



KEVIN DRAYTON
YOUR ARCHITECT ALLY
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An Introduction to the Construction (Design & Management) Regulations

Why Should I Bother?

What probably appears as a rather dry subject is important to be aware of for a number of reasons. Anything designed to improve health and safety in the building industry must be a good thing; the Regulations have legal implications virtually everyone involved in construction; an understanding of the fundamentals of the Regulations can make you aware of potential hazards and thus safeguard you and your family. It is also important to note that the Regulations apply not only to new construction but also to maintenance work and ultimately to demolition.

The Regulations have undergone periodic revisions since their introduction and the current version is the Construction (Design and Management) Regulations 2015, usually shortened to CDM 2015 or just CDM.

What's the Point?

The point of the Regulations is to improve what used to be the very poor health and safety record of the industry. It aims to set out a process for ensuring h&s is considered at every stage of a project, starting with the design; to provide guidance on how the process can be followed; and to allocate specific responsibilities – and liabilities - to the various titleholders in the process.

Does Size Matter?

Distinctions are drawn between domestic and non-domestic projects where domestic means a project undertaken directly for a householder. Schemes undertaken for landlords on properties occupied by others are not domestic for example. Distinctions are also drawn between small

and large projects where a threshold qualification applies above which projects must be Notified (formal term) to the Health & Safety Executive.

Who and What

Various roles and their associated duties and responsibilities are defined in the Regulations. Thus where I use a proper noun in this note, such as Client, Designer etc you will find an explanation in the Regulations of how this is defined and what must be done. The idea is that everyone thinks about health and safety from day one, that it becomes an integral part of all decision making and that decisions are systematically recorded.

Furthermore the intention is that everyone involved shares information and cooperates to produce a safe working environment.

Key roles (Dutyholders) include Client, Principal Designer, Principal Contractor, Designer and Contractor. These have specific meanings within the Regulations.

Competence and Resources

Everyone who is a member of the team is required to demonstrate that they have the necessary competence and resources to undertake the particular role. The Catch 22 in this is that the Client, who is at the head of the chain, is charged with ensuring that whoever he or she appoints – even if that person or organisation checks the competence and resources of subsequent appointments – is competent and has sufficient resources to take the role.

But who is least likely to know how to check for competence and resources in companies and individuals within the meaning of the Regulations? The Client of course.

Documentation

You may come across some other terms that have specific meanings. In this case documentation associated with the process:

- Pre-Construction Health & Safety Information
- Construction Phase Health & Safety Plan
- Health & Safety File

Should I Worry?

Not surprisingly, the whole subject is also littered with further acronyms such as COSHH and RIDDOR for example. It all looks a bit intimidating and perhaps there is benefit in giving clients pause for thought.

I would however stress that the Regulations acknowledge the likely limits of domestic clients' knowledge of the subject and there are mechanisms whereby other members of the team can take over the formal responsibilities of the client. But I refer you again to the Catch 22: how, as a client, would you know that this person you are appointing is competent to undertake the role?

I will end with what may be good or bad news: DIY activities are NOT covered by CDM 2015. Mind how you go.

This can be no more than a rudimentary introduction to a complex subject. If I can be of further help please get in touch.

Kevin Drayton

M: 07899 997 159

E: kevin@your-architect-ally.com

your-architect-ally.com

E: kevin@your-architect-ally.com | M: 07899 997 159

Best Revenge, Huddersfield Road, New Mill, Holmfirth HD9 7JN



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Registered address: Permanent House, 1 Dundas Street, Huddersfield HD1 2EX.