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HEALTH AND SAFETY COMMISSION

CONSTRUCTION INDUSTRY ADVISORY COMMITTEE (CONIAC)

Review of the Construction Design and Management Regulations 1994 and Construction (Health and Safety and Welfare) Regulations 1996

1. This paper provides members with information about the review and invites views about the need for revised regulations, proposed objectives and key issues.

Introduction

2. In 1999, following the early review of CDM, CONIAC and HSC agreed that the ACoP should be revised as an interim measure until the regulations themselves could be fully reviewed. It was later agreed that this review should be deferred until two years after the revised ACoP came into force — i.e. 2003. In the light of this and changes suggested in Accelerating Change we trailed several of the ideas for change in the Discussion Document last year.

3. At their meeting on 10 June 2003 the Health and Safety Commission agreed that the action plan based on responses to the DD (developed with CONIAC's support) should be published. A copy of the HSC paper is attached. HSC also asked for a further presentation setting out the outline proposals regarding CDM, because they want to be satisfied that the benefits from any revision justify the resource required by all concerned, including our stakeholders. This is planned for September.

Should we change the Regulations?

4. Respondents to the DD generally supported the CDM principles, but also evidently had a number of serious practical concerns. The issues are set out in paragraphs 12-14 and on page 12 of the attached HSC paper. Reasons put forward for change included:

- The bureaucracy associated with the CDM regulations, which is often reinforced by difficulties understanding exactly what they mean in practice.
- The ineffective role of planning supervisor and associated lack of team working (sharing information and expertise to identify hazards and deal with them).

- The failure of competence assessment to improve the competence of construction businesses in practice.

5. Do you still agree that the regulations should be revised? If so could this deliver real benefits to health and safety and to industry? (If we are to make changes the timing is currently opportune, as the planned Work at Height Regulations will result in extensive changes to CHSW. Revision would provide an opportunity to tidy up the complete package.)

Objectives and Issues

6. Our aim would be to produce regulations that enshrine the CDM principles, but better focus attention on the management of health and safety, encourage its integration into project management; and discourage paperwork that does not add value. We want clearer, better regulation — not more regulation. However, we also want more enforceable regulations, when appropriate. In terms of standards, the intention is essentially to retain those set out in the CDM ACoP, but also to address some issues that could not be properly addressed in the ACoP because of the wording of the current regulations.

7. The suggested high level objectives for any revision of CDM and CHSW are to:

- a) Simplify the regulations to improve clarity and ease enforcement;
- b) Maximise their flexibility to fit with the vast range of contractual arrangements;
- c) Make their focus planning and management rather, than **the** plan and other paperwork, to emphasise active management and minimise bureaucracy;
- d) Strengthen the requirements regarding co-ordination and co-operation, particularly between designers and contractors to encourage more integration;
- e) Simplify the assessment of the competence of organisations.

8. The issues to be addressed include:

- The roles of the client and planning supervisor;
- Clarifying designers' duties;
- Developing the health and safety file so that it is a health and safety logbook that is maintained and developed for all commercial buildings and structures;
- Develop gateways for various stages of the project (or present existing ones as gateways) in line with Accelerating Change, but which do not assume a linear process. Possible examples include notification of projects; passing information to designers and contractors; signing off designs as safe to build; and preparation of the construction phase plan before construction starts;
- Review the initial implementation of the Temporary or Mobile Construction Sites Directive to ensure that it is fully implemented.

9. No changes are planned to the standards or wording of the remaining CHSW regulations (after the proposed Work at Height Regulations are implemented), but minor changes may be identified in the course of the review.

Action

10. Members are invited to:

- Express a view on the necessity or desirability of changes to the regulations;

And, if change is deemed appropriate:

- Comment on the proposed objectives and issues.
- Agree to the formation of a working group to assist with the development of detailed proposals, if HSC also agree that revision is appropriate.

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