



GETTING THE BEST OUT OF YOUR CDM CO-ORDINATOR

Shaping and sharing best practice in construction health and safety risk management

ENSURING ADEQUATE RESOURCES

Guidance for Clients on Discharging their Duties under the Construction (Design and Management) Regulations 2007.

CLIENT DUTIES

One of the principal duties of Clients under the CDM Regulations is to be reasonably satisfied that those they propose to engage are competent (or work under the supervision of a competent person), are adequately resourced and appointed early enough for the work they have to do.

Resources: The Approved Code of Practice and Guidance 'Managing Health and Safety in Construction' explains that 'resources' includes essential equipment, facilities and management systems together with competent personnel who have sufficient time to devote to the project to enable them to do what needs to be done.

The APS Guide to the Management of CDM Co-ordination sets out the work that a CDM Co-ordinator could be required to carry out in relation to projects so that duties are effectively discharged and the Client's interest protected. This document has been cited by the Health and Safety Executive (HSE) as a support document for their Inspectors when assessing the work that a CDM Co-ordinator should be doing and is therefore a useful guide to the work expected of a CDM Co-ordinator.

You should consider what a Court may take to be 'adequate' in terms of resources should a serious incident give rise to prosecution. The Court will consider the steps that you can show you have taken to satisfy yourself that allocated resources will be adequate. These steps should relate to the size, nature and complexity of a project and the Health and Safety risks inherent in it as well as to your experience and expertise. The following notes help explain some critical resource issues.

Timing of appointment:



For notifiable projects, the client must appoint a competent, adequately resourced CDM Co-ordinator as soon as practicable after initial design work or other preparations for construction work have begun.

The CDM Co-ordinator provides clients with a key project advisor in respect of construction Health and Safety risk management matters. Their main purpose is to help clients to carry out their duties; to co-ordinate Health and Safety aspects of the design work and to prepare the Health and Safety File.

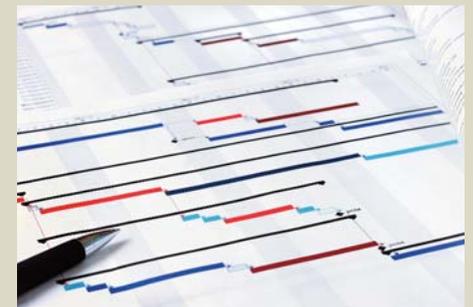
Early appointment is crucial for effective planning and establishing management arrangements from the start. The Regulations require the appointment to take place as soon as is practicable after initial design work or other preparation for construction work has begun. This allows the client to appraise their project needs and objectives, including the business case and any possible constraints on development to enable them to decide whether or not to proceed with the project before appointing the CDM Co-ordinator. The CDM Co-ordinator needs to be in a position to be able to co-ordinate design work and advise on the suitability and compatibility of designs, and therefore they should be appointed before significant detailed design work begins. Significant detailed design work includes preparation of the initial concept design and implementation of any strategic brief. As a scheme moves into the detailed design stage, it becomes more difficult to make fundamental changes that eliminate hazards and reduce risks associated with early design decisions.

For Notifiable projects, if a client does not make these appointments they become legally liable for the work that the CDM Co-ordinator and principal contractor should do, as well as for not making the appointments.

If you are in doubt, you should assume that the project is Notifiable. Your designer or contractor if already appointed should be able to help you or you can contact The Association for Project Safety (APS) as a source of independent advice.

WHAT IS MEANT BY 'ADEQUATE RESOURCES'?

The following duties (also amplified in the APS leaflet 'What Clients need to do'), can affect time and resource needs:



Competence and Resources Checks:

You may request advice from the CDM Co-ordinator on the competence and resources of Designers and Contractors before you appoint them. The CDM Co-ordinator may also have to respond to requests from Contractors to advise on the competence and resources of any Designers, which they are considering for appointment.

The more Designers or Contractors involved in the project the greater the time and perhaps personnel which the

CDM Co-ordinator may need to be able to carry out the required checks. So you will need to discuss this with your CDM Co-ordinator and together assess what time and resources are needed, especially if time is important to your project programme.

Making sure that Designers manage Health and Safety in Design:

One important duty of the CDM Co-ordinator is to take all reasonable steps to ensure co-operation and co-ordination between Designers and to make sure that they give proper attention to the management of Health and Safety in the design process so that risks to construction workers are eliminated or reduced. The number of Designers and the length, or complexity, of the project and design process will all affect the resources needed to do this.

Pre-Construction Information:

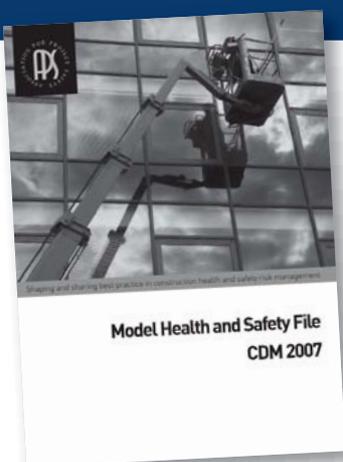
This information ensures that Contractors are aware of any unusual risks or safety requirements associated with the project that may have resource or management implications. The CDM Co-ordinator will need adequate time to collect and collate this information and to check that its contents cover the range of issues defined by the Regulations. The Regulations and the HSE's Approved Code of Practice states that this Pre-Construction Information, which is essential to Designers, Contractors and, in the end, also valuable to Clients is compiled by the CDM Co-ordinator.

Checks on the adequacy of the Construction Phase Plan:

The Client is required to ensure that construction does not commence until an adequate Construction Phase Plan is in place. The CDM Co-ordinator is there to provide the Client with advice on the adequacy of the Construction Phase Plan. On just under half of all projects examined by APS, revisions to the Plan and further check(s) have been required. For all of this, adequate time and resources will be needed.

Design Changes:

Design changes during the design and construction phases will involve the CDM Co-ordinator. Fees and time resources should allow for this throughout the project and for unexpected changes to be dealt with. Design changes made during the project could require specialist Health and Safety input, for instance if ground contamination or hazardous materials are discovered. The terms of appointment should allow for such resources to be made available to meet such unanticipated needs, bearing in mind that you have a duty to make reasonable enquiries about the site and premises before work starts and to make sure that relevant information is made available to the design team so that surprise discoveries are minimised.



Health and Safety File:

The CDM Co-ordinator is responsible for compiling this important document for you and, at the start of the project, the CDM Co-ordinator will discuss and agree with you its scope, structure and format. The CDM Co-ordinator will need time to seek, collate, develop, review and amend information required for the File. The larger and more complex a project is, in terms of Health and Safety, the greater the resource requirements will be. The Health and Safety File is not a Building Manual and should only include information that is relevant to the Health and Safety of those working on any maintenance, future construction or demolition work. Experience indicates that the CDM Co-ordinator will spend a large part of his/her time on this work.

Definition of Services:

Discussion with your CDM Co-ordinator, using the APS Guide and the APS Form of Appointment, will enable you to fully consider the complexity and duration of the project and the extent of CDM Co-ordinator services required which will enable you to establish an appropriate basis for charging for these services. The APS Form of Appointment is the industry standard contract for the Appointment of a CDM Co-ordinator and provides safeguards for both the Client and the CDM Co-ordinator.

Indications of Charges:

To enable you to judge what is a reasonable charge for the CDM Co-ordinator services required, you should determine exactly what Resources the CDM Co-ordinator has allowed for to ensure that they are sufficient to undertake the legal duties of the CDM Co-ordinator under the Regulations and also meet your Brief.

APS Registered CDM Co-ordinators have access to an online Resource Estimator which helps them to calculate their fees based upon the number of hours and other resources required to meet the duties under the Regulations and any additional services that may have been requested in order to fulfill the

Client's Brief for the project. Beware of fees that appear to be remarkably low. As the Client, you have a legal duty to ensure that the CDM Co-ordinator has allocated sufficient resources to undertake the commission adequately.

FURTHER ADVICE:

This Guidance has been prepared to provide general advice only. APS does not offer this document as legal advice for any particular situation, as each project will be different.

If you need advice on the interpretation of the Regulations as they apply to specific situations, you should consult a suitably knowledgeable person, such as an Association for Project Safety Registered Member.

You can visit the HSE and APS websites for much more information at: <http://www.hse.gov.uk> and <http://www.aps.org.uk> respectively.

You may also check whether someone offering you CDM Co-ordination services is a Registered CDM Co-ordinator by going to the APS website and clicking on 'Looking for a Member' at: https://www.aps.org.uk/find_member.html

Remember:

You are obliged by the CDM Regulations to make sure that adequate resources are available for health and safety - to ignore this obligation may later involve you in criminal proceedings. This should be kept firmly in mind when tempted to accept low or very low tenders. In such circumstances it is even more important that you check adequate resources have been, and will be, allocated to your project within the tender price.