

Construction Phase Handbook

Chapter 2

Health and Safety

Contents:

Section	Subject
1.	<u>Introduction</u>
2.	<u>Legislation</u>
3.	<u>CDM Dutyholders</u>
4.	<u>Contracting Authority Responsibilities</u>
5.	<u>Notification</u>
6.	<u>Leadership</u>
7.	<u>Summary</u>

Annex A: [Construction Roles and Duties](#)

Introduction

1.1. As has already been discussed in the overview chapter, the culture of a project derives entirely from the client. It informs everything that is done from design development to the way in which the contractor conducts itself during construction and the quality of the output. This is particularly true for health and safety. There are statutory obligations on all involved in construction including the client; however this is a minimum baseline. A client which takes little or no interest in health and safety above that baseline will encourage the same attitude in its consultants and contractors. Therefore the attitude, decisions and actions of clients will directly influence the health, safety and welfare of those who work on a project whether they are directly or indirectly employed by the client and indeed those members of the general public who come into contact with it.

1.2. A well trained, skilled and looked after workforce as part of a safety conscious construction industry is as much a contributor to effective construction outputs and outcomes as good design is. Clients set the standards they expect of their contractors in every aspect of construction and health and safety is no exception.

1.3. All clients must strive to be best practice clients and, in terms of their health and safety responsibilities, in conjunction with their legal obligations and responsibilities which are discussed later in this chapter, must:

- Demonstrate a high level of commitment through leadership, clearly defined policies and visible senior management involvement and compliance with all relevant legislative and other requirements.
- Develop and support a culture of co-operation, co-ordination, communication and competence both in their integral organisation and with their contractors and consultants.
- Promote a culture within their own project organisation that encourages all parties to make suggestions for improving health and safety performance including doing so anonymously; and
- Consider benchmarking safety performance for monitoring purposes.

Legislation

2.1. [The Health and Safety Executive](#) (HSE) sets the strategy, policy and legal framework for health and safety in Great Britain.

2.2. The [Construction \(Design and Management\) Regulations 2015](#) (CDM 2015) require all those involved in a construction project to:

- Sensibly plan the work so the risks involved are managed from start to finish.
- Have the right people for the right job at the right time.
- Cooperate and coordinate work with others.

- Have the right information about the risks and how they are being managed.
- Communicate this information effectively to those who need to know.
- Consult and engage with workers about the risks and how they are being managed.

2.3. Comprehensive information is available on the HSE website:

<http://www.hse.gov.uk/construction/cdm/2015/index.htm>

CDM Dutyholders

3.1. The CDM 2015 Regulations differentiate between various roles on a construction project and between those conducted in respect of commercial (which includes public sector) or domestic projects. The regulations place obligations on *Dutyholders* defined by the role and type of project as set out in the table at [Annex A](#) which is extracted from the HSE webpages. Note that we have not listed the roles on a domestic project as this does not apply to public sector construction projects.

Contracting Authority Responsibilities

4.1. For the purposes of the CDM 2015 Regulations, contracting authorities fall under the definition of commercial clients. Where this chapter of the guidance refers to commercial clients this should be read as referring to contracting authorities.

4.2. Commercial clients set the agenda for how projects are run, including the management of health and safety risks. Whatever the project size, where the commercial client has contractual control, appoints designers and contractors, and determines the money, time and other resources for a project they are fulfilling the role of a commercial client according to CDM 2015. Where this is the case, the regulations make clear that the commercial client is accountable for the impact their decisions and approach have on health, safety and welfare on their project.

4.3. A commercial client's duties begin from the very start of a project, i.e. as soon as there has been a decision to go ahead with the project and early planning and design work begins. These duties continue to the end of a project and beyond. The commercial client will continue to have responsibility for health and safety issues that arise from the maintenance and use of the building after construction work is finished. This responsibility continues until the client disposes of their interest in the building.

4.4. Most clients, particularly those who only occasionally commission construction work, will not be sectoral experts or be likely to retain a resource with the appropriate detailed skills, knowledge or experience of the construction process within their permanent complement. However, where no internal resource is available, they must make suitable arrangements for their project so that it can be managed in a way that integrates health and safety into design, construction, operation and decommissioning and complies as a minimum with current legislation. This requires the client to make suitable arrangements for managing the project; this may include engaging the services

of, for example, a Safety, Health, Environmental and Quality (SHEQ) or Health and Safety manager or other appropriately qualified person for the project.

4.5. For all projects, commercial clients must:

- Make suitable arrangements for managing their project, enabling those carrying it out to manage health and safety risks in a proportionate way. These arrangements include:
 - appointing the contractors and designers to the project (including the principal designer and principal contractor (in writing) on projects involving more than one contractor) while making sure they have the skills, knowledge, experience and organisational capability.
 - allowing sufficient time and resources for each stage of the project.
 - making sure that any principal designer and principal contractor appointed carry out their duties in managing the project.
 - making sure suitable welfare facilities are provided for the duration of the construction work.
- Maintain and review the management arrangements for the duration of the project.
- Provide pre-construction information to every designer and contractor either bidding for the work or already appointed to the project.
- Ensure that the principal contractor or contractor (for single contractor projects) prepares a construction phase plan before that phase begins.
- Ensure that the principal designer prepares a health and safety file for the project and that it is revised as necessary and made available to anyone who needs it for subsequent work at the site.

Notification

5.1. Notifiable projects are planned construction work lasting longer than 30 working days and involving more than 20 workers at any one time; or where the work exceeds 500 individual worker days. For such projects public bodies must:

- Notify HSE in writing with all required details of the project
- Ensure a copy of the notification is displayed in the construction site office

Leadership

6.1. Clients must take a keen and serious interest in how safety is being managed on their project. For example:

- Discussing with each of the *Dutyholders* to check that they understand, and are complying with, their own responsibilities under CDM 2015 Regulations;
- Insisting that safety is high on the agenda at meetings including project boards, design and construction progress meetings;
- Nominating an individual at project board level to oversee project health and safety;
- Conducting audits through the Health and Safety Manager of the Principal Contractor's construction phase plan.

6.2. Project delivery models which allocate responsibility for developing the detailed design to the main contractor require particular attention from clients, who should have sufficient access to information, professional opinion and the people involved in design decisions even where these are commissioned/controlled by the main contractor. Clients should not enter into any contract which precludes them from satisfying their CDM obligations for design, construction, operation and decommissioning.

6.3. Commercial clients should not seek, through the allocations and transfers of risk as set out in the construction contract, to divest their duty for the finished asset to provide a safe environment to the public. Nor should they regard that such a divestment is either desired or effected by the construction contract. This duty cannot be delegated, divested or otherwise disposed of. Clients should ensure that the delivery model for the construction project does not militate against them being able to verify the health and safety associated with both the physical elements and the activities involved in their permanent integration during design and construction, and subsequent implications for operation and decommissioning.

Summary

7.1. Construction is an inherently dangerous industry but it need not be. Good health and safety impacts on all those who have contact with construction whether workers on sites or the general public. With good systems in place and compliance with Health and Safety and other current legislation, it can be safer. This is everyone's responsibility but critically the role of the client is central to creating a shared awareness and a project wide safety culture and attitude focussed on preventing incidents on site.

ANNEX A**CONSTRUCTION ROLES AND DUTIES**

CDM Dutyholders (who are they)	Main Duties (what they need to do)
<u>Commercial clients</u> – Organisations or individuals for whom a construction project is carried out that is done as part of a business.	<p>Make suitable arrangements for managing a project, including making sure:</p> <ul style="list-style-type: none"> • other dutyholders are appointed as appropriate • sufficient time and resources are allocated <p>Make sure:</p> <ul style="list-style-type: none"> • relevant information is prepared and provided to other dutyholders • the principal designer and principal contractor carry out their duties • welfare facilities are provided
<u>Designers</u> - Organisations or individuals who as part of a business, prepare or modify designs for a building, product or system relating to construction work.	<p>When preparing or modifying designs, eliminate, reduce or control foreseeable risks that may arise during:</p> <ul style="list-style-type: none"> • construction • the maintenance and use of a building once it is built <p>Provide information to other members of the project team to help them fulfil their duties.</p>
<u>Principal designers</u> - Designers appointed 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.	<p>Plan, manage, monitor and coordinate health and safety in the pre-construction phase of a project. This includes:</p> <ul style="list-style-type: none"> • identifying, eliminating or controlling foreseeable risks • ensuring designers carry out their duties <p>Prepare and provide relevant information to other dutyholders.</p> <p>Liaise with the principal contractor to help in the planning, management, monitoring and coordination of the construction phase.</p>
<u>Principal contractors</u> – Contractors appointed by the client to coordinate the construction phase of a project where it involves more than one contractor.	<p>Plan, manage, monitor and coordinate health and safety in the construction phase of a project. This includes:</p> <ul style="list-style-type: none"> • liaising with the client and principal designer • preparing the <u>construction phase plan</u>  • organising cooperation between

	<p>contractors and coordinating their work</p> <p>Make sure:</p> <ul style="list-style-type: none"> • suitable site inductions are provided • reasonable steps are taken to prevent unauthorised access • workers are consulted and engaged in securing their health and safety <p>welfare facilities are provided</p>
<p><u>Contractors</u> – Those who carry out the actual construction work, contractors can be an individual or a company.</p>	<p>Plan, manage and monitor construction work under their control so 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.</p> <p>For single contractor projects, prepare a construction phase plan .</p>
<p><u>Workers</u> – Those working for or under the control of contractors on a construction site.</p>	<p>Workers must:</p> <ul style="list-style-type: none"> • be consulted about matters which affect their health, safety and welfare • take care of their own health and safety, and of others who might 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 dutyholders

* Organisations or individuals can carry out the role of more than one dutyholder, provided they have the skills, knowledge, experience and (if an organisation) the organisational capability necessary to carry out those roles in a way that secures health and safety.