

## **Guideline Leaflet PC05: Construction (Design and Management) Regulations 2015**

Whenever a church is involved in a building project, whether it is work on a manse or a church building it is important to remember that the Construction (Design and Management) Regulations 2015 are likely to apply. Each church needs to carefully consider these regulations, probably in consultation with their professional advisors.

This Guideline Leaflet is regularly reviewed and updated. To ensure that you are using the most up to date version, please download the leaflet from the BUGB website at [www.baptist.org.uk/resources](http://www.baptist.org.uk/resources)

The date on which the leaflet was last updated can be found on the download page.

# PC05: Construction (Design and Management) Regulations 2015

**These notes are offered as guidelines by the Legal and Operations Team to provide information for Baptist churches.**

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[L17 Legal and Operations Team – Regulatory Information](#)

**These notes can never be a substitute for detailed professional advice if there are serious and specific problems, but we hope you will find them helpful.**

**If you want to ask questions about the leaflets and one of the Baptist Trust Companies are your property trustees, you should contact them. They will do their best to help.**

**If your church property is in the name of private individuals who act as trustees they may also be able to help.**

## CHURCHES AND BUILDING WORK

Whenever a church is involved in a building project it is important that they understand that the Construction (Design and Management) Regulations 2015 apply to many projects. There are details in the leaflet about when the Regulations apply, but this is something that churches need to consider in partnership with their professional advisers.

If churches are arranging for work to be done themselves, even if they are using volunteers, the Regulations still need to be considered, and applied.

This leaflet aims to help you find out what you need to do, and to explain the system.

The purpose of the Regulations is to ensure good site management, and the safety of anybody involved in working on the site, or visiting the site.

There is a need to plan in advance, monitor activities when the project is in progress, and to ensure that paperwork is kept up to date.

Churches should note that there are penalties if the Regulations are not observed, but observing the highest standards of site safety are vital if accidents and injury are to be avoided.

## BACKGROUND

The Construction (Design and Management) Regulations 2015 (CDM 2015) came into force on 6<sup>th</sup> April 2015. They replace the Construction (Design and Management) Regulations 2007 and the Construction (Design and Management) Regulations 1994.

Key changes from CDM 2007 are as follows:-

- a) The name/role CDM Co-ordinator is replaced by the Principal Designer. A designer means any person who prepares or modifies a design or instructs any person under their control to do so. The role can be performed by a client, architect/building surveyor, services engineer, structural engineer, contractor etc.

- b) Domestic projects are covered by the Regulations.
- c) The threshold for notification to the Health and Safety Executive has been changed by the Regulations.

The new regulations have been introduced with the objective of further reducing bureaucracy in the CDM process. CDM 2015 should also make it easier for duty holders to know what is expected of them. The Health and Safety Executive/Health and Safety Commission have sought within the regulations, to ensure that projects are properly managed, risks are controlled and that information reaches those who need it and when they need it (at the appropriate stage of the project).

CDM applies to all building and construction work and includes new build, demolition, refurbishment, extensions, conversions, repair and maintenance.

### **TRANSITIONAL PERIOD**

A six month transitional period is in place from 6<sup>th</sup> April 2015. For projects in progress, CDM Co-ordinators will continue in their role until the transitional period expires. Upon expiry of the transitional period a Principal Designer must be appointed, ie, by 6<sup>th</sup> October 2015.

For projects involving more than one contractor which started before 6<sup>th</sup> April 2015, when by that date the client has not appointed a CDM Co-ordinator, the client:-

- a) must appoint a Principal Designer as soon as practicable, if construction phase has not been started;
- b) is not required to appoint a Principal Designer if the construction phase has started, but may do so if they wish. If they choose not to appoint a Principal Designer, the Principal Contractor takes responsibility for the Health and Safety file. In these circumstances any designer involved with the project should provide information about any residual risks in designs to the Principal Contractor. Where on 6<sup>th</sup> April 2015 the client has appointed a CDM Co-ordinator, they must appoint a Principal Designer within 6 months, ie, by 6<sup>th</sup> October 2015.

### **APPOINTMENTS**

A church will need to appoint a Principal Designer and a Principal Contractor for all projects involving more than one trade contractor on site at one time. The church must appoint both the Principal Designer and Principal Contractor in writing, otherwise the church is deemed to be carrying out those roles.

### **SUMMARY OF CLIENT DUTIES**

The main duties of a church under CDM 2015 are as follows:-

- appoint other duty holders.
- ensure that sufficient time and resources are allocated to the project.
- make sure that relevant information is produced and provided to other duty holders.
- ensure that the Principal Designer and Principal Contractor carry out their duties.
- make sure that welfare facilities are provided.

## **GOOD PRACTICE**

Although the purpose of the regulations is to reduce bureaucracy, the need for careful and comprehensive record keeping has not been removed. If an accident occurs, the HSE will review the content and time of information release.

## **PENALTIES**

Failure to comply with the Regulations could lead to penalties, including fines and imprisonment. Roles and responsibilities have been defined in CDM 2015. An accident due to failure to comply with the Regulations could have very serious consequences for a church.

## **WILL THE REGULATIONS APPLY?**

The Regulations apply to all construction work and advance notice of the project must be given to the Health and Safety Executive by the church if the following is applicable.

- it is due to last more than 30 days with more than 20 workers working simultaneously at any point; or
- exceeds 500 person days

## **APPOINTMENT OF AN AGENT**

It is not possible for a church to appoint an agent to take responsibility for client duties.

## **DESIGNERS**

Designers will include, first and foremost the Church's Architect, but also Engineers, Surveyors, Service consultants and all those designing or specifying works.

## **COMPETENT PERSONS**

Formal competence assessment is removed by CDM 2015. The client however must ensure appropriate levels of skill, knowledge, training and experience for all those involved in a project. Persons appointed should also carry appropriate professional indemnity insurance.

## **PRE-CONSTRUCTION PHASE**

As a client, appropriate arrangements for the nature of works must be provided to enable other duty holders to carry out their work without risk to themselves or anyone else.

The most important action is to clearly allocate key tasks and ensure everyone understands what they have to do and when.

For all projects, management arrangements should be in writing and address the following:

- include requirements for how the project is to be run, taking into account any risks to the public.
- explain how designers and contractors shall be selected to ensure that they have the necessary capabilities for the work that they are required to do.
- allocate sufficient time and resources to each stage of the project, from concept through to completion.

For more complex projects involving more significant risks, the management arrangements will also need to cover.

- what is expected of the design team to ensure that they consider health and safety risks for the construction phase, as well as maintaining and using the building once it is built.
- the arrangements for procuring the design and construction team to include skills, health and safety experience checks.
- the arrangements for monitoring designers and contractors performance, eg, by arranging progress meetings with the Principal Designer and Principal Contractor to ensure that the project is in line with client expectations and meets legal requirements. The meetings also provide an opportunity for action to be taken where this is not the case.

## **CLIENT BRIEF**

Producing a client brief at the earliest stages of a project will assist with providing an understanding of what is required before, during and after the works.

The brief should take the form of a written document drafted by the church, designer or contractor after requirements have been discussed.

A client brief should:-

- Describe the main function and operational requirements of the finished building.
- Outline motivation for initiating the project.
- Explain the design direction required.
- Establish a single point of contact for any client queries or discussions during the project.
- Set a realistic time frame and budget.
- Outline health and safety expectations.

## **PRE-CONSTRUCTION INFORMATION**

It is the church's duty to make available pre-construction information which should be made available to interested parties, including designers and contractors. These requirements apply to all construction projects whether they are notifiable or not. The pre-construction information will consist of all the information in the church's possession (or which is reasonably obtainable and appropriate to the type of project) including:-

- Reports on soil investigations and contamination.
- Condition surveys relating to structure and buildings and especially important where defects in the structure could result in premature or unnoticed collapse.
- Information relating to adjacent structures or premises possibly affected by the construction works.
- Information relating to previous uses of the site structure or premises where this is likely to have an effect on the health or safety of those undertaking construction work.
- Information relating to the presence of asbestos.
- Information relating to the intended use.
- The minimum amount of time before the construction phase which will be allowed to contractors appointed by the church for planning and preparation of the construction work.
- Information in any existing health and safety files.

This information should be passed on to designers and contractors at the earliest opportunity as it may have an impact on design, construction and future use. For projects with more than one contractor a client can expect to receive help from the principal designer in drawing this information together.

## **WHEN THE WORK HAS BEEN COMPLETED**

The Church must ensure that the health and safety file which will be given to the church is kept available for inspection and that any person who may need the information is notified of its existence.

## **FEES**

Additional costs incurred by the Principal Designer and Principal Contractor due to the new Regulations will probably not be shown as a separate item on any quotation. Care must be taken to ensure that employees and all self-employed persons are able to consult and give advice concerning safety. The Principal Contractor must ensure that there is proper co-ordination relating to matters of health and safety for all those who work on site including other contractors. These duties include giving information to all who work on the site relating to the Health and Safety Plan.

## **DUTIES OF DESIGNERS**

To take all reasonable steps to ensure that the church is informed of its duties. To ensure that the designs are prepared with regard to the principles of prevention and protection by avoidance, control and management of risks. To produce adequate information in the design and co-operate with the Principal Designer and any other designers.

## **VOLUNTEER PROJECTS**

If the church is going to carry out a project without employing a paid contractor or Principal Designer it is possible to appoint one or more of its own members to fulfil these functions. However, as indicated, the person or persons appointed must be regarded by the church as fully competent to carry out the duties imposed by the Regulations and should provide adequate professional indemnity insurance. The person appointed will of course have the responsibility of seeing that all the Regulations are properly complied with.

## SUMMARY OF THE DUTIES UNDER THE REGULATIONS

A summary of the duties and how they are applied is given in the following table.

<b>CDM Dutyholders* –</b>  <b>Who are they?</b>	<b>Summary of role/main duties</b>
<b>Clients</b> – are organisations or individuals for whom a construction project is carried out.	<ul style="list-style-type: none"> <li>➤ Make suitable arrangements for managing a project. This includes making sure:             <ul style="list-style-type: none"> <li>• other dutyholders are appointed;</li> <li>• sufficient time and resources are allocated;</li> </ul> </li> <li>➤ Making sure:             <ul style="list-style-type: none"> <li>• relevant information is prepared and provided to other dutyholders;</li> <li>• the principal designer and principal contractor carry out their duties;</li> <li>• welfare facilities are provided.</li> </ul> </li> </ul>
<b>Domestic clients</b> – are people who have construction work carried out on their own home, or the home of a family member that is <b>not</b> done as part of a business, whether for profit or not.	<ul style="list-style-type: none"> <li>➤ Domestic clients are in the scope of CDM 2015, but their duties as a client are normally transferred to:             <ul style="list-style-type: none"> <li>• the contractor, on a single contractor project;</li> </ul>             or;             <ul style="list-style-type: none"> <li>• the principal contractor, on a project involving more than one contractor.</li> </ul> </li> </ul> <p>However, the domestic client can choose to have a written agreement with the principal designer to carry out the client duties.</p>
<b>Designers</b> – are those, who as part of a business, prepare or modify designs for a building, product or system relating to construction work.	<ul style="list-style-type: none"> <li>➤ When preparing or modifying designs, to eliminate, reduce or control foreseeable risks that may arise during:             <ul style="list-style-type: none"> <li>• construction; and</li> <li>• the maintenance and use of a building once it is built.</li> </ul> </li> <li>➤ Provide information to other members of the project team to help them fulfil their duties.</li> </ul>
<b>Principal designers**</b> - are designers appointed by the client in projects involving more than one contractor. They can be an organisation or an individual with sufficient knowledge, experience and ability to carry out the role.	<ul style="list-style-type: none"> <li>➤ Plan, manage, monitor and coordinate health and safety in the pre-construction phase of a project. This includes:             <ul style="list-style-type: none"> <li>• identifying, eliminating or controlling foreseeable risks;</li> <li>• ensuring designers carry out their duties;</li> </ul> </li> <li>➤ Prepare and provide relevant information to other dutyholders;</li> <li>➤ Liaise with the principal contractor to help in the planning, management, monitoring and coordination of the construction phase.</li> </ul>

<p><b>Principal contractors</b> – are contractors appointed by the client to coordinate the construction phase of a project where it involves more than one contractor.</p>	<ul style="list-style-type: none"> <li>➤ Plan, manage, monitor and coordinate the construction phase of a project. This includes: <ul style="list-style-type: none"> <li>• liaising with the client and principal designer;</li> <li>• preparing the construction phase plan;</li> <li>• organising cooperation between contractors and coordinating their work.</li> </ul> </li> <li>➤ Ensure: <ul style="list-style-type: none"> <li>• suitable site inductions are provided;</li> <li>• reasonable steps are taken to prevent unauthorised access;</li> <li>• workers are consulted and engaged in securing their health and safety; and</li> <li>• welfare facilities are provided.</li> </ul> </li> </ul>
<p><b>Contractors</b> – are those who do the actual construction work and can be either an individual or a company.</p>	<ul style="list-style-type: none"> <li>➤ Plan, manage and monitor construction work under their control so that it is carried out without risks to health and safety;</li> <li>➤ For projects involving more than one contractor, coordinate their activities with others in the project team – in particular, comply with directions given to them by the principal designer or principal contractor;</li> <li>➤ For single-contractor projects, prepare a construction phase plan.</li> </ul>
<p><b>Workers</b> – are the people who work for or under the control of contractors on a construction site.</p>	<ul style="list-style-type: none"> <li>➤ They must: <ul style="list-style-type: none"> <li>• be consulted about matters which affect their health, safety and welfare;</li> <li>• take care of their own health and safety and others who may be affected by their actions;</li> <li>• report anything they see which is likely to endanger their own or others' health and safety;</li> <li>• cooperate with their employer, fellow workers, contractors and other dutyholders;</li> </ul> </li> </ul>

\* Organisations or individuals can carry out the role of more than one dutyholder, provided they have the skills, knowledge, experience and (if an organisation) the organisational capability necessary to carry out those roles in a way that secures health and safety.

\*\* Principal designers replace the role of CDM co-ordinators under CDM 2007.



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<b>London Baptist Property Board</b>	London Baptist Association Unit C2 15 Dock Street London E1 8JN Telephone: 020 7692 5592
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<b>West of England Baptist Trust Company Ltd</b>	West of England Baptist Trust Company Ltd Little Stoke Baptist Church Kingsway Little Stoke Bristol BS34 6JW Telephone: 0117 965 8828

This is one of a series of *Guidelines* that are offered as a resource for Baptist ministers and churches. They have been prepared by the Legal and Operations Team and are, of necessity, intended only to give very general advice in relation to the topics covered. These guidelines should not be relied upon as a substitute for obtaining specific and more detailed advice in relation to a particular matter.

The staff in the Legal and Operations Team at Baptist House (or your regional Trust Company) will be very pleased to answer your queries and help in any way possible. It helps us to respond as efficiently as possible to the many churches in trust with us if you write to us and set out your enquiry as simply as possible.

The Legal and Operations Team also support churches that are in trust with the East Midland Baptist Trust Company Limited.

**If your holding trustees are one of the other Baptist Trust Corporations you must contact your own Trust Corporation for further advice. A list of contact details is provided above. If you have private trustees they too should be consulted as appropriate.**

**Contact Address and Registered Office:**

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