

Moreton Hayward Limited

Health and Safety: CDM Regulations (2015) – Roles and Responsibilities

The Construction (Design and Management) Regulations 2015 (CDM 2015) came into force on 6th April 2015, replacing CDM 2007. The Regulations aim to improve health and safety by helping the industry to:

- sensibly plan the work so the risks involved are managed from start to finish
- have the right people for the right job at the right time
- cooperate and coordinate your work with others
- have the right information about the risks and how they are being managed
- communicate this information effectively to those who need to know
- consult and engage with workers about the risks and how they are being managed

Quantity Surveyors are classified within the Regulations as ‘designers’. A designer is an organisation or individual whose work involves preparing or modifying designs for construction projects, or arranging for, or instructing, others to do this. Designers can be architects, consulting engineers and quantity surveyors, or anyone who specifies and alters designs as part of their work. Although Moreton Hayward are not ‘designers’ in the normal sense as it is not a usual part of our remit to design projects or offer design changes, as we fall within the designer category we must ensure that we adhere to the Regulations and our procedures must reflect this to ensure the health and safety of all involved parties.

The information below has been confirmed by the Health and Safety Executive (H.S.E.):

Why is a designer important in ensuring construction is carried out in a way that avoids harm?

A designer has a strong influence, particularly during the very early planning and design stages of a project. Their decisions can affect the health and safety of not only those contractors and workers carrying out the construction work, but those who use, maintain, repair, clean, refurbish and eventually demolish a building. Decisions such as selecting materials or components of a building can avoid, reduce or control risks involved in constructing a building and maintaining and using it after it is built.

On which projects do designer duties apply?

Designer duties apply on all projects, including:

- major construction projects
- minor building works
- small projects involving refurbishment and repair work
- domestic projects

When do designer duties start and finish?

Designer duties apply as soon as they are appointed and when designs which may be used for construction work are started. While most design work is carried out during the pre-construction phase of a project, it is not unusual for it to extend into the construction phase. A designer should agree with whoever has appointed them how long their appointment will last for.

Designers roles and responsibilities:

A designer’s decisions can affect the health and safety of all those involved in constructing a building and those who use, maintain, refurbish and eventually demolish it. Designers must:

- make sure the client is aware of the client duties under CDM 2015 before starting any design work
- when preparing or modifying designs:
 - take account of any pre-construction information provided by the client (and principal designer, if one is involved)
 - eliminate foreseeable health and safety risks to anyone affected by the project (if possible)
 - take steps to reduce or control any risks that cannot be eliminated
- provide design information to:
 - the principal designer (if involved), for inclusion in the pre-construction information and the health and safety file
 - the client and principal contractor (or the contractor for single contractor projects) to help them comply with their duties, such as ensuring a construction phase plan  is prepared
- communicate, cooperate and coordinate with:
 - any other designers (including the principal designer) so that all designs are compatible and ensure health and safety, both during the project and beyond
 - all contractors (including the principal contractor), to take account of their knowledge and experience of building designs

Working as a designer for a domestic client is no different to working for a commercial client. However, the domestic client's legal duties are normally taken on by the contractor (or the principal contractor on projects involving more than one contractor) and the designer must work to them as 'client' under CDM 2015. Alternatively, the domestic client can ask the principal designer to take on the client duties, although this must be confirmed in a written agreement. Where the project involves more than one contractor and the domestic client does not appoint a principal designer, the role of the principal designer must be carried out by the designer in control of the pre-construction phase.

Details of the Company's requirements and procedures relating to CDM: 2015 Regulations have been detailed below:

Make sure the client is aware of the client duties under CDM 2015 before starting any design work: Although this is not a usual requirement of a Quantity Surveyor, if required by the Client or if you are made aware that the Client has not been informed of their duties then you must take the necessary steps to ensure the Client has full understanding of their responsibilities. This would involve liaising with the Client and the Design Team (Principal Designer and/or Principal Contractor) to ensure the relevant information has been provided.

Preparing or modifying designs: As Quantity Surveyors/Commercial Cost Managers, our role is limited to the fact that we are not directly involved in the design of the project or the Health and Safety aspect of the design process. However, as we are part of the Design Team we have responsibilities to ensure that any information we provide, or any issues that we observe are controlled, managed and dealt with in line with Legislation, Regulations and best practice. As a consequence, if it becomes apparent to you that CDM requirements are not being met then it is your responsibility to take suitable action to rectify the situation to ensure the appropriate Health and Safety requirements are followed. This would entail informing the Client and/or Design Team (Principal Designer, Principal Contractor, or Contractor) of the issues and following up to ensure the situation has been put right. Where necessary and depending on the scale of the issues, you must inform your Director in Charge and/or our Health and Safety Representative who will assist in the discussions with the Design Team to enable the situation to be rectified and managed within our quality guidelines. An example of how we may become involved in design: when you create a Bill of Quantities using an outline design on a Design and Build contract, you may be required to make assumptions of how certain items are measured. That being the case, you should provide the relevant party(s) (usually the Principal Contractor or

Contractor) with the BoQ's and a list of clarifications stating what you based the measurements on. It is imperative in such cases that you provide the information to the relevant party clearly and accurately and to ensure that any queries or issues are discussed openly, and changes managed with a coordinated approach.

Provide design information: It is not a usual occurrence that we would be involved in providing design information to be included within pre-construction information, the health and safety file or the construction management plan. However, if a situation occurs where you are required to provide design information then this must be carried out in accordance with the Regulations. It is imperative that the information supplied is provided to all parties in a detailed format and logged within our systems to comply with our quality procedures. Once the information packs and/or plans have been composed and distributed by the Principal Designer, Principal Contractor, or Contractor then it is your responsibility to ensure that any design information that you provided has been included within the document(s).

Communicate, cooperate and coordinate: It is a crucial that communication with all parties is carried out openly and clearly to ensure that the information is received, discussed and understood by all. All communication should be logged within the appropriate files as laid out within our quality management plan. Communication, cooperation and coordination with the Client, Design Team, Principal Contractor and Contractor is vital to the successful delivery of a project. It is therefore your responsibility to ensure the lines of communication are always open and that information is shared openly to help manage the project as part of the team. Communication methods include: formal routine or singular meetings (preconstruction meetings, progress meetings, contractor meetings, closeout meetings etc.) and informal meetings. Informal meetings can be very beneficial for a project, they allow for immediate discussion that can result in a quick solution to an issue. However, minutes or at the very least notes should be made and distributed for each discussion to ensure there are no misunderstandings or misinterpretations of what was discussed. Telephone discussions, like the informal meeting, can be used to discuss issues with possible immediate results, but should also be documented if important decisions were made or instructions given. Reports should be used to record and convey information about the status or condition of the project or a portion of it and provided to all relevant parties. Email communication can be used, all emails should be stored in line with our quality plan to ensure the easy retrieval of documents. The content of all communications must be stored in line with the Company's Business Management System processes (Quality Management), and stored securely within our IT systems with data protection in mind. If at any time you have problems with Design Team members not communicating or cooperating, then you must involve your Director in Charge to enable his involvement to escalate the issues ensure the situation is rectified.

Should you have queries or issues at any phase of a project relating to the Regulations or Health and Safety concerns then you must follow the procedures above. As previously stated, if you feel that issues are not being resolved by the Design Team or you require assistance and support then please approach your Director in Charge and/or our Health and Safety Representative who will assist you or escalate the situation if appropriate to ensure the problems are resolved. Similarly, if you have any queries concerning the CDM 2015 Regulations, please contact your Director in Charge and/or our Health and Safety Representative who will clarify any queries and if necessary arrange for further training to be given.

H&S Representative, M Moreton.....
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