

The Construction (Design and Management) Regulations 2007

Industry Guidance for CDM Co-ordinators

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CONSTRUCTION CONFEDERATION



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INTRODUCTION

The challenge and opportunities of co-ordination

The early appointment of a competent CDM co-ordinator will provide the client and the project team with a resource that is focused on design risk management (DRM) and the health and safety needs of those constructing, maintaining and using buildings and structures. Co-ordination and co-operation have relevance for all projects, even non-notifiable ones where the appointment of a CDM co-ordinator is not required under CDM 2007.

Audience

This guidance is intended to aid the CDM co-ordinator and provide support for the client and the project team.

Philosophy

CDM 2007 can only succeed if all duty holders work together to meet the mutually important goals of improving planning and preparation, with a focus on the health, safety and welfare of construction workers, the client's personnel and those working to maintain and repair our structures in the future. This guidance explains how to integrate health and safety into our project designs, planning or actions. It will also help to explain how CDM 2007 can achieve these objectives, whilst also making a positive contribution to project objectives of delivering on time, on budget and to quality targets.

Purpose of this guidance

This guidance for CDM co-ordinators should be read in conjunction with the other duty holder guidances to understand the requirements for competence, co-operation and co-ordination and the Approved Code of Practice (ACoP).

This guidance promotes the development of team working and integration and, through the client's key project advisor role envisaged in the ACoP for the CDM co-ordinator, sets aspirations for the professional delivery of that role.

Definition of terms

ACoP

An Approved Code of Practice provides guidance on how to comply with specific regulations. It has been approved by the Health & Safety Commission and is seen as the accepted standard. It is not mandatory to follow the ACoP but it can be used as evidence in a court of law and failure to adopt the advice in the ACoP will be regarded as having failed to comply with the law, unless compliance has been achieved by other means.

business

A trade, business or other undertaking (whether for profit or not).

CDM co-ordinator

The person appointed to advise and assist the client on how to comply with the CDM Regulations during the project, and to ensure that suitable arrangements are made and implemented for the co-ordination of health and safety measures during planning and preparation for the construction phase. Only appointed on notifiable contracts.

client

A person who in the course or furtherance of a business seeks or accepts the services of another which may be used in the carrying out of a project for him; or carries out a project themselves.

construction phase

The period of time starting when construction work in any project starts and ending when construction work in that project is completed.

construction phase plan

A document recording the health and safety arrangements, site rules and any special measures for the construction work.

construction site

Any place where construction work is being carried out or to which the workers have access.

construction work

The carrying out of any building, civil engineering or engineering construction work.

contractor

Any person (including a client, principal contractor or other person referred to in these Regulations) who, in the course or furtherance of a business, carries out or manages construction work.

demolition or dismantling

The deliberate pulling down, destruction or taking apart of a structure, or a substantial part of a structure. It includes dismantling for re-erection or re-use. Demolition work normally needs meticulous planning and management to ensure that lives are not put at risk. Demolition does not include operations such as making openings for doors, windows, services or removing non-structural elements such as cladding, roof tiles or scaffolding. Such operations may, however, form part of demolition or dismantling work when carried out alongside other activities.

designer

Any person (including a client, contractor or other person referred to in CDM 2007) who in the course or furtherance of a business either prepares or modifies a design; or arranges for or instructs someone under their control to do so. The design relates to a structure; or a product, a mechanical or electrical system intended for a particular structure. A person is deemed to prepare a design where a design is prepared by a person under their control.

domestic clients

People who have work done on their own home, or the home of a family member that does not relate to their trade, or business. They have no duties under CDM 2007.

duty holder

Someone who has duties under CDM 2007 including: client, co-ordinator, designer, principal contractor, contractor, worker.

guidance

This HSE-approved guidance describes ways of complying with the regulations but you do not have to follow it exactly. Guidance does not have the special legal status associated with the ACoP. However, following the industry-approved guidance will help you to comply with the CDM Regulations.

health and safety file

Information which people, including clients, designers, co-ordinators, contractors and others involved in carrying out construction or cleaning work on the structure in the future are likely to need, but could not be expected to know.

notifiable

For the purposes of the CDM Regulations, a project is notifiable if the construction phase is likely to involve more than 30 working days; or 500 person days, of construction work for a client.

notification

The most up-to-date information notified to HSE. A legible copy must be displayed where it can be read by people working on the site.

principal contractor

The duty holder who is required to ensure effective management of health and safety throughout the construction phase of the project. Their main duty is to properly plan, manage and co-ordinate work during the construction phase in order to ensure that hazards are identified and risks are properly controlled.

project

A project includes all the preparation, design, planning, construction work and the clearance or preparation of the site or structure for use or occupation at its conclusion required to achieve the end result desired by the client. Many projects involve several structures. Where there are substantial breaks between phases it may be each phase can be treated as a separate project, but projects should not be artificially split to avoid notification and the duties that follow go with it.

Regulations

A statutory device made under a general provision that is contained in an act of parliament. Regulations are approved by parliament and are generally absolute legal standards.

Section

1

Projects and CDM co-ordinators

1.1 Co-ordination on all projects: Non-notifiable and notifiable

CDM co-ordinators on notifiable projects, and contractors and designers on non-notifiable projects, all need to know about clients' responsibilities and their response to them. In particular, clients should:

- appoint or engage people and organisations that are competent and adequately resourced to carry out the work they have to do
- ensure that all appointments are made early enough to enable those appointed to carry out their duties effectively
- ensure that management arrangements remain in place throughout the project, so that construction works can be carried out safely and without risk to health
- allow sufficient time for each stage of the project, including design, preparation for starting on site and the construction itself
- ensure information is provided that is likely to be needed by anyone involved, so that they can comply with their duties
- co-operate with everyone involved, to make it easier for them to carry out their duties
- co-ordinate their own work with all those involved, to ensure the safety of those carrying out construction work and anyone affected by it
- be satisfied that any workplaces are designed to comply with all relevant health and safety legislation
- give notice to directly appointed contractors of the minimum time they will be allowed for planning and preparation between their appointment and starting construction work
- be satisfied that suitable welfare facilities are provided by contractors from the start and throughout the construction phase.

On notifiable projects the CDM co-ordinator is available to advise and assist the client with all of these duties. On non-notifiable projects clients may need assistance from designers and contractors (see end of this section).

1.2 What the CDM co-ordinator does

The role requires technical knowledge of many aspects of the industry, an understanding of design and construction processes and the ability to communicate effectively.

A summary of these key aspects of the CDM co-ordinator's service is given in Table 1 (see Section 2 of this guidance for more detail).

| Table 1 | Key aspects of the CDM co-ordinator's service |
|--|--|
| Advice and assistance | <ul style="list-style-type: none"> • Providing proactive advice and practical help to the client in response to client and project demands. |
| Advising on competence of client appointments, when necessary | <ul style="list-style-type: none"> • Providing specific advice, systems or support to the client on how to comply with Regulation 4 and Appendix 4 of the ACoP relating to health and safety resources and competence. |
| Co-ordination and co-operation | <ul style="list-style-type: none"> • Ensuring that suitable arrangements are made and implemented for the co-ordination of health and safety measures during planning and preparation for the construction phase. This process involves an active contribution. |
| Management arrangements | <ul style="list-style-type: none"> • Supporting the client in identifying and ensuring suitable arrangements for the project, how they will be delivered by the team to achieve project safety and other related client-project benefits, and how they will be reviewed and maintained throughout the life of the project. • Some clients may have arrangements in place already, which may require less advice and assistance from the CDM co-ordinator. The client may also have specific requirements that will need to be implemented by other duty holders. |
| Information management | <ul style="list-style-type: none"> • Developing a strategy with the team for maintaining the flow of relevant health and safety-related information throughout the lifetime of the project to make sure that what is needed reaches the right people at the right times. This includes information required by designers, pre-construction information, whenever it is required, and information for the health and safety file. |
| Design risk management | <ul style="list-style-type: none"> • Promoting the suitability and compatibility of designs and actively seeking the co-operation of designers at all project phases when dealing with the risk consequences of construction and workplace design decisions. |
| The start of the construction phase, when required | <ul style="list-style-type: none"> • Providing support for the client and advising on the suitability of the principal contractor's construction phase plan. The client will be entitled to rely on the CDM co-ordinator's advice at this transitional phase, as this is a focus of the main objectives of planning and preparation for project safety. |
| Construction liaison and involvement | <ul style="list-style-type: none"> • Encouraging and developing links between permanent and temporary works designers and actively liaising with the principal contractor to ensure safe design. |

1.3 When to appoint the CDM co-ordinator

An objective of CDM 2007 is to engage the project team in an integrated approach to design and construction risk management. On notifiable projects the client should appoint a CDM co-ordinator as soon as possible to allow design work to progress beyond 'initial design'. Practical interpretations of project design activities that would be either initial design or beyond are provided in 1.5 below.

Through being involved in early discussions with their client, designers are in an ideal position to assess the scope of the project to quickly determine whether it is likely to be notifiable. In order to meet the aims and spirit of the legislation, designers should advise the client that a CDM co-ordinator should be appointed as soon as possible, if the project is notifiable.

The designers' guidance covers in more detail the practical design issues for designers and their approach to ensure that they do not proceed beyond initial design without the client appointing the CDM co-ordinator.

1.4 The benefits of early appointment

Appointing the CDM co-ordinator at an early stage can provide benefits for health and safety beyond the construction phase. An early appointment can also assist with feasibility studies, to co-ordinate site-wide health and safety issues or to consider location of structures or services. This early support can help the project team to eliminate or avoid hazards and risks.

The principal benefit of early appointment is to provide the advice and assistance that the client needs. The CDM co-ordinator is required to implement and maintain the project arrangements for the co-ordination of health and safety in the planning and preparation for construction.

It may be necessary for designers to advise or remind clients during early discussions that appointing the CDM co-ordinator before 'initial design' would help secure a better project. Otherwise, without the appointment of the CDM co-ordinator, the client would retain the legal liability for those duties.

1.5 Initial design

What does 'initial design' mean?

An interpretation of 'initial design' is offered in this guidance (as it is not a defined term in CDM 2007) in order to develop on the phrases in the ACoP. The regulations and the ACoP should enable the CDM co-ordinator to co-ordinate the health and safety aspects of the design. The ACoP describes 'initial design' as being before 'significant detailed design work begins' and the latter 'includes preparation of the initial concept design and implementation of any strategic brief'. For clarity, this guidance recommends practical interpretations of 'initial design', such as those set out below, in order to achieve the objectives that CDM 2007 seeks. This guidance also recommends that a CDM co-ordinator should ideally be appointed before initial design work commences.

It is unlikely, in isolation, that the following constitute initial design:

- an initial briefing meeting with a prospective client
- a walk-through review or visual assessment of a site or structure with a view to undertaking a construction project
- early 'in-principle' discussions with the client over possible designs and construction costs
- feasibility considerations to enable the client to have enough information to decide whether or not to proceed with the project.

Examples of work by designers that could take them beyond 'initial design' are:

- preparation of initial project designs
- considering and responding to building regulation requirements
- preparing a planning application
- preparing documents for tender issue
- any fundamental design decision that cannot be altered or reviewed later
- design competitions
- master planning
- detailed option studies for a client to choose from.

(See also the client guidance and designer guidance for comment on initial design and standard project or contract phases.)

1.6 Demonstrating competence

The CDM co-ordinator, like any other professional construction project appointment, must be competent to deliver and have suitable resources available. CDM co-ordinators must be able to demonstrate that they are competent and capable of delivering the required service. Appendices 4 and 5 of the ACoP provide examples of this. Relevant experience and project-specific information will need to be provided as well.

1.7 Resources

The appointment of a CDM co-ordinator must be made in writing and it will be to everyone's advantage for the document to refer to, or include, a schedule of services and resources that will be provided for the project. The agreed appointment should be negotiated on a project-specific basis to ensure that resources are properly identified and released throughout the project. The appointment of CDM co-ordinator can be undertaken by any competent person within the project team.

Some in the industry undertake work on a speculative or 'at risk' basis in the interests of generating or securing commissions and the CDM co-ordinator, like any other project advisor or consultant, could undertake work on a similar basis. However, anyone appointed or operating under such conditions, whatever the contractual or fee basis, would still be legally liable to discharge the co-ordination duties defined in CDM 2007.

Further information on specific forms of appointment is given in Section 3. However, it is worth remembering that failure to appoint a CDM co-ordinator (in writing) on a notifiable project will result in the client being deemed to be the CDM co-ordinator and all the additional statutory responsibilities of the CDM co-ordinator will default to the client.

Further references on support are available in Section 3 of this guidance.

1.8 Transitional arrangements to April 2008

CDM 2007 provides a one-year transition period, until 5 April 2008. This allows those who were planning supervisors on existing projects at the inception date of the new Regulations to meet the requirements for demonstrating competence as CDM co-ordinators. Changes to appointments could, however, invoke an immediate need to be able to demonstrate competence, as newly appointed CDM co-ordinators have to be competent. There is no transitional period for delivering the duties of the CDM co-ordinator. The regulatory duties are there and have to be delivered from day one of appointment.

1.9 Relationship between the client and the CDM co-ordinator

The CDM co-ordinator has to focus on the client. Paragraph 65 of the ACoP confirms that 'The CDM co-ordinator provides clients with a key project advisor in respect of construction health and safety risk management matters'. Providing advice and assistance is a requirement but the extent of its provision will vary with the client's ability and their experience of construction procurement.

Important duties centred on advising and assisting the client have to be discharged and the necessary resources will have to be made available to the client to deliver such duties effectively throughout the whole project cycle. Resources necessary for a project will depend on the client's own resources, knowledge and experience but under all circumstances the service delivery by the CDM co-ordinator must be agreed with the client so that a suitable, written form of appointment or contract is in place. Early appointment will enable the client to benefit from these resources.

Figure 1 summarises the main responsibilities and links between the client and CDM co-ordinator to meet their duties. This relationship is central to the effective delivery of the CDM co-ordinator role.

Figure 1 also shows the key regulatory components and indicates that the CDM co-ordinator must have strategies in place to achieve effective co-ordination with all designers and the principal contractor. The CDM co-ordinator has a pivotal role in extracting and providing relevant health and safety information arising out of the construction design process to designers and to the principal contractor (and thereby to contractors) throughout the project.

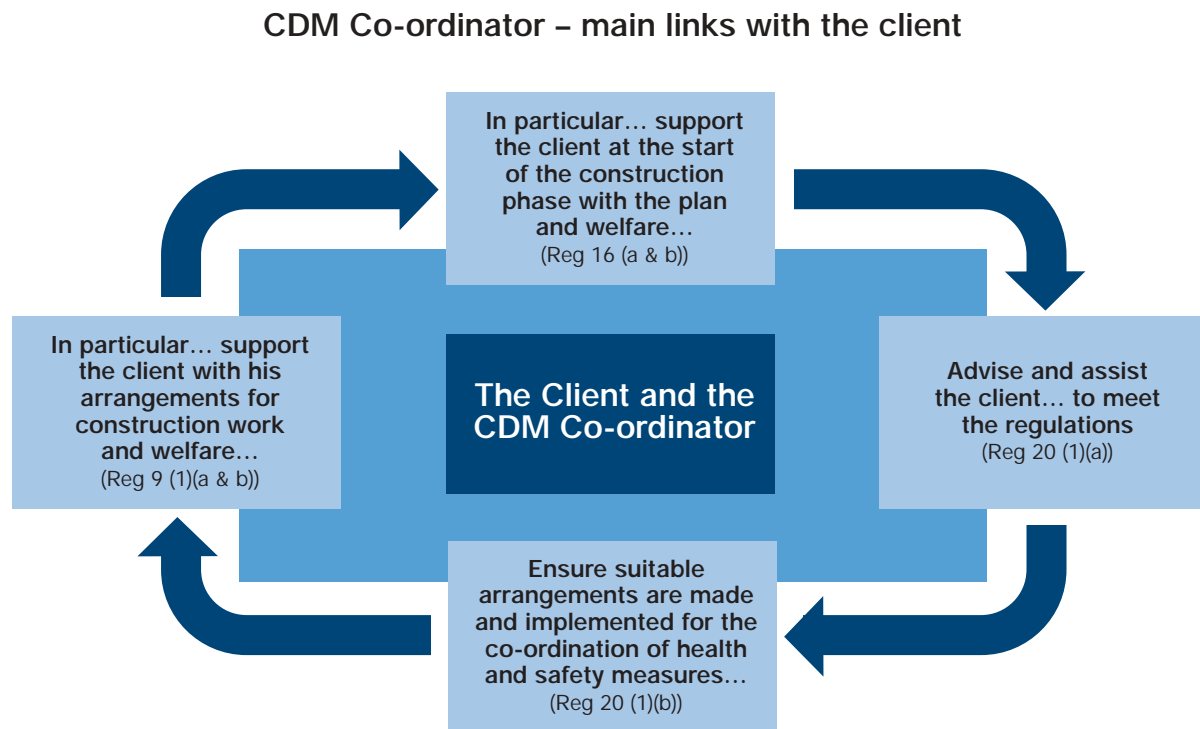


Figure 1 Client and CDM co-ordinator relationship

1.10 Co-ordination and management for non-notifiable projects

Many non-notifiable projects can involve demolition, complex or high-risk construction work.

Designers and contractors working on non-notifiable projects will have duties to provide competent co-ordination of health and safety on those projects. Clients on non-notifiable projects may secure competent support to help them discharge their duties, as they do not have a CDM co-ordinator to assist them on such projects. This is not only a CDM 2007 or construction issue, as employers must have access to competent advice under Regulation 7 of the Management of Health and Safety at Work Regulations 1999 (the 'Management Regulations'). The construction industry has an opportunity here to support clients, who typically will not be construction-aware but will expect the industry to look after their interests.

There are two responses the construction industry should make. Either:

1. designers should be competent and capable of providing health and safety co-ordination advice for design work and contractors should be similarly qualified for construction work
2. the client may obtain competent advice from the person who provides them with competent advice under the Management of Health and Safety at Work Regulations 1999, or perhaps from someone who provides CDM co-ordination services on notifiable projects.

Section

2

CDM co-ordinator duties: Practical interpretation

2.1 Advice and assistance

The CDM co-ordinator is at the heart of the 'project's health and safety strategy'. The CDM co-ordinator must advise and assist the client on all aspects of the client's duties relating to health and safety, if the client requires this.

A competent CDM co-ordinator will advise the appointing client on the extent to which arrangements will be necessary and must agree them with the client. What they are and how they are to be implemented and monitored should be clearly set down.

The relationship between client and CDM co-ordinator should be established soon after appointment. The CDM co-ordinator will have to be aware of the client's ability in terms of their construction and health and safety experience and knowledge. This will inform the approach and style of the CDM co-ordinator.

Advice and assistance must focus on the objectives of CDM 2007 for improving project health and safety to keep, as a minimum, the client and their project within the law.

In the early project stages, it will be essential for the CDM co-ordinator to find out as much as possible about the project from the client and the designers; knowing who to contact and their role will help the CDM co-ordinator to effectively advise and assist the client.

Advice and assistance should be provided for clients when considering forms of procurement and how the project team is to be assembled. The CDM co-ordinator can advise on these matters to assist the client in making decisions that avoid conflicts over safety arrangements between parties.

The regulations and ACoP do not prescribe the background of the CDM co-ordinator but in order to provide 'suitable and sufficient advice and assistance' to the client, CDM co-ordinators will need to draw upon three areas of knowledge and experience: design, health and safety, and construction.

To assist planning and preparation, the CDM co-ordinator has to advise the client on a suitable lead-in time (or mobilisation period) for the principal contractor appointment made by the client, which should be discussed with the principal contractor. A commitment to the mobilisation period has to be declared in the notification which is signed by the client. This gives the CDM co-ordinator the opportunity to ensure that the client understands the need for an adequate time period.

The client has to ensure that suitable welfare is provided prior to work on site. The CDM co-ordinator can assist the client and design team by agreeing at the earliest moment to give the principal contractor information about access to services and utilities. Dealing with this early on in the project will almost certainly make the start-up programme more efficient and easier for the principal contractor.

The CDM co-ordinator should bring the project team's attention to issues of importance that it may need to know. This would include helping the team to identify and plan for the health and safety information needs of the principal contractor as pre-construction information. Early discussions and consultation with the client will determine their information and format requirements for the preparation of the health and safety file.

Table 2 Practical implications of giving advice and assistance

- Establish an early and effective dialogue with the client.
- Seek early agreement on scope of services, legal duties and a written appointment.
- Draw up a client's arrangements summary for dissemination to the project team.
- The client may, of course, not agree with your advice. For clarity and efficiency you may wish to give your client advice in writing.
- The earlier the appointment is made, the greater the benefit for the client and their project team.
- The CDM co-ordinator has a duty to provide the client with advice and assistance.
- If the client has an existing health and safety file that relates to part of the structure, the CDM co-ordinator has to review it before advising the client on the need for a revised, or new, health and safety file.
- The strength of the relationship between the client and CDM co-ordinator will be of fundamental importance throughout the project.
- Disagreement with a client may damage their relationship and the CDM co-ordinator may have to work diplomatically and assertively to explain the project-wide benefits of complying with CDM 2007. It is no bad thing to work with a challenging client, but if the effective delivery of the role and its legal compliance are seriously in jeopardy, the CDM co-ordinator should resign from the appointment and write to the client explaining why he has taken this course of action.

2.2 Advising on competence of client appointments

The client will have to make appointments, or will have arrangements in place to have appointments made on their behalf. When appointed, the CDM co-ordinator will have to establish with the client which other appointments have already been made and, with a focus on health and safety input and competence, contribute to how the rest of the design and construction work will be procured, along with others in the project team. The CDM co-ordinator will then have to agree the necessary resources with the client to enable the provision of suitable and sufficient advice on the competence of possible further client appointees.

The ACoP describes a two-stage assessment process to meet the core criteria in its Appendix 4. The client may already have secured evidence to satisfy themselves that a designer or a contractor has achieved acceptance within a recognised independent industry scheme, or standard, or a system that meets the relevant parts of the core criteria.

The CDM co-ordinator's advice is likely to fall into two parts: first, to identify the health and safety issues that need to be explored on the shortlist of designers and contractors; and second, to advise the client of the outcome of the process. The management of the process in between could involve the CDM co-ordinator in putting questions to the suppliers. If this is being handled by someone else on behalf of the client it may be that the CDM co-ordinator provides them with the questions or the information that is required.

The purpose of this stage 2 process is to simplify the selection. Later discussions should be about practicalities and the development of the construction phase plan. Competence should not be revisited once an appointment has effectively been agreed by the client.

Table 3 Practical implications of advising on competence of client appointments

| |
|--|
| <ul style="list-style-type: none"> • Part of the CDM co-ordinator's duty to provide advice and assistance to the client includes giving advice and assistance about the competence of those the client may engage. |
| <ul style="list-style-type: none"> • Where appointments have been made by the client before the appointment of the CDM co-ordinator, a proportionate retrospective assessment of appointees should be carried out to advise the client of any concerns about competence. |
| <ul style="list-style-type: none"> • Remember that the ACoP suggests a two-stage assessment process and advice would have to cover both stages. |
| <ul style="list-style-type: none"> • Before accepting an appointment, the CDM co-ordinator must have the resources available to advise on competence and resources. |
| <ul style="list-style-type: none"> • The CDM co-ordinator should consider advising the client in writing on significant issues but not as a matter of routine. |
| <ul style="list-style-type: none"> • The CDM co-ordinator must always agree an appointment for a client that discharges all CDM co-ordinator duties. If a client wants additional or further related safety or monitoring services these should be a separate, competent appointment. |
| <ul style="list-style-type: none"> • Responses should be focused on health and safety outcomes and the avoidance of unnecessary paperwork. |
| <ul style="list-style-type: none"> • If a client has already taken steps to assemble a preferred list, it should not be necessary to repeat the detailed assessment process. However, knowing what has been done will be important to enable the CDM co-ordinator to advise the client effectively. |
| <ul style="list-style-type: none"> • Do no more than is necessary, but enough to make a professional, proportionate judgement. |
| <ul style="list-style-type: none"> • The CDM co-ordinator will need to co-ordinate with other team members as appropriate. |

2.3 Co-ordination and co-operation

All CDM 2007 duty holders have a responsibility to seek the co-operation of all others on health and safety and to co-ordinate their work in the interests of the safety and health of construction workers and those who may be affected by the construction work. But it is the CDM co-ordinator who has the specific responsibility, on behalf of the client, to facilitate co-operation and co-ordination during planning, preparation and design. This can obviously only be achieved with the engagement and involvement of all duty holders.

**'You can have co-operation without co-ordination
but you cannot have
co-ordination without co-operation'**

The CDM co-ordinator should clearly identify how co-operation and co-ordination can be achieved. On behalf of the client the CDM co-ordinator must have, or ensure that there are, project arrangements in place that support the ethos of co-operation and co-ordination

Knowing what the CDM co-ordinator needs to achieve under DRM will determine how much implementation support and guidance the project team will need. The role should encourage and promote the integration of health and safety. The CDM co-ordinator should only make suggestions for action or reflection if the team is perceived to be falling below a desirable standard of DRM. Assessing the capabilities of the project team will be an essential task for the CDM co-ordinator. Issues to consider and keep under review are: the way the design team has been procured; if it has worked together before; if a lead designer role has been agreed; and how important design risk issues are communicated.

The CDM co-ordinator has to implement and facilitate the arrangements for co-ordination. This will always be a supporting and observational role, but at any time the CDM co-ordinator will need to identify deviation from the expected processes and outcomes of normal project DRM and will have to intervene as necessary.

This response should go no further than the expectations of CDM 2007 and the ACoP and will require giving suggestions to the appropriate team members, in the right way at the right time. The ultimate backstop for any CDM co-ordinator would be to advise the client that the arrangements for DRM are not working adequately. Before that point is reached all other discussions, actions and engagements with the design team should have been exhausted. But the client has to receive such advice from the CDM co-ordinator if absolutely necessary.

The effective CDM co-ordinator will need to be a contributor at design team meetings and will want to see and know that all designers are demonstrating co-operation and co-ordination with others in the team.

Design can continue through all phases of any project and the CDM co-ordinator will have to be involved throughout. The task is not to act as a designer or to dictate change but to encourage natural design evolution that incorporates health and safety, to make sure that information passes to those who need it and to ensure that designs are suitable and compatible where relevant to health and safety.

The CDM co-ordinator will have to be aware of the principles of prevention (from the 'Management Regulations'; also included at Appendix 7 of the ACoP) and ensure that designers consider the elimination of hazards before the reduction or management of residual risks (responding to their CDM duties under Regulations 7 and 11; see the designers' guidance for further information).

The project team's maintenance of a hazard and risk register can be a helpful element in the process of tracking design changes where safety related issues have determined a change or modification. The CDM co-ordinator has to ensure that this process of demonstrating co-ordination takes place.

| Hazard Ref | Issue | Hazard eliminated? | How eliminated? | Risk to manage | Information required | Date | Action on |
|------------|--|--------------------|---|---|--|------|--|
| 12 | Buried contamination and construction of foundations | Yes | Building footprint moved from this grid | N/A (Information) | Survey data for health and safety file | | CDM co-ordinator |
| 13 | Buried contamination and use of area as site haul road | No | N/A | (1) Temporary road surface required (2) Information for principal contractor | (1) Design of temporary road (2) Information for principal contractor | | (1) Civil engineer (2) CDM co-ordinator |

Construction phase co-ordination can only take place if the CDM co-ordinator and principal contractor have communicated about the programme for the construction phase, the purpose of meetings and how design changes are made, approved and communicated. In this way, both parties can ensure that they are liaising as required.

Table 5 Practical implications of co-ordination and co-operation

- On appointment, immediately identify and contact the design team members.
- Establish the roles of the design team members and whether there is a lead designer.
- Agree the format and mechanisms for the recording of hazard and risk issues.
- As CDM co-ordinator attend as many design team meetings during the design phase as necessary to ensure co-ordination.
- Ensure that as a matter of routine the design team considers risk issues and that relevant issues are recorded.
- Ensure that as CDM co-ordinator your name is on all relevant documents and drawing circulation or revision lists.
- If co-ordination and co-operation is not taking place, raise the issue with the designers concerned or with the lead designer.
- If necessary, remind any part of the team that as CDM co-ordinator you have to advise the client on health and safety co-ordination and co-operation.
- Arrange an early meeting with the newly appointed principal contractor to discuss and understand how design changes and liaison will take place.
- On matters of health and safety co-ordination, be ready to question decisions but support sensible hazard and risk-monitoring strategies.
- If necessary, be prepared to seek a design review meeting if there are concerns over a lack of effective co-ordination.

2.4 Management arrangements

Management arrangements in this context are systems, processes or procedures that will achieve the elimination of hazards or the reduction of risk for construction workers, the public and those at work who maintain or use buildings and structures.

Any arrangement in place should satisfy an aspect of this requirement, and if it does not it should be reviewed and changed or replaced with an arrangement that does.

There are numerous management system models but at their most straightforward they have the common elements of:

- policy or objectives
- planning and implementation
- measuring performance
- reviewing performance.

The objectives of CDM 2007 provide an overall framework or policy that will only work if management arrangements are not only planned, designed and implemented but are then maintained, assessed and reviewed.

Similar arrangements will be required on all projects to meet the objectives of CDM 2007 but just as projects are all 'construction based', so each will be different due to a range of factors and influences. In response to these issues, projects may require quite specific arrangements to manage or control a particular project hazard or residual risk.

The resources required to meet these management arrangements must be agreed and allocated to the lead duty holder for that aspect of the project. The examples below do not suggest that the CDM co-ordinator is responsible for them all. In many cases the management input to them will be provided by the principal contractor. Some of these aspects will require information from the CDM co-ordinator or from any other of the duty holders on the project.

Examples of arrangements for all projects are:

- establishing overall management, monitoring and reviewing arrangements for the project, including co-ordination with existing client operations
- identifying the range and nature of information needed (relating to project health and safety), who should provide it, by when and to whom
- confirming the arrangements for producing pre-construction information and the health and safety file
- managing design co-ordination and project information resource, including arrangements relating to statutory undertakers and public utilities
- reviewing and monitoring the suitability and compatibility of designs
- discussing arrangements for early contractor involvement
- agreeing procedures for ensuring the safe start of construction work
- the scope or provision of project welfare
- advising the client on appointments of designers and contractors for competence.

Arrangements may also include:

- any specific, client health and safety goals for the principal contractor to meet
- any specific client requirements for existing operations (including emergency arrangements, for example)
- monitoring and measuring for success, or otherwise, of the project arrangements (on behalf of the project and the client)
- ensuring that suitable safety management procedures are in place throughout the construction phase in the plan
- induction training, site training, development of the project team members.

Examples of arrangements that the construction procurement method may generate include:

- the involvement of other relevant specialists from the client's team such as facilities managers or from third parties with a specialism such as access or cleaning
- relationships under Private Finance Initiative (PFI) bidding or design and build, and so on
- managing design input from designers based outside the UK
- any formal changes to the CDM co-ordinator appointment if a client or procurement route requirement. (For example the project originator client and the special purpose vehicle (SPV) will both be CDM clients.)

Other arrangements include:

- contractors will have their own arrangements for safe construction methods and management (see the principal contractor guidance and contractor guidance for more detail)
- designers will have their own arrangements for health and safety as employers and also in response to their design role under design risk management (see the designers' guidance for more detail)

Table 6 Practical implications of management arrangements

- Identify and agree the arrangements for project safety.
- Ensure that the project team is informed of the client's arrangements.
- Establish through dialogue and agreement who is best placed to action the project arrangements.
- Identify who is going to monitor what, when and how information can be fed back to the project team and the client.
- Review arrangements at routine project meetings.
- Ensure that overall design risk management, the safety of the construction workforce, site welfare and 'workplace in use' are actively and continuously covered by the arrangements.
- Discuss with the principal contractor and establish clear liaison with the principal contractor for work with designers.

2.5 Information management

A key arrangement will be the systems put in place for the effective review, distribution and collation of relevant health and safety information. Others in the team will be responsible for the production of information but the arrangements in place need to make sure that the right information goes to the right people at the right times.

Co-ordinators will:

- identify and collect information
- promptly provide information, including the pre-construction information that the principal contractor will need
- prepare the health and safety file
- pass the file to the client
- issue notifications.

2.5.1 Identify and collect information

For any construction project there will be specific and relevant health and safety information that will be needed to inform the planning and preparation for hazard elimination or risk reduction. The CDM co-ordinator has the duty to locate or call-in relevant information. The resource may not have to be physically compiled in the CDM co-ordinator's office, as it could be a database, an extranet provision or a distributed database where each design team member holds their own part of the overall resource. The CDM co-ordinator will need to understand the demands of the project, the expectations of the client and the information designers and contractors will need to inform their decision making in response to project safety requirements.

The CDM co-ordinator will co-ordinate the identification, procurement and communication of project-relevant health and safety data. Even if the information does not all go to the CDM co-ordinator for onward transmission, the CDM co-ordinator will nonetheless need to know who has what information, what is relevant to whom and that this information flow is happening effectively. All members of the project team will be responsible for identifying, or developing, information needs and these should respond to the overall project risks that are being co-ordinated.

For all projects, the extent of any research or procurement of initial pre-construction information will be an implementation of the client's arrangements and, in some cases, the client could engage the CDM co-ordinator to have an information-procuring or chasing role too.

Through direct contact with designers and principal contractors, project design meetings or other management techniques, the CDM co-ordinator will have to be able to respond to changes in the design and construction programme. The CDM co-ordinator will have to engage directly with everyone to identify relevant information that exists or to work with others to establish gaps in knowledge and how they should be filled. Close working with the lead designer and the client will ensure that those needs are translated into requests for procured information (if, for example, additional time, cost or other resources need to be approved by the client).

2.5.2 Promptly provide information

Designers and principal contractors need good information to plan and prepare for any project. To enable that wider process of design to continue effectively the CDM co-ordinator will have to ensure that safety and health information is supplied efficiently and promptly.

Pre-construction information could be required at any time during a project. The CDM co-ordinator will need to ensure the team supplies adequate information to prospective principal contractors but the process of information exchange continues at all stages of the project.

The CDM co-ordinator will manage this information, possibly by using a simple spreadsheet or database, to ensure that a continuing record exists. This will need to cover:

- the nature of the information
- its relevance to the project risk register
- who produced it, or will produce it
- who needs it
- who received it and when
- whether it has 'pre-construction information' status
- its relevance for the health and safety file
- its relevance to the use of any part of the structure as a workplace.

The scope, style and content of the health and safety file should be agreed with the client at an early stage. This information should be passed to the principal contractor so that the information can be appropriately organised.

Information will also be required from designers in response to their duty on 'use as a workplace' and the client's needs and interests that follow. Designers will have to discuss and agree with the CDM co-ordinator any residual information requirements the client may need on design solution choices that will potentially have an impact or interface with the client's normal work.

The CDM co-ordinator needs to be in a position to interpret these needs and to only co-ordinate any workplace information for the health and safety file that is necessary and useful to the client and responds to the agreed design brief for the project.

2.5.3 Prepare, review, and update health and safety file

The CDM co-ordinator has to prepare a suitable health and safety file. The content of the file must be specific. It does not have to be a complex document in its own right. The purpose of the file is to provide easy access to health and safety-related information in the future. It can be a short signposting or contents style file that enables location of the information for future construction work or maintenance.

The issues for the CDM co-ordinator in connection with the file are:

- early discussion with the client about their needs and expectations
- an early assessment of any files or material already in the client's possession
- early agreement on the format, style and location when completed

- an understanding by the client of who will use the file and how
- the number of copies to be produced
- to ensure that early discussions with the client determine the scope, or the need for incorporation of earlier files or other client information
- to advise the client and their team so that appropriate requirements for file information delivery are set out in the appointments of other duty holders
- to make sure that duty holders know what to provide and when
- to determine with the client how they wish to incorporate any asbestos-related information into a project file
- to advise on the usefulness of the file and whether the client wants any links with building manuals, operation and maintenance manuals
- to advise and assist the client with file updating needs and procedures (including the requirement for the client to keep the file up to date with information that could emerge from later projects, including non-notifiable ones)
- material should not be included unless it is directly relevant to managing health and safety and its contents are accurate and project-specific
- recommended good professional practice is that the CDM co-ordinator should hold a copy of the file in addition to the one formally handed over to the client
- the suggested generic requirements for a health and safety file are provided in paragraph 263 of the ACoP
- the focus should be on including those issues that are unusual, difficult to manage or are not likely to be known by a competent contractor.

The CDM co-ordinator has the duty to prepare the health and safety file but the principal contractor may assist or lead the compilation process. It is possible that the principal contractor could be appointed or contracted by the CDM co-ordinator to assist with the preparation of the file, or for these arrangements to be clearly agreed with the client and included in all contracts or appointments. These would be contractual arrangements and not a means of transferring the legal responsibility for the file, which rests with the CDM co-ordinator.

2.5.4 **Pass the health and safety file to client**

The CDM co-ordinator has to pass the completed health and safety file to the client. This needs to take place by the end of the construction phase. Phased or partial handover and occupation may take place. At those times, the construction phase will be complete and the health and safety file should be ready for handover so that if the client needs to work on the completed element of a structure, he has the file information to assist with carrying this out safely.

Early discussion with the client and the project team will enable decisions to be made about the supply of information for any health and safety file, or part of it, if there is sequential or phased handover.

Advising and assisting the client should also include allocating necessary resources to deliver the health and safety file in person, in order to provide an effective handover by the CDM co-ordinator to the appropriate client location and personnel.

2.5.5 **Notifications**

This is a duty to inform the HSE, as the enforcing body, of the project's existence. This has to take place on notifiable projects. (If it is a rail-based project, the project-enforcing authority to be notified is the Office of Rail Regulation.) The CDM 2007 notification requires a signed declaration by the client, which makes clear that they are aware of their client duties under the regulations and approves the notification.

An amending notification is required once any missing information is known or if there are any significant changes. Any amending notification should make clear that it relates to an earlier notification.

The factual data requirements for the notification are provided in Schedule 1 of the regulations.

Providing the HSE through the notification with 'A declaration signed by or on behalf of the client that he is aware of his duties under these regulations' is a less straightforward requirement.

There are two probable choices:

- to require the client, or suitable employee of the client, to sign the initial notification; or
- for the CDM co-ordinator to have a written statement of compliance with the awareness statement in his records and then, with the written authorisation of the client in the same document, to sign and process all notifications for that specific project directly as and when required.

Practically, it is only the client who can sign and therefore attest to their state of knowledge (awareness) of the CDM requirements, so the client signing the notification gives the added benefit of underlining the significance of their duties under CDM 2007 and serves as a useful reminder of those duties.

Table 7 Practical implications: Managing information

- Remember to give the right information to the right people at the right times.
- Prepare and maintain a record or register of project health and safety information requirements and sources.
- Clearly identify direct client appointments.
- Agree with the client at appointment what information resources will best serve the project (whether electronic, paper or otherwise).
- Design and review the arrangements for informing project duty holders so that they know what relevant health-and-safety-related information is available.
- Remember that pre-construction information is not only required before the client appoints the principal contractor, it will be needed at other times in the project too.
- As a statutory minimum, the CDM co-ordinator must ensure that the right information reaches all project designers, even during the construction phase.
- Ensure that project information includes mobilisation time for planning and preparations for the principal contractor and any other direct contractor appointments made by the client.
- Remember the bureaucracy trap: only issue relevant information. A full survey report may have to be issued to certain designers but others might only need to receive a short summary or simply to be aware that the report exists.

Table 8 Practical implications: The health and safety file

- Discuss and agree at, or immediately after appointment, the scope, structure and style of the file with the client.
- Remind the client of the need to ensure that asbestos management data is required.
- Encourage the project team to include file information delivery in the project contracts and programme.
- Meet with the principal contractor to review and agree the programme for passing on file information during the construction phase.
- Offer advice to the client on keeping the file up to date in relation to possible future non-notifiable construction work.
- Preferably handover and explain the health and safety file in person.
- Consider a virtual 'drop-test'. Could the file be re-assembled if adequately indexed and structured?
- Provide effective training or a demonstration of how to use the health and safety file at handover.
- Discuss with the client any possible future assistance over health and safety file maintenance.

Table 9 Practical implications: Notifications

- Ensure that the client or an agreed representative of the client's organisation signs the 'awareness' declaration in the notification.
- The CDM co-ordinator is responsible for issuing the notification(s).
- Ensure the client has clearly authorised and signed any electronic submission of the notification, if this method is used.
- If an updated notification is required give it a unique, sequential reference.
- Notifications will be longer than previously, as the contact details of known designers and contractors have to be supplied.

2.6 Design risk management

2.6.1 What is design risk management?

It is a normal part of any design process for inherent risks to be identified and for measures to eliminate or manage them to be integrated into the developing design. So, design risk management (DRM) is seen as the health and safety risk management process that competent designers will engage with as an integral part of the overall design process.

The process of DRM involves identifying hazards and any associated risks relating to the intended construction work (building structures, maintaining, cleaning, using, and removing them). These can be associated with the sites(s), the existing structures on which work will be carried out and their surroundings, as well as the hazards and risks that are created by the designs that are produced for the new structures or constructions. Designers are then required to eliminate or minimise the identified risks by modifying aspects of designs, and to provide information about any resultant significant residual risks so that these can be managed safely during the construction process and during maintenance, cleaning and eventual demolition.

Underpinning this DRM process is the recognition that making projects safer for those who work on them, or are affected by them, will have benefits in terms of project delivery, cost and quality targets; this fact has been proved many times over in recent years.

The DRM process includes providing information for:

- other designers and for contractors so that they can design, plan and prepare effectively
- tendering or pricing purposes (so that risk management is properly taken into account in construction)
- ongoing construction health and safety through the use of the health and safety file.

It is important to note that the DRM process assumes that the contractors appointed, or the designer engaged to carry out work on a project, will be competent; and therefore that the residual design risk information that designers need to produce relates only to those risks that are not easily apparent, are seen to be unusual or difficult to manage, and of which a competent contractor or designer would not otherwise be aware.

DRM is an integral part of the design process. On notifiable projects, the CDM co-ordinator will work with designers to:

- minimise risk in construction
- ensure that information flows between all parties involved in the design and construction so that health and safety risk management is effective.

On non-notifiable projects where there is no CDM co-ordinator, the designer will have to ensure that this is done so that the client's duties are fully discharged and the team does all that is practicable to ensure the health and safety of those working on the project or those potentially affected by it.

Further information on design risk management is available in the designers' guidance.

2.6.2 Application of the principles of prevention

The CDM co-ordinator has to have an understanding of the principles of prevention in the context of the elimination of hazards that cause risk from the design process. These principles are well established and stem from Schedule 1 of the Management of Health and Safety at Work Regulations 1999¹ and the allied Management of Health and Safety at Work ACoP published by the HSC (L21)². These principles are repeated in Annexe 7 of the ACoP.

The CDM co-ordinator will need to work with designers to understand their level of awareness of these principles and to find out how they will adopt them in response to their respective CDM duties.

These are core principles to raise the profile of what can be done to design out hazards, or to minimise the effects of residual risks for construction, maintenance and cleaning workers, or the client's occupying workforce.

2.6.3 Liaise with designers

The CDM co-ordinator will have to identify and establish direct links with all those with lead or package design responsibilities.

Liaison is an active, developing process, not an initial sign-up commitment without any subsequent action. Meeting the overall design brief and project demands within agreed resources for the client has to include a good working relationship with the design team to ensure that their processes for DRM work and reflect the general principles of prevention.

⁽¹⁾ Construction (Design and Management) Regulations 2007; SI 2007 No. 320

⁽²⁾ Management of Health and Safety at Work, Approved Code of Practice, ISBN 0-7176-2488-9; 2007

To be effective, liaison should involve attendance at relevant design review meetings. Liaison is about keeping in touch and communicating effectively in order to develop and sustain appropriate working relationships.

Design teams are brought together from an increasingly wider geographical base, as communications mean that information can be distributed rapidly by various media and software to those who need it.

There is a human and process need for design meetings but, increasingly, elements of specialist design may be produced by someone in a remote part of the UK, or abroad, and for that reason some designers may not be seen face-to-face at all. It will be more difficult to co-ordinate a geographically diverse team than when the CDM co-ordinator is located with the design team at one location. This difficulty extends further for design work brought in from overseas. Design work from overseas will be commissioned, or required, by someone acting for the client in Great Britain. Typically, this will be a designer or contractor.

If there is no UK-based designer then the client has to be the focus of co-ordination about design safety and the CDM co-ordinator will have to work with the client to ensure DRM. There will be a need for early discussions with the client to seek the results from the design work that CDM 2007 demands. The contractual links will still have to be respected and the client should go back to the overseas designer to request information on health and safety, or to ask for consideration of hazard elimination or risk reduction to demonstrate compliance with the requirements of Regulation 11. In this situation, the client may need more support from the CDM co-ordinator. If the client has previous experience, or the business is construction or development-focused, additional support may not be needed.

UK-based commissioning designers will have the advantage of knowing about the UK design process, systems and legislation, however physically remote they are from the CDM co-ordinator or other designers. The DRM issues that will have to be tackled are the same and the fundamental duty rests on remote UK-based designers to comply with their CDM 2007 design duties. The following actions may be appropriate for co-ordinating the health and safety output of physically remote designers:

- the use of email and electronic distribution
- to establish direct spoken contact
- introduction of recommended hazard or risk register format
- a summary of the requirements for DRM
- identifying specific information requirements
- seeking confirmation that designs have adopted the principles of prevention
- referring them to specific online UK guidance, for example HSE and Safety in Design (see 3.4 for list of useful internet links)
- referring them to the design section of this online guidance.

Many designers will work directly for, or through, a principal contractor and the CDM co-ordinator will have to liaise with the principal contractor to ensure that the CDM co-ordinator is aware of the design input they have.

2.6.4 Co-ordination and co-operation during construction

Procedures need to be agreed to deal with design changes during construction.

The relationships between permanent design and temporary works design have to be identified and early liaison with the design team, whether specialist based or design team based, has to be co-ordinated. Achieving co-operation may not be easy but all parties have a duty and a need to co-operate; and the CDM co-ordinator has to ensure that this happens.

Designs have to respond to the requirements of the Workplace (Health, Safety and Welfare) Regulations 1992, where these are applicable; so the CDM co-ordinator will have to review the implementation of the client's brief to ensure that designers incorporate relevant issues in design development and in their production of residual risk information.

Table 10 Practical implications of co-ordinating and co-operating during construction

- Establish personal contact with each design team member, preferably through a visit or meeting at their office or practice.
- Draw-up and maintain a designers' contact register.
- Identify critical design team meetings and make sure that you attend them.
- Ensure that effective communications exist for permanent and temporary works design.
- See that the project meeting agenda always includes health and safety, or health and safety co-ordination, as standard.
- At design team meetings monitor the progress of effective DRM.
- Hold regular reviews with the temporary works co-ordinator.
- Maintain a hazard and risk register for the project.
- Use the principles of prevention as questions to designers to explore the effectiveness of DRM.

2.7 The start of the construction phase

The CDM co-ordinator has a legal obligation to advise and assist the client at this stage. It represents the opportunity to review project safety planning and preparation and to confirm that the client's arrangements will be implemented in the transition to the construction phase.

Any advice to the client on the suitability of the principal contractor's construction phase plan must include a review of the start-up arrangements for welfare within the overall strategy.

The CDM co-ordinator should be given the necessary time and resources to provide an effective review. Working closely with the principal contractor will be invaluable, as changes should be discussed before documents are printed or issued electronically.

The construction phase plan is a document developed by the principal contractor and this will be updated and maintained throughout the construction phase. The CDM co-ordinator has no formal role in keeping it updated, but will need to be able to advise upon its suitability before construction work can start.

After construction work starts the CDM co-ordinator will need to liaise with the principal contractor regarding any design work or development that may have a consequence for the construction phase plan and the management of construction work.

In overall project planning, sufficient time must be incorporated for the review and acceptance of the construction phase plan. Time will be required for:

- the initial plan to be prepared and issued by the principal contractor
- the CDM co-ordinator to review it and compare with the outcomes of project DRM and the project arrangements
- discussion between the CDM co-ordinator and the principal contractor regarding amendment or development of the plan in response to future design changes
- advice from the CDM co-ordinator to the client on the suitability of the plan
- instruction from the client to the principal contractor to allow construction work to commence.

Table 11 Practical implications of the start of the construction phase

- | |
|--|
| <ul style="list-style-type: none"> • Ensure that project planning allows sufficient time for the production and assessment of the construction phase plan. |
| <ul style="list-style-type: none"> • The CDM co-ordinator has to provide advice to the client on the suitability of the construction phase plan. |
| <ul style="list-style-type: none"> • Once the client instructs that construction work should commence the CDM co-ordinator has no direct responsibility for the plan. |
| <ul style="list-style-type: none"> • The construction phase plan is the principal contractor's document. |
| <ul style="list-style-type: none"> • Ensure that the plan provides a clear strategy for the provision of welfare arrangements. |

2.8 Construction liaison and involvement

The CDM co-ordinator must liaise with the principal contractor to ensure appropriate health and safety actions and arrangements are in place. It does not require or imply any direct responsibility for the management of health and safety during the construction phase, as that rests with the principal contractor and the other contractors.

Good practice will increasingly find ways of working with the contractor or the appointed principal contractor (through a two-stage appointment, for example) at ever-earlier opportunities to provide better planning and co-ordination of health and safety issues.

Effective liaison will involve early discussions with the principal contractor to ensure they have the information they need to plan and manage their construction work.

The liaison will have to cover the client's requirements of the health and safety file and how and when the information must flow against a project-agreed timeframe.

The liaison requirement of CDM 2007 should achieve the necessary co-ordination for ongoing design during the construction phase under all methods of construction procurement. Techniques will vary but the objectives for the CDM co-ordinator must be to:

- identify the client's intentions early on for design and construction procurement and how to identify designers
- identify how design will be subcontracted or procured by designers and have an agreed mechanism in place to secure appropriate knowledge of changes promptly
- work with other project advisors to influence forms of appointment to ensure that designers and contractors are contractually required to provide details of the extended or specialist design team promptly
- have early discussions and agreements of process to identify with the principal contractor embedded design functions for permanent and temporary works.

Table 12 Practical implications of construction liaison and involvement

- Ensure that the client's arrangements create liaison through the construction phase health and safety plan and the contract.
- Create and maintain a register of designers, including construction phase designers for the project.

Section

3

Further reading and references

It is easy to overlook the project information resource, which all in the team should have access to. It includes all information that is available, or required, for construction and design work within a project. The health and safety information within that resource will be made available to the project team by the CDM co-ordinator as they require it.

The CDM co-ordinator will be ideally placed to advise and assist on other information resources or references that may be available from other sources.

3.1 Technical guidance

Specific and detailed support reference work is available to the construction industry on the management of CDM co-ordination³.

3.2 Appointments and contracts

Forms of contract and appointment are many and varied. For crossover projects (from planning supervisor to CDM co-ordinator) the CDM co-ordinator must discuss with the client the need for revised arrangements and resources that will be required to meet revised duties. These should be agreed in writing, even if a new or revised contract is not drawn up.

New projects, fully under CDM 2007, should have an appointment that includes, or refers to, a schedule of CDM co-ordinator services that ensures compliance with the CDM Regulations for that project. The adequacy of resources will be important to the delivery of the client's arrangements, so it is more likely that targeted forms of contract will provide a clearer description of roles and responsibilities. Such examples are:

- The Association for Project Safety Form of Appointment 2007
- The CIC Consultants Contract.

3.3 Design risk management

Designers may be directed to the HSE website, to the Design Guides on the Safety in Design website, to CIRIA publications to explore and develop DRM as well as to the APS/RIBA Publications guide to Design Risk Management⁴.

3.4 Websites and links

Useful internet links:

www.aps.org.uk

www.cic.org.uk

www.ciria.org.uk

www.dbp.org.uk

www.hse.gov.uk

www.safetyindesign.org

⁽³⁾ The Guide to the Management of CDM Co-ordination; The Association for Project Safety; 2007

⁽⁴⁾ Design Risk Management; RIBA Publications; 2007