

Thrushington Church of England Primary School.

CHANGES TO CONSTRUCTION HEALTH AND SAFETY LAW

CONSTRUCTION (DESIGN AND MANAGEMENT) REGULATIONS 2007

The revised Construction (Design and Management) Regulations (CDM) came into force this month, following consultation with the construction industry. Here we explain what it all means.

The introduction of CDM in March, 1995 represented a major change in the way health and safety was managed for construction projects. The revised regulations will incorporate the provisions of both CDM and the Construction (Health, Safety and Welfare) Regulations 1996 (CHSW) into one set of regulations. The revision represents much more than a legal tidying up exercise. Underlying all the changes is one simple aim: to reduce construction accidents and ill health.

While the on-site safety requirements are almost unchanged, there are significant changes to CDM. Here are the main revisions:

- Place construction clients in a position where they can have greater influence over the health and safety standards of their project.
- Replace the role of planning supervisor with a new role of CDM co-ordinator. The co-ordinator will be empowered by the Client, and will act as the Client's key advisor for effective communication and co-ordination of health and safety information.
- Emphasise the importance of competence at all levels in securing health and safety benefits, while simplifying the assessment of competence.
- Drive out needless paperwork and bureaucracy that had become associated with CDM 1994. Paperwork should be project-specific, relevant, proportionate to the risk, and of real use in helping to manage the risk. If not, it will not be required.
- Simplify when a project is notifiable. Projects will be notifiable if they will last more than 30 days or 500 person days. No projects for a domestic client will be notifiable.

So, what are the main things to expect after April, 2007?

Clients or their CDM co-ordinator should assess all the people they appoint (including designers and contractors) to make sure they are competent to carry out their work without risk to health and safety. The same will apply to other people making any appointments.

The Client will provide relevant health and safety information about the project and site prior to construction. The Client should also allow sufficient time to enable the proper planning and preparation for the work on site.

The onus will be on the Client to take reasonable steps to ensure that designers and Contractors have suitable overall arrangements in place to be able to manage the construction work safely, and that adequate welfare provisions have been made.

Those who are involved in design work will need (so far as is reasonably practicable) to eliminate any hazards and reduce the risk from any remaining hazards. They will need to avoid foreseeable risks for the construction, cleaning and future maintenance. Designers involved in designing a structure to be used as a place of work will also need to comply with the Workplace (Health, Safety and Welfare) Regulations 1992.

The provisions relating to health and safety on site are not significantly different. However, there will be a specific requirement on the Principal Contractor to have arrangements to consult with the workers on site, which is seen as being essential for a safety culture to develop. Contractors can also expect more detailed enquiries from Clients to demonstrate their competence.

Clients can unintentionally or unwittingly take on additional responsibilities. If they specify materials or methods of working, they may well become designers in relation to those specific matters. They will also legally be contractors if they manage or carry out construction work. Similarly for projects notifiable to the HSE, a Client failure to formally make either of the statutory appointments of CDM Co-ordinator and Principal Contractor, means that the Client becomes legally liable for the work that the statutory appointees do, as well as the failure to make the statutory appointments.

There has been a significant improvement in construction safety since the introduction of CDM 1994, although occupational health improvements have been harder to achieve. The experience of the last 11 years has shaped these revisions, which will provide the construction industry with the opportunity, and the means, to make the next step-change in health and safety performance.

Guidance is now published and available:

*Managing health and safety in construction
Construction (Design and Management) Regulations 2007*
Approved Code of Practice L144 ISBN 978 07176 6223 4 £15.00

***If you need further advice on the CDM Regulations 2007 please contact:
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