

Open Government status: Open

Paper Number: M3/2006/1

Meeting Date: 23 November 2006

Type of Paper: Above the line

Exempt material: None

Paper File Reference:

Intranet embargo: No

HEALTH AND SAFETY COMMISSION

CONSTRUCTION INDUSTRY ADVISORY COMMITTEE (CONIAC)

NEW CONSTRUCTION (DESIGN AND MANAGEMENT) REGULATIONS: LAUNCH ARRANGEMENTS

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Summary

The new Construction (Design and Management) Regulations (CDM) have been agreed by the HSC. Implementation of the revised regulations offers a key opportunity to achieve improvement in the health and safety performance of the industry. This paper outlines work being undertaken to help ensure that the benefits of the package are realised, highlights key risks and invites support from CONIAC for the launch.

Issue

1. An effective "Benefits Realisation Plan" to ensure that the agreed aims of the revisions to CDM 1994 and the Construction Health Safety and Welfare 1996 (CHSW) are delivered.

Timing

2. The revised CDM Regulations are scheduled for implementation in April 2007. Participative and co-ordinated action early on will help to ensure a successful launch.

Recommendation

3. That CONIAC Members:
 - Comment on arrangements to date and proposed work;
 - Note the key risks; and
 - Explore how they can contribute to achieving the benefits and agreed aims of the revision of the regulations.

Background

4. CDM was implemented eleven years ago. Independent research and public consultation since implementation disclosed a prevailing view that although the principles on which the Regulations are based are sound, there were nevertheless deficiencies which needed correction. Consequently, HSC agreed to develop, in consultation with stakeholders, proposals for the revision of the CDM and CHSW Regulations. The HSC agreed high-level objectives for the revision, focusing on improving the management of risk by:
 - Simplifying the Regulations to improve clarity – so making it easier for duty holders to know what is expected of them;
 - Maximising their flexibility – to fit with the vast range of contractual arrangements;
 - Making their focus planning and management, rather than the plan and other paperwork – to emphasise active management and minimise bureaucracy;
 - Strengthening the requirements regarding co-ordination and co-operation, particularly between designers and contractors – to encourage more integration; and
 - Simplifying the assessment of competence (both for organisations and individuals) to help raise standards and reduce bureaucracy.
5. Public Consultation was undertaken in 2005 and at its meeting on 17 October 2006, the HSC agreed the revised package (regulations (consolidated CDM and CHSW regulations) and a supporting Approved Code of Practice (ACOP)).
<http://www.hse.gov.uk/aboutus/hsc/meetings/index.htm>. The new regulations place an emphasis on a sensible approach to the health, safety and broader business benefits of a well-managed and co-ordinated approach to the health and safety aspects of construction activities. Industry-produced guidance is also being drafted to support the new Regulations.
6. The focus of activity is now directed to ensure an effective launch of the Regulations to ensure the objectives are realised. It will also be necessary to integrate CDM messages into other relevant activities (such as on-going Construction Division and industry activities) in a way that adds value to them while getting maximum exposure for the new Regulations.

Local Authorities (LAs)

7. Although LAs are given powers to enforce all parts of the revised package, the effect is to maintain the status quo¹, and HSE will provide LAs with necessary implementation guidance.

Argument

8. Implementation of the new CDM regulations presents a unique opportunity to achieve improvement in the performance of the construction industry. This opportunity should not be lost. For the revision to achieve its objectives we need to persuade CDM duty

¹ The extent of Local Authority (LA) enforcement responsibility for these Regulations is governed by the Health and Safety (Enforcing Authorities) Regulations 1998, and these have not changed. LAs remain responsible for enforcement where unsegregated, minor construction work takes place inside LA enforced premises, and where the normal activities associated with the workplace are unaffected by the construction work. As before, if the work becomes notifiable, enforcement responsibility passes to the HSE. LAs do not have powers to enforce CDM 94, but they do have powers to enforce CHSWR. CDM 2007 combines the two regulatory packages.

holders to fully adopt and reflect the revised requirements in their methods of working. This will require change in behaviour, namely a move away from the development of bureaucratic and paper-based systems towards effective practical management of the risk and improved health and safety. To avoid the problems associated with the CDM 1994 being repeated, clear advice must be given during the launch period. Effective communication is key.

9. To this end, a Benefits Realisation Plan that includes input from CONIAC's CDM Working Group and HSE's Construction Sector has been developed. The Strategy extends from now until the Regulations are evaluated, (circa 2010).

CONIAC Members are invited to agree the following statement of the Plan's overall aim:

To use the opportunity presented by the implementation of the revised CDM Regulations to achieve positive change in the health and safety performance in construction within three years of their introduction.

10. CONIAC Members are invited to note the key messages (founded on the HSC objectives) and are based on driving out bureaucracy and emphasising sensible risk management, for example.

- Focus on effective planning and management of risk;
- Keep paperwork risk-focused and project specific;
- Provide the right information to the right people at the right time; and
- All duty holders need to be competent.

A set of key messages has been developed and is set out in **Annex 1**.

11. CONIAC Member's attention is drawn to the potential risks to the effective realisation of benefits. These risks include

- A "business as usual approach" with no change achieved;
- Failure of industry to appreciate the opportunity presented by the revision in reducing paperwork and bureaucratic systems;
- Development of the provision of consultancy or coordination services to Clients for non-notifiable projects;
- Failure to adopt the benefits of the revision to further develop effective competence schemes and for the mutual recognition between such schemes;
- Failure of co-ordinators to recognise that their role and duties are distinctly different from the old role of planning supervisor and to make the required change in their methods of work and competence.

Key planned activities

11. HSE is developing a number of activities to ensure a successful launch. These include:

- Development of a comprehensive training package for HSE Construction inspectors. This will be delivered during December and January. It is proposed that this training package will be made freely available on our website during January 2007. This will help ensure consistency for external training providers;
- The integration of CDM 2007 into HSE's Construction Division field activities;
- Removal of existing HSE web site that addresses CDM and re drafting of contents;
- Building on work to ensure clarity on competence issues;
- Continuing activity to work with and inform Local Authorities including Building Control;
- Development of key messages;
- Development of a Question and Answer brief;
- Support of stakeholders launch events;
- HSE launch event to be held early April; and
- Development of press articles.

HSE continues to develop the launch arrangements and a meeting of CONIAC's CDM Working Group is scheduled for 13 November to take the issue forward.

Action

12. This paper invites support from CONIAC members for the launch of the CDM Regulations. In particular it requests members to:

- Explain to their constituent members the need to rethink their existing CDM procedures and ensure they are revised to reflect the new regulations and the aims of the revision;
- Act as exemplars in cascading the information of the revision to their constituent members;
- Stage launch events to explain the implication and expectations of the new regulations; and
- Assist HSE in locating an appropriate launch venue to hold the press launch in April.

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Annex 1

Key message for the new CDM Regulations

Overarching Messages:

1. Industry and HSE have worked in partnership to revise and simplify the CDM Regulations and combine them with the CHSW Regulations.
2. The new regulations apply if you are involved in construction and will help you to improve health and safety in the industry.
3. The aims of the new regulations are to have the right people for the right job at the right time to manage risks on site, reduce paperwork and encourage teamwork.
4. Focus on effective planning and managing risk.

Client Messages:

1. If you are having building work done, then unless you are a domestic client, you have duties under CDM.
2. By choosing the right people for the job and appointing them early, your team can make sure that your project is safe to build, safe to use, safe to maintain, and deliver you good value.
3. Invest in your team, not in paper. Give them enough time and resource and you will get the building you want, when you want it, and on budget.

CDM Co-ordinator Messages:

1. The CDM co-ordinator is in, and the planning supervisor is out. If you have the right skills and experience, you can make a difference.
2. You are the key advisor to the client and the catalyst for effective communication and co-ordination throughout the project.
3. You should make sure the right information goes to the right people at the right time.

Designer Messages:

1. If you design or specify building work, then you are a designer with new duties under CDM .

2. Competent designers eliminate hazards and reduce risks – *manage the risk, not the paperwork.*
3. Design for safety and health for those that build, use, maintain and demolish – *it's safer by design.*
4. Tell others about significant risks which remain – give the right information to the right people at the right time.

Principal Contractor Messages:

1. You will benefit from the changes to the CDM Regulations by being involved in the project earlier, working to designs that are safer and healthier to build, receiving more relevant information and less paperwork.
2. It will be easier for you to show the client that you and your contractors have the right skills and experience for the job.
3. Manage health and safety on site – *manage the risk, not the paperwork.*

Contractor Messages:

1. You will benefit from the changes to the CDM Regulations by being involved in the project earlier, working to designs that are safer and healthier to build, receiving more relevant information and less paperwork.
2. It will be easier for you to show the principal contractor, or your client, that you and your subcontractors have the right skills and experience for the job.
3. Manage health and safety on site – *manage the risk, not the paperwork.*

Worker Messages:

1. The new CDM Regulations will help make construction workplaces safer and healthier with good welfare facilities from the start.
2. You have a role to show that you have the right skills and experience to work without injury and ill health.