

# Estates & Facilities Management – Construction & Maintenance Work Compliance with CDM 2015 Regulations

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Estates Division

Estates and Facilities Management

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## 1. Objective

The objective of this policy is to ensure that The Directorate of Estates and Facilities Management, and the University as a whole, carries out its work in such a way as to comply with the Construction (Design and Management) Regulations 2015 (abbreviated to CDM Regs).

Full guidance on regulations can be found in the HSE publication Managing Health and Safety in Construction, <http://www.hse.gov.uk/pubns/priced/l153.pdf>

## 2. The Meaning of Construction

The CDM regulations apply to every type construction project.

“Construction work” means the carrying out of any building, civil engineering or engineering construction work and includes—

- (a) the construction, alteration, conversion, fitting out, commissioning, renovation, repair, upkeep, redecoration or other maintenance (including cleaning which involves the use of water or an abrasive at high pressure, or the use of corrosive or toxic substances), de-commissioning, demolition or dismantling of a structure;
- (b) the preparation for an intended structure, including site clearance, exploration, investigation (but not site survey) and excavation (but not pre-construction archaeological investigations), and the clearance or preparation of the site or structure for use or occupation at its conclusion;
- (c) the assembly on site of prefabricated elements to form a structure or the disassembly on site of the prefabricated elements which, immediately before such disassembly, formed a structure;
- (d) the removal of a structure, or of any product or waste resulting from demolition or dismantling of a structure, or from disassembly of prefabricated elements which immediately before such disassembly formed such a structure;
- (e) the installation, commissioning, maintenance, repair or removal of mechanical, electrical, gas, compressed air, hydraulic, telecommunications, computer or similar services which are normally fixed within or to a structure

## 3. Duty Holders as defined in the CDM Regs

There are the following duty holders

**The Client**  
**Principal Designer and or Designers**  
**Contractors and or Principal Contractor**  
**Workers**

## 4. The Client

**Clients** are organisations or individuals for whom a construction project is carried out.

### 4.1 Client's Brief

For any construction project, as defined in section 2, the person(s) in the role of Oxford Brookes University Client will prepare a Client's Brief, which will;

- Set out the main function and operational requirements of the finished project
- Outlines how the project is expected to be managed including its health and safety risks
- Sets a realistic timeframe and budget

## **4.2 Duties of the Client**

The client is required to make suitable arrangements for managing the project so that health, safety and welfare are secured.

The arrangements must include

- Assembling the project team – appointing, in writing, designers (including a principal designer, if more than one contractor) and contractors (including a principal contractor, if more than one contractor). See Appendix 2 and 3 for examples of the wording of letters for the appointment of principal designers and principal contractors.
- Ensuring the roles, functions and responsibilities of the project team are clear.
- Ensuring sufficient resources and time are allocated.
- Ensuring effective mechanisms are in place for members of the project team to communicate and cooperate with each other.
- Ensuring that the designer or principal designer and contractor or principal contractor comply with their separate duties.
- Setting out the means to ensure that the health and safety performance of designers and contractors is maintained throughout.
- Ensuring that workers are provided with suitable welfare facilities for the duration of construction work.

## **4.3 Appointing designers and contractors**

The Oxford Brookes member(s) of staff responsible for appointing designers or contractors must ensure that those appointed have the skills, knowledge and experience to carry out the work in a way that secures health and safety.

When appointing a designer or a contractor, sensible and proportionate enquiries should be made about their organisational capability to carry out the work. Those making appointments will find the standard health and safety questions in PAS 91:2013 Construction related procurement. Prequalification questionnaires, available here <http://shop.bsigroup.com/upload/PASs/PAS91-2013.pdf>

## **4.4 Timing of appointments**

Clients must appoint designers or principal designers and contractors or principal contractors as soon as practicable and before the start of the construction phase, so they have enough time to carry out their duties to plan and manage the pre-construction and construction phases respectively.

## **4.5 Multi-contractor projects**

Where there will be more than one contractor working on a construction project, the Client is required to appoint, in writing, a Principal Designer (5.3) and a Principal Contractor (6.2), Appendix 2 and 3.

If a client fails to appoint either a Principal Designer or a Principal Contractor, the client must carry out their duties. (Para 40 of the Guidance <http://www.hse.gov.uk/pubns/priced/l153.pdf> )

## **4.6 In House Construction Work**

Where construction work, as defined in Section 2, is wholly carried out by Brookes staff, the manager(s) leading the project will take on the role of Designer (Section 5) and Contractor (Section 6). They need to take on the duties as defined in the regulations. In summary, the work should be designed in such a way to reduce the risks to safety during construction and maintenance after construction. The construction should take place in such a way to minimise risk to the safety of Brookes staff carrying out the work and to others in the vicinity.

## **4.7 Maintaining and reviewing the management arrangements**

The client must maintain and review arrangements to ensure they remain relevant throughout the life of the project.

The Client has the main duty for providing pre-construction information, such as an asbestos survey and structural drawings, as soon as possible to the Principal Designer and Principal Contractor.

## **4.8 Construction phase plan**

The Client must ensure that a construction phase plan is drawn up before the construction phase begins.

For single-contractor projects, the contractor must ensure the plan is prepared.

For projects involving more than one contractor, it is the principal contractor's duty.

The plan outlines the health and safety arrangements, site rules and specific measures in relation to the work to be carried out.

## **4.9 The Health and Safety file**

When there is more than one Contractor, the Client must ensure that the Principal Designer prepares a health and safety file. The plan's purpose is to ensure that, at the end of the project, the Client has information that anyone carrying out subsequent construction work on the building will need to know about in order to be able to plan and carry out the work safely and without risks to health.

The client must assist by

- providing the Principal Designer with any existing file produced as part of an earlier project
- ensuring the Principal Designer prepares a new file (or revises any existing one);
- ensuring the Principal Designer reviews and revises the file regularly
- ensuring the file is handed to the Principal Contractor if the Principal Designer's appointment finishes before the end of the project;
- ensure the file is kept available for anyone who needs it to comply with relevant legal requirements; and
- pass the file to whoever takes over the building

## **4.10 Notification to HSE**

Notification of a project must be made to HSE if the construction work is scheduled to

- (a) last longer than 30 working days and have more than 20 workers working simultaneously at any point in the project; or
- (b) exceed 500 person days of construction.

The Client, or an agent on their behalf, must submit the notice as soon as practicable before the construction phase begins.

If a project is not notifiable at first, but there are changes to its scope so that it fits the criteria for notification, the client must notify the work to the HSE as soon as possible.

Details of the notification process and the forms required can be found here.

<https://www.hse.gov.uk/forms/notification/f10.htm>

The client must ensure that a copy of the notice is displayed, so that it is accessible to anyone working on the site.

## **4.11 Checklist for the Client's duties**

A checklist for noting and recording the Client's duties and activities in relation to a construction project can be found in Appendix 1 on pages 8-9

## **5. Designers and Principal Designers**

### **5.1 Designers**

Designers are those, who prepare or modify designs for a building, product or system relating to construction work.

### **5.2 Duties of Designers**

Designers must comply with the requirements of CDM 2015 Regulations, details of which can be found here <http://www.hse.gov.uk/pubns/priced/l153.pdf> and are summarised as follows;

When preparing or modifying designs, use the general principles of prevention (section 8) to eliminate, reduce or control foreseeable risks that may arise during:

- construction; and
- the maintenance and use of a building once it is built.

To provide information to other members of the project team to help them fulfil their duties and report to the Principal Designer if one has been appointed.

The person who selects products for use in construction is also a designer and must take account of health and safety issues arising from their use. If an Oxford Brookes member of staff selects products, they too will be a designer and must comply with the Designers' duties, 5.4.

### **5.3 Principal Designers**

Principal Designers are designers appointed in writing (Appendix 2) by the Client in projects involving more than one contractor. They can be an organisation or an individual with sufficient knowledge, experience and ability to carry out the role. The Principal Designer should be appointed as early as possible in the design process. The principal designer should be in place for as long as there is a need for their role to be performed.

### **5.4 Duties of Principal Designers**

Principal Designers must comply with the requirements of CDM 2015 Regulations, details of which can be found here <http://www.hse.gov.uk/pubns/priced/l153.pdf> and are summarised here;

To plan, manage, monitor and coordinate health and safety in the pre-construction phase of a project. This includes: identifying, eliminating or controlling foreseeable risks; ensuring designers carry out their duties.

To prepare and provide relevant information to other dutyholders. Provide relevant information to the principal contractor to help them plan, manage, monitor and coordinate health and safety in the construction phase.

## **6. Contractors and Principal Contractors**

### **6.1 Role of Contractors**

Contractors are those who do the actual construction work and can be either an individual or a company.

Contractors must comply with the requirements of CDM 2015 Regulations, details of which can be found here <http://www.hse.gov.uk/pubns/priced/l153.pdf> and are summarised here

To plan, manage and monitor construction work under their control so that it is carried out without risks to health and safety. For projects involving more than one contractor, coordinate their activities with others in the project team – in particular, comply with directions given to them by the principal designer or principal contractor. For single-contractor projects, prepare a construction phase plan.

### **6.2 Principal contractors**

Principal contractors are contractors appointed in writing, Appendix 3, by the client to coordinate the construction phase of a project where it involves more than one contractor. The Principal Contractor should be appointed early enough in the pre-construction phase to help the client meet their duty to ensure a construction phase plan is drawn up before the construction phase starts.

### **6.3 Duties of Principal Contractors**

Principal Contractors must comply with the requirements of CDM 2015 Regulations, details of which can be found here <http://www.hse.gov.uk/pubns/priced/l153.pdf> and are summarised here

To plan, manage, monitor and coordinate health and safety in the construction phase of a project. This includes:

- liaising with the client and principal designer;
- preparing the construction phase plan;
- organising cooperation between contractors and coordinating their work.

To ensure:

- suitable site inductions are provided;
- reasonable steps are taken to prevent unauthorised access;
- workers are consulted and engaged in securing their health and safety; and
- welfare facilities are provided.

## **7. Workers**

Workers are the people who work for or under the control of contractors on a construction site.

Workers must:

- be consulted by their employers about matters which affect their health, safety and welfare;
- take care of their own health and safety and others who may be affected by their actions;
- report anything they see which is likely to endanger either their own or others' health and safety
- cooperate with their employer, fellow workers, contractors and other duty holders.

## **8. General principles of prevention**

All duty holders must work in such a way as to control the risks to health and safety

- avoid risks where possible;
- evaluate those risks that cannot be avoided; and
- put in place proportionate measures that control them at source.

## 9. Providing clear information or instructions

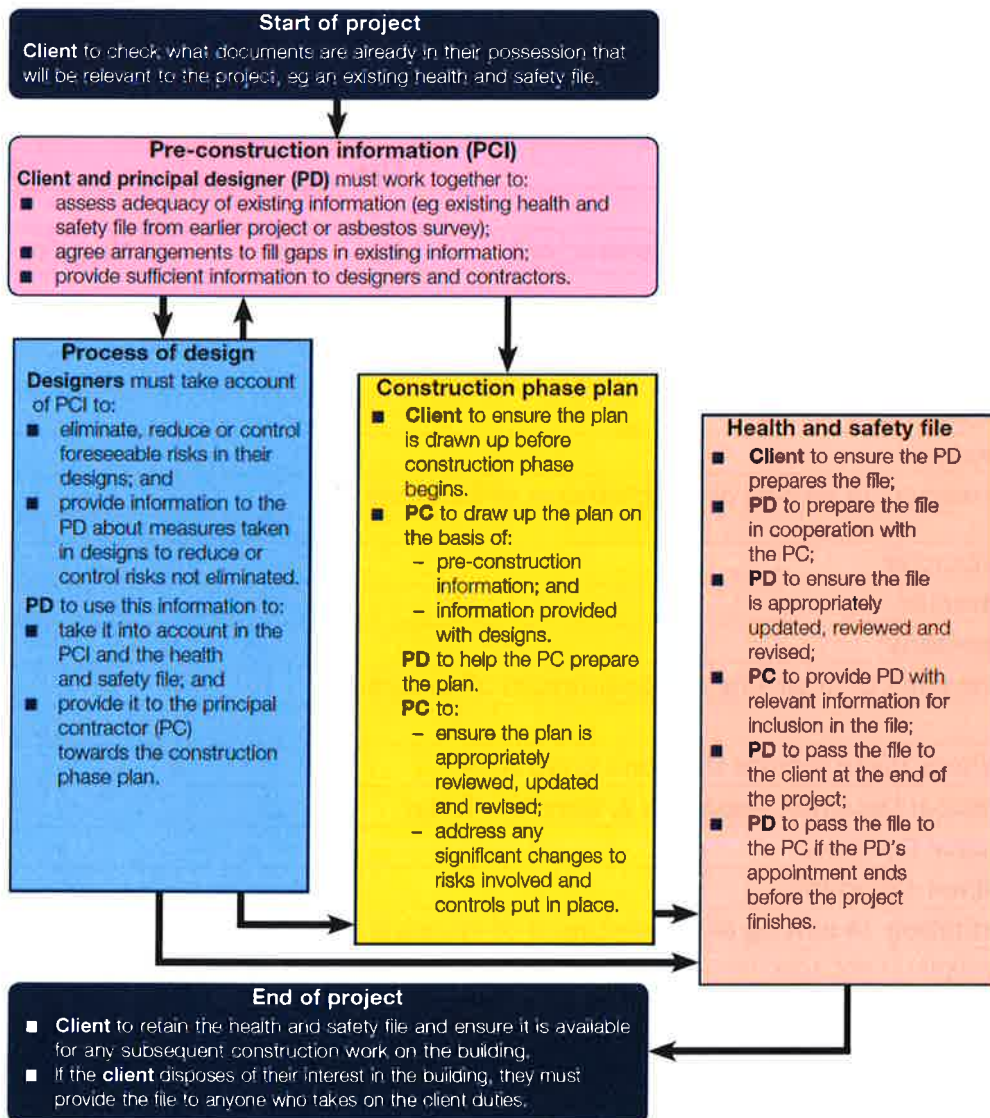
Anyone who has a duty under CDM 2015 to provide health and safety information or instructions to anyone else must ensure that it is easy to understand, provided in simple, clear English, be set out in a logical order and have illustrations where appropriate.

Information or instructions must be provided in good time – before the work begins, so that the recipients can understand and take account of it in carrying out their duties.

Examples of types of information include the:

- pre-construction information the client is required to provide to designers and contractors;
- health and safety information about the design that designers are required to provide to other dutyholders;
- information the principal designer must provide to enable preparation of the construction phase plan;
- site rules that are part of the construction phase plan; and
- information that principal contractors must provide to workers (or workers' representatives).

The flowchart below give a summary of how different types of information relate to and influence each other in a construction project with more than one contractor



## Appendix 1 Client Checklist for compliance with CDM 2015 Regs

### Project details

<b>Project details</b>			
<b>Compiled by</b>		<b>Date</b>	
<b>Brief summary of works</b>			
<b>Is this an EFR or part of an EFR</b> Yes No		<b>If yes, EFR no</b>	
<b>Draw up a Client's Brief, as section 4.1</b>		<b>Sign</b>	<b>Date</b>
<b>Will the work require more than one contractor?</b>		No Yes	<b>If No go to A, if Yes go to B</b>
<b>SECTION A Where there is only one Contractor</b>			
<b>Appoint a Designer</b>			
<b>Name of Designer</b>			
<b>Designer Company</b>			
<b>Date of confirmation in writing of appointment of Designer</b>			
<b>Appoint a Contractor</b>			
<b>Name of Contractor</b>			
<b>Contractor Company</b>			
<b>Date of confirmation of in writing of appointment of Contractor</b>			
<b>SECTION B Where there is more than one Contractor</b>			
<b>Appoint a Principal Designer, Appendix 2, template letter</b>			
<b>Name of Principal Designer</b>			
<b>Principal Designer Company</b>			
<b>Date of confirmation in writing of appointment of Principal Designer</b>			
If a Principal Designer is not appointed, the Client takes up the role and responsibilities of the Principal Designer			
<b>Appoint a Principal Contractor, Appendix 3 , template letter</b>			
<b>Name of Principal Contractor</b>			
<b>Principal Contractor Company</b>			
<b>Date of confirmation in writing of appointment of Principal Contractor</b>			
If a Principal Contractor is not appointed, the Client takes up the role and responsibilities of the Principal Contractor			
<b>Coordination &amp; Cooperation</b>			
<b>Establish design team meetings</b>	<b>Sign</b>		<b>Date</b>



<b>Share relevant preconstruction information. Examples a below</b>			
Existing H&S File	<b>Sign</b>		<b>Date</b>
Asbestos surveys	<b>Sign</b>		<b>Date</b>
Structural plans	<b>Sign</b>		<b>Date</b>
Plans showing services	<b>Sign</b>		<b>Date</b>
Others – list below			
	<b>Sign</b>		<b>Date</b>
	<b>Sign</b>		<b>Date</b>
	<b>Sign</b>		<b>Date</b>
	<b>Sign</b>		<b>Date</b>
	<b>Sign</b>		<b>Date</b>
	<b>Sign</b>		<b>Date</b>
<b>Welfare facilities. Ensure available</b>			
	<b>Sign</b>		<b>Date</b>
<b>Procedures for managing H&amp;S ?</b>			
	<b>Sign</b>		<b>Date</b>
<b>Agree sufficient time for project</b>			
	<b>Sign</b>		<b>Date</b>
<b>Construction phase plan</b>			
Prior to start , ensure (Principal) Contractor draws up plans	<b>Sign</b>		<b>Date</b>
<b>Health and safety file</b>			
Ensure (Principal) Designer draws up H&S File			
<b>Notification to HSE.</b>			
(a) > 30 working days & >20 workers simultaneously	<b>Yes</b>	<b>No</b>	
(b) > 500 person days	<b>Yes</b>	<b>No</b>	
If answer <b>Yes</b> to either, Client make notification to HSE <a href="https://www.hse.gov.uk/forms/notification/f10.htm">https://www.hse.gov.uk/forms/notification/f10.htm</a>			
<b>Notes</b>			

## Appendix 2

### Letter for appointment of Principal Designer

In line with our duties under the Construction Design and Management Regulations 2015 we confirm in writing your appointment as the duty holder of Principal Designer for insert project detail and address. We require confirmation in writing you accept this duty holder's position and you will fulfil the following duties throughout this contract.

To oversee the Construction Design and Management Regulations 2015 requirements the following services as Principal Designer will be required:

- Receive the Pre Construction Information provided by the client and review these and as required, produce a pre-construction information pack to be provided to the tenderers.
- Prepare and register F10 notification and update F10 as required
- Receive and review the Principal Contractor's Construction Phase Plan and make comment as necessary.
- Provide updates to the Pre-Construction information Pack based on information received from the client and the Principal Contractor as required.
- Liaise with the client and the Principal Contractor in order to develop a suitable format for the provision of the necessary as built Health and Safety file.
- Review/audit the as built Health and Safety Files provided by the Principal Contractor for the project and confirm when they are suitable.
- attendance of relevant site meetings and detailed health and safety audits

## Appendix 3

### Letter for appointment of Principal Contractor

In line with our duties under the Construction Design and Management Regulations 2015 we confirm in writing your appointment as the duty holder of Principal Contractor for insert project detail and address. We require confirmation in writing you accept this duty holder's position and you will fulfil the following duties throughout this contract.

To oversee the Construction Design and Management Regulations 2015 requirements the following services as Principal Contractor will be required:

- to liaise with the client and principal designer;
- to prepare the construction phase plan;
- to organise cooperation between contractors and to coordinate their work.

To ensure that:

- suitable site inductions are provided;
- reasonable steps are taken to prevent unauthorised access;
- workers are consulted and engaged in securing their health and safety; and
- welfare facilities are provided.

**The document has been approved by the follow**

Sign  Date 28 9 16  
 Sue Holmes, Director of Estates and Facilities Management

Sign  Date 28-9-16  
 Ray Blackford, Director of Estates

Sign  Date 29/09/16  
 Adrian Stokes, Projects Director

Sign  Date 29/09/16  
 Gordon Langford, Estates Safety Officer

**Change control details:**

Date version	Change details	Changed by
Sept 16	Addition of Appendices 2&3, wording of appointment letters for Principal Designer and Principal Contractor	

