)

As mentioned earlier, in addition to the duties as a Contractor, the client duties will pass to the Contractor in the case of a Domestic Client (see 'The duties of a domestic client').

5 Further information

If you would like further information, you can visit:

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