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The Construction (Design and Management) Regulations 2015 [CDM 2015] – Client Brief

On Thursday 29th January the new the Construction (Design and Management) Regulations 2015 [CDM 2015] were tabled in the House of Commons. 40 days from this date, if there are no objections from either house, the regulations will be waived through and become law on the 6th April 2015.

The regulations apply to all construction work whether commercial or domestic. Where there is, or may be, more than one contractor working on a project at any time, the client must appoint a Principal Designer [PD] and Principal Contractor [PC]. The PD is defined as “the designer” appointed to undertake the role.

Principal Designers [PD] will replace the current role of CDM Co-ordinator. On current projects where a CDM Co-ordinator has been appointed, there is a 6 month transition period before a PD needs to be appointed. Most other duties apply on the date the regulations come into force.

The PD’s responsibility will be to ‘plan, manage and monitor the pre-construction phase and coordinate matters relating to health and safety during the pre-construction phase to ensure that, so far as is reasonably practicable, the project is carried out without risks to health or safety.’ The “pre-construction phase” is any time during which design or preparatory work is carried out and may continue during the construction phase.

CDM 2015 is drafted to make client and designer prosecutions easier. Duty holder ‘must’ carry out most duties. It is only the effect of actions which is tempered by the phrase ‘so far as is reasonably practicable’.

CDM 2015 requires the client to make suitable arrangements for managing a project including ensuring:

- that the Principal Designer and Principal Contractor are appointed and are competent and resourced to undertake their duties;
- that there is sufficient time and are sufficient resources are allocated;
- pre construction information [PCI] is prepared and provided to duty holders;
- the construction phase plan is suitably developed before the start of the construction phase;
- the principal designer and principal contractor carry out their duties;
- adequate welfare facilities are provided.

The [HSE’s Draft Guidance on CDM 2015 \[L153\]](#) suggests that clients should prepare a clear “clients brief” which includes details of how the project and its health and safety risks are expected to be managed.

CDM Advisor Services

To assist client in undertaking their duties Safetymark are able to:

- advise clients on their duties under the Construction (Design and Management) Regulations 2015;
- assist clients with the development of suitable arrangements and a ‘clients brief’;
- verify that Principal Designers, Principal Contractors and Designers (where appointed directly by the client) are competent and have suitable arrangements;
- facilitate hazard and risk review meetings and workshops;
- maintain a project / design risk register and manage implementation of remedial action;
- review the Principal Contractor’s construction phase plan to ensure that it is suitably developed;
- audit Principal Designers and Principal Contractors compliance against the “client brief”;
- undertake construction site compliance inspections to ensure standards on achieved on site meet or exceed the standards set out in the client brief.