

# PRACTICAL EFFECTS OF CDM ON THE GROUND

We are grateful to **Michael Lee BSc (Hons) MRICS** for writing this article. Michael is Managing Director of HML Shaw Ltd and Shaw & Company (Surveyors) Ltd and an ARMA Council member.

**W**hilst there has been guidance and information available regarding The Construction (Design and Management) Regulations 2015 (CDM 2015) which came into force in April 2015 for larger projects, there has been much less available to assist property managers in their day to day activities.

A good starting point would be to read the very useful ARMA Guidance Note B15 Construction (Design and Management) Regulations 2015.

The importance for property managers is that all 'construction' works are now covered by CDM, although general servicing of fixed plant is thought to be excluded. This has been introduced by the Health & Safety Executive (HSE) as safety on large projects has improved significantly under the previous regulations and they now want to improve the safety on small works, where there remains a problem. The HSE is however being pragmatic and looks for proportionate management of health and safety issues.

The client cannot transfer their legal liability under CDM 2015 and therefore will remain liable, although potentially with the property manager, in the event of an incident. Clients should be advised of their responsibilities, that they should be taken seriously and that the appointment of a managing agent does not remove their responsibility/liability.

Whilst the property manager in simply instructing works may not fall under the definition of a Designer, they should still include CDM in their instruction process. Where the property manager also oversees the work, they should take care as they may become a Client or Designer under the regulations.

The property manager in appointing a contractor should consider the safety implications from the outset. Ideally, the property manager should have a simple checklist which is completed prior to instructing works. Where there is no perceived risk then this should be held on file in the event of an incident.

Where there are known risks/hazards e.g. asbestos or roof protection issues, then the type of works should be planned in such a way which minimises the risk. Ideally, the risk itself should be eliminated although this may be part of a longer term plan.

A suitably competent contractor should be appointed and such a contractor would already have been approved under your company's Contractor Appointment & Administration procedure (ARMA Standards 5.1). The property manager should however ensure that the contractor is suitable for the actual works proposed. The works order/instruction should make it clear what the identified risks are and include any relevant

information and require a Construction Phase Plan.

The Regulations require a Construction Phase Plan for all projects. This can be quite simple and should be provided by the contractor to show that they have thought about the health and safety implications of the job in hand. The HSE has published a sample plan which is a simple A4 table. A copy of this should be held on file.

Where the identified risks are outside of the property manager's experience and ability, the property manager should then advise the Client to instruct a surveyor or competent person to act as a Designer.

If the works will require multiple contractors, then a Principal Designer will be necessary and who is required to confirm the appointment



with the Client and ensure that the Client is fully aware of their responsibilities.

Whilst the above may just seem like another administrative burden, it will assist in both proving that the health and safety aspect of any works instructed have been considered and hopefully reducing the risks on our clients' properties.

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