



# Wilkins Safety Group

**Monday, 12<sup>th</sup> January 2015**

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## *Welcome to our latest Update E-Newsletter*

As ever, please feel free to share this with friends and colleagues. You will also find PDF versions of all our other newsletters on our website: [www.wilkinssafety.co.uk](http://www.wilkinssafety.co.uk) with lots more useful information and a wealth of leaflets covering Health and Safety topics.



## ***CDM 2015***

**After years of discussion and consultation, the final draft of the new Construction (Design & Management) Regulations 2015, CDM2015, has been released.**

Subject to Parliamentary approval, the new Regulations will come into force on 6 April 2015. Unlike the present regulations, that these are going to replace, these new regulations apply to **ALL building works including domestic works**. So even if you are not involved in the construction industry, but you do intend to have some building works carried out on your home, these new regulations will apply to you!

These final drafts and the CITB guidance notes were released on Friday 9<sup>th</sup> January and Jon Wilkins has spent much of the weekend reading them in order to provide you with this information.

## **This week's 2 recent HSE cases look at failures by employers.**

- **Dantel Construction Limited**, of Wantz Road, Dagenham, was fined £ 2,000 and ordered to pay £1,940 in costs after pleading guilty to a breach of Section 33(1)(g) of the Health and Safety at Work act.
- **The 28-year-old** can no longer play the guitar , use a keyboard or tie his shoelaces as a result of the incident at Worktop Fabrications Ltd on 25 June 2012.

As ever, if you have a subject that you would like us to cover one week, please contact us by phone [01458 253682](tel:01458253682)  
Email [info@wilkinssafety.co.uk](mailto:info@wilkinssafety.co.uk) or via our [Facebook page](#) or by [Twitter](#)

# Construction (Design & Management) Regulations 2015

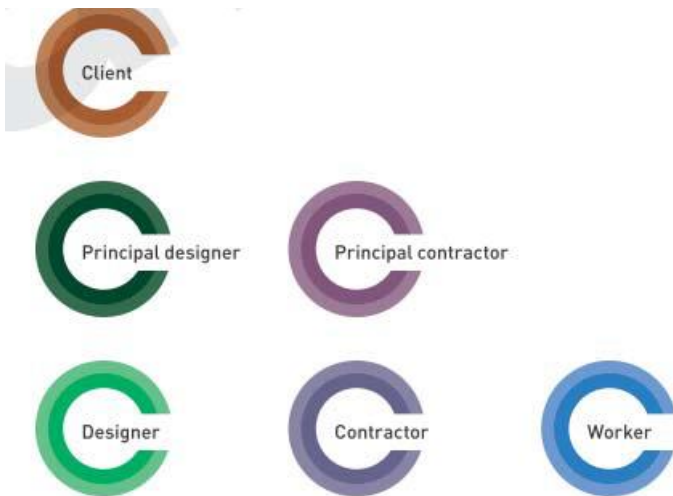


The Construction (Design & Management) Regulations (CDM) are the main set of regulations for managing the health, safety and welfare of construction projects.

CDM applies to **all building and construction work** and includes new build, demolition, refurbishment, extensions, conversions, repair and maintenance. **To both commercial and domestic projects.**

This guide is based on sound industry practice and will help small businesses and organisations deliver building and construction projects in a way that prevents injury and ill-health.

There CITB have produced six guides: one for each of the five duty holders under CDM and an additional one for workers. The six guides are:



These guides should help you better understand your role, and that of other duty holders, especially if you have more than one role under CDM. They can be obtained from the CITB or, for your convenience, just email Jon Wilkins at [jon@wilkinssafety.co.uk](mailto:jon@wilkinssafety.co.uk) stating which guides you would like and he will email them over to you in pdf format.

The Health and Safety Executive (HSE) has produced the CDM L-series to offer further guidance. It is downloadable from the HSE website: [www.hse.gov.uk](http://www.hse.gov.uk)

So let's try and look at each duty holder and their duties in turn:

## What is a client?

CDM 2015 defines a client as anyone for whom a construction project is carried out. The regulations apply to both domestic and commercial clients.

**A commercial client** is an organisation or individual for whom a construction project is carried out in connection with a business, whether the business operates for profit or not. Examples of commercial clients are schools, retailers Hospitals and Churches.

You are a **domestic client** if you are having work carried out which is not connected with running a business. Usually, this means arranging for work to be carried out on the property where you or a family member lives.

## The client brief



One way of explaining what you want, as well as helping you to carry out your duties under CDM, is to develop a client brief.

As the client, you will have requirements and expectations that will assist those designing, constructing or using the structure or building. Sharing these at an early stage can help shape how each duty holder approaches, plans and accommodates your requirements.

The client brief may take the form of verbal discussions or it could be a written document drafted by you or by a designer or contractor after you have discussed your requirements with them.

A good brief can be essential to the success of your project, especially if it is clear and unambiguous, sets out key requirements, outlines your vision of the project and communicates your aims and aspirations.

### Make suitable arrangements for managing the project

As the client, you must make suitable arrangements to ensure that, throughout the planning, design and construction of a project, adequate consideration is given to the health, safety and welfare of all those affected and involved in the construction work

The management arrangements should:

- include requirements for how the project is to be run, taking into account any risks to the public
- explain how you will select and appoint designers and contractors to ensure they have the necessary capabilities for the work they are required to do
- allocate sufficient time and resources to each stage of the project, from concept through to completion
- ensure suitable welfare facilities are in place before works start

For projects involving more complex work and 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 when maintaining and using the building once it is built
- the arrangements for procuring the design and construction team, including establishing that designers and contractors are adequately trained, and have the right skills and experience of health and safety
- the arrangements for monitoring designers' and contractors' performance, for example by arranging progress meetings with the principal designer and principal contractor to ensure that the project runs in line with your expectations and meets legal requirements. The meetings also give you the opportunity to take action where that is not the case
- the format for the health and safety file or a building manual that incorporates the health and safety file

### Select the project team and formally appoint duty holders

If more than one contractor will be working on your project then, as the client, you must appoint a **principal designer**

and a **principal contractor** in writing. If you do not do this then you take on these roles and associated legal duties yourself.

One of your main duties is to ensure that those you propose to appoint are able to demonstrate that they can deliver the project for you in a way that secures health and safety.

This means that they should:

- have the necessary capabilities and resources
- have the right blend of skills, knowledge, training and experience
- understand their roles and responsibilities when carrying out the work.



## *Who should be the principal designer?*

The principal designer must be a leading figure, probably a designer, on the project and be in a position to have control over the design and planning stage.

The principal designer can be an organisation or an individual with:

- a technical knowledge of the construction industry, relevant to the project
- an understanding of how health and safety is managed through the design process
- the skills to be able to oversee health and safety during the pre-construction phase of the project and the ongoing design and construction.

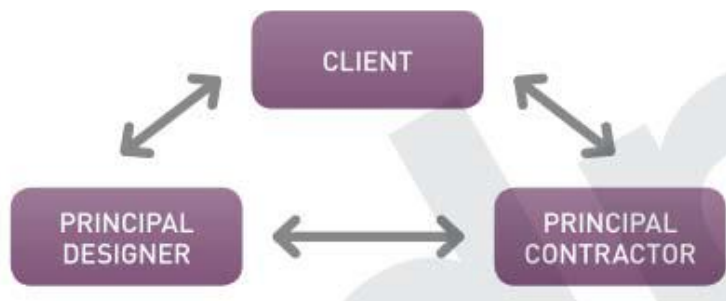
The principal designer needs to have good relationships with the client and principal contractor and also essential for them to establish good relationships with other designers working on the project.

## *The role of a principal designer*

The CDM Regulations define three main roles for managing the health and safety of a construction project.

The client has the overall responsibility for the successful execution of the project and the principal designer and principal contractor lead on different phases of the project. Although the client can expect the principal designer to monitor the safety on site during the construction phase.

The principal designer and principal contractor have an important role in co-ordinating health and safety. All three duty holders must have good working relationships from the outset if the project is to be delivered in a safe and healthy manner.



This enables the provision and flow of information to ensure that health and safety is considered when making decisions.

This is the arrangement for the majority of projects. The only exception is when the client does not need to appoint a principal designer or principal contractor because the work is to be undertaken by a single

contractor.

## Main duties of the Principal Designer

Your role as principal designer is to plan, manage and monitor the co-ordination of the pre-construction phase, including any preparatory work carried out for the project and may extend into the construction phase. You must:

- assist the client in identifying, obtaining and collating the pre-construction information
- provide pre-construction information to designers, principal contractor and contractors
- ensure that designers comply with their duties and co-operate with each other
- liaise with the principal contractor
- ensure the principal contractor is complying with their health & safety plan
- prepare the health and safety file.

Your duties as the principal designer apply regardless of the contractual arrangements for the appointment of other designers on the project. If you appoint other designers, you are responsible for ensuring that they have the relevant skills, knowledge, training and experience to deliver their work.

## Communicate with the principal contractor

You must ensure that the principal contractor receives the pre-construction information, including any significant health and safety issues arising from the original client brief, and any subsequent changes to the brief or issues identified by the designers.

You must liaise with the principal contractor throughout your appointment, communicating with them regularly to ensure that the design, including temporary works design, is co-ordinated. This provides you with the opportunity to raise any potential issues.

You should also support the principal contractor in obtaining responses from designers to any questions relating to health and safety.

You and the principal contractor should agree methods of communication with other contractors, as the principal contractor has a co-ordination role and may wish to be involved in the discussions.

## Prepare the health and safety file

It is your responsibility to prepare and develop the health and safety file and ensure it is handed over to the client.

However, if your appointment ends before the project is completed, you must hand over the file to the principal contractor. They will then continue to develop it and hand over the completed file to the client.

**If the client fails to appoint a Principal Designer then the first designer appointed during the pre-construction phase will be 'deemed' to be the appointed Principal Designer.**



## *Who is the principal contractor?*

The principal contractor is the contractor in overall charge of the construction phase. They are appointed by the client and there should only be one principal contractor for a project at any one time.

The term project in this guide is used to describe any construction, building, infrastructure repair or maintenance work, whether on a fixed or transient site.



The principal contractor must be capable of carrying out the role and have the right skills, knowledge, training and experience. This will depend upon the nature of the work and the range and nature of health and safety risks involved.

The principal contractor is normally a contractor so will also have contractor duties. They may be principal contractor on some projects and a contractor on others.

## The role of the principal contractor

The CDM Regulations place responsibility for managing the health and safety of a construction project on three main duty holders.

The client has overall responsibility for the successful management of the project and is supported by the principal designer and principal contractor in different phases of the project. For the successful delivery of a project, good working relationships between the duty holders are essential from the start.

- The client ensures that the construction project is set up so that it is carried out from start to finish in a way that adequately controls the risks to the health and safety of those who may be affected.
- The principal designer manages health and safety in the pre-construction phase of a project. The role extends to the construction phase through the principal designer's duties to liaise with the principal contractor and ongoing design work
- **The principal contractor** manages the construction phase of a project. This involves liaising with the client and principal designer throughout the project, including during the pre-construction phase.

## What does the Principal Contractor have to do?

The principal contractor is a key duty holder who is responsible for managing health and safety on the construction site.

The term manage means plan, manage, monitor and co-ordinate the construction phase so that health and safety risks are controlled. Key actions include:

- planning: preparing a construction phase plan that ensures the work is carried out without risk to health or safety
- managing: implementing the plan, including facilitating co-operation and co-ordination between contractors
- monitoring: reviewing, revising and refining the plan and checking work is being carried out safely and without risks to health
- securing the site: taking steps to prevent unauthorised access to the site by using fencing and other controls
- providing welfare facilities: making sure that facilities are provided throughout the construction phase
- providing site induction: giving workers, visitors and others information about risks and rules that are relevant to the site work and their work
- liaising on design: discussing with the principal designer any design or change to a design.

## Liaise with the other duty holders

You must work with the client and principal designer throughout the project.

Talk to the client about their needs and expectations for the project (this is sometimes called the client brief) to better

understand the project requirements.

You should check that the client is aware of their CDM duties.

## Manage the construction phase

Planning is an essential part of managing a construction site and should start as early as possible to identify health and safety risks, control measures and resources needed to reduce or eliminate them. This approach should take place for all the key phases of the construction work.

You will also need to think about how you will monitor site health and safety standards and control measures so that they remain effective.

Planning can be straightforward as asking:

- What does the project involve?
- What needs to be done and when?
- How can it be done?
- Who do I need to do it?
- What other resources do I need?

You will need to consider client requirements and any other information, such as that provided by the principal designer. You must consider the health and safety risks to all those affected such as workers and members of the public.

## Who is a designer?

A designer is an organisation or individual that prepares or modifies a design for any part of a construction project, including the design of temporary works, or who arranges or instructs someone else to do it.

‘Designers’ can be architects, consulting engineers, interior designers, temporary work engineers, chartered surveyors, technicians, specifiers, principal contractors and specialist contractors.

You could also be carrying out design even if you would normally not identify yourself as a designer. An example would be if you are a client or contractor specifying a particular roof system, deciding what size joists to use or selecting a type of window.

Manufacturers supplying standardised products for use in any construction project are not designers. However, the person who selects the product is a designer and must take account of health and safety issues arising from the installation and use of those products

## The role of a designer

As a designer your decisions can affect the health and safety of workers and others who will construct, maintain, repair, clean, refurbish and eventually demolish or remove the building or structure, as well as those who will use it as a completed workplace.

Not taking into account of the risks arising from the design can adversely affect the project and make it harder for



contractors to manage those risks.

Your design forms an important part of delivering a project safely and without risks to health. Designers must:

- understand and be aware of significant risks that construction workers can be exposed to, and how these can arise from design decisions
- have the right skills, knowledge, and experience, and be adequately resourced to address the health and safety issues likely to be involved in the design
- check that clients are aware of their duties
- co-operate with others who have responsibilities, in particular the principal designer
- take into account the general principles of prevention when carrying out design work
- provide information about the risks arising from their design
- co-ordinate their work with that of others in order to improve the way in which risks are managed and controlled.

## Being appointed and appointing others

You and anyone you engage to help you with a design must have the appropriate skills, knowledge, training and experience to do the work. You may be asked to demonstrate this by providing simple evidence, such as proof of membership of a professional institution, references from previous clients or by showing examples of past work on similar projects.

You should also consider whether you have any gaps in your own knowledge or experience and, if so, seek out other professionals to help you.

If you appoint another designer (for example, a specialist) you should make enquiries about their skills, knowledge and experience to ensure they are capable of carrying out the job in question.

For smaller jobs, you should look for straightforward evidence, for example by requiring references from previous construction work they have carried out.

## Who is a contractor?

A contractor may be an individual, a sole trader, a self-employed worker or a business who carries out, manages or controls construction work in connection with a business.

Anyone who directly engages construction workers or manages construction work is a contractor. This includes companies that use their own workforce to do construction work on their own premises.

The duties on contractors apply whether their workers are employees, self-employed or agency workers.

## What is the contractor's role?

The main duty of a contractor is to plan and manage construction work under their control so that it is carried out in a way that controls risks to health and safety.

They have a range of other duties that depend on whether more than one contractor is involved in the project. If so, their duties entail co-ordinating their activities with others involved in the project team – in particular, complying with directions given to them by the principal designer or principal contractor.





If there is only one contractor for the work, they have responsibilities to prepare a construction phase plan and prevent unauthorised access to the site.

Where contractors are involved in design work, including for temporary works, they will have duties as designers.

## *What do the Regulations mean for the Site Worker?*

Many fatal and major injuries happen at smaller sites, during repair and maintenance and on domestic jobs. **CDM applies to these sites**, as well as where employees of several employers and contractors are all working together.

No two projects are the same and every site will have its own method of involving workers in promoting health and safety. Smaller projects will probably use more informal means of communication, such as discussing the health and safety risks over a tea or coffee before work starts.

On larger projects more formal methods of communication, such as health and safety committees and safety representatives, will be in place, although these are likely to be combined with informal approaches.

### *What should you expect while you are on site?*

Whether you are working on a large civil engineering project or a domestic refurbishment, basic standards required under **CDM 2015** must be in place. Some of these are about providing information to workers, some are about engaging with workers like you, and some are about providing welfare facilities.

You should expect your employer, the contractor or principal contractor to:

- provide information about health and safety to you, including providing a site induction
- ensure that you have the necessary training to work safely and healthily
- consult and engage with you on-site health and safety
- foster a workplace culture of respect and trust. This will result in you and management having a better understanding of any health and safety concerns that are raised
- provide appropriate supervision, depending on work activities being carried out and the skills, knowledge and experience of individuals
- make sure that health hazards are managed as well as safety hazards, and that health risks are clearly communicated to you, along with the details of control measures
- explain the arrangements for co-operation and co-ordination between your employer and other contractors explain the arrangements for co-operation and co-ordination between your employer and other contractors
- make sure that there are adequate, clean and accessible welfare facilities (such as toilets and washrooms) for both men and women
- comply with legal health and safety requirements for construction sites.

### *Why consultation is important*

Consultation and engagement is much more than being given information. It is about employers listening and taking account of what you say before decisions that affect your health and safety are made. Employers need to explain how health and safety will be managed on site, and take into account your concerns and feedback.



As stated earlier, this is just a short summary of the main points of these new regulations and copies of the CITB guidance sheets can be obtained from the CITB or, for your convenience, just email Jon Wilkins at [jon@wilkinssafety.co.uk](mailto:jon@wilkinssafety.co.uk) stating which guides you would like and he will email them over to you in pdf format.

[The Wilkins Safety Group](#) are also looking into running a number of training sessions about these new regulations, over the next three or four months in various towns. If you would be interested in attending one of these, or you would like an “In House” talk for your staff, please let us know. Please call us on **01458 253682** or send us an email at [info@wilkinssafety.co.uk](mailto:info@wilkinssafety.co.uk).

Or why not discuss these new regulations with others on our [Facebook page](#)

## Now to the latest HSE cases:

### *Essex construction firm in court for health and safety breach*

**An Essex construction firm has been fined for failing to provide adequate sanitation facilities for its workers.**

An inspector from the Health and Safety Executive (HSE) visited the company’s site at Camper Road in Southend on 26 March 2014 and issued an Improvement Notice after finding sub-standard facilities for workers on site.

Dantel Construction Ltd was prosecuted at Southend Magistrates’ court today (7 Jan) after it failed to respond to HSE’s enforcement action by improving the welfare facilities for workers. Two months after the date of compliance of the Improvement Notice, they still hadn’t brought standards up to an acceptable level.

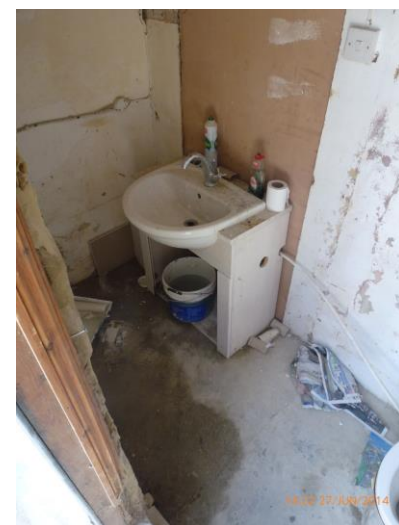
Dantel Construction Limited, of Wantz Road, Dagenham, was fined £ 2,000 and ordered to pay £1,940 in costs after pleading guilty to a breach of Section 33(1)(g) of the Health and Safety at Work act.

Health and Safety Inspector Adam Hills said:

“Construction workers have the right to sanitary and welfare facilities including having an adequate supply of hot and cold running water. There is really no excuse to subject workers to pre-Victorian conditions. Sadly, however, these basic requirements are too often neglected.

“A cold water tap and toilet on their own are not adequate. Decent facilities will positively benefit health and well-being and help prevent ailments and infection.”

Further information on construction site safety can be found on the Wilkins Safety Group website at [www.wilkinssafety.co.uk](http://www.wilkinssafety.co.uk)



# ***Workshop fined £25,000 after employee left with 'half a hand' after he lost two fingers in a giant woodworking machine***



A warehouse worker lost two fingers when his hand was drawn into a giant woodworking machine just days after securing a full time job.

His employer has been fined after he had to have two fingers amputated when they came into contact with an unguarded cutting blade.

The 28-year-old can no longer play the guitar , use a keyboard or tie his shoelaces as a result of the incident at Worktop Fabrications Ltd on 25 June 2012. He was unable to work for seven months and may require further surgery.

He was operating an edge banding machine when his hand came into contact with a blade that is used to create the finished edges on worktops.

Nottingham Magistrates' Court heard today that he had been working for the company for 13 weeks as an agency employee but had been made permanent on the day of the incident.

An investigation by the Health and Safety Executive (HSE) investigation found the machine had three sections, each enclosed by an interlocked hood. The hoods should have been lowered , forming an effective guard, but, according to the company, the interlocks were disconnected and replaced with locks and keys in 2008 or 2009. The keys were left in the hoods, meaning the machine was able to run with the hood guards open.

Worktop Fabrications Ltd, of Wingate Close, Nottingham, pleaded guilty to breaching Regulation 11(1) of the Provision and Use of Work Equipment Regulations 1998 and was today (9 Jan) fined £20,000 and ordered to pay costs of £4,574.

After the hearing HSE inspector Judith McNulty-Green said:

***“This man’s painful and life-changing injuries were borne out of a catalogue of failings on the part of Worktop Fabrications Ltd.***

***“In 2010, a year or so after the company thinks the interlock was removed, it undertook a risk assessment of the machine to identify whether the health and safety risks associated with its operation were being properly managed. That assessment failed to identify the machine was unguarded, so no steps were taken to correct the problem.***

***“The risks associated with cutting machinery are well known in the industry, and so are the measures that should be taken to minimise or remove those risks.”***



## Remember

Unlike other organisations who send out newsletters giving you a little 'titbit' of information, then stating that if you want to follow the full link or read the full story or get more information you must pay to subscribe to their service.

- Our newsletter service is FREE,
- the links we supply are FREE,
- the helpline advice is FREE.

If you find this newsletter service of use and you think others might also find it useful, then kindly pass it on and ask them to subscribe for free, so they can continue to receive it in their own right.

Also contact us if you have a particular health and safety subject or question you would like covered



If you have any queries on any health and safety matter, please contact Jon Wilkins on [01458 253682](tel:01458253682) or by email on [jon@wilkinssafety.co.uk](mailto:jon@wilkinssafety.co.uk)



Your Business is  
Safer in Our Hands