

CDM

The Construction (Design & Management) Regulations 2015 and Parish Church Building Projects



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OF ENGLAND
BIRMINGHAM

Introduction

The Construction (Design & Management) Regulations 2015 – CDM for short – is a set of rules for managing construction projects in such a way as to prevent accidents or illness occurring as a result of the work.

CDM applies to ALL construction projects which means that new build, repairs, refurbishments, extensions, conversion and demolition work **all come within the scope of the regulations.**

If you are planning any of these projects at your church it is essential that you are aware of the duties imposed by the regulations and that you know how to comply.

The information given in this booklet relates to CDM specifically as it might apply to a construction project affecting a place of religious worship. If you are looking for guidance relating to construction projects in other types of building, particularly in domestic premises, you should visit the Health & Safety Executive's website rather than rely on this guide.

This guide is an introduction to CDM and outlines the basics. It is not, however, a full statement of the Law and you should always seek professional guidance when setting out on a project to ensure that all your specific circumstances are taken into account.

If you are unsure have any questions or need further advice then please do not hesitate to contact the author:

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About the Author

Ian Simpson has been Church of England Birmingham's Historic Places of Worship Support Officer since July 2019 when he moved to the city from Liverpool where he had been Diocesan Heritage & Technical Officer for six years. Ian has two decades' experience in the care, maintenance and repair of buildings, specialising in historic buildings, and holds an MBA in Facilities Management. He is Vice Chairman of the Churches Visitor & Tourism Association.

What is CDM for?

CDM exists to ensure that nobody is harmed whilst carrying out construction work. It provides a framework for planning and managing projects and ensures that communication between all parties involved in the project is clear. Complying with CDM will mean your building is safe to use and maintain following the completion of the project.

Roles within CDM

The CDM Regulations divide up all the people involved in a construction project to categories or **roles**. These are:

- Client
- Principal Designer
- Designer
- Principal Contractor
- Contractor
- Worker

The responsibilities or **duties** which apply to each role are defined within the Regulations. The named person responsible within each role for ensuring that the duties are discharged is known as the **duty holder**.

For small projects where there is only one designer then the roles of Principal Designer and Designer are combined. Likewise where there is only one contractor the roles of Principal Contractor and Contractor are combined.

This booklet assumes that the reader is a member of a PCC or similar body which is commissioning construction work in a place of worship and it looks at the duties assigned to the role of **Client** and how these duties should be managed in order to satisfy the Regulations and to keep everybody involved in the project safe from harm.

The Role of the Client

The CDM Regulations recognise that, as the Client, you are not necessarily an expert in the construction and maintenance of buildings. As the building user, however, you know the building better than anyone coming in from the outside, and you have (or should have) statutory reports such as your Electrical Installation Condition Report and your Asbestos Register to hand. If your church is a Listed building, you should also have a Statement of Significance.

As Client, you know how much money is available for the project (the Project Budget) and you know when the work needs to be complete (the Project Timescale).

It is also your responsibility as Client to **appoint, in writing, a Principal Designer and a Principal Contractor**. More often than not in a church project the Principal Designer will be your Architect or Chartered Surveyor, and it will be her or his job to ensure that any other Designers comply with their duties under CDM. Likewise, it is the Principal Contractor's job to ensure that any other Contractors comply with their duties.

Example

A project to carry out repairs to the stained glass windows of a Victorian church is designed and specified by one Architect. She is by default the Principal Designer as there are no other Designers working on the project.

The work is to be carried out by three Contractors: a scaffolding firm, a specialist glazier and a firm of stonemasons. One of these Contractors must be appointed the Principal Contractor, responsible for ensuring that the other Contractors meet the requirements of the CDM Regulations.

It is your responsibility to **ensure that the Principal Designer and Principal Contractor you appoint have the right skills and experience** to manage the safety risks. You can do so by taking references from previous clients and by checking with the professional or trade body to which they belong. An organisation called SSIP (Safety Schemes in Procurement) maintains a register of businesses whose health and safety management has been assessed at a high standard.

Managing The Risks

The purpose of the CDM Regulations is to manage and minimise the risks inherent in construction work. It is the responsibility of the Principal Designer to design the works so that risks are, if possible, avoided altogether; if this cannot be done then the Principal Designer must ensure that any risks are minimised.

The kind of risks that need to be considered here include (but are not limited to) the following major causes of accidents, injury or ill-health in the workplace:

- Working at Height, which is an unavoidable feature of many church repair and conservation projects.
- Exposure to hazardous and / or toxic substances, such as lead, building dust, bird or bat droppings or asbestos.
- Electricity, which is believed to have been the cause of the 2019 fire at Notre Dame Cathedral in Paris.
- Collapse of walls, structures or excavations.
- Protection of the general public from activities taking place on site.

Whilst it is the Principal Designer's responsibility to consider risk and design out as much of it as possible, you as the Client have certain duties to assist her or him in doing so.

It is your duty to **allow adequate time** for the design and planning to take place. Cutting corners may well lead to errors which in turn may lead to accidents. The correct amount of time needs to be factored-in to your project timetable, bearing in mind the timelines for Faculty permission and (where applicable) Planning Consent and grant funding awards.

It is also your duty to **provide adequate information** to the Principal Designer about known hazards on site such as asbestos, buried cables, gas mains and sewers. In a church environment you will also need to let them know if any buried remains are likely to be present.

Include this information along with details of the budget, timescales and how you expect the project to be managed in the **Client Brief** which you should give to the Principal Designer as early as possible in the design phase.

The Client Brief

Writing a good, clear and unambiguous Client Brief is one of the first and most important things you can do. It shows that you have thought about all the likely implications of your project and, as well as being an important duty under CDM, it will reassure potential funders that the project will be well managed.

The Brief should outline the need that the project intends to meet. For a repair project this can refer to your latest Quinquennial Inspection Report; where reordering or new-build is taking place you should have a clear Statement of Need which you can summarise.

It should clearly state the purpose and function of the desired end result, together with any design criteria you wish to specify (e.g. how the finished construction will relate to existing buildings, use of locally-sourced materials, employment of apprentices in the construction work, etc).

It should set out a realistic timescale (not a timetable at this stage) for the completion of the works based upon an understanding of the likely time required for design, gaining permission and raising funds.

You need to include a realistic budget for the project as well. There is an argument which says that if you include a budget at this stage, it will all be spent. Maybe it will, but if you do not include a budget, the chances are that something far more expensive than you can ever afford will be designed and that wastes everybody's time.

The Brief needs to establish clear lines of communication between the parties involved in the project, naming one person as the point of contact on the Client side. State how often you wish site meetings to take place (as a minimum these will involve the Client, Principal Designer and Principal Contractor) and who is allowed to issue instructions and to whom.

It should clearly list any hazards known on site and detail how these are to be managed to ensure the health and safety of all involved. Refer if necessary to existing asbestos surveys, electrical reports, etc., and ensure that the correct management of health and safety is designed-in from the start of the project.

Welfare Facilities

It is your duty as Client to **ensure that proper welfare facilities are in place** for the duration of the construction phase of the project. As a minimum, these should include toilets, somewhere to store and change clothing, hot and cold running water, washing facilities and somewhere to warm up and eat meals and make drinks.

There are two ways of doing this: either make your own facilities available or use hired-in ones. For smaller-scale projects, agreeing that site personnel can use the church's existing facilities – provided that they meet the minimum requirements – is a cost-effective and satisfactory way of meeting the duty. You will need to specify clearly in the contract who is responsible for cleaning the church facilities at the end of each working day.

For larger projects, especially where decontamination facilities are required, it is better that welfare facilities are hired-in from specialist suppliers. It is then your responsibility as the Client to ensure that there is space to site the container or vehicle in which they come. Note that whilst hired welfare facilities will probably be sourced by the Principal Contractor, it is for you as the Client to ensure that no work takes place until the facilities are set up on site.



CDM in action: The worker has access to welfare facilities in the van. The site is clearly defined and measures have been taken to protect the public from the site (a hole in the pavement surrounded by fencing) and the worker is protected from traffic by the road cones.

The Construction Phase Plan

It is the Principal Contractor's duty to draw up a plan explaining exactly how health & safety risks will be managed whilst construction work takes place. This needs to be in proportion to the scale of the work and the risks involved.

It is your duty as Client to **ensure that no work takes place on site until you have verified that this plan is in place.**

The Health and Safety File

The Principal Designer has a duty to present you, the Client, with a Health & Safety File once construction work is complete. This file will contain drawings, specifications, technical reports and other information which will help you and anyone else working on or in the building to do so safely in future.

Your duty in respect of the Health & Safety File is to **keep it in a safe place, make it available to anyone who needs to carry out construction work on the building in future, and update it if circumstances change.**

Notification of Work

If your construction project lasts longer than thirty days and has more than 20 people working at the same time, or if it involves more than 500 person-days of work, then you have a duty to **notify the Health & Safety Executive of your project** two weeks in advance of the project starting.

Failing to Comply with CDM

If you don't appoint a Principal Designer or Principal Contractor then you will be responsible for the duties which belong to those roles. Breaches of Health & Safety Law can mean HSE inspectors stopping work on site and in serious cases can lead to prosecution, fines and even imprisonment.