
**The Small Business Trade Association
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Small Client Duties under CDM 2007**

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History of the Revision of Construction (Design and Management) Regulations 1994

- CDM 1994 came into force on 31 March 1995;
- Implemented TMCS Directive;
- Deals with the planning and management of construction projects, rather than practical construction process standards;
- Regulations were embraced by the industry, but early concerns arose about complexity and associated bureaucracy.

What are the aims of the revision?

- Simplify the regulations and improve clarity;
- Maximise their flexibility;
- Focus on planning and management, not ‘The Plan’ and other paperwork;
- Strengthen requirements on co-operation and co-ordination- encourage better integration;
- Simplify competence assessment; reduce bureaucracy and raise standards.



New Duty on Clients



- Makes explicit duties they already had under HSWA and the Management Regulations 1999;
- Makes them accountable for the impact they have on H&S standards on site;
- Requires them to make sure things are done, not do them themselves;
- Requires the appointment of a 'co-ordinator' who is the client's key adviser for notifiable projects.

Feedback from Consultation

- Welcome increased client involvement in project management teams;
- Larger Clients were doing this anyway;
- Smaller/ One-off Clients concerned and unclear as to what was expected of them;
- New duty not clearly expressed and considered 'too onerous'.
- Few small clients responded to the consultation.

Tim Kind-Main findings



- lack of integration between the planning, building control and CDM regimes and this creates unacceptable burdens on SME's;
- Smaller clients understand the planning and building control regimes, but are largely unaware of what is required of them by CDM;
- Small Clients are concerned about what is perceived as a 'new' duty on clients, about their ability to comply with it and the burden that it would place on them;
- Smaller clients believed that the construction industry should take responsibility for 'putting its own house in order' rather than placing new duties on clients.

HSE/ CONIAC Working Group Response



- HSE commitment to work with DCLG to achieve better integration of CDM, Planning and Building Control regimes;
- Commitment to produce a simplification proposal through the Better Regulation Executive arising from this work;
- Revised Client regulation making it shorter, less onerous and clearer;
- Revised the ACOP chapter strengthening guidance to smaller clients setting out what they are required to do and what they are not required to do;
- CCG through the CONIAC industry guidance working group to produce targeted guidance for small and one-off clients;
- Commitment to arrange launch events targeting at least 2500 small/ one-off clients as part of 'Benefits realisation' programme.

Better Regulation gains through CDM 2007



- ‘Trigger’ for appointments of Coordinator and Principal Contractor is 30 days/500 person working days rather than more than one contractor on site;
- ‘Trigger’ is less complicated and will lead to fewer notifications;
- No duties on domestic clients;
- Clearer ACOP guidance on competence assessment which will significantly reduce bureaucracy;
- More effective coordinator on whose advice the client is entitled to rely;