



# CDM 2015: Consultation Seminars

[www.apm.org.uk](http://www.apm.org.uk)



## CDM 2015 Consultation

**Welcome.**

**Housekeeping.**



## **CDM 2015 Consultation**

**Introduction and HSE Strategy**

**Summary of main changes to CDM**

**Discussions around Principal Questions**

**Summing up and what to do now**

**Close**



## CDM 2015 Consultation

**APS would like to collate and analyse your responses from today's seminar.**

**You will find a CD questionnaire in your handout material and would ask you to, if possible, complete it before the end of the event.**

**[www.aps.org.uk/aps-cdm2015-consultation-survey](http://www.aps.org.uk/aps-cdm2015-consultation-survey)**

**We will use your responses to help formulate our principal reply to the CDM2015 Consultation Document.**



# Introduction & HSE Aims

[www.aps.org.uk](http://www.aps.org.uk)



## CDM 2015 Consultation

**The policy objectives behind the proposed Construction (Design and Management) Regulations 2015 (CDM 2015) are to:**

- **maintain or improve worker protection;**
- **simplify the regulatory package;**
- **improve health and safety standards on small construction sites;**
- **implement the Temporary or Mobile Construction Sites Directive (TMCSA) in a proportionate way;**
- **discourage bureaucracy; and**
- **meet better regulation principles.**



## CDM 2015 Consultation

**The balance of where serious and fatal injuries occur has shifted dramatically in the past 10-15 years. Two thirds or more of fatalities now occur on small sites – sites where fewer than 15 people work.**

**The larger, more structured part of the industry has made significant progress in improving its management of health and safety risks over this timeframe. Its motivation for achieving higher standards is often one of continuous improvement and innovation leading to best practice, rather than just meeting regulatory requirements.**



## CDM 2015 Consultation

**A more pronounced two-tier industry has arguably emerged and the challenge is to provide an effective regulatory framework which is more applicable to smaller construction sites, and to appear more relevant to their needs.**

**To deliver this, a radical rethink is needed on the length, complexity and accessibility of the package and the value that the current ACoP provides to those who run such sites.**





## CDM 2015 Consultation

**The CDM Evaluation made one key observation – that the broad structure was not broken but concerns in 3 key areas:**

- **Industry still buries itself in paperwork, wasting resource giving allusion of adding value but not;**
- **Way written Competence has given rise to unintended consequences;**
- **Coordination function delivered by pre-construction CDMC is not, in many cases, well embedded and is adding cost without value.**



## CDM 2015 Consultation

### 4 considerations:

- **Small sites – Biggest problem is sites with fewer than 15 people. Regs need to be understood by this end of the industry.**
- **Government policy for better regulation.**
- **Europe. Since 94 excluded owner occupiers. Also threshold for coordinator currently set at notification level and this has to change to all projects with more than one contractor.**
- **Government 2025 strategy for growth and need to take unnecessary business cost out of the process.**



## CDM 2015 Consultation

**In developing the revised regulatory package, HSE has taken into account the Government's wider strategy on construction, including the Government's industrial strategy for construction (published July 2013), Construction 2025.**

**The proposed revision will principally support the strategic objectives of improved co-ordination, better value for money, improved efficiency and procurement and use of technological changes, for example, building information modelling (BIM).**



# Summary of main changes to CDM

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## CDM 2015 Consultation

**The draft Regulations propose significant changes in the following areas:**

- **Structural simplification of the Regulations;**
- **Replacement of the ACoP with targeted guidance;**
- **Strengthening the role of the Client;**
- **Replacement of the CDM-c role with ‘principal designer’;**
- **Removal of explicit competence requirements and replacing with requirement for appropriate skills;**
- **Addressing areas of TMCS D relating to domestic clients; and**
- **The threshold for appointment of co-ordinators.**



## CDM 2015 Consultation

### Clients:

- **Appointment of a design phase co-ordinator and construction phase co-ordinator for all projects where more than one contractor on site.**
- **Notification to HSE only required for projects lasting longer than 30 days that have more than 20 workers on site or more than 500 person days.**
- **Introduction of Domestic Clients.**
- **Client no longer has a requirement to ensure the competence of those they appoint.**
- **No general requirement to co-ordinate work with others – co-operation only.**



## CDM 2015 Consultation

### Designers:

- **No requirement for Principal Designer to be appointed before detailed design can commence.**
- **No requirement for Designers or Principal Designers to have information, instruction and training.**
- **Removal of requirement for Designers to take account of the Workplace Regs.**



## CDM 2015 Consultation

### Co-ordinator:

- **Removal of CDMC and co-ordinator duties placed on 'Principal Designer'.**
- **PD to plan, manage, monitor & co-ordinate pre-construction phase.**
- **PD to identify, eliminate, or control, so far as is reasonably practicable, foreseeable risks to the health or safety of any person.**
- **Co-ordinator no longer responsible for notifying HSE – Client duty – and only required before construction work starts on site.**





## CDM 2015 Consultation

### **Principal Contractor / Contractor:**

- **Contractor to undertake Client duties on domestic projects (unless PD asked to do this).**
- **Construction Phase Plan required for all projects.**
- **No requirement for Client or Principal Designer to check that the Construction Phase Plan is adequate.**
- **Both PD and PC responsible for ensuring that the health and safety file is appropriately updated, reviewed and revised from time to time to take account of the work and any changes.**



# Principal Consultation Questions

[www.aps.org.uk](http://www.aps.org.uk)



## CDM 2015 Consultation

### Structural simplification

**HSE believes that these regulations will be more easily understood by small or medium-sized employers than CDM2007.**

Will they be more easily understood by those involved in the SME sector of construction?



## CDM 2015 Consultation

### Structural simplification

**HSE has redrafted Designer duties.**

Are the designer duties clearer and adequate?

Will designers duties be effective in considering relevant health and safety risks during subsequent construction work?



## CDM 2015 Consultation

### Structural simplification

**Construction phase health and safety plans, proportionate to the risks involved, will be required for all projects.**

What will be the impact of this?



## CDM 2015 Consultation

### Replacing the ACoP with targeted guidance

**HSE proposes to replace the CDM ACoP with a suite of six sector-specific guidance documents. Do you agree with this approach?**

Will this result in clearer, simpler more effective guidance on how to comply with the law?



## CDM 2015 Consultation

### **Replacing the CDM co-ordinator with the principal designer**

**HSE believes that there is a need to bring the pre-construction co-ordination function into the project team that is in control of the pre-construction phase.**

Will this improve pre-construction co-ordination and achieve integrated risk management?

Why has the CDMC not been better integrated into the project team?



## CDM 2015 Consultation

### Replacing the CDM co-ordinator with the principal designer

**CDM 2015 requires the appointment of a Principal Designer (PD) and Principal Contractor (PC) if a project involves more than one contractor.**

What will be the impact for projects not currently requiring these appointments?





## CDM 2015 Consultation

**Replacing the explicit requirement for individual competence with new regulation 8 and removing CDM's explicit requirement for corporate competence.**

**The draft Regulations do not explicitly require clients to check the competence of organisations, before they are appointed to carry out construction work.**

Will this improve construction health and safety?

What should be required of clients to ensure the competence of those they appoint?



## CDM 2015 Consultation

### Clients' duties

**Clients' duties in proposed regulations 5 (Client duties for managing projects), 7 (Notification) and 8 (General duties) maintain a strong focus on the way that construction work is carried out on their behalf.**

Do you think this is the best approach for both commercial and domestic clients' projects?



## CDM 2015 Consultation

### Domestic clients

**HSE's preferred approach is set out in regulation 4. By default this deems that Client duties will be fulfilled by the contractor (or principal contractor where there is more than one contractor).**

Given the requirement to comply with the TMCS D, do you believe this is an acceptable approach for domestic client projects?

Will this change how these projects are currently managed for health and safety?



## CDM 2015 Consultation

### Notification

**The notification threshold is being raised to cover projects lasting more than 30 working days and having more than 20 workers working simultaneously at any point in the projects; or exceeding 500-person days.**

What do you think will be the impact of this?



## CDM 2015 Consultation

### Notification

**Notification will be undertaken by the Client not the co-ordinator.**

What, if any, will be the effect of this change?

**The requirement to notify the HSE when the PD is appointed has been removed.**

What, if any, will be the effect of this change?



## CDM 2015 Consultation

### Threshold for appointment of co-ordinators

**HSE estimate that there will be just less than 1 million additional small projects per year for domestic and non-domestic clients which will require the appointment of co-ordinators (more than one contractor).**

Do you agree that for the vast majority of these projects there should be more effective coordination, particularly of smaller and poorly managed projects involving significant health and safety risks?



## CDM 2015 Consultation

### Transitional Provisions

**Where a project began before the coming into force of these Regulations, the client must appoint the principal designer as soon as is practicable.**

**Where a principal contractor has already been appointed under the 2007 Regulations, they will be treated as having been appointed under the 2015 Regulations.**

What are the likely implications of these provisions?



## CDM 2015 Consultation

### Impact Assessment (Annex 2)

Do you believe that moving the co-ordination function to the Principal Designer will save £30 million per year?

Do you believe that increasing the Notification Threshold will result in a £3m saving?

What do you think will be the significant savings from removing App 4 competence?





## Summary and what to do now

[www.aps.org.uk](http://www.aps.org.uk)



## CDM 2015 Consultation

**The Consultation Process closes on 6<sup>th</sup> June 2014.**

**The HSE's preferred method is via their online questionnaire.**

**You can however also complete the electronic pdf and email it to [cdm2015@hse.gsi.gov.uk](mailto:cdm2015@hse.gsi.gov.uk)**

**Please note:**

**Most of the questions give you the opportunity to provide comment as well as the Yes/No response.**



## CDM 2015 Consultation

**HSE will give full consideration to the substance of views expressed.**

**HSE will tell stakeholders when they will publish information concerning the consultation responses and will provide:**

- **a summary of those who responded to this consultation;**
- **a summary of the views expressed to each question.**

**All this information will be placed on HSE's website alongside an explanation of how the Government will proceed with the arrangements and any necessary legislative change that is proposed arising from this consultation.**



## CDM 2015 Consultation

**If you have not already done so, please complete the questionnaire which has been handed out to you or go to:**

**[www.aps.org.uk/aps-cdm2015-consultation-survey](http://www.aps.org.uk/aps-cdm2015-consultation-survey)**

**We have asked our Regional Committees to host a local CPD event towards the end of May to discuss the official APS response to the Consultation Document.**



## CDM 2015 Consultation

**Please now make sure that you respond to the HSE via their online questionnaire as soon as possible – whilst it is still fresh in your minds.**

**[consultations.hse.gov.uk/consult.ti/CD261/respondByQuestionnaireLogin](https://consultations.hse.gov.uk/consult.ti/CD261/respondByQuestionnaireLogin)**

**Thank you all very much and have a safe journey home.**