



The
United
Reformed
Church

Help and Advice Group

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Bulletin 25: CONSTRUCTION (DESIGN & MANAGEMENT) REGULATIONS 2007

The Help & Advice Group was set up by Synod in 2009, to support local churches in being informed and effective in their life and mission. The Group is made up of four members of local churches, together with administrative support from the Trust Officer. We are willing to try to provide specific advice or organise training days on particular topics. Please get in touch if you have questions or wish to suggest a training or discussion event.

This article is part of a series giving an overview of particular subjects on interest for local churches. We also circulate general updates from time to time. Bulletins will also be posted on the members' area of the website with direct links to other websites.

Where readers are directed to web-based resources, the Synod Office is willing to respond to reasonable requests for printed out information for readers without web access, although they may find it more satisfactory to follow up their interest through their local library's web access.

Construction (Design & Management) Regulations 2007 – Clients

Construction (Design and Management) Regulations (CDM) define the responsibility for health and safety of all those involved with work on buildings. Until the regulations were first introduced in 1994, it was generally assumed that the builder/contractor had full responsibility, but, other than domestic clients who are having work done on their own home or the home of a family member, all parties concerned, including the person(s) having the work carried out (the client) have duties to perform in conformity with the regulations.

This note draws attention to the Client's responsibilities under the regulations, but is not comprehensive, and those having work carried out on buildings are advised to read Health & Safety Executive guidance note *Clients: roles and responsibilities*, www.hse.gov.uk/construction/cdm/clients.htm and/or approved code of practice, publication L144 *Managing health and safety in construction*, which is free-to-download at www.hse.gov.uk/pubns/priced/l144.pdf.

The regulations apply to practically any type of construction or demolition work connected with a building, including seemingly small items such as redecoration, installation and repair of electrical services, boilers etc. (See publication L144, Appendix 1, Regulation 2.)

The Regulations are divided into five parts.

- Part 1 deals with matters of interpretation and application, and applies to all clients for construction work in Great Britain other than domestic clients. Clients having work

done on a domestic property in which they do not live e.g. manses and caretakers flats, are not exempt from the regulations. Hence CDM responsibilities apply to these, as well as to church buildings.

- Part 2 covers general management duties that apply to all construction projects, including those which are non-notifiable. The majority of repairs and minor improvements will probably be non-notifiable, i.e. projects lasting less than 30 days and involving less than 500 person days of construction work.
- Part 3 sets out additional management duties which apply to notifiable projects, and requires particular appointments or particular documents which will assist with the management of health and safety. When a project is notifiable, the client has additional responsibilities, see www.hse.gov.uk/construction/cdm/clients.htm.
- Part 4 covers duties held by the contractors who carry out the work, or control the way in which the work is done. Hence, unless a church has work carried out by its own employees, or dictates the manner in which the work is carried out, they should have no responsibilities under this part.
- Part 5 covers issues of civil liability; transitional provisions which will apply during the period when the Regulations come into force, and amendments and revocations of other legislation.

When a project is not notifiable to the Health & Safety Executive, the client is still responsible for ensuring that:

- All appointees (architects, contractors etc.) are competent to carry out their responsibilities for health and safety – If there are no exceptional risks involved, it may be sufficient to ensure that all appointees are reasonably experienced in the type of work involved.
- Suitable management arrangements for health and safety are in place, including welfare facilities – Ask the contractor about safety arrangements and permit use of toilets etc. for welfare facilities.
- Sufficient time and resources have been allocated for all stages of the work to be carried out safely – Ask appointees and keep a written record their responses.
- Any areas to which, on completion, the Workplace (Health, Safety and Welfare) Regulations 1992 will comply, e.g. an office for an employee, are constructed in compliance with those regulations.
- Pre-construction information is provided to designers and contractors – This will include any information available to the client that could affect the proposed work, e.g. construction drawings, asbestos survey reports, information on previous modifications to the building. A *refurbishment and demolition* asbestos survey will be required for any areas where the fabric of the building will be disturbed (this is a more intrusive process than the *management* asbestos survey you have already had carried out).

When work is being carried out by individual volunteers, health and safety law will generally not apply, but common law probably will. For general advice about volunteer workers, see: www.hse.gov.uk/voluntary/index.htm. See also the Property Handbook in general: www.urch-northernsynod.org/members/members_downloads/S221N.pdf.

[We are grateful to Eddie Wallis for his assistance in preparing this article.]

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