

# Raising the standard for site safety?



According to the HSE, the revised CDM Regulations which came into force in April 2007 are now “bedding in well”. Kirsteen Milne, Director, Construction Group, Semple Fraser LLP, looks at the main changes and asks whether the revisions are being recognised by all parts of the construction sector

**T**he construction industry is crucial for the UK economy. It is worth about £92 billion annually and employs 1 in 14 of the working population. But pro-rata it kills or injures far too many of those workers – 72 deaths in 2007-2008, albeit a reduction on the 79 the year before.

The CDM regulations are one of several regulations which govern health and safety on a building site. A few years ago it was concluded that these weren't working properly: the main criticism being the bureaucratic approach of all parties involved and the cheapest-quickest attitude of clients, and thus in April 2007 the revised CDM Regs came into force.

The overarching goal wasn't changed: to raise construction safety standards by improving coordination between the various parties and encouraging team working and to reduce the risk in the construction process. Neither was the wide definition of “construction work” to which CDM applies – “the carrying out of any building, civil engineering or engineering construction work and includes repair, redecoration and cleaning etc”.

All construction work is governed by CDM 2007 but if the works are to last more than 30 days or 500 man-hours then there are additional duties, most notably the appointment of a CDM co-ordinator and principal contractor.

CDM 2007 still does not apply to domestic clients, although any other parties involved will still have duties.

CDM 2007 places duties on the various parties involved in a project. The main changes have been to obligations on the Client and the Planning Supervisor.

The client can no longer delegate his duties to an agent to be responsible under the regulations. The client can appoint people to help them carry out their duties but they remain responsible (and more importantly it is them who will be prosecuted for any breach).

There is more emphasis on the client ensuring the parties it appoints are competent and there is comprehensive guidance to assist with this. They also have to ensure that the construction phase doesn't begin until the contractor has the relevant health and safety plan in place.

The CDM Co-ordinator is essentially a revamped planning supervisor. However, he now has more duties to advise on. He has to support the client and requires to be appointed “as soon as is practical after initial design work or other preparation for construction work has begun”.

This is in contrast to before when they were often the last consultant to be appointed, which meant that much of the design was already in its final stages, restricting any positive impact they could have on designs.

The designer's duties are largely unchanged although the duty to take into account the end users of the building has been emphasised.

Contractors duties are the same, however, the Principal Contractor is now explicitly given a key role in managing the construction phase and to

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ensure that work is carried out, so far as possible, safely and without risk to health.

There was a general move of focus from the production of paper documents to the co-operation that is required between team members and the exchange of information, although it has been said that in order to prove that cooperation has taken place a paper trail is inevitable.

It doesn't appear that the changes to the regulations have increased enforcement action by the HSE.

The number of inspectors was not increased as had been hoped by some. However in some parts of England a scheme where Building Control Officers will also check and monitor compliance with CDM is being trialled and if successful it could be rolled out in Scotland too.

The HSE seems happy that CDM 2007 is bedding in well. The changes were not drastic – the focus is on the same three Cs: Communication, Co-operation and Co-ordination.

It does appear people are putting CDM 2007 higher on the agenda than before – CDM co-ordinators do seem to be getting appointed earlier. However, whether they're able to have a more positive influence is a separate matter.

Also, it was never really the big construction developments that were the problem. It was, and still is, the smaller projects which account for the majority of accidents. The HSE is continuing its education of smaller clients through various events and only time will tell if the message reaches all those involved in construction work.

