

The Construction (Design and Management) Regulations 2007

Industry Guidance for Contractors

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Industry Guidance for Contractors





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INTRODUCTION

How to use this publication

This publication aims to give guidance to contractors on how to comply with the Construction Design and Management Regulations 2007 (CDM 2007).

Within the Regulations a contractor is defined as 'any person who, in the course or furtherance of a business, carries out or manages construction work'. This guide, therefore, sets out to inform all those who fall within this category about who can fulfil the various roles under CDM 2007, what they must do and what they must expect from others.

If you want more detailed information you should refer to the CDM Regulations 2007 and the Approved Code of Practice (ACoP), published by the Health and Safety Commission. This is available from HSE publications (Tel: 0845 345 0055 or online at www.hsebooks.com).

Main changes in CDM 2007

The main differences between CDM 2007 and CDM 1994 (as modified in 2000) relate mainly to client, CDM co-ordinator and designer duties. However, you must be aware that Parts 2 and 4 of CDM 2007 apply to you on all construction work, including work for domestic clients and on non-notifiable jobs.

The duties of the principal contractor and contractors do not change significantly, apart from what they can expect from other duty holders, although there is a considerable emphasis on co-operation, co-ordination, and communication between all parties on health and safety planning and management. In particular, there are very clear requirements to involve the workforce, and notifiable projects will need management systems to deal with this. The objective is to achieve a well-planned project that complies with health and safety requirements from the start, with the right people involved.

The duties of non-domestic clients (domestic clients have no duties under CDM 2007) and the designer have been strengthened, as has the role of the CDM co-ordinator, which replaces the planning supervisor in CDM 1994.

CDM 2007 has been designed to form a single set of Regulations that are specific to construction work. They now include the relevant parts of the Regulations listed below, which no longer exist.

- The Construction (Design and Management) Regulations 1994
- The Construction (Health, Safety and Welfare) Regulations 1996
- The Construction (Design and Management)(Amendment) Regulations 2000
- The Construction (General Provisions) Regulations 1961

Definition of terms

Contractor

Any person who, in the course or furtherance of a business, carries out or manages construction work.

Main contractor

In CDM 2007, there is no formal duty holder under law known as the main contractor. However, main contractors exist in reality on non-notifiable projects and are mentioned in this document.

Notifiable project

Except where the project is for a domestic client, HSE must be notified of projects where construction work is expected to:

- last more than 30 working days; or
- involve more than 500 person days, for example 50 people working for over 10 days.

Any day on which work takes place, including bank holidays and weekends, counts towards the period of construction work.

Where a small project, which is not notifiable, requires a short extension or short-term increase in the number of people, there is no need to notify HSE. However, if the work or the scope changes significantly so that it becomes notifiable, HSE should be informed.

Notification (notifiable projects only)

If a project is notifiable, the client, or the CDM co-ordinator appointed by the client, should submit information to HSE and provide updates on any significant changes to the project. Information about what should be included in a notification to HSE can be found at Annex D. Alternatively, the client or CDM co-ordinator can complete and submit a form F10 (Revised). This can be downloaded from www.hse.gov.uk/forms/notification/f10.pdf

Pre-construction health and safety information

This is a term used in the ACoP to describe the background information provided to those bidding for, or planning, work on notifiable projects, and for the development of the construction phase plan for notifiable projects (which sets out how health and safety will be managed during the construction phase). Information should be included that is relevant to the work proposed and the level of detail should be proportionate to the risks involved in the project. Such information, which should be produced by all non-domestic clients for all projects, will include:

- a description of the project, including key dates and details of time allowed for planning work
- the client's management arrangements, such as site security, welfare arrangements, and so on
- environmental restrictions and existing on-site risks, such as the presence of asbestos, in addition to details about the location of existing services (for example water and electricity)
- significant design and construction hazards that you will need to take into account when bidding for and planning your work. These include suggested work and control methods applicable to the design, arrangements for handling design changes, significant risks identified during the design process, and materials requiring specific precautions
- a description of the format of the health and safety file and any conditions relating to its content. (See section below on the health and safety file for notifiable projects.)

For all projects, the client is now expected to establish the presence of existing hazards, and provide you with this information prior to the submission of a bid for the work.

On a notifiable project, this information should be provided by the principal contractor, or the CDM co-ordinator where you have been appointed directly by the client. On a non-notifiable project this information should be supplied by the client.

The information provided should include all that is relevant to the work you are bidding for, and should be supplied in time for you to include in your bid the cost of health and safety management of known hazards.

The health and safety file (notifiable projects only)

Where a health and safety file already exists, it should contain the information needed to allow future construction work, including cleaning, maintenance, alterations, refurbishment and demolition to be carried out safely. Information from any existing file should alert you to risks and help you to decide how to work safely. However, this may not cover all hazards, as the information is only likely to cover works previously undertaken under CDM 1994 and, therefore, may not be comprehensive.

Where there is no health and safety file, you will have to rely on the pre-construction health and safety information.

The principal contractor should provide you with relevant information, including information from an

existing health and safety file before you start work on the project. This could include surveys and structural information, as well as any relevant risk information.

You should provide any requested information that is relevant to the file as it becomes available. Your contributions to the file should be received by the principal contractor before your work on the project is completed, unless there are genuine practical reasons why this is not possible. This information should include details of any remaining and anticipated risks resulting from the work you have undertaken, and any relevant design decisions taken at the time in relation to it. This may include information on any equipment or machinery that you have installed. For more information on the contents of the health and safety file, see Annex C; for more information on design decisions, see Section 7.

The construction phase plan (notifiable projects only)

This is similar to the pre-construction health and safety information from which it is derived, and follows a similar structure. The key difference is that the construction phase plan will contain more of the practical detail, which you need to know, because it is written at later stage of the project when more information is known. The principal contractor should provide you with the relevant information from this plan before you start work on the project, and you will be expected to contribute any relevant information to it. It will contain:

- a description of the project
- the management arrangements put in place by the principal contractor and any of those imposed by the client
- health and safety site rules and restrictions which must be complied with
- arrangements for controlling significant risks, for example work at height, asbestos, and manual handling
- arrangements relating to the health and safety file.

For more information on the construction phase plan and how it relates to you, see Section 5 of this guidance document.

Complying with CDM 2007

Duties

There are two types of duty in CDM 2007:

- duties that apply all the time
- duties that apply according to the type and size of the project and the people working on it (that is, those which are notifiable).

The duties are contained in Parts 2, 3, and 4 of the Regulations. Parts 2 and 4 of the Regulations apply to construction sites at all times for all construction projects. You must comply with them at all times. Part 3 only applies to projects which are notifiable. Your responsibilities under these three parts of the Regulations are laid out in Section 1 of this guidance document. Sections 2–6 give you guidance on dealing with the other duty holders; Section 7 deals with design work as it affects you; and Section 8 deals with issues relating to pre-qualification and competence.

An overview of CDM 2007

The new Regulations came into force on 6 April 2007; they are arranged in five parts, which contain the Regulations, and four schedules, which contain useful additional information. These are summarised in Figure 1.

Figure 1 shows how to determine which sections of CDM 2007 apply, and who is responsible for which duties, depending on the type of work you are doing and who you are working for.

Parts of Regulations	Regulation Numbers	Overview
Part 1	1-3	Definitions of terms such as 'construction work', and when and where the Regulations apply
Part 2	4-13	Details the general management duties which apply to all projects at all times.
Part 3	14-24	Details the duties which apply to notifiable projects only, and includes duties for each duty holder as well as the Regulations relating to the construction phase plan and co-operation and consultation with the workers.
Part 4	25-44	Details the health and safety duties which apply to all projects at all times. This differs from Part 2, as it concerns construction work rather than construction management. It includes duties relating to site security, stability of structures, excavations, demolition and reports of inspections.
Part 5	45-53	Details civil liability, transitional arrangements and amendment of other legislation.
Schedule 1	N/A	Details what information a notification to the HSE must contain. This is typically contained in form F10.
Schedule 2	N/A	Details responsibilities relating to the provision of welfare facilities.
Schedule 3	N/A	Details what to include in a report of inspection.
Schedule 4	N/A	Details where CDM 2007 changes other Regulations. For example, they completely replace CDM 1994, the Construction (Health Safety and Welfare) Regulations 1996 and the Construction (Design and Management) (Amendment) Regulations 2000.

Figure 1. A summary of CDM 2007

Figure 2 shows the flow of information from duty holders, including any contractors directly appointed by the client, through the principal contractor to the contractors, workers and any sub-contractors. It also shows the flow of information back up the lines of communication from the workers, through their employers to the principal contractor and on to other duty holders.

Figures 2 and 3 illustrate how CDM 2007 should work.

Figure 2 shows how to determine which sections of CDM 2007 apply, and who is responsible for which duties, depending on the type of work you are doing and who you are working for.

Figure 3 shows the flow of information from duty holders, including any contractors directly appointed by the client, through the principal contractor to the contractors, workers and any sub-contractors. It also shows the flow of information back up the lines of communication from the workers, through their employers to the principal contractor and on to other duty holders.

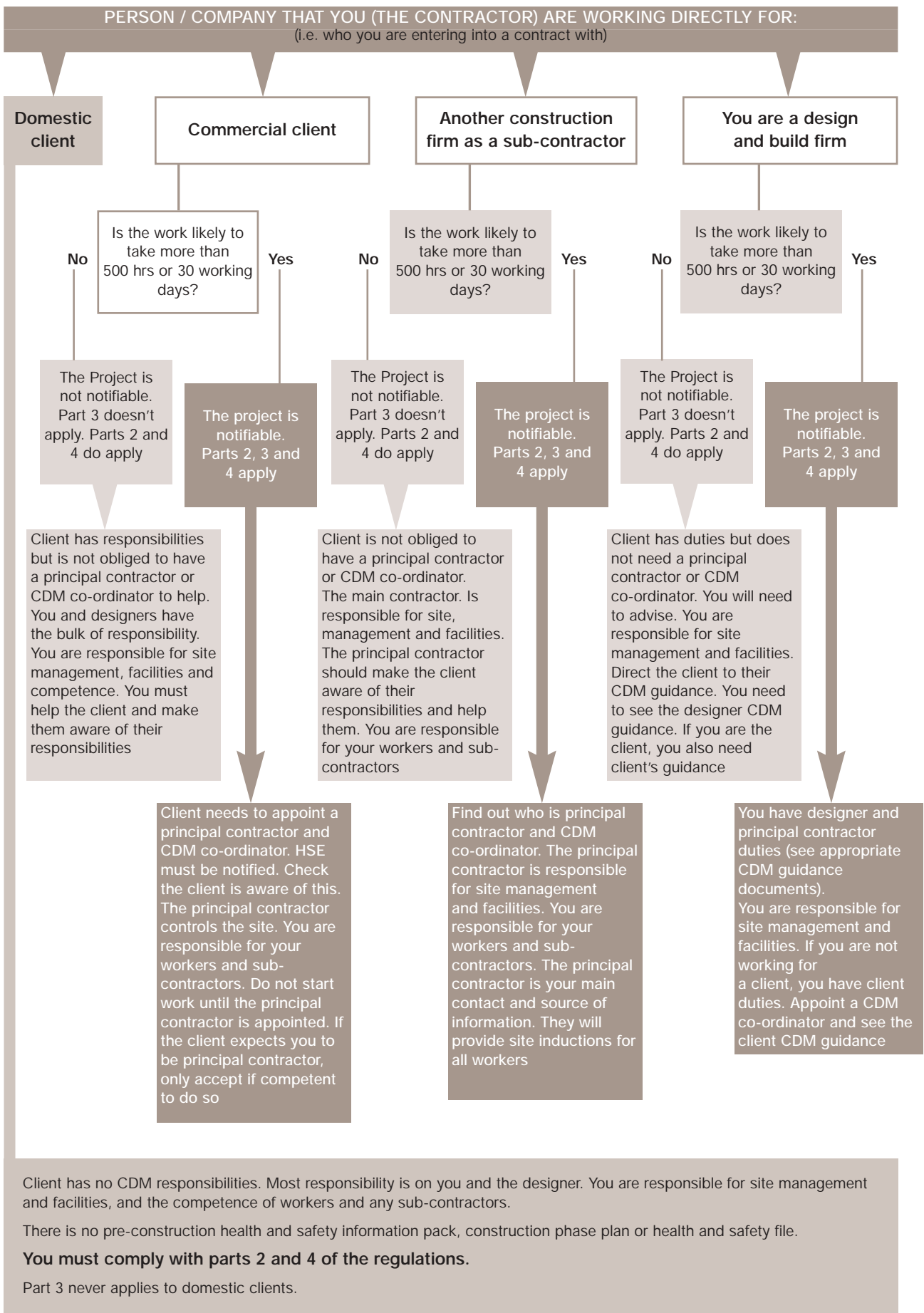


Figure 2 The changing CDM responsibilities of contractors

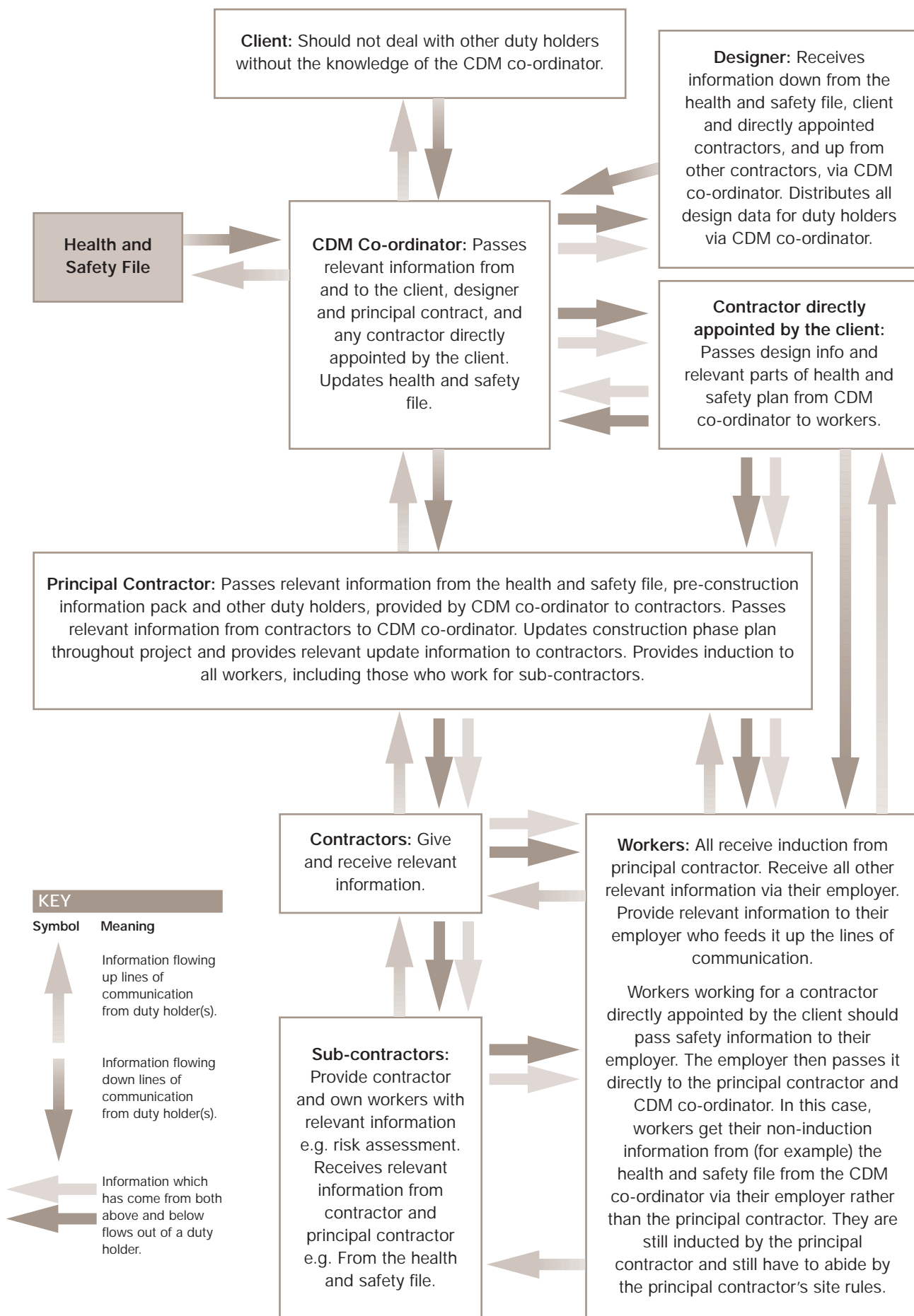


Figure 3 The flow of relevant information through the principal contractor and CDM co-ordinator on a notifiable project

Section

1

YOUR DUTIES AS A CONTRACTOR

1.1 Introduction

- 1.1.1 This section sets out your duties as a contractor under CDM 2007 and explains how to deal with any sub-contractors that you may engage.
- 1.1.2 CDM 2007 aims to ensure that all those who are in a position to influence the health and safety of the construction projects they are involved in work closely and co-operatively with each other throughout the project on health, safety and welfare. To encourage this, the Regulations place responsibility on the client, the designer, the CDM co-ordinator (notifiable projects only), the principal contractor (notifiable projects only), the contractor and the workers.
- 1.1.3 Anyone who directly employs or engages construction workers, or controls or manages construction work, is a contractor for the purposes of these Regulations. This includes companies that use their own workforce to do construction work on their own premises; this definition also applies whether the workers are employees or self-employed.
- 1.1.4 As a contractor, you will need to have a co-operative and co-ordinated relationship with each of the other four 'duty holders', as well as with the other contractors and sub-contractors who may be working on site with you.
- 1.1.5 This section of the guidance gives you an outline of what your core duties are.
- 1.1.6 Sections 2, 3, 4, 5 and 6 deal with your relationship with each of the other duty holders in turn. These sections will inform you about:
- what the other duty holders do
 - how their role has changed under the new Regulations
 - what you can expect from them
 - what they can expect from you as part of your relationship with them
 - how these duties change, and how your role in relation to them changes, depending on whether the project is notifiable, non-notifiable or is for a domestic client.
- 1.1.7 Those who actually do the construction work (that is, your employees and yourself) are most at risk of injury and ill health. You have a key role to play, in co-operation with the principal contractor and other contractors, in planning and managing the work to ensure that risks are properly controlled.
- 1.1.8 All contractors (including utilities, specialist contractors, contractors nominated by the client and self-employed persons) have a part to play in ensuring that the site is a safe place to work. The key to this is proper co-ordination of the work, underpinned by good communication and co-operation between all those involved.
- 1.1.9 The Regulations which apply to you under CDM 2007 can be divided into those which apply to all construction work (see Parts 2 and 4), and those which only apply if the project is notifiable (see Part 3).

1.2 Regulations that apply to all construction work at all times: Parts 2 and 4 of CDM 2007

1.2.1 Under Part 2 (the construction management regulations), for all projects, including domestic and non-notifiable projects you must:

- satisfy yourself that you and anyone you employ or engage are competent and adequately resourced (Regulation 4) (see Section 8 in this guidance document)
- co-operate with others and co-ordinate your work with others working on the project. If one contractor is overseeing the work for a domestic client then they should ensure that the contractors' work is properly co-ordinated, and that there is good co-operation and communication (Regulations 5 and 6)
- check clients are aware of their duties (Regulation 13(1); see Section 2 of this guidance document)
- plan, manage, and monitor your own work and that of your workers to make sure that they are safe when starting their work on site, that it is carried out safely and that health risks are also addressed. The effort invested in this should reflect the risk involved and the experience and track record of your workers. Where you identify unsafe practices, you must take appropriate remedial action to redress the situation (Regulation 13(2))
- ensure that any subcontractors you are responsible for are informed of the amount of time that they will have for planning and preparation before they are expected to begin construction work (Regulation 13(3))
- provide your workers (whether employed or self-employed) with any necessary information, including site induction, training, information from risk assessments, and relevant aspects of other contractors' work, (where not provided by a principal contractor) which they need to work safely (Regulation 13(4)) (See Section 6 of this guidance document).

1.2.2 Under Part 4 (Regulations 25–44 setting out the general duties on construction sites) for all projects, including domestic and non-notifiable projects you must carry out the following.

- **Ensure the site is a safe place to work:** There should be suitable and sufficient access, egress, and working space. The site should be properly maintained. Take account of machinery when assessing risks to individuals (Regulation 26).
- **Ensure good order and site security:** The site should be clean, tidy and secure from trespass. There is a specific requirement not to leave timber and other materials with projecting nails where someone will step, trip or fall on them (Regulation 27).
- **Ensure stability of structures:** Make sure that, as part of your safe system of work, structures do not collapse and are not overloaded or misused. Recommend regular inspection (Regulation 28).
- **Ensure safety when conducting demolition and dismantling:** This should be planned and hazards managed. Arrangements for this should be recorded in writing before work begins (Regulation 29).
- **Ensure safety when using explosives:** They should be stored, transported and used safely and securely without endangering anyone through blast or debris (Regulation 30).
- **Ensure the safety of excavations:** Use adequate supports or other methods to prevent collapse, use edge protection, and so on, to prevent anything falling into excavated areas, and inspect such areas at the beginning of each shift, and after any event which may potentially cause damage, particularly after rain. Heavy plant should not be operated near the sides, as this may weaken the excavation (Regulation 31).
- **Ensure the safety of cofferdams and caissons:** They must be suitable, well maintained, appropriate, and have good escape routes. They must be inspected at the beginning of each shift and after any event which may potentially cause damage (Regulation 32).
- **Provide reports on inspections of excavations, cofferdams and caissons:** If you are required to inspect an excavation, cofferdam or caisson then Regulations 31, 32 and 33 from Part 4 will apply. Where the person carrying out the inspection is not content that work can be carried out safely, they must provide a report to the person for whom the inspection

was carried out. This report must contain the information listed below, and be provided within 24 hours of the inspection. These reports are similar to those used in other construction-related legislation, such as the work at height regulations. The person who receives the report must keep a copy available for inspectors on site for three months after that work is completed (Regulation 33).

A report of inspection must include the:

- name and address of the person on whose behalf the inspection was carried out
- location of the place of work inspected
- description of the place of work, or part of that place, inspected (including any work equipment and materials)
- date and time of the inspection
- details of any matter identified that could give rise to a risk to the health or safety of any person
- details of any action taken as a result of any matter identified in paragraph 5 above
- details of any further action considered necessary
- name and position of the person making the report.

- **Ensure the safety of energy distribution installations:** this should include underground, overhead, or concealed temporary, or permanent supplies. With particular emphasis on electric generators and cables, such installations need to be safely managed and hazards highlighted with warning signs where they cannot be eliminated (Regulation 34).
- **Take steps to ensure the prevention of drowning:** prevent falls into water, minimise risk of drowning, and provide rescue equipment. Transport of any persons over water should be safe, that is, any vessel used should not be overloaded or over crowded (Regulation 35).
- **Ensure the safety of site traffic routes:** these should be safe and well signed, with good views of users and safe points of access and egress (Regulation 36).
- **Ensure the safe use of vehicles on site:** they should be loaded, operated, unloaded or towed in a manner which does not put the safety of driver, passenger, pedestrians, or other individuals at risk. This includes prevention of unintended movement of a vehicle, and taking steps to prevent the vehicle's fall into an excavation, pit, or water, or it overrunning the edge of any embankment or earthworks (Regulation 37).
- **Ensure the prevention of risk from fire, explosion flooding or asphyxiation** (Regulation 38).
- **Ensure that the emergency procedures are suitable and sufficient for any foreseeable hazard:** remember that you may need to carry out a quick but orderly evacuation of the site and that procedures and arrangements need to take into account the size of the site, the number of people on it, the types of work being undertaken, and the machinery and substances present as a result (Regulation 39).
- **Ensure that the emergency routes and exits are suitable and sufficient for any foreseeable hazard:** emergency exits must allow for the quick and safe passage from an area to an identified safe area. As such, they should be unobstructed, well signed, and suitable for the number of people who may need to use it. You may need to consider emergency lighting (Regulation 40).
- **Ensure the provision of adequate fire fighting and detection equipment:** where there is a risk of fire, fire alarms and fire-fighting equipment must be provided, signed, tested and maintained. Use of fire-fighting equipment and other necessary fire-related information should be included in a site induction (Regulation 41).
- **Ensure the provision of fresh or purified air:** if you require plant to achieve this, for example on works below ground level, it should have adequate audible and or visual warning of failure (Regulation 42).

- **Ensure the provision of adequate temperature and weather protection:** the temperature for indoor working should be within reasonable limits, and protective clothing should be provided for outdoor work in cases of adverse weather conditions (Regulation 43).
- **Ensure the provision of adequate lighting:** natural light is preferable. Where there is a need for artificial light, you should consider whether it makes signs more difficult to read, and whether back-up lighting is necessary in the event of failure of a primary system (Regulation 44).

For more information, refer to HSE guidance notes or the ConstructionSkills publication *Construction Site Safety* (GE 700).

- 1.2.3 In addition to these specific duties, you are also obliged to ensure that any design work you do complies with Regulation 11 (see Section 7 of this guidance document).

1.3 Additional duties for notifiable projects only: Part 3 of CDM 2007

- 1.3.1 The Regulations applicable to contractors which apply to notifiable projects only, are contained in Regulation 19.

- 1.3.2 For notifiable projects, in addition to the above, you must also:

- check that a CDM co-ordinator has been appointed and HSE notified before you start work (having sight of a copy of the notification of the project to HSE (Form 10) with the appointments detailed in it is normally sufficient)
- co-operate with the principal contractor, CDM co-ordinator and others working on the project
- tell the principal contractor about risks to others created by your work. This includes anything, for example from risk assessments and written systems of work, which might justify a review or update of the construction phase plan
- comply with any reasonable directions from the principal contractor, and with any relevant rules in the construction phase plan
- inform the principal contractor of any problems with the plan or risks identified during your work that have significant implications for the management of the project. This includes anything, for example from risk assessments and written systems of work, which might justify a review or update of the construction phase plan
- tell the principal contractor about accidents and dangerous occurrences. You must provide information about RIDDOR incidents to principal contractors so that they can monitor compliance with health and safety law and, if necessary, review the arrangements for the management of health and safety
- provide information for the health and safety file in good time
- where you are involved in design work, including temporary works, you also have duties as a designer (this also applies to non-notifiable projects; see Section 7 of this guidance document for more information)
- co-operate with the principal contractor in the development of the construction phase plan and its implementation. You should inform the principal contractor of any shortcomings you identify in the plan.

- 1.3.3 You must not start work until:

- you have checked that the client is aware of their duties under CDM 2007
- you know the names of the CDM co-ordinator and principal contractor
- you have had access to the parts of the construction phase plan which are relevant to your work
- HSE has been notified (if the project is notifiable)

- suitable and sufficient welfare facilities have been put in place by the principal contractor
- suitable and sufficient precautions have been taken by the principal contractor to prevent access to the site by unauthorised persons.

1.4 Dealing with your sub-contractors

- 1.4.1 On all notifiable projects, you will be working under the direction and within the management arrangements of a principal contractor. However, if you sub-contract some of the work, for which you have bid, to another firm, you will be responsible for making sure that any sub-contractors you engage abide by the same rules that you adhere to. They must do likewise for any sub-contractors that they may take on in turn.
- 1.4.2 You will need to stipulate in your contract with your sub-contractors that they will insist on the same criteria from any of their sub-contractors that you insist on from them, including:
- assessing the competence of their sub-contractors
 - passing on information from the relevant parts of the construction phase plan to sub-contractors
 - controlling sub-contractors and ensuring that they work as planned
 - ensuring that sub-contractors comply with the site rules
 - ensuring co-ordination between their sub-contractors, their own employees, other contractors, and the principal contractor
 - making sure their activities and those of their sub-contractors are co-ordinated with those of other contractors and their sub-contractors
 - co-ordinating communications between their company and other duty holders including sub-contractors, where not already provided for by a principal or main contractor. This should include information on who speaks to whom, when and what about
 - setting out the process for submission of method statements and risk assessments to the principal or main contractor in good time
 - ensuring that their sub-contractors suitably instruct, supervise and train their workforce and that they comply with the site rules and any induction processes
 - allowing sub-contractors sufficient time to prepare and carry out the work
 - informing the principal contractor about whom they have sub-contracted.
- 1.4.3 All sub-contractors must:
- adhere to their own safety policy
 - observe any additional duties imposed by your health and safety policy or that of any principal or main contractor, as well as any instructions given by persons enforcing the safety standards imposed by such duties
 - be properly insured against all relevant risks
 - receive your health and safety monitoring and/or inspection reports and, where necessary, take appropriate action to correct any matters brought to their attention
 - ensure that their employees have the necessary experience, knowledge and training to carry out their duties and clearly understand their responsibilities. They should provide you with adequate and suitable information about this at your request
 - understand and adhere to the arrangements, rules, and so on. They should not start work until they are aware of what is required of them
 - allocate sufficient resources to ensure they manage any risks arising out of their work activity effectively
 - consider all significant hazards, undertake risk assessments of their work activities and establish the control measures necessary to provide safe systems of work. You will need to pass this information on to the principal contractor

- provide information to their employees, including details of risk arising out of a work activity, and the safe system of work to be implemented as a result
- co-operate with the principal contractor, other contractors and their sub-contractors
- follow any reasonable directions from the principal contractor
- inform the principal contractor of any death, injury, ill-health or dangerous occurrence (via the contractor if possible, directly if necessary)
- provide the principal contractor with information, as requested, to be included in the health and safety file (via you, if possible, directly if necessary)
- provide their employees with appropriate PPE; discipline and/or remove from site any of their employees that breach site health and safety rules
- inform you if they sub-contract work to others.

1.4.4 Questions you may ask your sub-contractors are given below.

- Can you demonstrate that you have sufficient insurance?
- Can you demonstrate your company's commitment to health and safety?
- Can you demonstrate that your company's duty to provide your employees with health and safety training has been carried out?
- Can you demonstrate how your company gets to know when any of its employees have accidents, and how you follow them up?

Remember, you are not looking for a completely accident-free work history, but simply information about what the firm has done to improve its health and safety practices generally, and specific actions that were taken following an accident.

Section 2

YOUR RELATIONSHIP WITH THE CLIENT

2.1 The client

- 2.1.1 The client is accountable for the impact of its approach on the health and safety of those working on, or affected by, the project.
- 2.1.2 There are four categories of client:
- domestic
 - non-domestic requiring non-notifiable work
 - non-domestic requiring notifiable work
 - yourself (under CDM 2007, you will often be the client when house building or developing).
- 2.1.3 Domestic clients have no duties under CDM 2007.

2.2 Domestic clients

- 2.2.1 Part 3 of CDM 2007 does not apply to domestic clients. However, as a contractor you still have to fulfil your Part 2 and Part 4 responsibilities. You will be responsible for health and safety on site, site management and the provision of welfare facilities. It is recommended that you explain your legal obligations to the client at the bidding stage, including, for example, details of how much the provision of welfare facilities could add to the cost of the job.
- 2.2.2 If a domestic client asks you to do something which you consider unsafe, you should advise them of this, and explain to them why you consider it to be unsafe. If a safe compromise solution cannot be found, and the client continues to insist on an unsafe course of action, you should remind them that they have no legal powers whatsoever to compel you to break the law. Although failing to follow an instruction from a client could amount technically to a breach of contract, a claim for breach of contract cannot be enforced against you if following the instruction would amount to an unlawful act, because a court will not enforce any breach of contract that is illegal. Therefore, you should not agree to any instruction that is illegal. However, where the instruction would not amount to a breach of the law if you complied with it, failure to follow the instruction could, in those circumstances, amount to a breach of contract that the client is able to enforce.

2.3 Non-domestic clients

- 2.3.1 All non-domestic clients have the same basic duties. Those requiring notifiable work also have some additional duties.
- 2.3.2 An outline is given below of the general duties which apply to all non-domestic clients, whether the job is notifiable or not, in addition to the additional duties which apply to notifiable projects only.

2.4 General duties of non-domestic clients which apply to notifiable and non-notifiable work

- 2.4.1 Clients may not have the expertise or resources to plan and manage projects themselves, but they are required to make sure that arrangements are in place to ensure that the duties of others under CDM 2007 are carried out. There is also a duty to see that the arrangements, once agreed, are working. Clients are obliged to co-operate with you.
- 2.4.2 Some clients who rarely commission construction work may be unaware of their duties under CDM 2007, or may struggle to understand them. In these situations, do all that you can to assist and advise the clients. However, you should not perform clients' duties for them. You can assist one-off and inexperienced clients by showing them the CDM 2007 guidance document which has been drafted for them, and is available free from www.cskills.org. Also show clients this section of the guidance document as it outlines their duties under Sections 9 and 10 of CDM 2007.

2.5 What non-domestic clients must do for all projects under Regulations 9 and 10

Non-domestic clients must make sure that:

- the designers, contractors and other team members that they propose to engage are competent (or work under the supervision of a competent person), adequately resourced and appointed early enough for the work they have to do
- they allow sufficient time for each stage of the project, from concept onwards
- they co-operate with others concerned in the project as is necessary to allow everyone to comply with their duties under the Regulations
- they co-ordinate their own work with others involved with the project, in order to ensure the safety of those carrying out the construction work, and others who may be affected by it
- there are reasonable management arrangements in place throughout the project to ensure that the construction work can be carried out reasonably, safely and without risk. These should be clearly spelt out, preferably in the contract documents and/or the construction phase plan where they exist. (This does not mean managing the work themselves, as few clients have the expertise and resources needed.)
- suitable welfare facilities are provided for those carrying out the construction work; this is usually provided by the main contractor
- any fixed workplaces (for example offices, shops, factories, schools) which are being constructed will comply with any requirements of the workplace (Health, Safety and Welfare) Regulations 1992
- relevant information likely to be needed by designers, contractors or others to plan and manage their work is passed to them in order to comply with Regulation 10
- they give contractors information about the minimum time they will be given for planning and preparation between appointment and starting work.

2.6 Non-notifiable projects

- 2.6.1 On a non-notifiable project you should expect from the client:
- sufficient time to plan and prepare before you start work
 - notification of the minimum time allowed for planning and preparation
 - sufficient resources to be made available to allow you to work safely
 - confirmation from you that your arrangements for managing health and safety are implemented and reviewed when necessary.

- 2.6.2 The client may expect proof of competence from you on a non-notifiable project. (For further information see Section 8 of this guidance document.)

2.7 Notifiable projects

- 2.7.1 You do not need to know a great deal about the client's additional duties for notifiable projects, as responsibility for co-operation and co-ordination with the client and their CDM coordinator, who they are legally obliged to appoint, rest mainly with the principal contractor. If they have not appointed a principal contractor, you are legally obliged to inform them that they need to do so before construction work can begin.
- 2.7.2 If you are expected to perform the principal contractor role, you need to be competent to do so, and it is recommended that you read the CDM guidance for principal contractors and the ACoP, both of which are available from HSE. It is worth noting that the client should not allow construction work to begin until the principal contractor has put in place suitable welfare facilities and a suitable construction phase plan.

Section

3

YOUR RELATIONSHIP WITH THE CDM CO-ORDINATOR (notifiable projects only)

3.1 New role of CDM co-ordinator

- 3.1.1 A new role of CDM Co-ordinator has been created by CDM 2007. It is more focused than the previous role of the planning supervisor and involves advising and assisting the client in undertaking the measures needed to comply with CDM 2007 including, in particular, the client's duties in relation to the management of health and safety on projects and the start of the construction phase.
- 3.1.2 The CDM co-ordinator's duties include ensuring that suitable arrangements are made and implemented for co-ordinating health and safety measures during planning and preparing for the construction phase.
- 3.1.3 It is essential to fully understand the role of the CDM co-ordinator and hence understand what they do not have to do. CDM Co-ordinators do not:
- approve the appointment of designers, principal contractors or contractors, although they normally advise clients about competence and resources
 - approve or check designs, although they have to be satisfied that the design process addresses the need to eliminate and controls risks
 - approve the principal contractor's construction phase plan, although they need the ability to advise clients on its adequacy at the start of construction
 - supervise the principal contractor's implementation of the construction phase construction phase plan
 - supervise or monitor construction work (this is the responsibility of the principal contractor)
 - facilitate the co-ordination or co-operation between principal contractor and contractors during the construction phase; that is the duty of the principal contractor.

3.2 What can you expect from the CDM co-ordinator on a notifiable project?

- 3.2.1 The CDM co-ordinator's duties, though very similar to those of the client (as the CDM co-ordinator assists the client with their duties), include some that are specific.
- 3.2.2 You can expect the CDM co-ordinator to:
- take responsibility for the contents of the health and safety file
 - obtain confirmation that adequate welfare facilities have been provided
 - produce a copy of the form F10 (Rev) notification for display on site by the principal contractor
 - liaise with the principal contractor on any changes to the design, the principal contractor will then inform you

- in cases where you have been directly appointed by the client, they should provide you with the relevant information you need in order to carry out your work safely, including information from any existing health and safety file. This is normally provided to the principal contractor. The duties of the principal contractor to supply information, co-ordinate, and so on, with contractors applies to all contractors, even those appointed directly by the client. Therefore, irrespective of the contractual arrangements, the management arrangements, information sharing, site rules, and giving reasonable direction via the principal contractor apply to all contractors, regardless of who appointed them, if they are part of the project
- co-ordinate information exchange between all parties on health and safety matters, including planning and design work.

3.3 What the CDM co-ordinator will expect from you on a notifiable project

3.3.1 On a notifiable project the CDM co-ordinator will expect you to:

- demonstrate competence if you are contracted by the client directly
- supply any health and safety information which may be required for the health and safety file. This information should be provided to the CDM co-ordinator as soon as reasonably practicable. In practice, this will usually be via the principal contractor. For some projects, for example re-decoration using non-toxic materials, there may be nothing of substance to record. Only information that is likely to be significant for health and safety in future work need be included.

3.3.2 If you are directly appointed by the client, you will need to inform them of any design decisions that you take. (See Section 4 of this guidance document). Otherwise you would inform the principal contractor. The duties of the principal contractor to supply information, co-ordinate, and so on, with contractors applies to all contractors, even those appointed directly by the client. Therefore, irrespective of the contractual arrangements, the management arrangements, information sharing, site rules, and giving reasonable direction via the principal co-ordinator apply to all contractors, regardless of who appointed them, if they are part of the project.

3.4 What can you expect from the CDM co-ordinator on a non-notifiable project?

3.4.1 Non-notifiable projects do not require a CDM co-ordinator. In these situations the main contractor should assist the client by advising them of their responsibilities, and liaise/co-ordinate with the designers.

3.4.2 Advice is available for you to give to clients, for example the HSE Guidance for infrequent and one-off clients, or The NHBC Purchaser Manual provides suitable information for developers to give to householders.

Section

4

YOUR RELATIONSHIP WITH THE DESIGNER

4.1 The designer's role

- 4.1.1 CDM 2007 recognises the designer's key role regarding health and safety in construction.
- 4.1.2 The requirement on the designer (so far as is reasonably practicable) is to 'eliminate hazards which may give rise to risks' and to 'reduce risks from any remaining hazards'. This requires designers to consider if they are introducing a hazardous material or process. In practice, there are potential hazards in almost everything so that a pragmatic view will need to be taken of all of the factors to be considered in the design. These factors will include health and safety, cost, fitness for purpose, aesthetics, buildability, maintenance and environmental impact. The Regulations do not prescribe design outcomes but they do require designers to consider the various factors and to reach reasoned, professional decisions.
- 4.1.3 Put simply, designers must not produce designs which cannot be constructed, used and maintained reasonably safely.
- 4.1.4 Designers need to recognise that the amount of effort put in to eliminating hazards and reducing risk should depend upon the degree of risk.

4.2 You could be a designer

- 4.2.1 Designers include everyone who prepares or specifies designs for construction work, including variations. As a contractor you can easily attract design responsibilities under CDM 2007. For further information see Section 7 of this guidance document. For specific and more detailed information refer to CDM 2007 and ACoP.
- 4.2.2 A client may become a designer by insisting upon a specific material or design detail being incorporated.

4.3 What can you expect from the designer on a notifiable project?

- 4.3.1 You may expect the designer to:
- advise you if there are any unusual risks which you will need to be aware of
 - eliminate a hazard where possible and reduce risk from remaining hazards
 - supply you with sufficient design information to allow you to comply with your duties, especially those relating to health and safety, in a form which is clearly understandable and not overly bureaucratic, for example health and safety notes on drawings and risk registers
 - be informed of any changes to designs that have implications for your work.
- 4.3.2 **Note:** Designers should supply information to the CDM co-ordinator who will either pass it directly to you, if you are appointed by the client, or via the principal contractor if not. The duties of the principal contractor to supply information, co-ordinate, and so on, with contractors apply to all contractors, even those appointed directly by the client. Therefore irrespective of the contractual arrangements, the management arrangements, information sharing, site rules, and giving

reasonable direction via the principal contractor apply to all contractors, regardless of who appointed them, if they are part of the project.

4.4 What the designer will expect from you on a notifiable project

The designer will expect consultation on, and notification of, any design decisions you take on permanent or temporary work.

4.5 What you can expect from the designer on a non-notifiable project

The duties are the same for both non-notifiable and notifiable projects.

Section

5

YOUR RELATIONSHIP WITH THE PRINCIPAL CONTRACTOR

5.1 The principal contractor

- 5.1.1 The principal contractor has the key role to ensure the management of health and safety through the construction phase of the project.
- 5.1.2 Principal contractors must be competent to carry out the work they are engaged to do in a safe manner, ensuring proper consideration of the potential effect of their activities on everyone who may be affected by them.
- 5.1.3 Their key 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.
- 5.1.4 The principal contractor has a duty to liaise with all of the other duty holders to:
- ensure the client is aware of their duties
 - co-operate with designers and CDM co-ordinators, particularly if any changes occur to design
 - co-ordinate your work with that of the other contractors
 - consult with you and the workforce
 - ensure that a suitable construction phase plan ('the plan') is prepared before construction work begins; developed in discussion with, and communicated to, contractors affected by it; implemented; and kept up to date as the project progresses.
- 5.1.5 However, whilst the principal contractor must co-operate with you, and have systems which allow and facilitate co-operation, the overall duty and responsibility for managing health and safety in the construction phase lies clearly with them. Contractors have the day-to-day responsibility of managing health and safety and the workers under their control.
- 5.1.6 It is essential that principal contractors are fully aware of the duties of other duty holders so that they know the level of information they may reasonably expect. Principal contractors must recognise that time is a resource and that they must be allowed to have reasonable time to plan activities, with proper regard to health and safety.

5.2 Notifiable projects

- 5.2.1 For notifiable projects you can expect the principal contractor to:
- properly plan, manage, coordinate and monitor work during the construction phase
 - allocate you sufficient time to plan and manage your work
 - give priority to the effective management of health and safety
 - control the site at all times
 - provide site rules and enforcement of them
 - provide site inductions

- put in place a construction phase plan incorporating your input, and provide any information you need from it before you start work
- pass any relevant information you have provided them with to all other duty holders, other than those included in your own workforce
- liaise with the CDM co-ordinator on designs carried out during the construction phase, including designs by specialist contractors, and their implications for the plan
- provide suitable welfare facilities from the start of the construction phase. You are obliged not to begin work until these facilities are in place
- be responsible for the provision of shared facilities such as scaffolding, and measures to prevent unauthorised access to the site
- hold regular co-ordination meetings (usually throughout the project and at any key activity, such as a new phase or activity commencing. Major decisions should be recorded via minutes or a file note
- consult effectively with you and your workers
- display the project notification.

5.2.1 On notifiable projects the principal contractor will expect you to:

- prove your competency, as a firm and as individuals. There is likely to be an insistence that your entire workforce carry skills cards. The degree of work involved with this should reflect the level of risk in activities and not be an over-bureaucratic process. For further information on competence, see Section 8 of this guidance document
- co-operate with their arrangements for worker consultation
- inform them of any design decisions you take
- co-operate with their health and safety management systems
- ensure that all your on-site staff and relevant managers attend a site induction before starting work and that they comply with the site rules
- co-ordinate and co-operate with other contractors to ensure safe working.

5.3 Questions for a contractor to ask the principal contractor

If the principal contractor has not provided sufficient information the contractor may ask the following questions.

- What welfare is provided for use by our operatives?
- What are the site rules?
- Are there restrictions on the delivery of my materials in terms of timings, quantity per delivery or way in which it ought to be loaded onto the lorry to facilitate offloading?
- What arrangements/facilities are in place for me to transfer my materials from delivery vehicle to my workplace in terms of hoisting and moving, designated storage, and working space?
- Am I able to have a logical availability of workplace in terms of for example; left to right, top to bottom, allowing me to work in an interrupted logically sequential method?
- Will my working area be available to me alone or will I have to share it with others working on the project (what are the significant risks arising to my operatives from the activities of others that I need to be aware of)?

- Will the production of appropriate CSCS, CSCS affiliated or ECITB competence cards be sufficient proof of my operatives' competence or are there other standards of competence you have set?
- Is there any asbestos or other hazardous substance in the vicinity of my workplace that I should be aware of?
- Are there any live services in areas of my work which present a hazard to operatives?
- What do you want me to do with my waste?
- I normally carry out my work at height in buildings like this from mini platforms or aluminium stepladders where platforms cannot be accommodated. Are there any other arrangements for work at height which would affect these plans?
- Other than supervising my operatives and verbally co-ordinating with those other contractors working in my close vicinity, are you imposing any other duties on my site management in the health and safety plan which would take them away from the workplace?
- When can early communications take place to eliminate or reduce the amount of on-site work, particularly the excessive use of temporary works?
- Where necessary, has the principal contractor created sufficient protection to protect the public?
- Are all hazards such as rivers or railway lines, and so on, identified and made known?
- Are the ground conditions suitable for the work to be undertaken, i.e. good enough for heavy plant and equipment such as MEWPs, cranes and delivery lorries?
- Has the site been notified to HSE?
- What is the name of the CDM co-ordinator?
- Is the client aware of their duties under CDM 2007?

5.5 Information you should be prepared to provide to the principal contractor

You should be prepared to provide the following information.

- Prior to being awarded the contract you must demonstrate that your company specialises in the type of work being tendered and has the capacity (available resources) to do the tendered work in the timescales indicated.
- Proof of training and competence of individuals involved in the project.
- A site-specific risk assessment which highlights any areas of particular risk and the control measures.
- COSHH assessments (not merely material safety data sheets) for any necessary hazardous material being used.
- Noise assessments for any particularly noisy work practices.
- HAVs assessment for use of any vibrating tools which would limit the operatives' use of it.
- Manual handling assessments, if one is appropriate.
- A detailed, project-specific method statement for any high-risk areas of work or complex operations.
- Ground loading pressures of the plant and equipment you expect to bring to site.
- Offer of involvement with the principal contractor to establish working practices that will benefit the project.

5.6 What you can expect on a non-notifiable project

There is no principal contractor for non-notifiable projects. However, in this situation it is recommended that the main, or only contractor, follow the guidelines laid out for principal contractors as is reasonable and proportionate for the size and scope of the work.

For more information on principal contractors and what they need to do, consult the industry guidance on CDM 2007, which is available from www.cskills.org/cdm

Section

6

YOUR RELATIONSHIP WITH YOUR WORKERS

6.1 The workforce

- 6.1.1 Involving the entire workforce in identifying and controlling risks is crucial to reducing the high accident rate associated with construction work. The workforce has first-hand experience of site conditions and is often the first to identify potential problems. Worker engagement is the participation by workers in decisions made by those in control of construction activities, in order that risks on site can be managed in the most effective way.
- 6.1.2 Participation will be most effective when the workforce has sufficient knowledge and confidence to provide feedback and can identify risks and explain their importance. People have the confidence to do this when they are properly trained, know how to report their concerns, and see prompt action being taken as a result. Training should include, where necessary, the skills required to participate in decision-making processes and consultation with managers.

6.2 For all projects

- 6.2.1 You must not start work on a construction site until you have been provided with basic information.
- 6.2.2 For non-notifiable sites, this should include information from the client about any particular risks associated with the project (including information about existing structures where these are to be demolished or structurally altered), and from designers about any significant risks associated with the design.
- 6.2.3 For notifiable sites, this must include the names of the CDM co-ordinator and principal contractor, and the relevant parts of the construction phase plan.
- 6.2.4 You must ensure, so far as is reasonably practicable, that every one of your workers receives:
- a suitable induction
 - any further information and training needed for the particular work.
- 6.2.5 For specific or more detailed information concerning induction, information, training and worker consultation, you should refer to the CDM 2007 Regulations and ACoP.

6.3 Notifiable projects

- 6.3.1 From the workers you can expect:
- proof of competence
 - co-operation with management and consultation processes
 - adherence to site rules
 - responsible behaviour at all times.

- 6.3.2 The workers will expect from you:
- training as necessary;
 - site induction (including site rules)
 - consultation on, and involvement in, health and safety decision making (see Figure 4 below for advice on how to involve your workforce. For further information on this subject see www.hse.gov.uk/involvement/index.htm)

6.4 Non-notifiable projects

- 6.4.1 You can expect from the workers all that you would for notifiable work.
- 6.4.2 The workers can expect from you all that they would for notifiable work. Additionally they can expect you to provide welfare facilities, site security and site rules where they are not otherwise provided for, such as, for example, by a main contractor.

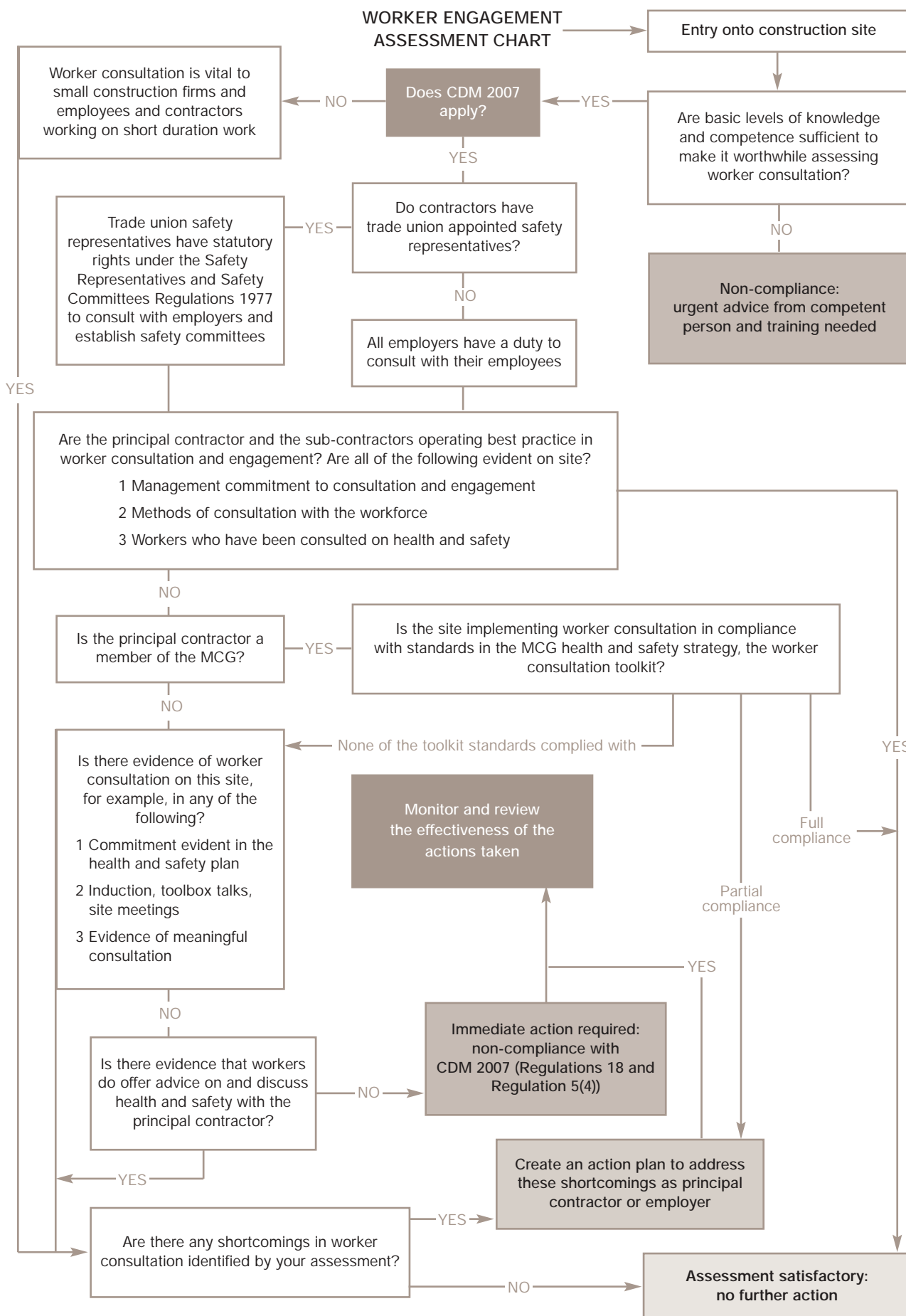


Figure 4 Worker engagement assessment chart

Section

7

YOU AND DESIGN WORK

7.1 The designer

7.1.1 Under CDM 2007 a designer is any person, including a client or contractor, who either:

- prepares or modifies a design or
- arranges for, or instructs, any person under their control to do so.

7.1.2 When taking design decisions, you will need to apply the following hierarchy to your considerations.

As a result of the changes you have made to the original design, will there be any risks to:

- those carrying out construction work
- those affected by the construction work, for example customers or the general public
- those maintaining the building or structure once operational (for example, window cleaners), those maintaining the permanent fixtures and fittings, equipment, and building plant
- those using the structure as a workplace, for example office workers
- those who will carry out demolition work on all or part of a structure?

If the answer is yes, you will need to:

- eliminate any hazards which may give rise to risks (so far as is reasonably practicable)
- reduce risks from any hazards which remain.

7.2 Case studies of contractors as designers

7.2.1 Examples of where a contractor becomes a designer include:

Temporary works	For example, your incorrectly designed scaffolding may collapse with lethal consequences
Excavations	For example, trenches which, if not correctly designed, could collapse
Choosing the type of adhesive used to fix floor tiles in place	The adhesive may have COSHH implications
The initial design is supplied with no data for the structural steelwork connections	The contractor has to make assumptions to detail and design the connections

7.2.2 Examples of how contractors design decisions helped improve health and safety:

- 1 On a major office development with a large central atrium, the electrical contractor highlighted an innovative product for the roof glazing that was unknown to the other team members, including the designers.

This was a double-glazed unit incorporating internal prismatic reflectors. It removed the problem of glare and the need for high-level roller blinds.

It was virtually maintenance-free, led to significant savings over the life of the building, and significantly reduced the need to work at height.
- 2 A contractor specified the use of lifting attachments.

Not only did this reduce work at height, but it was estimated by the steel erectors that they were saving at least one hour per day.
- 3 During the construction of a multi-storey office block the design sequence required the stairways to be installed progressively as the floors were completed.

This provided much quicker and safer access for people and materials than ladders.
- 4 A contractor considered the use of a water-based paint for the exterior of a metal spire on a tall building to reduce exposure to solvents.

He was determined that the level of exposure to solvents from a solvent-based paint would be low, and the metalwork would require more frequent repainting with a water-based paint.

He therefore concluded that it was better to specify the solvent-based paint because of the high risk of frequent working at height.

7.2.3 Design and build contractors may also like to consider the following examples:

- 1 A designer considered using augered piles for a scheme to be built on contaminated land. He recognised that workers could be exposed to a toxic hazard.

As a raft foundation was not viable from an engineering viewpoint, driven piles were specified.

However, if augered piles had been the only reasonably practicable solution, the designer would have needed to include the possibility of exposure to toxic substances in information for the pre-construction information.
- 2 A structural engineering consultancy was engaged to provide detailed design drawings for the steelwork to be incorporated in a complex alteration to an existing structure.

The company recognised that many of the structural steel elements were of different lengths and the site layout meant that it would be difficult to lift the beams into position during assembly.

The structural engineer ensured that simple lifting brackets were designed into each structural steel element, and that the lifting points were marked on the design drawings. This reduced the likelihood of error on site and the time taken for installation of the steel was reduced by a third.
- 3 An air conditioning system, which included a water cooling tower, was refurbished as part of a factory extension.

The designer made sure that the system complied with current design standards and included safe access for cleaning and maintenance.

Information was provided to the occupier on maintenance and testing of the system to ensure the control of Legionella.

For more information on this, see the industry guidance document for designers, which is available from www.cskills.org/cdm. For more specific and detailed information regarding this you must refer to the CDM 2007 Regulations and ACoP.

Section

8

PRE-QUALIFICATION AND COMPETENCE

8.1 Assessing the competence of organisations and individuals

- 8.1.1 This section highlights advice about assessing the competence of organisations and individuals engaged or appointed under CDM 2007.
- 8.1.2 You will have to consider competence from three angles:
- proving your competence to others, for example a principal contractor
 - assessing the competence of any sub-contractors you engage
 - assessing the competence of your workers.
- 8.1.3 Assessments should focus on the needs of the particular project and be proportionate to the risks and complexity of the work.
- 8.1.4 All those who have duties under CDM 2007 must satisfy themselves that businesses or workers they engage or appoint are competent. This means making reasonable enquiries to check that the organisation or individual is competent to do the relevant work and can allocate adequate resources to it. Those taken on to do the work must also be sure that they are competent to carry out the required tasks before agreeing to take on the work.
- 8.1.5 To be competent, an organisation or individual must have:
- a basic understanding of the general risks which arise from construction work and how these are controlled
 - sufficient knowledge of the specific tasks to be undertaken and the risks which the work will entail; this will usually come from formal or 'on the job' training
 - sufficient experience and ability to carry out their duties in relation to the project; to recognise their limitations and take appropriate action in order to prevent harm to those carrying out construction work, or those affected by the work.
- 8.1.6 The above criteria are generally sufficient for the assessment of an individual worker, although some will insist on a skills card. However, it is worth remembering that assessing competence is an ongoing process; a worker may be competent for work on one contract, though may not be for the next.

8.2 Core criteria for assessing contractor safety

- 8.2.1 This section can be used as a guide on how to prove your own competence, as well as how to assess the competence of any of your sub-contractors.
- 8.2.2 Many contractors undergo 'pre-qualification' or 'Stage 1' assessments from clients or major contractors when tendering for work. These assessments look for evidence of contractors' basic health and safety credentials. Unfortunately, many contractors have to prove their credentials many times to a range of clients or health and safety assessment schemes. According to the HSE 'unnecessary bureaucracy associated with competency assessment obscures health and safety issues and diverts effort away from them'.

- 8.2.3 To help address this problem HSE has worked with industry to develop a set of 'core criteria', against which competence should be assessed. The core criteria are based on the key requirements in the Management of Health and Safety at Work Regulations and, subject to approval by the HSC, it is proposed that they will be included in the ACoP accompanying the revised CDM Regulations in April 2007.
- 8.2.4 These core criteria state clearly what contractors should be doing to meet clients' basic health and safety requirements. As such, they provide clients and contractors with a clear picture of what 'good' looks like.
- 8.2.5 The core criteria are not yet another health and safety pre-qualification scheme but they will help to remove the confusion and administrative burdens associated with an array of UK pre-qualification schemes. While clients and major contractors will find the criteria are a valuable guide for Stage 1 assessment, they can still ask for further information, if necessary, to ensure health and safety on site (for specific types of work, for example, or for 'Stage 2' enquiries).

8.3 Recommended 'core criteria' for assessing a contractor's basic health and safety capabilities

- 8.3.1 A 'Stage 1' (or pre-qualification) assessment should consider the 'core criteria' given in Figure 5. Column 1 shows 12 basic criteria, and Column 2 lists standards against which a client's or major contractor's assessment should be made.

	Core criteria	Standard to be achieved (by the contractor)
1	Health and safety policy and organisation (five employees or over)	Have and implement an appropriate policy, regularly reviewed, and signed off by the managing director or equivalent. The policy should be relevant to the nature and scale of the work and set out responsibilities for health and safety management at all levels in the company.
2	Arrangements for ensuring health and safety measures	These should set out the arrangements for health and safety management and should be relevant to the nature and scale of the work. They should set out how the company will discharge duties under CDM 2007, with a clear indication of how these arrangements are communicated to the workforce.
3	Competent advice: company and construction/sector related	The company and its employees must have ready access to competent health and safety advice, preferably from within the company. The advisor must be able to provide general H&S advice, and also (from the same source or elsewhere) advice relating to construction health and safety issues.
4	Training and Information	Have in place, and implement, training arrangements to ensure employees have sufficient skills and understanding to discharge their various duties Have a programme of refresher training (for example a continuing professional development programme or lifelong learning) that will keep employees updated on legislation and good health and safety practice. This applies throughout the company, from top management to trainees.
5	Individual qualifications and experience	Employees should have the appropriate qualifications and experience for the assigned tasks, unless they are under controlled and competent supervision.

Core criteria		Standard to be achieved (by the contractor)
6	Monitoring, audit and review	Have a system for monitoring procedures, for auditing them at periodic intervals, and for reviewing them on an ongoing basis.
7	Workforce involvement	Have, and implement, an established means of consulting with the workforce on health and safety.
8	Accident reporting and enforcement action; follow up investigation	Records of all RIDDOR-reportable events for at least the last three years. Have a system for reviewing incidents, and recording the action taken as a result. Record any enforcement action taken against the company in the last five years, and the action taken to remedy any matters subject to enforcement action.
9	Sub-contracting/ consulting procedures (if applicable)	Have arrangements for appointing competent sub-contractors/consultants. Be able to demonstrate how to ensure that sub-contractors will also have arrangements for appointing competent sub-contractors or consultants. Have arrangements for monitoring sub-contractor performance.
10	Risk assessment (leading to a safe method of work if need be)	Have procedures in place for carrying out risk assessments and for developing and implementing safe systems of work/ method statements. Note: This should facilitate identification of occupational health issues.
11	Co-operating with others and co-ordinating work with other contractors	Illustrate how co-operation and co-ordination of the work is achieved in practice, and how the workforce is involved in drawing up method statements /safe systems of work.
12	Welfare Provision	Ability to show how the appropriate welfare facilities will be in place before people start work on site.

Figure 5: Criteria to be considered in a 'Stage 1' (or pre-qualification) assessment

8.3.2 HSE emphasises the importance of using 'judgement' when deciding whether or not the evidence submitted meets the standards in the core criteria. HSE also reassures those making these decisions that as long as the judgment is reasonable, and based on the evidence asked for and provided, it is unlikely they will be criticised if the contractor subsequently proves to be incompetent.

8.3.3 The HSE actively encourages:

- clients and major contractors to consider the core criteria when setting their own Stage 1 requirements or when adopting a health and safety assessment scheme
- clients, major contractors and assessment schemes to improve mutual recognition, and convergence, between their various schemes, in line with the new criteria
- trade associations and other stakeholders to target their training and information to members to help their members to comply with the criteria
- trade associations to take the criteria into account when assessing the competency of their members.