



Defence
Infrastructure
Organisation

DIO POLICY INSTRUCTION

Subject: **CDM REGULATIONS 2015**

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Contact if different from above Sponsor:

DIO CESO

Defence Infrastructure Organisation

Kingston Road, Sutton Coldfield, West Midlands, B75 7RL

Tel: 94421 3228 / 0121 311 3228.

Who should read this: DIO Staff and Contractors; Public, Private Partnerships, Private Finance Initiatives Project Managers/Commercial Officers, Commanding Officers / Heads of Establishment (CO/HoEs) and representatives; and Chief Environment and Safety Officers (CESOs) or equivalent.

When it is due to expire: until updated or rescinded

Health and Safety

Equality And Diversity Impact Assessment

This policy has been Equality and Diversity Impact Assessed in accordance with the Department's Equality and Diversity Impact Assessment Tool against:

Part 1 Assessment Only (no diversity impact found)

RECORD OF CHANGES

Amendment No	Summary of Changes Made	Authority	Date of Insertion	Signature
1	Amendment to Annex D & E to more accurately reflect req'ts of Reg 5(1)	DIO CESO	13 May 2015	R Mcloughlin

DOCUMENT AIM

1. This document details the management arrangements and the roles and responsibilities placed on DIO and its contractors following the release of CDM Regulations 2015. It is not intended to provide a full explanation of the CDM Regulations 2015 or replace Guidance on CDM L153. For further guidance on the application of CDM regulations please liaise with the Regional Health and Safety Advisor.

CDM REGULATIONS 2015 KEY REQUIREMENTS

2. The Construction (Design & Management) (CDM) Regulations 2015 lay down the legal principles for the management of health, safety and welfare on all construction work. In particular, these establish legal duties for:

- a. The Client
- b. The Principal Designer (on projects involving more than one designer or contractor). *Note:* This is a newly established role.
- c. The Principal Contractor (on projects involving more than one contractor)
- d. Designers
- e. Contractors

3. The CDM Regulations 2015 replace the 2007 Regulations of the same name. The role of the CDM Co-ordinator has been abolished with the introduction of these new Regulations.

4. The role of “The Client” can sometimes be split between more than one organisation. The determining factors are had from a consideration of who:

- a. ultimately decides what is to be constructed, where, when and by whom; commissions the design and construction work;
- b. initiates the work;
- c. is at the head of the procurement chain; and
- d. appoints contractors (including the principal contractor) and designers (including the principal designer).”

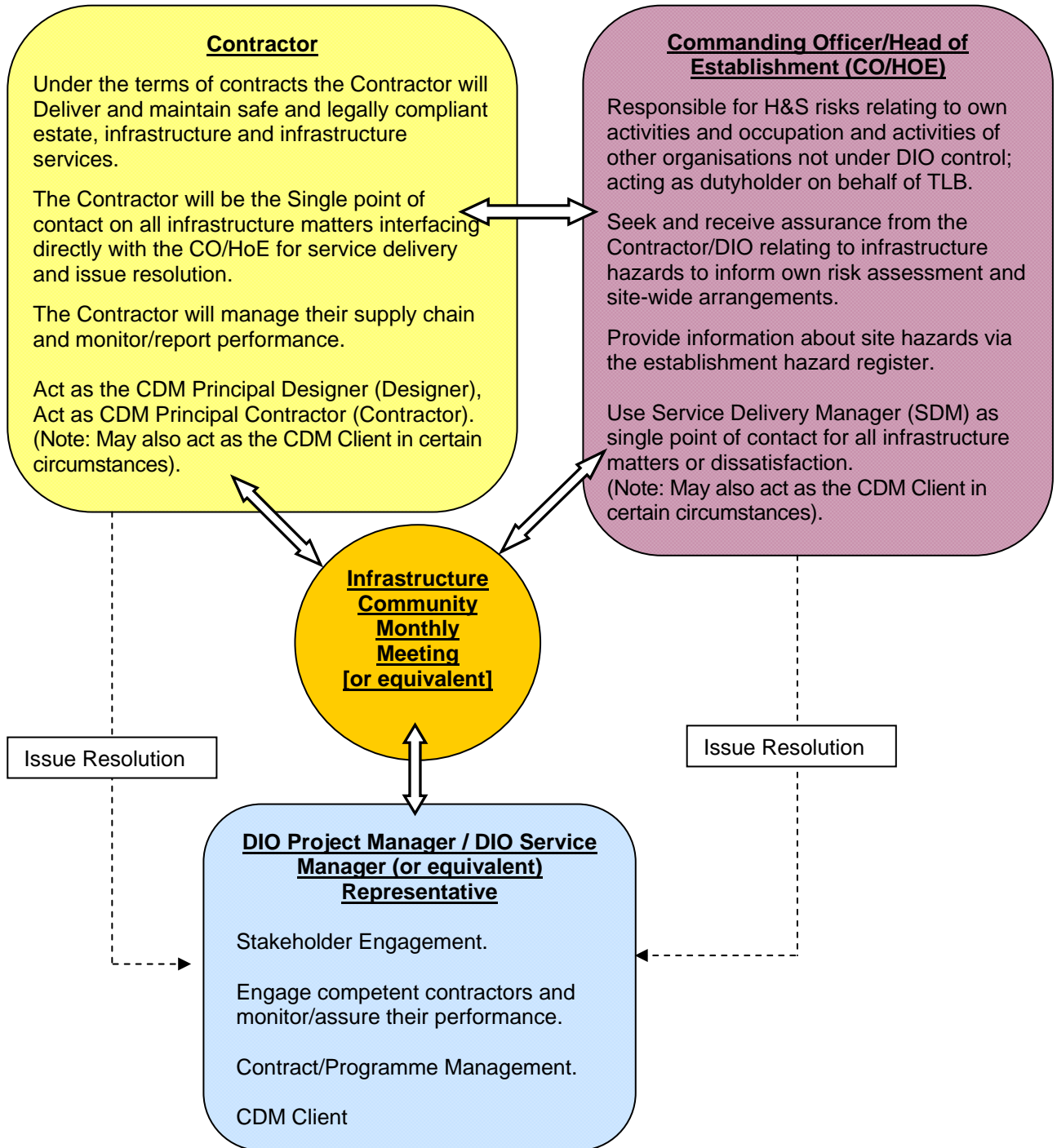
5. Within the various forms of contract managed by DIO, it is possible for Front Line Commands; DIO and DIO Contractors all to be considered as being a “Client” as defined under the Regulations. In these circumstances, provision is made for one of more party to agree to be treated as “The Client” for the purposes of CDM 2015.

KEY STAKEHOLDERS AT ESTABLISHMENT LEVEL

6. DIO, as a Defence enabler and as a CDM Client is responsible for provision of statutory compliant infrastructure. In discharging its duties DIO may require input from Heads of Establishment, who may be considered as Designers, as well as support from Contractors, who may be appointed as both Principal Designers (Designers) and Principal Contractor (Contractors).

7. The diagram below illustrates the general inter-relationships for Health, Safety and Environmental Protection (HSEP) management at Establishment level. For other contractual arrangements, refer to Annex A ‘Differences in Implementation’.

8. For specific details of roles and responsibilities, refer to Role and Implementation section.



ROLES AND IMPLEMENTATION

9. CDM 2015 applies to all construction projects in Great Britain. Through the Health and Safety at Work etc. Act 1974 (Application outside Great Britain) Order 2013, it also applies to construction work carried out in territorial sea; and in connection with, or preparatory to, construction of any renewable energy structure in the renewable energy zone. There are transitional arrangements for works started before 6 April 2015 (summarised in Annex B)

10. Roles that must be fulfilled under CDM Regulations are detailed below.

11. **DIO Project Managers (PM) / DIO Service Manager / DIO PPD** or equivalent will typically fulfil the client role and will therefore be responsible for discharging all the client duties within the regulations and as summarised within Annex C below although there are circumstances where the contractors (Ref 16b below)/ PFIs (Annex A) will fulfil the client role.

12. A DIO PM is any member of staff (excluding DIO Commercial) who engages with the contractor to undertake work. Within the Service Delivery community it is most likely the Service Manager (SM) or the SM's representative who will fulfil the DIO PM role.

13. The Client must formally appoint a competent Designer using a template similar to that presented in Annex D, as the Principal Designer for the project. **The Principal Designer (PD¹) is to be appointed as early as possible in the design process, if practicable at the concept stage, and to remain in place so long as there is a need for their role to be performed.** Once appointed the Client can seek advice from the Principal Designer as to duties under the CDM Regs 2015 throughout all stages of the project. The Client must also formally appoint a competent Contractor using a template similar to that presented in Annex E.

14. Advice from the Regional Health and Safety Advisor should be sought if DIO staff are unsure as to whether the Designer (including Principal Designers) or Contractors (including Principal Contractors²) have the skills, knowledge and experience to carry out the work in a way that secures health and safety.

15. Where services previously fulfilled by the CDM Co-ordinator (CDM Regs 2007) are still being maintained during transition then the DIO Client should seek to procure via the delivery organisation.

16. **DIO Contactor** as required to act in the role of Principal Designer and or Principal Contractor as required.

- a. To notify the Client (DIO PM) of any works that will require the Client to notify the HSE.

¹ The Principal Designer appointment is required where more than one designer is involved in the project.

² The Principal Contractor appointment is required where more than one contractor is involved in the project

b. For works that the contactor is to provide a service automatically to repair or replace items which have failed in service without direction from the Service Manager (works referred to as within the Inclusive Repair Limit [IRL]³); then the contractor shall elect to take the lead client role else notify the SM in writing that that they will not be able to take the lead client for works specified.

17. Further advice and assistance on matters pertaining to this guide can be obtained from the document sponsor or point of contact detailed below. It is the responsibility of the user to ascertain if they have the most up to date version of the document. Advice on CDM related matters can be obtained from Defence Infrastructure Organisation through local Health and Safety Advisors or direct from the policy sponsor:

**DIO Principal Safety Advisor
Defence Infrastructure Organisation
Kingston Road
Sutton Coldfield
West Midlands B75 7RL**

³ IRL defined in NGEN Contract Booklet 2 Clause 55

DIFFERENCES IN IMPLEMENTATION

1. PFI providers will be regarded as the Client for works in areas of their operation.
2. In relation to overseas it is expected as far as reasonably practicable this instruction is implemented.

**CONSTRUCTION (DESIGN AND MANAGEMENT) REGULATIONS 2015 (CDM 2015):
TRANSITIONAL ARRANGEMENTS**

1. When CDM 2015 comes into force on 6 April 2015, there will be a transitional period which will run for six months from 6 April 2015 to 6 October 2015.
2. For projects starting before 6 April 2015, where the construction phase has not yet started and the client has **not** yet appointed a CDM co-ordinator, the client **must** appoint a principal designer as soon as it is practicable.
3. If the CDM co-ordinator has already been appointed, a principal designer **must** be appointed to replace the CDM co-ordinator by 6 October 2015, unless the project comes to an end before then.
4. In the period it takes to appoint the principal designer, the appointed CDM co-ordinator should comply with the duties contained in Schedule 4 to the new CDM 2015 Regulations. These duties reflect the existing requirements under CDM 2007 for the CDM co-ordinator rather than requiring CDM co-ordinators to act as principal designers, a role for which they may not be equipped.

CLIENT DUTIES

1. Formally appoint the Principal Designer (PD) (individual or Organisation) and Principal Contractor (PC) to work on the project. Appointment templates held in Annex D and E respectively. When required, ensure an online F10 notification form has been submitted to HSE to notify commencement of work

Note the DIO PM may wish to seek advice from the Principal Designer as to whether the contractors (including principal contractors) have the skills, knowledge and experience to carry out the work in a way that secures health and safety

2. As an aide memoire, Clients may wish to follow the checklist below, to ensure all roles and responsibilities are fully understood and that appropriate appointments and actions are completed:

- Are you clear about your responsibilities?
- Have you made your formal appointments?
- Have you checked that the principal designer or designer has the capability and necessary skills, knowledge, training and experience to fulfil their duties?
- Have you checked that the principal contractor or contractor has the capability and necessary skills, knowledge, training and experience to fulfil their duties?
- Have you checked the project team is suitably resourced?
- Has client or project brief been issued to the project team?
- Has the project team been provided with information about the existing site or structure (pre construction information)?
- Has project-specific health and safety advice been sought?
- Are suitable arrangements in place to manage Health and safety throughout the project?
- Has a schedule of the key activities for the project been produced?
- Has sufficient time been allowed to complete the key activities?
- Have you checked that a construction phase plan has been adequately developed before work starts on site?
- Are you satisfied that suitable welfare facilities have been provided before work starts on site?

- Have you agreed the format and content of the H&S file arrangements?

3. The Client will also be required to:

- Attend the meetings and ensure all aspects required under the CDM Regs 2015 are suitably managed by all duty holders.
- Ensure the draft H&S File is completed at the handover board.
- Review the H&S file and accept or request changes (DIO H&S can support on complex or novel projects).

4. The Client also needs to be aware of the duties of the Principal Designer and Principal Contractor outlined below.

PRINCIPAL DESIGNER DUTIES

5. **The Principal Designer (PD) is to be appointed as early as possible in the design process, if practicable at the concept stage, and to remain in place so long as there is a need for their role to be performed.** The PD is required to plan, manage and monitor the pre-construction phase and to co-ordinate the key design, construction phase planning and time allocation. The PD will have:

- Understanding of how health and safety is managed through the design process.
- Technical knowledge of Construction relevant to the project.
- Skills to be able to oversee health and safety during the pre construction phase of the project and design.

6. In fulfilling the duties at Para 5 above the PD will:

- Assist the client in identifying, gathering and collating the Pre construction information. Then review it for completeness and visit site if required to ensure the accuracy of information gathered. Agree with the client when updates will be provided and issue periodically the developing pre construction information.
- Hold regular meetings with the client to update on developing pre construction information. Include feed back on any significant health and safety issues arising from their original brief including any subsequent changes from the brief or design.
- Provide pre construction information to all relevant parties. The information should be specific to the project and should not include superfluous H&S information that the competent Principal Contractor (PC) would be expected to know.
- Seek contractor input during the design stage to identify potential construction issues.
- Co-ordinate designers including the co-ordination of temporary works.

- Ensure the designers comply with their duties and co-operate with each other.
- Assist the PC with development and confirm the Construction Phase Plan (CPP) is suitable. Submit to the Client as checked and developed, managing all potential hazards for commencement of work.
- Liaise with the PC for the duration of the contract.
- Ensure the PC receives the pre construction information including any client information from the client brief.
- Liaise with the PC throughout the contract duration to ensure the design is coordinated and raise any potential issues.
- Support the PC in obtaining responses from designers to any questions on H&S.
- Organise meetings for the transfer of relevant H&S, Design and Construction information between all parties during the design and construction phases, ensuring the reverse flow of construction/design information to the PC.
- Prepare the H&S File in the pre construction phase and work with the PC in the development during the construction phase. After continuous review and update the PD will handover the H&S file in draft format at the handover board to the client. The H&S File will be amended if required in accordance to the client's comments and returned complete within 1 month of handover.
- Ensure that the designers have the relevant skills and knowledge, training and experience to deliver their work.
- Assist and notify the client of his duties under the CDM Regs 2015 throughout all sections of the project.

7. For non framework projects the PD will produce a proposal for the client outlining the scope of the Project. The proposal may include an overview of the PD resources, the skills, knowledge experience and training pertinent to the project.

PRINCIPAL CONTRACTOR DUTIES

8. The Principal Contractor (PC) is the contractor in overall charge of the construction phase. They are appointed by the client and there should only be one principal contractor for a project at any one time. The PC will:

- Be capable of carrying out the role and have the right skills, knowledge, training and experience. This will depend upon the nature of the work and the range and nature of health and safety risks involved.
- Manage the construction phase of a project. This involves liaising with the client and principal designer throughout the project, including during the pre-construction phase.

- Manage, monitor and co-ordinate the construction phase so that health and safety risks are controlled.

9. Key actions include:

- Planning: preparing a construction phase plan that ensures the work is carried out without risk to health or safety.
- Managing: implementing the plan, including facilitating co-operation and co-ordination between contractors.
- Monitoring: reviewing, revising and refining the plan and checking work is being carried out safely and without risks to health.
- Securing the site: taking steps to prevent unauthorised access to the site.
- Welfare facilities: making sure that facilities are provided on site throughout the construction phase and these are suitable and sufficient for the workforce.
- Site safety information: providing site induction: giving workers, visitors and others information about risks and rules that are relevant to the site work and their work.
- Liaising on design: discussing with the principal designer any design or change to a design.

10. The Principal Contractor must work with the client and principal designer throughout the project. The PC must draw up a plan which describes how health and safety will be managed during the construction phase. The plan should be:

- Proportionate to the size and nature of the work, and the risks involved.
- Workable and realistic.
- Regularly reviewed and added to as new trades start.
- Be suitably developed to allow project to start. Suitably developed is to include sufficient Risk Assessments and Method Statements to manage all risks suitable at works start covering the first few weeks of work including site set up.

11. The PC is responsible for ensuring welfare facilities are provided and are suitable and sufficient for the size and nature of the site. They must be available as soon as the work starts and remain until the construction work is completed.

12. The PC must ensure a suitable site induction is provided to every site worker. The induction should be site specific and be relevant to the size and scope of the work, and level of risk involved.

13. The PC will need to formally monitor site health and safety standards and control measures maintaining suitable records throughout the project.

14. The principal designer is responsible for preparing the health and safety file and the PC should pass on to them any relevant health and safety information required.

**APPOINTMENT OF THE PRINCIPAL DESIGNER UNDER THE CDM REGULATIONS
2015**

1. In accordance with the requirements of Regulation 5(1) of The Construction, Design and Management Regulations 2015, in my role of Client, on behalf of the Secretary of State for Defence, I hereby appoint *name of organisation* as Principal Designer for the *name of project and site location*.
2. Would you please acknowledge receipt of this Letter of Appointment.

Signed

Name of DIO Project Manager / DIO Service Manager

Copy to:

Appropriate DIO Health and Safety Adviser

**APPOINTMENT OF THE PRINCIPAL CONTRACTOR* UNDER THE CDM
REGULATIONS 2015**

1. In accordance with the requirements of Regulation 5(1) of The Construction, Design and Management Regulations 2015, in my role of Client, on behalf of the Secretary of State for Defence, I hereby appoint *name of organisation* as Principal Contractor for the *name of project and site location*.
2. Would you please acknowledge receipt of this Letter of Appointment.

Signed

Name of DIO Project Manager / DIO Service Manager

Copy to:

Appropriate DIO Health and Safety Adviser