

## Contents

	page
<b>1 Introduction</b>	<b>1</b>
<b>2 Scope and Application</b>	<b>2</b>
<b>3 Purpose</b>	<b>3</b>
<b>4 Definitions</b>	<b>3</b>
<b>5.1 About the CDM Client</b>	<b>4</b>
<b>5.2 About Designers</b>	<b>4</b>
<b>5.3 About the Principal Designer</b>	<b>4</b>
<b>5.4 About the Principal Contractor/ Other Contractors</b>	<b>4</b>
<b>6.0 References and Related Documents</b>	<b>5</b>

## 1. Introduction

The CDM Regulations were substantially revised and reissued (6<sup>th</sup> April 2015, referred to in every day context as CDM 2015). The 2015 changes are substantial, with significant impact on duty holder roles, thresholds for appointments, requirements for Construction Phase Plans and Project Notification. This update Guide provides a framework for CDM 2015 duty holder compliance.

Effective management of health and safety risk in any Construction Project requires an informed and adequately resourced Project Team. To ensure effective cooperation and coordination at all stages of the Project, CDM duty holders should familiarise themselves with the roles and responsibilities of other CDM duty holders.

## 2. Scope and application

CDM 2015 applies to **ALL** Construction Work. The standards and guidance within this document series therefore apply to all Construction Work commissioned by Fife Council.

Important information for in-house commissioning Services is given in the text box below. **This Guide otherwise applies to Council Services with defined CDM 2015 duty only.**

### Services with CDM duty holder responsibility

These defined roles rest predominantly with either Asset and Facilities Management Services (**AFMS**) and Transportation and Environmental Services (**TES**) within the E&E Directorate and, to a lesser extent, with Housing & Neighbourhoods Service and also Parks, Streets and Open Spaces (**PSOS**) within the Council's Communities Directorate.

Whilst the CDM Client function is often discharged collectively across the Project commissioning Team, there will often be a Contract Administrator (or similar) with overarching responsibility. Individuals may have a wider involvement and carry out more than one CDM duty holder role; e.g. the Contract Administrator could also be the Principal Designer for the Project (or more than one Project).

### Other Council Services

Colleagues in Council Services who request construction work, building maintenance or repairs via authorised channels (including defined direct commissioning work) are not considered to be CDM duty holders or the "Client" for the purposes of CDM. These other Council Services (usually the internal clients or customers of AFMS) do often have an important input at various Project phases, including:

- (a) At concept stages: Cooperating with Project Teams and CDM duty holders, providing local information about:
  - restrictions on opening times, vehicle and plant movements or deliveries (e.g. during mealtimes or school play times)
  - on-site traffic management activities (e.g. buses, taxis)
  - fire and emergency muster points and escape routes (complex projects may require temporary adjustments to be agreed)
  - restrictions and/or suitable sites for temporary storage or temporary accommodation
  - emergency contacts
  - other on-site activities (e.g. exams, breakfast clubs) or events (e.g. community activities), client special needs, etc.
  - other local rules, restrictions or overlapping activities

This local information is particularly important where the construction work is to take place in or near occupied buildings.

- (b) Maintaining effective liaison, communication and coordination with those involved in the design and with Contractor's representatives during the construction work. **Contact the Contract Administrator promptly when a change to previously agreed arrangements proves to be necessary.**

(continues overleaf)

(c) Allocating appropriate personnel with sufficient time and resources at Project commissioning and hand-over stages to enable effective receipt of all appropriate information and instructions on the use, maintenance and cleaning of new or modified elements of the building, including any fixed plant and equipment.

Employees of other Council Services should avoid situations of assuming a design role or providing detailed design specification beyond the Project Brief. Other Council Services will generally be guided by Property Services and others with specific CDM duty holder roles about required standards and specifications, materials, finishes and methodology relating to detailed design elements of the Project.

### 3. Purpose

This Guidance series provides a framework for CDM 2015 duty holder compliance (The CDM Client, Designers, Contractors, Principal Designers and Principal Contractors) in a Fife Council context. It also provides guidance and context for key CDM documentation requirements. (Please refer to related documents at Section 6 below – also listed on our [Construction Safety and CDM compliance](#) page on the intranet or <https://www.fife.gov.uk/CDM> for external contractors. Proper application of this Guide will ensure the aims and objectives of CDM 2015 are met, i.e.:

- effective Project team work and Project coordination
- provision of competent and adequately resourced duty holders
- effectively planned, managed and resources Construction Projects
- proper and proportionate identification, consideration, elimination and reduction of construction hazards and residual safety and health risks
- effectively communicating residual risk information to those who need to know (the right information, to the right people, at the right time)
- proper hygiene and welfare facilities and improving protection for construction workers
- avoiding and discouraging bureaucracy.

### 4. Definitions

**Construction Work:** the carrying out of any building, civil engineering or engineering construction work including—

(a) 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) 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) 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) 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) 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.

**Construction Site:** any place where construction work is being carried out or to which the workers have access, but does not include a workplace within the site which is set aside for purposes other than construction work.

**Additional terms are defined at Regulation 2 of [The Construction \(Design and Management\) Regulations 2015](#)**

## **5.1 About the CDM Client** (see **OHS-C-16.G3** for further information)

The CDM Client has a major influence over the way a project is procured and managed. The CDM Client has contractual control, appoints designers and contractors, and determines the money (often in conjunction with the in-house customer or wider Council), time and other resources available for the Project.

Particularly for larger, more complex projects, the CDM Client should consider:

- a) who makes up the project team as well as determining the resources available;
- b) the arrangements for managing and co-ordinating the work of the Project Team;
- c) the level of cooperation required between members of the Project Team;
- d) the adequacy of information available at the planning or pre-construction phase; and
- e) the style and tone of communications used throughout the project.

*The CDM2015 extension of duties to domestic Clients should not impact on Fife Council. Council Housing Tenants are not “Clients” for the purposes of CDM. Where Fife Council undertakes Project work on private domestic dwellings (e.g. adaptations or extensions for supported or independent living) we will normally retain responsibility for all relevant General and CDM Client duties.*

## **5.2 About Designers** (see **OHS-C-16.G2** for further information)

A designer has a strong influence during the concept and feasibility stage of a project. The earliest decisions can fundamentally affect the health and safety of those who will construct, maintain, use, work within, repair, clean, refurbish or (eventually) demolish a building.

The main duties of Designers continue unchanged from previous iterations of the CDM Regulations (Fife Council Guidance document **OHS-C-16.G2** refers). CDM 2015 imposes two additional duties relating to the provision of information to the Principal Designer (where appointed) and updating of the Health and Safety File (see Guide **OHS-C-16.G10** for further information about Health and Safety Files).

## **5.3 About the Principal Designer** (see also Guide **OHS-C-16.G4** “The Principal Designer”)

**The Principal Designer is appointed by the CDM Client for all Projects involving (or foreseeably likely to involve) more than one contractor.** The Principal Designer must be a Designer, but need not be designing for the Project. In any event, the Principal Designer must ensure that any other

designers follow the principles of prevention and provide adequate information on or with their designs. He will, in addition to other duties described in **OHS-C-16.G4**, ensure that he and other designers engaged for the Project comply with the requirements of **OHS-C-16.G2**.

## **5.4 About the Principal Contractor/ Contractors** (see also Guide **OHS-C-16.G7** “The Principal Contractor and other Contractors”

**The Principal Contractor is appointed by the CDM Client for all Projects involving (or foreseeably likely to involve) more than one contractor.** As might be expected, there is significant commonality between the duties of the Principal and any other Contractor. **OHS-C-16.G7** sets out duties specific to these respective roles and identifies areas of commonality. **All Contractors** manage the work at the construction phase of a project so that it is carried out in a way that secures the health and safety of construction workers and others who may be affected. The Principal Contractor has a coordinating role in that respect.

### **Overlapping Projects**

Most projects are likely to have only one principal contractor for the entire project. However, there may be occasions where two or more projects are taking place on the same site at the same time, but are run independently of one another. Whatever the circumstances, it is essential that there is clarity over who is in control during the construction phase in any part of the site at any given time. The Contractor in overall control will ideally be a Principal Contractor, who will ensure adequate cooperation and coordination particularly regarding any shared interfaces between the activities of each project (e.g. shared traffic routes, interruption to power supplies, emergency arrangements, etc.).

## **6.0 References and related Documents**

Related documents are listed on the appropriate [intranet](#) page and our fife.gov page:

<https://www.fife.gov.uk/CDM>

[The Construction \(Design and Management\) Regulations 2015](#)

<b>Table 1: CDM 2015 General Duties (Duty Holders and others involved in the Project)</b>	
<b>CDM 2015 requirement</b>	<b>Notes and guidance</b>
<b>Making Appointments.</b> Persons appointing designers (includes Principal Designers) or contractors (includes Principal Contractors) must take reasonable steps to satisfy themselves that the designer or contractor is competent.	<p>Applies equally to external appointments and to establishing the in-house Project Team.</p> <p>“Competence” includes the necessary skills, knowledge, experience, time and resources and (if they are an organisation) the organisation capability to undertake legal duties/ Contract/ Project requirements.</p> <p>An everyday presumption of competence can be applied within the in-house established CDM Client and Contractor/Principal Contractor relationships within AFMS and TES and the design and technical staff within the design and specification Teams within those Services.</p> <p>Unusual Projects, or those involving new or unusual methods, materials etc. may require a closer scrutiny and evaluation of in-house competency.</p>
<b>Cooperation with others.</b> Duty Holders and others working on the Project must ensure adequate cooperation and coordination with others involved in other Project construction work at the same or at an adjoining Site.	<p>Project management often involves effective coordination where there are a number of distinct Projects or construction works scheduled or likely to happen at the same time (overlapping Projects).</p> <p>This often requires a nominated Contractor to be identified as having overall control and coordination for the duration of his Project. Such control can be transferred as other Projects start and finish, provided there is adequate handover and effective communication to all concerned (including those in charge of any buildings remaining occupied).</p> <p>Similar considerations will apply where scheduled road lighting or other roads and street works have the potential to conflict with work of others – e.g. Public Utility works; and where there is a Construction Site managed by others immediately adjacent to our Project works.</p>
<b>Reporting unsafe or dangerous conditions.</b> Any person working on a project under the control of another must report to that person anything they are aware of (in relation to the Project) likely to endanger them or others.	<p>A “likely endangerment” need not be limited to the construction site. Potential situations can arise at the design stage (where and element of the design has not effectively considered an identified hazard).</p> <p>This duty must be made clear to all duty holders, construction workers (via induction) and to all external appointments (Designers, Contractors) where the duty can be expressed as a reminder of statutory responsibilities within Contract Terms).</p>
<b>Providing Information.</b>	Any person required by CDM2015 to provide information to others must ensure the information is comprehensible and provided as soon as is practicable to those who need it.
<b>Maintaining Competency</b>	Designers (including Principal Designers) and Contractors (including Principal Contractors) must have and maintain requisite individual or (if they are an Organisation) collective competency for the Projects they undertake. They must not accept appointments outwith their competency.