

Construction work

Maintenance, refurbishment and restoration work is common at many premises. It can be dangerous though, potentially involving a range of hazardous activities (e.g. the use of scaffolding).

The following information deals with your responsibilities where you have construction work completed at your premises for you. It does not deal with completing minor work yourself and the hazards associated with that. However, you can get further information about these under other topics, e.g. working at height, from our **website**.

Legal requirements

Because such work can on occasion be so dangerous, you may need to meet certain legal duties as a client. This is under the Construction (Design and Management) Regulations, commonly referred to as CDM. These regulations are intended to protect the health and safety of those carrying out the work and others who may be affected by it (e.g. members of the public).

It applies to all construction projects. That is, those including (or intended to include) **construction work**. The definition of 'construction work' is very comprehensive and includes the alteration, renovation, repair, upkeep, redecoration or other maintenance of a structure.

A **client** is someone for whom construction work is carried out. This would include any planning, design, management or other work associated with a construction project until that work is complete.

Risk Advice Line

Should you have any additional questions on this topic or other risk-related matters, as a valued Ecclesiastical customer you can contact us through our Risk Advice Line on

0345 600 7531

(Monday to Friday 9am – 5pm, excluding bank holidays)

and one of our in-house risk professionals will be able to assist.

Alternatively, you can email us at

risk.advice@ecclesiastical.com

and one of our experts will call you back within 24 hours.

Many clients are not experts in carrying out construction work and you are not expected to actively manage or supervise the work yourself. However, the decisions you make can influence how it is carried out. This in turn can affect the health, safety or welfare of those involved in it. For example, you decide which designer and contractor will carry out the work and how much money, time and resource is available to complete it.

Where CDM applies, clients are required to:

- Appoint a **principal designer** and a **principal contractor**
- Take reasonable steps to ensure that any designer or contractor they appoint has the **skills, knowledge, experience** and **capability** necessary to fulfil their duties
- Ensure that **adequate arrangements** are in place for managing and organising any health and safety precautions
- Provide **appropriate information** to the designer and contractor
- **Notify** the Health and Safety Executive of certain construction work
- Ensure that an adequate **construction phase plan** is drawn up
- Take **reasonable steps** to ensure that the principal designer and the principal contractor carry out their duties
- Ensure that a **health and safety** file is prepared.

Hazards to look out for

Your **principal designer** and a **principal contractor** should look out for these common hazards:

- Any work at height – particularly on roofs; where there are fragile materials; or where scaffolding, ladders or other access equipment is used
- Excavations – such as, trenches that will need shoring and covering or barriers to prevent people or vehicles from falling into them
- Collapse of structures – such as, walls, beams or roofs where their stability may be affected by the work and might need propping or other support
- Exposure to building dusts – for example, from cutting building materials where wet cutting or vacuum extraction might be required
- Exposure to asbestos – particularly if it has not been identified by a refurbishment and demolition survey
- Electricity – for example, where the supply needs to be isolated before work begins or there are overhead/buried services nearby
- Members of the public and others – who may be affected by the work and where, for example, hoarding, scaffold netting or rubbish chutes might be necessary.*

*This list is not exhaustive.



Making a start

Action

1. **Appoint a principal designer and a principal contractor at the right time.**

Guidance

You will need to do this if there will be more than one contractor working on the project at any time. Failing to do this means that you must carry out their duties yourself. The appointments need to be in writing and made as soon as possible before the work starts.

The **principal designer** is responsible for planning, managing and coordinating any planning and design work. Appointing them early will allow them to gather necessary information and ensure the project is delivered in a way that secures the health and safety of everyone affected by the work.

The **principal contractor** is responsible for planning, managing and coordinating the construction work itself. Similarly, appointing them early will allow them to be involved in discussions with the principal designer about the work. They can also carry out their duties in a timely manner, e.g. drawing up the construction phase plan.

2. **Take reasonable steps to ensure that any designer or contractor you appoint has the necessary skills, knowledge, experience and (where they are an organisation) capability to meet their duties.**

You must satisfy yourself that those appointed can complete the work in a way that addresses health and safety properly.

The extent of the checks required will depend on the complexity of the work and the risks involved. They should focus on the ability of the supplier to address these without the need for excessive or duplicated paperwork.

For smaller jobs, you could look for straightforward evidence from previous construction work they have been involved in. For example, designers and contractors should be able to give you references from previous clients for similar work and explain to you how they will manage their health and safety responsibilities. They will usually be members of an established professional institution or trade association.

For complex or larger projects you may need to check more extensively the 'organisational capability' of those you appoint. This means the policies and procedures they have in place to set acceptable health and safety standards which comply with the law, and the resources and people they have to ensure the standards are delivered.

Here, reference could be made to the standard health and safety questions set out in the Publicly Available Standard, PAS 91: 2013 + A1: 2017 Construction prequalification questionnaires. This is available at <https://shop.bsigroup.com/ProductDetail?pid=000000000030336960>.

The Safety Schemes in Procurement (SSIP) website has lists of businesses which have been assessed on their health and safety management. More information is available at <http://SSIP.org.uk/>.

Action

- 3. Ensure that adequate arrangements are in place for managing and organising any health and safety precautions including the provision of any necessary welfare facilities.**

These arrangements should be maintained and reviewed throughout the project.

Guidance

These should include sufficient time and other resources, as well as any necessary welfare facilities. You are not required to take an active role in managing the work. However, you must make suitable arrangements for managing the project so that health, safety and welfare is secured.

Depending on the nature of the work, these arrangements should:

- detail 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 n ensure suitable welfare facilities are in place before work starts.

For more complex work with significant risks, the arrangements will also need to cover:

- what is expected of the design team to ensure that they adequately consider health and safety risks
- the arrangements for procuring the design and construction team, including establishing their competency
- the arrangements for monitoring designers' and contractors' performance, for example by arranging progress meetings with them
- the format of the health and safety file.

If you need help in making these arrangements, your principal designer should be in a position to help you. Also, if you have appointed a competent person to advise you on health and safety matters generally, they should also be able to help.

If you are an employer, or you have members of the public visiting your premises, you need to be sure that they are protected from the risks of construction work. Discuss with your designer and contractor what additional precautions

- 4. Provide appropriate information to the designer and contractor.**

Providing adequate information at an early stage will help them plan, budget and work around problems.

This is information that you already have or can obtain by making sensible enquiries pre-construction. It could include information about what is to be built, the site and any existing structures or hazards that may be present (e.g. asbestos, overhead cables, and buried services). It must be relevant to the project, have sufficient detail and be proportionate to the risks involved.

One way of doing this, is to prepare a 'client's brief' that:

- sets out the function and operational requirements of the finished project

Making a start

Action

Guidance

- outlines how the project is expected to be managed, including health and safety risks
- includes as much information as you have about the project, setting a realistic timeframe and budget
- covers other relevant matters, such as establishing design direction and a single point of contact in the client's organisation.

For projects involving more than one contractor, the principal designer will be able to help you pull the required information together.

5. Notify the Health and Safety Executive of certain construction work as soon as possible before it starts.

Work lasting longer than 30 working days with more than 20 workers working at the same time, or involving 500 person days of work is notifiable.

You may ask someone else to do this for you, but it is important that you check they have done this.

The easiest way to notify any project is to use online form (F10). This is available at www.hse.gov.uk/forms/notification/f10.htm

6. Ensure that an adequate construction phase plan is drawn up by the principal contractor (or contractor if there is only one) before construction work starts.

This plan should explain how health and safety risks will be managed during the work. It will need to be project-specific, taking account of any pre-construction information provided and proportionate to the risks involved.

You should not allow work to start on site until you are satisfied that the plan is adequate. You could do this by discussing it with the principal contractor.

You can see what detail might be included in a plan for a small-scale project at www.hse.gov.uk/construction/cdm/faq/ccp.htm

7. Take reasonable steps to ensure that the principal designer and the principal contractor carry out their duties.

As the client, you must check that arrangements made for managing health and safety during construction are effective. You should also satisfy yourself that the principal contractor is complying with their duties.

The extent of the checks that you need to make will depend upon the nature of the project. Face-to-face progress meetings or written updates may be a good way to do this. On larger projects, you may value an independent review of standards.

You will also need to make sure that the contractor has provided adequate welfare facilities before the work starts. You could do this by:

Making a start

Action

Guidance

- agreeing that your welfare facilities are made available to those carrying out the work
- carrying out a site visit to check
- asking for confirmation from the contractor of what facilities are provided.

Further information about what needs to be provided is available at www.hse.gov.uk/construction/safetytopics/welfare.htm

8. Ensure that a health and safety file is prepared by the principal designer.

A health and safety file is only required for projects involving more than one contractor.

You should discuss and agree with the principal designer what information you will need to keep. Any health and safety file should be handed to you by them (or the principal contractor in some cases) on completion of the work.

It needs to meet certain requirements and should contain all the necessary information which will help you manage any health and safety risks during future maintenance, repair, construction or demolition work.

You may wish to ask for an explanation of what the completed file contains, such as any key risks that need to be managed in the future.

The file can be in an electronic format; on paper or film; or in any other durable form. You should keep it, making it available to anyone who needs to alter or maintain your building. You must also update it if circumstances change.

9. Ensure that a health and safety file is prepared by the principal designer.

If you need to prepare a health and safety policy, you could record your arrangements as part of it.

You should make sure that any of your employees who will be responsible for managing your arrangements in relation to CDM are provided with adequate information and training.

You should keep records of any information or training you provide. These should contain detail relating to the persons who were trained (including their signatures to say that they have received and understood the training); when they were trained and by whom; an overview of the training that was provided etc.

Want to know more?

Other useful health and safety information is available on our **website**.

Further guidance and resources are also available at: **<https://www.hse.gov.uk/construction/index.htm>**.

Note: if you are in Ireland, Northern Ireland, Jersey, Guernsey or the Isle of Man, then regional variations might apply. In this instance, you should check the guidance provided by the enforcing authority for your region. This will be freely available on their website.

Need to contact us?

For further advice Ecclesiastical customers can call our risk advice line on **0345 600 7531** (Monday to Friday 9am -5pm, excluding bank holidays) or email us at **risk.advice@ecclesiastical.com** and one of our experts will call you back within 24 hours.

This guidance is provided for information purposes and is general and educational in nature. It should not be used as a substitute for taking professional advice on specific issues and should not be taken as providing legal advice on any of the topics addressed.



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