

HEALTH AND SAFETY EXECUTIVE			
CONSTRUCTION INDUSTRY ADVISORY COMMITTEE (CONIAC)			
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Cleared by:	Mike Cross, on behalf of Heather Bryant, Chair of CONIAC, on 26 June 2013		

Amendment of the Construction (Design and Management) Regulations 2007: update on current position

A paper by Anthony Lees, HSE Construction Policy Unit

Purpose of the paper

For information and discussion

Background

1. Since the commencement of the evaluation of the Construction (Design and Management) regulations 2007 (CDM 2007) HSE has provided regular updates to CONIAC on its work to revise the regulations and supporting material, most recently in a presentation¹ to the March 2013 meeting. This paper provides a further update on recent developments and invites discussion on the matters raised at the March and July meetings of CONIAC.

Preparation and clearance of the revised package

2. HSE now has a well-developed draft Statutory Instrument, supporting impact assessment and draft consultative document which form the package on which HSE proposes to consult. Prior to consultation, approval must be gained from the HSE Board and Ministers. HSE must also seek an opinion on the validity of the impact assessment from the independent Regulatory Policy Committee (RPC).
3. HSE submitted this package to the HSE Board for its consideration at its May 2013 meeting. The Board considered the package in its closed session. At the meeting the Board requested sight of a communications handling plan which sets out the narrative for continuing discussions with stakeholders as the planned consultation approaches. The Board agreed that HSE should continue with submission of the impact

¹ <http://www.hse.gov.uk/aboutus/meetings/iacs/coniac/130313/revision-CDM-2007.ppt>

assessment for consideration by RPC. The Board will consider the communications handling plan in the near future and will then consider approval to proceed with the consultation. The impact assessment has now been submitted to RPC.

4. Subject to these approvals, HSE plans to open the 12-week public consultation in the late summer, with a view to revised regulations coming into force in October 2014. HSE will provide an oral update on the most recent developments at the July 2013 meeting of CONIAC.

Stakeholder engagement

5. In parallel with this work HSE's Construction Division has continued its policy of meeting with industry stakeholder groups, and has spoken at a substantial number of industry meetings and forums, and has held bilateral meetings as appropriate. In addition to keeping industry appraised of the ongoing work, these meetings have provided invaluable insight into likely industry response to the key changes proposed. HSE, and as such has informed the drafting of the regulations. HSE plans to continue this approach up to the opening of the public consultation, and will support industry-led initiatives to promote the consultation itself, although resources to do this during consultation will be limited.

Development of supporting guidance

6. It is Government policy that guidance supporting new legislation should be published at least twelve weeks in advance of its coming into force. HSE is therefore developing plans for how a mixture of both HSE-produced and industry guidance can best be delivered.
7. Whilst plans are not yet finalised, current thinking is that HSE will deliver a core guidance document which will provide clear legal interpretation of the revised regulations. This will be supported by a practical guide to managing health and safety on small construction projects, and a suite of sector-specific guidance aimed at typical small construction projects, supplemented by 'example' health and safety plans.
8. Industry stakeholders have expressed a wish to work with HSE in developing guidance material and HSE recognises the important contribution the industry can make in this regard. It is foreseen that HSE will be involved in co-ordinating an industry approach to producing its own guidance aimed at individual dutyholder groups, and that HSE will seek to endorse this guidance through 'joint badging'.

9. The resourcing, governance and delivery mechanisms for this guidance will require careful consideration, and CONIAC members are invited to offer their views on this at the July meeting.

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