

The Construction (Design and Management) Regulations 2007

Industry Guidance for CDM Co-ordinators

CDM
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construction phase

The period of time starting when construction work in any project starts and ending when construction work in that project is completed.

construction phase plan

A document recording the health and safety arrangements, site rules and any special measures for the construction work.

construction site

Any place where construction work is being carried out or to which the workers have access.

construction work

The carrying out of any building, civil engineering or engineering construction work.

contractor

Any person (including a client, principal contractor or other person referred to in these Regulations) who, in the course or furtherance of a business, carries out or manages construction work.

demolition or dismantling

The deliberate pulling down, destruction or taking apart of a structure, or a substantial part of a structure. It includes dismantling for re-erection or re-use. Demolition work normally needs meticulous planning and management to ensure that lives are not put at risk. Demolition does not include operations such as making openings for doors, windows, services or removing non-structural elements such as cladding, roof tiles or scaffolding. Such operations may, however, form part of demolition or dismantling work when carried out alongside other activities.

designer

Any person (including a client, contractor or other person referred to in CDM 2007) who in the course or furtherance of a business either prepares or modifies a design; or arranges for or instructs someone under their control to do so. The design relates to a structure; or a product, a mechanical or electrical system intended for a particular structure. A person is deemed to prepare a design where a design is prepared by a person under their control.

domestic clients

People who have work done on their own home, or the home of a family member that does not relate to their trade, or business. They have no duties under CDM 2007.

duty holder

Someone who has duties under CDM 2007 including: client, co-ordinator, designer, principal contractor, contractor, worker.

guidance

This HSE-approved guidance describes ways of complying with the regulations but you do not have to follow it exactly. Guidance does not have the special legal status associated with the ACoP. However, following the industry-approved guidance will help you to comply with the CDM Regulations.

health and safety file

Information which people, including clients, designers, co-ordinators, contractors and others involved in carrying out construction or cleaning work on the structure in the future are likely to need, but could not be expected to know.

notifiable

For the purposes of the CDM Regulations, a project is notifiable if the construction phase is likely to involve more than 30 working days; or 500 person days, of construction work for a client.

Through direct contact with designers and principal contractors, project design meetings or other management techniques, the CDM co-ordinator will have to be able to respond to changes in the design and construction programme. The CDM co-ordinator will have to engage directly with everyone to identify relevant information that exists or to work with others to establish gaps in knowledge and how they should be filled. Close working with the lead designer and the client will ensure that those needs are translated into requests for procured information (if, for example, additional time, cost or other resources need to be approved by the client).

2.5.2 Promptly provide information

Designers and principal contractors need good information to plan and prepare for any project. To enable that wider process of design to continue effectively the CDM co-ordinator will have to ensure that safety and health information is supplied efficiently and promptly.

Pre-construction information could be required at any time during a project. The CDM co-ordinator will need to ensure the team supplies adequate information to prospective principal contractors but the process of information exchange continues at all stages of the project.

The CDM co-ordinator will manage this information, possibly by using a simple spreadsheet or database, to ensure that a continuing record exists. This will need to cover:

- the nature of the information
- its relevance to the project risk register
- who produced it, or will produce it
- who needs it
- who received it and when
- whether it has 'pre-construction information' status
- its relevance for the health and safety file
- its relevance to the use of any part of the structure as a workplace.

The scope, style and content of the health and safety file should be agreed with the client at an early stage. This information should be passed to the principal contractor so that the information can be appropriately organised.

Information will also be required from designers in response to their duty on 'use as a workplace' and the client's needs and interests that follow. Designers will have to discuss and agree with the CDM co-ordinator any residual information requirements the client may need on design solution choices that will potentially have an impact or interface with the client's normal work.

The CDM co-ordinator needs to be in a position to interpret these needs and to only co-ordinate any workplace information for the health and safety file that is necessary and useful to the client and responds to the agreed design brief for the project.

2.5.3 Prepare, review, and update health and safety file

The CDM co-ordinator has to prepare a suitable health and safety file. The content of the file must be specific. It does not have to be a complex document in its own right. The purpose of the file is to provide easy access to health and safety-related information in the future. It can be a short signposting or contents style file that enables location of the information for future construction work or maintenance.

The issues for the CDM co-ordinator in connection with the file are:

- early discussion with the client about their needs and expectations
- an early assessment of any files or material already in the client's possession
- early agreement on the format, style and location when completed

- an understanding by the client of who will use the file and how
- the number of copies to be produced
- to ensure that early discussions with the client determine the scope, or the need for incorporation of earlier files or other client information
- to advise the client and their team so that appropriate requirements for file information delivery are set out in the appointments of other duty holders
- to make sure that duty holders know what to provide and when
- to determine with the client how they wish to incorporate any asbestos-related information into a project file
- to advise on the usefulness of the file and whether the client wants any links with building manuals, operation and maintenance manuals
- to advise and assist the client with file updating needs and procedures (including the requirement for the client to keep the file up to date with information that could emerge from later projects, including non-notifiable ones)
- material should not be included unless it is directly relevant to managing health and safety and its contents are accurate and project-specific
- recommended good professional practice is that the CDM co-ordinator should hold a copy of the file in addition to the one formally handed over to the client
- the suggested generic requirements for a health and safety file are provided in paragraph 263 of the ACoP
- the focus should be on including those issues that are unusual, difficult to manage or are not likely to be known by a competent contractor.

The CDM co-ordinator has the duty to prepare the health and safety file but the principal contractor may assist or lead the compilation process. It is possible that the principal contractor could be appointed or contracted by the CDM co-ordinator to assist with the preparation of the file, or for these arrangements to be clearly agreed with the client and included in all contracts or appointments. These would be contractual arrangements and not a means of transferring the legal responsibility for the file, which rests with the CDM co-ordinator.

2.5.4 Pass the health and safety file to client

The CDM co-ordinator has to pass the completed health and safety file to the client. This needs to take place by the end of the construction phase. Phased or partial handover and occupation may take place. At those times, the construction phase will be complete and the health and safety file should be ready for handover so that if the client needs to work on the completed element of a structure, he has the file information to assist with carrying this out safely.

Early discussion with the client and the project team will enable decisions to be made about the supply of information for any health and safety file, or part of it, if there is sequential or phased handover.

Advising and assisting the client should also include allocating necessary resources to deliver the health and safety file in person, in order to provide an effective handover by the CDM co-ordinator to the appropriate client location and personnel.

2.5.5 Notifications

This is a duty to inform the HSE, as the enforcing body, of the project's existence. This has to take place on notifiable projects. (If it is a rail-based project, the project-enforcing authority to be notified is the Office of Rail Regulation.) The CDM 2007 notification requires a signed declaration by the client, which makes clear that they are aware of their client duties under the regulations and approves the notification.