

# CDM 2015: What's it all about?



## Construction, Design and Management Regulations 2015

With the release of the new Construction, Design and Management Regulations (CDM 2015) just around the corner, QEM wanted to understand what the changes are and how it will affect our industry. We like to keep ahead of the game - that's what makes us all a cut above the rest - so here's our guide on what you need to know about the new regulations.

### CDM 2015 - so what's it all about?

The draft CDM regulations were issued on 31st March 2014 for a 10 week consultation period; 14271 responses were received, mainly from CDM Coordinators and the entertainment industry who will be affected the most by the new regulations.

The comments of the majority of respondents acknowledged the simpler and more linear structure of the draft regulations. However, smaller contractors and several industry stakeholders expressed concerns that the lowering of the threshold for the formal appointments in the preconstruction and construction phases (principal designer and principal contractor respectively) could be problematic.<sup>[1]</sup>

Once approved by parliament, a transitional period will run for six months until **6 October 2015**. During this period, **CDM Co-ordinators already appointed on projects** shall be allowed to remain in post **until that date or the end of the project**, whichever is earlier.

The HSE published a draft guidance document (L153) on the 9th January based on the draft regulations and 2014 consultation comments which will be incorporated into the final 2015 regulations. Once approved by parliament there shall be a transitional period that will run for six months from 6 April 2015 to 6 October 2015. During this period, CDM Co-ordinators already appointed on projects shall be allowed to remain in post for six months, or to the end of the project, whichever is earlier. So we've all got time to really digest and understand the new requirements.

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## So what are the main changes to the regulations?

Well, we've touched on it above and the main change to the regulations revolves around the replacement of the CDM Coordinator role with the Principle Designer's (PD) role.

The intention of the new regulations is to improve the implementation of the EU Temporary or Mobile Construction Sites Directive (TMCSO) and improve Health & Safety by bringing risk management and planning into the overall design process and thus eliminating risks by design instead of construction management.

The PD role will be carried out by the person responsible for the design work, which may be a contractor, an architect, an engineer etc. Their responsibilities shall include;

- Planning, managing and monitoring the pre-construction phase
- Ensuring that where reasonably practicable, risks are eliminated or controlled through design work
- Passing information to the Principal Contractor (PC)
- Ensuring co-operation and co-ordination
- Ensuring designers comply with their duties
- Assisting the Client in preparing the pre-construction information
- Preparing the health and safety file

Other changes include;

- **Replacement of the detailed competence requirements** with a more general framework based on information, instruction, training and supervision.
  - ◆ This basically highlights the **legal obligation** for duty holders to provide **information, instruction, training and supervision**, which replaces the duty to assess competence; currently no base line guidance has been given on this.
- Changes to **notification requirements**.
  - ◆ A project is notifiable if **construction work lasts longer than 30 working days AND has more than 20 workers working simultaneously** at any point in the project or **exceeds 500 person days**. This should reduce the number of notifiable projects and shall better align with directive requirements.
- **Additional client duties**.
  - ◆ Extending the scope of the regulations to include **domestic clients**.
  - ◆ **CDM clients** will now be **taking on some of the old CDM-C's responsibilities**, including notifying the HSE, ensuring duty holders comply with their duties, ensuring that the minimum health and safety standards are maintained on site, ensuring that the construction phase health and safety plan is drawn up and a health and safety file is produced.
- To **replace the ACOP with guidance**.
  - ◆ The CDM2007 ACOP was deemed to be too long and not useable to the majority, therefore more concise guidance will accompany the new regs.
- A requirement for a **written construction phase health and safety plan** (CPHSP) for all construction projects.

The main change revolves around the replacement of the CDM Coordinator with the Principle Designer's role



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## So what and how will this affect our industry?

In the beginning, not by much. With the transition period in place to allow further understanding and training on the new regulations, and due to the sizes of our projects and the controls we already have in place there, we feel very little change shall be felt initially.

The main obstacles to overcome will be to digest and understand the changes in roles and responsibilities of the duty holders and ensure these duties are carried out in the manner in which the regulations intend.

The HSE's tailored guidance will outset all the role requirements however to assist with understanding the changes in roles CITB has published the industry guidance documents written by the Construction Industry Advisory Committee (CONIAC). Although written with small businesses in mind they still provide invaluable information regarding what actions are required by duty holders to create a safe working environment. These can be found through this [link](#).

Hopefully this overview and the information provided within will assist QEM's employees, associates and clients to hit the ground running with the new regulations and provide a sound baseline understanding to be built upon over the next few months.



### References

- (1) Health & Safety Executive Board: Outcome of the public consultation on proposals to revise the Construction (Design and Management) Regulations 2007 (CDM 2007) <http://www.hse.gov.uk/aboutus/meetings/hseboard/2014/130814/paugb1462.pdf>

**From the editor:** We have tried to make sure the above article is as accurate and up-to-date as possible. If you think we have something wrong, or you feel we need to update it, please get in touch [here](#).

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