

RIBA 

**A client's guide to  
health and safety for a  
construction project**

Royal Institute of British Architects

# **A client's guide to health and safety for a construction project**

**under the Construction (Design and  
Management) Regulations 2007**

**Royal Institute of British Architects**

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## INTRODUCTION

If you are planning to have building work – other than work to your house – carried out, this guide is for you. It explains the duties imposed on you and your designers and contractors by the Construction (Design and Management) Regulations 2007 (referred to as CDM 2007 or simply the Regulations in this guide).

The purpose of the Regulations is to make health and safety considerations integral to the management and delivery of construction projects, ensuring that they are safe to build, use and maintain. The Regulations are about choosing a competent team, allowing them enough time and resource, and encouraging them to work in a co-ordinated way. Not only will this ensure the health and safety of the project over its life, it will also smooth the way to a successful project delivered on time and on budget.

This guide is an introduction to the application of the Regulations for construction clients. It aims to help you to understand your responsibilities throughout the design, construction and maintenance of your building, particularly if you have never carried out this role before. However, the guide does not set out to give legal advice and is not sufficient in itself to give detailed guidance on the application of the Regulations.

Although not the focus of this guide, reference is also made to the Workplace (Health, Safety and Welfare) Regulations 1992 SI 1992:3004.

More detail about both sets of regulations and their Approved Codes of Practice, as well as information on where to obtain copies, is given in Sections 2.1 and 2.2. You might also be interested to inspect the Health and Safety Executive's quick guide for clients 'Want construction work done safely?' available for download from [www.hse.gov.uk/construction](http://www.hse.gov.uk/construction).

## **Overview**

CDM 2007 makes the role of the client central to the implementation of the Regulations.

Unless you are carrying out work to your home or the home of close family, you have duties under the Regulations.

In your role as client, you must take reasonable steps to ensure that arrangements are in place for managing your project to achieve the objectives of the Regulations.

If you appoint someone to help you, they will be a duty holder. A duty holder must be competent to carry out the work assigned and help you to understand your duties.

If your project extends over a certain duration or requires more than a specified level of resource, you must appoint a CDM co-ordinator who will notify the Health and Safety Executive (HSE) about it. The CDM co-ordinator's role lasts for the duration of the project.

The Regulations impose statutory obligations that continue throughout the life-cycle of a building. All duty holders, including you, are legally accountable for implementation of these obligations; breach of duty may lead to civil and/or criminal proceedings.

## 1 CONSTRUCTION HEALTH AND SAFETY: PROJECTS AND ROLES

In this part of the guide we look at the different roles and the responsibilities involved in a construction project. We consider how they need to interact in order to provide an effective, healthy and safe environment for everyone.

### 1.1 Who is the client?

CDM 2007 Regulation 2 defines the client as '*a person who, in the furtherance of a business:*

- a) seeks or accepts the services of another which may be used in the carrying out of a project for him; or*
- b) carries out a project himself.'*

This means that if you use someone to carry out work for your business or organisation, then you are a client. You are also a client if you undertake this work yourself.

If you are carrying out work to your home, or to the home of a family member, then you are a 'domestic client'. As a domestic client, you have no duties under CDM 2007 but any designers and contractors involved in this project must comply with the health and safety regulations.

*(More information on the definition of a client can be found in Section 2.4.)*

### 1.2 Which projects?

All projects, unless you are a domestic client, are classed as either **non-notifiable** or **notifiable**. The two classes attempt to distinguish between projects that are relatively simple (non-notifiable) and those that are more complex and therefore more risky (notifiable). The terms are used because the increase in risk triggers the need to notify the Health and Safety Executive (HSE). The Regulations impose minimum duties on all projects, with additional duties for notifiable projects.



A notifiable project is one where construction work is expected to last longer than 30 working days or will involve more than 500 person-days (for example, 25 people working for over 20 days).

Construction work would include, for instance, new building work, any fitting out, alterations, refurbishment, redecoration, maintenance, cleaning windows, ceilings, and so on, as well as demolition work.

For many projects it will be fairly clear whether they are notifiable or non-notifiable, but in some cases the decision can only be made when the extent of the work has been defined in enough detail to determine how long it is likely to take and/or the number of days of effort involved.

A project may start off as non-notifiable, but unforeseen circumstances may extend the time and effort required, which may result in it becoming notifiable. If the scope of the project increases significantly then the HSE must be informed. However, as there is some leeway in the Regulations at the boundary between the two categories, it may not be necessary to notify the HSE unless the changes in scope are significant.

But remember: the Regulations still apply whether the project is notified or not.

### **1.3 What are your duties?**

The Regulations require you to make the key decisions about project resources and the necessary appointments, and take reasonable steps to ensure that:

- the people you appoint to design, build or co-ordinate the project are competent to do so, adequately resourced, appointed early enough for the work they have to do and promptly provided with the information likely to be needed to plan and manage their work. In the first instance you are required to provide relevant information in your possession (*see Section 2.7 for information about this duty*);

- any fixed workplaces (for example, offices, shops, factories, schools) will comply with the Workplace (Health Safety and Welfare) Regulations 1992 (see Sections 2.1 and 2.2);
- arrangements are made for managing the project (including allocating sufficient time and other resources) and for co-operation between the different members of the construction team (e.g. designers, contractors or others) so that work can be effectively co-ordinated (see Section 2.6 for more information on planning and management tasks);
- contractors are given notice of the minimum time for planning and preparation between their appointment and when they start work.

It is important to remember that the Regulations also apply to any design or construction work that is carried out by yourself using your employees or self-employed persons.

Where you are not carrying out the work yourself, you are not required or expected to plan or manage the project yourself, or to specify how work must be done. However, you must check from time to time that suitable management arrangements are in place and are being implemented. And, of course, you will need to know whether your project is notifiable or not.

The Regulations require that all designers and contractors check that you are aware of (this means that you have read and understood) your duties before commencing their work. So if you ask someone to prepare the design or specification, or even just to give you a price for an easily defined job, they have an implied duty to advise you whether or not the project is likely to be notifiable.

Those with responsibilities on the project, known as duty holders, must co-operate with and co-ordinate their work with other duty holders so that they generate the information necessary to develop appropriate health and safety plans.

### 1.3.1 Notifiable projects

For notifiable projects, you as the client must:

- make sure that a notice is given to the Health and Safety Executive (HSE) office responsible for the area where the construction work is to take place (*more detailed information on notification procedures are given in Section 2.3*);
- appoint a CDM co-ordinator as soon as possible to advise and assist you with your legal duties including notifying the HSE, selecting a competent team, and preparing the health and safety file (*the role of the CDM co-ordinator is explained more fully in Section 1.7*);
- make sure that a suitable pre-construction information pack is prepared before a contractor is appointed (*see Section 2.8 for further information*);
- appoint a principal contractor to plan and manage the construction work (*more detailed information on the role of the principal contractor is given in Section 1.8*);
- ensure that construction work does not start until the principal contractor has prepared a suitable construction phase plan and that suitable welfare facilities – in other words, sanitary facilities, drinking water, changing rooms, lockers, rest rooms, and so on – are in place;
- make sure that the health and safety file is compiled, reviewed, and/or updated ready for handover at the end of the construction work. You must make this available for any future construction work or pass it on to a new owner.

It is very important that you appoint a CDM co-ordinator and a principal contractor. If you do not do so, you will be legally liable for this work as well as for failing to make these appointments (*Section 2.12 provides more information on liability issues*).

You can, if you are competent, perform either or both roles yourself. However, those working on the project must be notified in writing that you will be carrying out these jobs.

### 1.3.2 Non-notifiable projects

For small non-notifiable projects:

- it will be sufficient if you provide or arrange for the preparation of a brief written summary that clearly sets out who does what, and in what order tasks will be done. Where the health and safety risks are higher, for example, if there is any demolition work involved, something more like a construction phase plan will be needed;
- you are not required to appoint a CDM co-ordinator or a principal contractor. However, to ensure that the health and safety aspects are covered, you might entrust the co-ordinating role for the design phase to the architect or contractor who is carrying out the design work, and the contractor undertaking the construction work could then take on the health and safety co-ordination role for the construction phase;
- you should ask to be provided with information about the safe operation or maintenance of any new facilities before they are handed over.

## 1.4 Other duty holders

The regulations affect and place duties on:

- designers, who assess and design to minimise risk during construction, maintenance and use (*the term 'designer' is very broad and is described in more detail in Section 1.6*);
- a CDM co-ordinator, appointed by you for **notifiable** projects (*the role of the CDM co-ordinator is described in more detail in Section 1.7*);
- contractors, who have to plan their work and co-operate with others to manage the on-site risk (*the role of the contractor is described in more detail in Sections 1.8 and 1.9*);
- workers, who are mainly the ones at risk of injury or ill-health.

All duty holders must:

- check their own competence (*more information on assessing evidence of competence is given in Section 2.5*);
- co-operate with and co-ordinate their work with other duty holders;
- report obvious risks;
- comply with the Regulations for any work under their control.

## 1.5 Building the construction team

### 1.5.1 Project management

*'Unrealistic deadlines and a failure to allocate sufficient funds are two of the largest contributors to poor risk management'* (Approved Code of Practice, para. 45).

As well as the project's schedule and financial resources, there are two other critical factors in successfully managing health and safety risks. They are:

- defining your objectives for the project (*Section 2.7 shows how a design brief can help identify project requirements*);
- selecting an appropriate method for procuring its construction.

### 1.5.2 Appointing your team

The first step is to consider who to appoint to deliver your project, whether it is just you with a designer and a builder, or a multidisciplinary team with architects, engineers, surveyors, contractors, sub-contractors, and so on.

In order that sufficient time is allowed for planning, preparation and mobilisation needed to enable the design work to be co-ordinated from an early stage, your proposed programme should be discussed and agreed with the people you appoint. It can be helpful, where appropriate, to plan time for contributions from constructors,

maintenance and facilities management experts to advise on safe and efficient provisions for the building and maintenance of the structure.

When making appointments you are required to determine the competence of the proposed designers, contractors and, where necessary, the CDM co-ordinator. The term 'competence' here includes having enough time, money and other resources to carry out the work (*Section 2.5 gives more information on competence assessment*). The Regulations also require that potential appointees do not accept an appointment unless they are competent to perform their duties.

The new RIBA Agreements 2007, include provisions for co-operation and co-ordination as required by CDM 2007 and may be used to appoint all construction professionals in your team, including the CDM co-ordinator.

To achieve a successful and safe outcome you and your appointees must:

- work from the same information base, which must be kept up to date;
- have sufficient resources, particularly money and time, for proper performance;
- be encouraged to work together as a team in each successive stage;
- co-ordinate services and contractual obligations.

## 1.6 Role of designers

In CDM 2007, 'designer' is a catch-all term that includes anyone who contributes to the design of a project. Thus, designers may include construction professionals, such as architects, engineers, surveyors and technologists, together with specialist firms, contractors and sub-contractors. Their duties as designers under CDM 2007 are the same for notifiable and non-notifiable projects.

Irrespective of their specific duties, construction professionals also have a general duty to advise you of matters that may affect health and safety issues in your project. You can reasonably expect them to help

you understand the arrangements you will need to make to achieve effective delivery of your project but, of course, they cannot take over your responsibilities.

Designers, particularly architects, are often the first appointments made, perhaps to explore with you your requirements and the options for achieving an appropriate solution – this is the 'initial design work' referred to in the Regulations.

The initial design work is covered by work stages A and B in the RIBA Outline Plan of Work 2007. These work stages lead to the establishment of design and cost parameters, the identification of any constraints including obvious health and safety issues, and the development of the design brief (*see Section 2.7*) and organisational matters.

The health and safety duties on designers apply at all stages of their work, not least during this initial design work, in contractors' tender submissions for design and build contracts, competition entries and in initial submissions for public finance initiative (PFI) projects. Any design proposals included in the design brief will be reviewed as part of the continuous risk assessment process.

Involving designers as early as possible helps to ensure that the initial design work is completed in good time and that any costs and programme implications are identified.

In the case of notifiable projects, designers must not do any further work until you have appointed a CDM co-ordinator.

When it is decided to proceed, designers will, so far as is reasonably practicable, take into account:

- the requirements of the design brief;
- the foreseeable risks to the health and safety of any person who will be involved in its construction, the subsequent maintenance or cleaning of the building fabric, or those using any workplace facilities;

and in doing so, eliminate hazards and reduce the risks arising from those that cannot be eliminated.

Nominating one designer as the 'lead designer' is often a good way to ensure co-ordination and co-operation of design work involving a number of designers, regardless of whether or not the project is notifiable.

## 1.7 Role of the CDM co-ordinator

For notifiable projects, '*as soon as it is practicable*' after you know enough about the project you must appoint a competent and adequately resourced CDM co-ordinator to deal with the health and safety aspects of the project to:

- help you carry out your duties;
- co-ordinate the health and safety aspects of design work, including advising on the suitability and compatibility of designs
- advise you about the information you are required to provide and brief designers and contractors accordingly;
- establish management and effective planning arrangements;
- compile, review and/or update a health and safety file.

The CDM co-ordinator can be appointed independently of any other role on the project, or in combination with another role, for example, the lead designer, project manager, designer or principal contractor. Where the role is combined, it is very important that the CDM co-ordinator is competent and has sufficient independence to carry out the CDM co-ordinator's duties effectively.

Ideally the CDM co-ordinator's appointment will be compatible with the appointments of other members of the team. Early appointment will make it easier to manage the elimination of hazards and to reduce the risks associated with early design decisions.

For reasons of probity, the CDM co-ordinator, as the client's appointee, has no duties in relation to the preparation by the contractor's designers of initial designs for tender submissions for design and build projects, competition entries or in initial submissions for PFI projects.



## 1.8 Role of the principal contractor

For notifiable projects, clients must appoint a competent, adequately resourced principal contractor to co-ordinate and manage the construction phase to ensure the health and safety of everybody carrying out construction work, or who is affected by the work.

The principal contractor needs to be appointed as soon as possible. This may be as soon as a tender can be negotiated or after receiving competitive tenders. The former will be usually be achieved at an earlier date.

There can only be one principal contractor at a time. If there is a change of principal contractor for any reason it should be clearly recorded and:

- be clear to and agreed by all those involved, particularly in relation to the timing of the change;
- provide the practical authority to enable the discharge of the duties of the in-coming principal contractor.

## 1.9 Using contractors on non-notifiable projects

Your duty as client for non-notifiable projects is limited to checking the competence of contractors (*Section 2.5 provides information on assessing competence*), ensuring there are suitable management arrangements for the project, providing information and allowing sufficient time and resources for all stages.

## 2 CONSTRUCTION HEALTH AND SAFETY: ADDITIONAL DETAIL

In this part of the guide we look in more depth at key areas involved in the health and safety of construction projects.

### 2.1 The regulations

- The Construction (Design and Management) Regulations 2007 SI 2007:0320 (CDM 2007 or 'the Regulations' in this guide).
- The Workplace (Health, Safety and Welfare) Regulations 1992 SI 1992:3004.

Both documents can be ordered from the RIBA bookshop ([www.ribabookshops.com](http://www.ribabookshops.com)) or downloaded from the Office of Public Sector Information ([www.opsi.gov.uk/stat.htm](http://www.opsi.gov.uk/stat.htm)).

### 2.2 Approved Codes of Practice

Detailed guidance is provided in two codes published by the HSE (available to order at [www.ribabookshops.com](http://www.ribabookshops.com)):

- Managing health and safety in construction. Construction (Design and Management) Regulations 2007, Approved Code of Practice (L144).
- Workplace health safety and welfare. Workplace (Health, Safety and Welfare) Regulations 1992. Approved Code of Practice (L24).

The Codes have been approved by the Health and Safety Commission. They give practical advice on how to comply with the law. If you follow the advice you will be doing enough to comply with the law in respect of those specific matters on which the Codes give advice. Alternative methods to those set out in the Codes may be adopted providing they comply with the law.

It should be noted that the Codes have a special legal status. Should you be prosecuted for breach of the law, and it is proved that you did

not follow the relevant provisions of the Codes, you will need to show that you have complied with the law in some other way or you are likely to be found at fault.

## **2.3 Notification**

If your project is notifiable then your CDM co-ordinator will need to contact and inform the HSE office that covers the site where the construction work is to take place.

Notification can be given on a form available from HSE's local offices ([www.hse.gov.uk/construction/cdm/f10form.htm](http://www.hse.gov.uk/construction/cdm/f10form.htm)) or completed online (<https://www.hse.gov.uk/forms/notification/f10.pdf>). It is not necessary to use this form, as long as all of the specified information set out in Schedule 1 to CDM 2007 is provided.

## **2.4 Definition of client**

Clients only have duties when the project is associated with a business or other undertaking (whether for profit or not). Clients can be anyone from local authorities, school governors, housing associations, charities, to insurance companies and project originators on PFI projects.

A client whose project is for work to his or her own home, or the home of a family member that does not relate to their trade or business, is a 'domestic client'. Domestic clients are exempt from the Regulations, although any designers and contractors used on these projects must always comply with the Regulations.

The client is not a domestic client if:

- the work involves a business such as a shop attached to domestic premises;
- a company is formed with others, for example leaseholders of flats, to undertake maintenance of the common structure;

- an insurance company arranges for construction work to the client's home to be carried out under the terms of an insurance policy;
- a house or flat is purchased from a developer, who arranges for the construction work to be done and is legally the client.

If there is any doubt about who is legally the client, for instance, if more than one client is involved in a project, the possible clients should appoint one of them as the only client for the purposes of CDM 2007. If this is not done then they run the risk that all will be considered to carry the client's duties under the Regulations.

## 2.5 Competence

You are required to ask for evidence of competence from designers, CDM co-ordinators and contractors and to make a judgement about how suitable they are for the type of project and its risks.

The evidence that you will need from potential appointees includes:

- a signed and dated copy of the firm's health and safety policy (*see Section 2.5.1*);
- details of the arrangements made for compliance with the policy, for training, for obtaining competent advice, monitoring, etc.;
- details of key personnel with details of their qualifications and experience;
- details of experience relevant to your project;
- information about the resources which they will allocate to your project, for example, staff, equipment, time and funds. Funds in this context may mean making a judgement about whether a quoted fee for professional services or a price for the construction work is adequate. In any negotiations to reduce a quotation you should be careful not to require or accept an inadequately resourced bid.

If an appointee subsequently proves to be incompetent you will not be criticised providing your assessment was reasonable.

Membership of a professional institution, e.g. Royal Institute of British Architects, Chartered Institute of Architectural Technologists, etc. is a strong indicator of the necessary knowledge and an ability to recognise the health and safety implications of the appointee's work. Most firms will maintain a package of information showing how their own policy, organisation and arrangements demonstrate competence.

### **2.5.1 Health and safety policy**

As an example of a health and safety policy, a RIBA Chartered Practice will have a policy appropriate to the requirements of a practice. This will typically include:

- **The policy statement:** general policy, policies in relation to individual staff, to professional functions and to health and safety risk management.
- **Organisation:** responsibilities of practice manager, staff and the practice (directors/partners).
- **Project design and construction:** responsibilities of client, CDM co-ordinator and designers; health and safety risk control and implementation.
- **Site visits:** planning, personal safety, occupied site safety rules, unoccupied sites or buildings, accidents, hazards, etc.
- **Miscellaneous procedures:** accident reporting, first-aid, illness, occupational health, driving, hazardous substances, visual display units, advice and visitors.
- **Fire precautions:** in the practice premises.
- **Health and safety risk assessment:** definitions and assessment template.

Additional information might include:

- arrangements for managing hazard elimination, risk and design change controls;

- specific health and safety assessments or membership of a construction health and safety list.

Similar evidence from all other appointees will be needed prior to their appointment and from contractors preferably before they are invited to tender.

## 2.6 Planning and management tasks

Your planning and management tasks should be in proportion to the risks and complexity of the project. Key tasks should be allocated to the appointees in writing in simple, clear and concise terms, so that everyone understands what they have to do, when and in what order. Any paperwork that does not help with communication and risk management is a waste of effort.

Other aspects that you need to identify include the following:

- Specific requirements about the way the project is to be run. This could include fencing off the site, movement of vehicles or permit-to-work procedures, as well as taking account of any risks to the public and your or the site occupier's employees or customers.
- How communication, co-ordination and co-operation between different members of the project team (for example, between designers and contractors) will be facilitated and encouraged.
- How and when the design and design changes are to be reviewed and how different design elements work together. This is normally best addressed as part of a buildability, maintainability, usability review which considers practicality and costs as well as health and safety.
- The format of the health and safety file (to ensure it is suitable for you), and how, when and by whom information is to be provided for it.

- How the project will be monitored (for notifiable sites this will usually be by the CDM co-ordinator before construction starts and the principal contractor afterwards).
- The interaction with any other projects on the same or neighbouring sites.

## **2.7 The design brief**

Irrespective of health and safety issues, designers will need a brief from you to establish the requirements for the project. You may prepare this or, for complex projects, appoint architects and others to prepare feasibility studies and develop a design brief.

The design brief will identify:

- the site;
- the project type: whether the project is new build, fit-out, refurbishment, alterations, extension, and so on;
- the gross usable area and/or schedule of accommodation;
- any known phasing or sectional completion requirements;
- operational and organisational matters;
- your working methods and safety policies, particularly those relating to hazardous operations;
- environmental or design quality standards, including sustainability and whole-life costing issues;
- any formal approvals required (excluding statutory requirements) or any procurement procedures, etc.

As part of the development of the design brief, designers will need project-specific information, which may affect their designs or construction processes.

CDM 2007 Regulation 10 also requires you to provide all the information in your possession, or *'which is reasonably obtainable, and which is necessary for the proper and timely performance of the Services including any such information in a health and safety file, or other information about or affecting the site or the construction work'* for all projects except domestic projects.

Project-specific information should concentrate on those issues that designers and contractors could not reasonably be expected to anticipate or identify, for example the presence of underground services or asbestos. If necessary, you should commission any necessary surveys and other investigations.

If you already have a health and safety file from earlier work, this may include much of the information needed.

## 2.8 Pre-construction information pack

As the design of the project is developed, additional information will become available for inclusion in the pre-construction information pack so that contractors are able, before construction commences, to identify hazards that may affect their designs or construction processes.

The information in the pack needs to be convenient, clear, concise and easily understood, but it can be included in other documents, for example, the drawings, specification or bills of quantities. The important thing is that the relevant health and safety issues are fully covered and accessible.

It is useful to include, as early as possible, the key project dates so that designers and contractors can plan their work and allocate resources appropriately. Contractors must be given the minimum period before they can start construction work to allow sufficient time to mobilise their workforce and equipment, as well as to arrange what are known as welfare facilities – in other words, sanitary facilities, drinking water, changing rooms, lockers, rest rooms, and so on.

Before construction work can start on any project, the welfare facilities must be available on site for contractor's staff and workers.



## **2.9 Construction phase**

For notifiable projects, you must ensure that a project-specific and suitable construction phase plan has been prepared by the principal contractor before construction work commences. Once the construction phase has begun, responsibility for updating the plan rests with the principal contractor.

## **2.10 The health and safety file**

You must ensure that the CDM co-ordinator prepares, compiles or updates the health and safety file in a suitable, user-friendly format during all notifiable projects. This is a source of information to reduce the risks and costs involved in future construction work including cleaning, maintenance, alterations, refurbishment and demolition work.

The file must be finalised at the end of the construction phase, normally at practical completion, and given to you by the CDM co-ordinator. Where partial occupation or phased handover is anticipated, appropriate arrangements must be made to collect and compile as the project progresses any information that will be needed to inform the next phase of work.

The file must be kept available for inspection and is a key part of the information which you, or your successor, must pass on to anyone preparing or carrying out work to which CDM 2007 applies.

## **2.11 Completion and handover**

It is rare for all construction work to be completed before handover. This can mean that the risks to construction workers, your employees and members of the public can increase substantially as they visit the site or spend more time there.

To minimise such risks, the management of this period needs to be considered well in advance and will need to address:

- the nature, scope and duration of any finishing-off work;

- how this work will be managed and by whom;
- how the site will be split up, and access controlled, to safeguard construction workers as well as clients' employees and/or members of the public.

## 2.12 Legal liability

The Regulations impose a legal liability on all duty holders, including you as the client.

Civil proceedings may be initiated for breach of duty [under regulations 9(1)(b), 13(6) and (7), 16, 22(1)(c) and (l), 25(1), (2) and (4), 26–44 and Schedule 2]:

- By the HSE against:
  - the client in relation to (a) arrangements for managing projects and/or (b) the start of the construction phase of a notifiable project;
  - the principal contractor in relation to the sufficiency of welfare facilities and/or the prevention of access by unauthorised persons to the construction site;
  - any contractor *'insofar as they affect him or any person carrying out construction work under his control or relate to matters within his control'*;
  - any person (other than a contractor carrying out construction work) *'who controls the way in which any construction work is carried out by a person at work'*;
- By an employee against his or her employer for personal injury caused by the breach of duty.

Any appointee may also be able to initiate proceedings for damages caused by a breach of statutory duty by you or any other appointee.

Criminal proceedings can occur as breaching the Regulations is a criminal offence, as with any law. Apart from fatal accidents, investigations and prosecutions or the issue of improvement notices are carried out by HSE. Depending on the nature of the breach, prosecutions may be taken to the Magistrates Court, where the maximum fine is £5,000 or to the Crown Court where fines are unlimited.

# **A client's guide to health and safety for a construction project**

## under the Construction (Design and Management) Regulations 2007

If you are a construction client having building work carried out (other than work to your house), this guide is for you. Straightforward and completely up-to-date, it explains the health and safety duties imposed on you by the Construction (Design and Management) Regulations 2007 to ensure that your project is safe to build, use and maintain.

It cuts through the complicated legislation to reveal the difference between 'non-notifiable' and 'notifiable' projects, the role of the CDM Co-ordinator, how to determine the competence of other duty-holders, what you may expect from those working in your design team, and what your legal liabilities are.

Aimed at all construction clients – especially those who have never carried out this role before – the guide offers a quick and easy overview of everything you need to stay the right side of the Regulations, which are designed to ensure the health and safety of the project over its life and should lead to a successful project delivered on time and on budget.

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