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### **CONSTRUCTION (DESIGN AND MANAGEMENT) REGULATIONS.**

This document is intended to provide a quick overview of the provisions of the regulations. It is not exhaustive. The Health and Safety Commission publish an Approved Code of Practice which also includes the text of the regulations. ('Managing health and safety in construction' ISBN: 978 0 7176 6223 4)

The regulations are concerned with the impact of design and site management on the health and safety of those involved in the construction process, and those who use and maintain the building thereafter. The regulations place responsibilities on members of the design and construction team. The client carries the greatest responsibility, being responsible for ensuring that all the participants are competent to carry out their own tasks, have adequate resources, fulfil their responsibilities, and that the work of all team members is properly coordinated. The client has to appoint a 'planning coordinator' who is competent and experienced to act on his or her behalf in gathering together all relevant information and in challenging design decisions. Where the design fails to use the safest construction method, or does not permit the safest and easiest maintenance and use, the planning coordinator needs to be satisfied that there are other overriding considerations. If no coordinator is appointed the client is deemed to have taken on the role. However this may conflict with the duty regarding competence. It also places additional heavy legal responsibilities and liabilities on the client.

#### **THE CLIENT:**

is responsible for:

- Appointing a planning coordinator before any design work is begun.
- Provide site information to the design team including details of any contamination, site hazards, underground structures or services, overhead obstructions and access details.
- Ensuring that all design team members are competent (vis-a-vis health and safety).
- Ensuring that the contractor and any sub-contractors are competent (vis-a-vis health and safety).
- Ensuring that all design and construction team members have adequate skills and resources to carry out their duties.
- Notifying the Health and Safety executive of the construction project before any site works begin.
- Maintaining specified records.
- Providing a detailed health and safety file which must include as-built drawings and specifications and sufficient information to allow the safe and efficient management

of the building, maintenance, repair, alteration and demolition.

The requirement for notification is waived for certain small and domestic works (see below). Where work is not notifiable a planning coordinator need not be appointed. However all other aspects of the regulations still apply in full. Demolitions are always notifiable.

### **THE DESIGNER:**

For the purposes of this legislation anyone who, by profession or during the course of a business, specifies the use of a material or building system takes on the role of designer. Hence if a client requires a particular foundation system to be used (for example) he could be taking on the designers responsibility for health and safety issues related to that decision.

A designer is required to have regard for the safe construction and maintenance of a building during the design process, to design for safety. Where a material or building system is selected in preference to another available system the designer must be able to justify its selection. The justification can be in terms of aesthetics or technical performance (for example: sound resistance or thermal performance). However the reasoning must be justifiable and based on technical, planning or aesthetic requirements. It cannot simply be down to personal preference or whim.

For this reason it is in the clients interest to take advice from his designer rather than to try and dictate choices, remembering the standard of competence that he must apply to all of those taking on tasks for the project. In this context it is worth noting that a planning or conservation officer who requires the use of specific materials, fenestration, or similar can inadvertently take on the responsibilities of being a designer.

### **PLANNING CO-ORDINATOR:**

The client is responsible for appointing a planning co-ordinator before any design work is undertaken. If no-one is appointed then the client takes on the legal responsibility of this role by default. Under the code of practice it is made clear that the planning co-ordinators role begins at the earliest conceptual design stage. Design decisions made then may have major safety implications and might not be easily changed later.

The co-ordinator is responsible for taking an overview of the proposals, bringing together information provided by the client, designers, site surveys and so on. The proposals have to be examined to see that there are no avoidable safety hazards for the construction works and subsequent use and maintenance. Where any proposal may appear to involve hazard the co-ordinator must challenge the need for that particular design decision. Where unavoidable hazards are anticipated he should identify them and seek to minimise the danger that they present. Once the main design stage has been completed the planning co-ordinator will provide contractors tendering for the work with all the relevant safety information. He will then test their tender returns against the safety criteria that he has identified and advise the client accordingly.

The planning co-ordinator will also normally carry out notifications of works to HSE on behalf of the client.

## **CONTRACTOR:**

The contractor takes over responsibility for construction safety on appointment. He must ensure that a suitably competent person is running the site. He must also maintain a health and safety file on site, obtain method statements from sub-contractors, provide his own as appropriate, provide information to the planning co-ordinator as required, including any hazard information concerning materials used.

Upon completion the contractor must provide the client with the completed health and safety file which includes information about the building, including as-built drawings and a full building operation manual. The manual provides detailed information which allows the first and subsequent building owners and users to maintain, improve, alter and ultimately demolish the building in full knowledge of construction methods and materials that have been used.

## **SMALL WORKS:**

Some small works are exempt from parts of the requirements. These works include those that are defined as domestic as well as some others where there are few people on site, and a short period of work is expected.

However it is important to understand that the only relaxations are in respect of the appointment of a planning co-ordinator and notification to the HSE. All other responsibilities remain.

We understand from HSE that if a client is building a new house for his own occupation it is considered as domestic. However, if at any time during the construction period it is decided to sell or let the finished house, rather than to occupy it, the works immediately become 'development' and subject to the full requirements of the regulations. Similarly domestic works are those carried out on a client's own dwelling. If they are carried out on another property owned by the client, but occupied by others, it is not considered to be domestic. However these works may be covered by the 'small works' relaxation.

## **DEMOLITIONS:**

All demolitions must be notified to HSE no matter what the status of the main works.

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