

# Health and Safety Bulletin

## CDM15

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### Useful contacts:

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Health and safety legislation is only updated twice a year – the most significant change in April 2015 was the Construction Design and Management Regulations (CDM15). These have replaced the regulations of the same name, issued in 2007 (CDM07).

The regulations and their accompanying legal guidance (L153) are available free to download from <http://www.hse.gov.uk/pubns/priced/l153.pdf>.

The main changes are for dutyholders, encouraging them to improve their approach to managing construction work – there is an overview of these duties on table 1 (page 6) of L153. There is also a significant addition, since the law now covers domestic projects.

The technical standards on construction sites (in Part 4 of the Regulations) have only been amended slightly.

#### Just a reminder!

The CDM Regulations apply to more than just construction projects. Regulation 2 identifies that construction work includes alteration, conversion, fitting out, commissioning, renovation, repair, upkeep, redecoration or other maintenance, decommissioning, demolition or dismantling a structure. In addition, just because a project isn't notifiable (Regulation 6 – see below), does not mean that other requirements in CDM don't apply.

#### Dutyholder changes

*Principal Designer (PD) (Regulation 11)* – this is a new role replacing that of CDM Coordinator – the PD should be a member of the existing design team and therefore better integrated into the project. The PD has a duty to plan, manage, monitor and coordinate the pre-construction phase and to liaise with the Principal Contractor. The PD role is required when more than one contractor is working on a project and must be appointed in writing by the client.

*Client (Regulations 4 & 5)* – clients must ensure sufficient time and resources are provided throughout the whole project and ensure suitable welfare facilities are provided. They must also ensure a construction phase plan is developed by the Principal Contractor and the health and safety file is prepared by the Principal Designer (where more than one contractor works on the project). The client also has the duty of notifying the HSE about the project in writing (Regulation 6) where it is going to

- last more than 30 working days and have more than 20 workers working simultaneously at any point during the project
- involve more than 500 person days

*Domestic clients (DC) (Regulation 7)* – CDM also now applies to projects where the work not done in connection with business (e.g. construction work carried out on an individual's home). The DC's duties are the same as any clients but are delegated to:-

- the contractor - if there is only one contractor
- the principal contractor - where there is more than one contractor
- the principal designer – where this is agreed in writing

#### Competence

Regulation 8 (General duties), places a requirement on the designers and contractors to have the skills, knowledge and experience (and organisational capability if relevant) to fulfil their role. The person making the appointments also has a duty to check their competence.

#### Consultation and engagement

Principal Contractors have a duty to have arrangements to cooperate with workers and to develop, promote and check the effectiveness of measures to ensure health and safety. Workers can inspect and take copies of information relating to health, safety and welfare – although there are a list of exceptions.

Information provided to workers must be clear and comprehensible and provided in good time.

#### Conclusion

Schedule 4 of the Regulations covers the transition between CDM07 and CDM15 for projects started before 6<sup>th</sup> April 2015, however CDM15 will apply to all projects in October 2015.

Currently, many organisations familiar with CDM07, are finding most difficulty with understanding and fulfilling the new role of Principal Designer – and it seems that clarification may take some time to appear.

**Recently issued health and safety information:**

- INDG411: A short guide for clients on the Construction (Design and Management) Regulations 2015 <http://www.hse.gov.uk/pubns/indg411.pdf>
- Epilepsy in the workplace – a TUC guide <https://www.tuc.org.uk/sites/default/files/EpilepsyInTheWorkplace.pdf>
- A final progress report on implementation of health and safety reforms [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/415692/final-progress-report-h-and-s-reform.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/415692/final-progress-report-h-and-s-reform.pdf)
- Guidance on the Mines Regulations <http://www.hse.gov.uk/pubns/priced/l149.pdf>

## IOSH courses

Clwyd Associates are offering two public IOSH courses in the autumn.

**IOSH Managing Safely** will run from **21<sup>st</sup> - 23<sup>rd</sup> September 2015** – we are one of the few providers that are licensed to complete this course over three days rather than four. We recognise that most people can spare only a limited time for training and have been able to shorten the course by developing a more effective training programme, and employing skillful and experienced trainers.

**IOSH Working Safely** is scheduled for **9<sup>th</sup> November 2015**. This course provides an

introduction to health and safety – focusing on risk assessments and individual responsibility for standards.

**Course costs:-**  
IOSH Managing Safely **£525**  
IOSH Working Safely **£140**

These costs include course notes, IOSH fees and refreshments. VAT is excluded.

**Course location:-** Whitwick Business Centre, Coalville, Leicestershire

Contact us to find out more or to book a place!

### About Clwyd Associates...

We are a management consultancy, focusing on health and safety, and SAP based in the Midlands.

We employ consultants with at least 15 years practical experience backed up by recognised professional and academic qualifications - ensuring our clients receive first class service.



## Case Law update

*This issue focuses on cases involving training and competence*

Airbus was fined following the death of an employee who was crushed between a tractor and a fertiliser spreader at the firm's plant in Broughton. The HSE investigation found the maintenance workers who had been asked to fit the spreader to the back of a tractor had received no training on how to drive, maintain or attach the equipment and lacked understanding of tractor controls. Airbus was fined **£200,000** and ordered to pay **£58,891** costs

An employee who had worked at a paper mill for 17 years suffered a fractured arm and significant scarring, after his hand was

pulled into a paper coating machine. The accident happened while the machine was operating at normal production speed, (300 metres/minute) – the injured person was cleaning excess fluid off some rolls. His left hand was suddenly taken into the machine and it took a few seconds before he could release it and raise the alarm. The HSE investigation found that the company had provided training when the machine had been installed in 2003, but several workers had adopted unsafe methods of cleaning the rolls and management appeared to be completely unaware of this. The employer was fined **£75,000**

A man died when he was

crushed between a telehandler and a metal shipping container. The investigation found that the operator of the telehandler had not received proper training from a qualified instructor and the site itself was disorganised with no measures to organise traffic or safely separate vehicles and pedestrians. The employer was fined **£80,000** and ordered to pay costs of **£27,000**

A woodworking company were fined **£15,000** and ordered to pay **£3,203** costs, after an investigation into an accident resulting in an employee cutting off part of his right index finger while using a circular saw. The investigation found there was a lack of worker safety training and inadequate supervision

## Driving license changes

From 8 June 2015, DVLA will no longer issue the paper counterpart to the photocard driving licence. This means from that date, existing paper counterparts will no longer be valid.

Many organisations that

employ people who drive for work carry out regular checks on licenses. HMRC are currently developing two new services to deal with this need:-

- 'Share Driving Licence' will be a free service accessed online and is due to be

launched in Spring 2015

- 'Access to Driver Data' will provide real-time driving licence data and will be available in Summer 2015

More information is available at <https://insidedvla.blog.gov.uk/category/abolition-of-the-counterpart/>



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