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<b>Policy:</b>	CDM Regulations Policy
<b>Legal Requirements:</b>	The Construction (Design and Management) Regulations 2015 (hereinafter referred to as the CDM Regulations 2015)
<b>Regulatory Standards:</b>	<p>The Scottish Housing Regulator has set out Regulatory Standards for all Registered Social Landlords (RSLs) to ensure that RSLs deliver good outcomes and services for its tenants and service users through good governance and financial management.</p> <p>This policy evidences that the following Regulatory Standards are being met:</p> <p>Standard 1. The governing body leads and directs the RSL to achieve good outcomes for its tenants and other service users.</p> <p>Standard 2. The RSL is open about and accountable for what it does. It understands and takes account of the needs and priorities of its tenants, service users and stakeholders. And its primary focus is the sustainable achievement of these priorities.</p> <p>Standard 4. The governing body bases its decisions on good quality information and advice and identifies and mitigates risks to the organisation's purpose.</p> <p>Standard 5. The RSL conducts its affairs with honesty and integrity.</p>
<b>Equality and Diversity:</b>	<p>The Association is committed to Equal Opportunities and will endeavour to ensure that all services are carried out in an undiscriminating manner in line with the Association's Equality and Diversity Policy.</p> <p>In particular, the Association will not discriminate on the grounds of age, disability, marriage and civil partnership, pregnancy and maternity, race, religion or belief, gender, gender reassignment or sexual orientation.</p>
<b>Complaints:</b>	<p>Although the Association is committed to providing high levels of service, we accept that there may be occasions where customers may not be satisfied with the service they have received. The Association values all complaints and uses this information to improve the services that it provides. The Association's Complaints Policy describes our complaints handling procedure and how to make a complaint.</p>
<b>General Data Protection Regulation (GDPR):</b>	<p>The Association will treat all customers' personal data in line with its obligations under the current data protection regulations and our Privacy Policy. Information regarding how data will be used and the basis for processing data is provided in the Association's Fair Processing Notice.</p>
<b>Policy Author:</b>	Lesley Bryce
<b>Policy Review:</b>	<p>To ensure that any change in circumstances is accommodated, this policy will be subject to review every three years in the month of August. However, in the event of any changes to legislation, this policy will be reviewed at that time to reflect any such changes.</p>
<b>Policy Approval:</b>	<p>This policy was last reviewed / approved by the Management Committee of Yoker Housing Association Limited at its meeting held on Tuesday the 25th of August 2020.</p>



## Statement of Policy Aims and Principles

5 The principle aim of this policy is to ensure that Yoker Housing Association Limited (hereinafter referred to as YHA) acknowledges and fulfils its statutory obligations under the Construction (Design and Management) Regulations 2015 (hereinafter referred to as the CDM Regulations 2015). Compliance with the requirements of the CDM Regulations 2015 is consistent with the Association's commitment to good practice in health and safety.

## 10 Policy Details

### General

15 The Construction (Design and Management) Regulations were first introduced to the construction industry in 1994 and aimed to improve the overall management and co-ordination of health, safety and welfare throughout all stages of a construction project. The 2007 Regulations revised and brought together the 1994 Regulations and the Construction (Health, Safety and Welfare) Regulations 1996 into a single regulatory package. The 2007 Regulations were replaced with the CDM Regulations 2015 which came into force on 6 April 2015 with the intention of making them more understandable to duty holders, in particular small businesses. The key aims of the 2015 Regulations are to:

- 20 • Sensibly plan the work so that the risks involved are managed from start to finish;
- Have the right people for the right job at the right time;
- Co-operate and co-ordinate your work with others;
- Have the right information about the risks and how they are being managed;
- Communicate this information effectively to those who need to know;
- 25 • Consult and engage with workers about the risks and how they are being managed.

### Duty holders

30 The CDM Regulations 2015 place legal obligations on specific "duty holders" who can contribute to the Health and Safety of a construction project. These duty holders are:

- 35 • **Clients (including domestic clients)** – A client is an organisation or an individual for whom construction work is carried out. Construction work means the carrying out of any building, engineering or civil engineering
- **Designers** – Designers are those who, as part of their work, prepare or modify designs for a building, product or system relating to construction work.
- 40 • **Principal Designers** - A principal designer is a designer appointed by the client in projects involving more than one contractor. The principal designer can be an organisation or an individual with sufficient knowledge, experience and ability to carry out this role.
- **Principal contractors** - Principal contractors are contractors appointed by the client to co-ordinate the construction phase of a project where it involves more than one contractor. The principal contractor is usually the main or managing contractor for the work.
- 45 • **Contractors** – Contractors are those who do the actual construction work and can be either an individual or a company.



## POLICY STATEMENT

Client duties

For all projects, YHA as client has the following duties under Part 2 of the Regulations:

- take reasonable steps to ensure that a designer or contractor appointed to carry out the work on a project has the sufficient skills, knowledge and experience, and organisational capacity, necessary to fulfil the role they are appointed to undertake;
- co-operate with any other person working on or in relation to a project to the extent necessary to enable any person with a duty or function to fulfil that duty or function;
- make suitable arrangements for managing a project, including the allocation of sufficient time and other resources;
- ensure that the construction work can be carried out so far as is reasonably practicable, without risks to the health or safety of any person affected by the project;
- ensure that welfare facilities (as defined in Schedule 2) are provided in respect of any person carrying out construction work;
- ensure that these arrangements are maintained and reviewed throughout the project;
- provide pre-construction information about the site/premises to every designer and contractor;
- ensure that, before the construction phase begins, a construction phase plan is drawn up by the contractor or by the principal contractor;
- ensure that the principal designer prepares a health and safety file for the project to comply with regulation 12 (5);
- ensure that the health and safety file is revised as appropriate to incorporate any relevant new information;
- keep the health and safety file available for inspection by any person who may need it;
- take reasonable steps to ensure that the principal designer complies with any other principal designer duties in regulations 11 and 12;
- take reasonable steps to ensure that the principal contractor complies with any other principal contractor duties in regulations 12 to 14;

Where there is more than one contractor or if it is reasonably foreseeable that more than one contractor will be working on a project at any time, YHA as Client must appoint in writing:

- A designer with control over the pre-construction phase as Principal Designer and
- A contractor as principal contractor

The appointments must be made as soon as is practicable and, in any event, before the construction phase begins. If YHA as client fails to appoint a principal designer then it must fulfil the duties of principal designer in regulation 11 and 12. Similarly, if YHA fails to appoint a principal contractor, it must fulfil the duties of the principal contractor in regulations 12 to 14.

Where a project is notifiable, YHA as client must give notice in writing to the Health and Safety Executive as soon as is practicable before the construction phase begins.

A project is notifiable to the Health and Safety Executive if the construction work on a construction site is scheduled to:

- Last longer than 30 working days and have more than 20 working days working simultaneously at any point in the project;  
or
- Exceed 500 person days



POLICY STATEMENT

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Designer duties

A designer must:

- have the skills, knowledge and experience and the organisational capacity necessary to fulfil the role that they are appointed to undertake, in a manner that secures the health and safety of any person affected by the project;
- co-operate with any other person working on or in relation to a project to the extent necessary to enable any person with a duty or function to fulfil that duty or function;
- not commence work in relation to a project unless satisfied that the client is aware of the duties required by the client under the Regulations;
- when preparing or modifying a design, take into account the general principles of prevention to eliminate, insofar as is reasonably practicable, foreseeable risks to the health or safety of any person carrying out or liable to be affected by construction work, maintaining or cleaning a structure or using a structure designed as a workplace;
- if it is not possible to eliminate the risks, take steps insofar as is reasonably practicable, to reduce or control the risks through the design process, provide information about those risks to the principal designer and ensure appropriate information is included in the Health and Safety File;
- take all reasonable steps to provide sufficient information about the design, construction and maintenance of the structure to ensure all parties comply with their duties under the Regulations.

It is the duty of YHA to take reasonable steps to ensure that our designers comply with the above.

Principal designer duties

The principal designer must:

- have the skills, knowledge and experience and the organisational capacity necessary to fulfil the role that they are appointed to undertake, in a manner that secures the health and safety of any person affected by the project;
- co-operate with any other person working on or in relation to a project to the extent necessary to enable any person with a duty or function to fulfil that duty or function;
- plan, manage and monitor the pre-construction phase and co-ordinate matters relating to health and safety during the pre-construction phase to ensure that insofar as is reasonably practicable, the project is carried out without risks to health or safety;
- take into account the general principles of prevention and where relevant, the content of any construction phase plan and any health and safety file, when design, technical and organisational aspects are being decided in order to plan the various items or stages of work which are to take place simultaneously or in succession;
- identify and eliminate foreseeable risks to the health and safety of any person carrying out or liable to be affected by construction work, maintaining or cleaning a structure or using a structure designed as a workplace;
- ensure that all designers comply with their duties;
- ensure that all persons working in relation to the pre-construction phase co-operate with the client, the principal designer and each other;
- assist the client in the provision of pre-construction information;
- provide pre-construction information promptly and in a convenient form to every designer and contractor appointed to the project;
- liaise with the principal contractor for the duration of the principal designer's appointment and share with the principal contractor information relevant to the planning, management and monitoring of the construction phase and the co-ordination of health and safety matters during the construction phase.

It is the duty of YHA to take reasonable steps to ensure that our principal designers comply with the above.



POLICY STATEMENT

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Principal contractor duties

The principal contractor must:

- have the skills, knowledge and experience and the organisational capacity necessary to fulfil the role that they are appointed to undertake, in a manner that secures the health and safety of any person affected by the project;
- co-operate with any other person working on or in relation to a project to the extent necessary to enable any person with a duty or function to fulfil that duty or function;
- plan, manage and monitor the pre-construction phase and co-ordinate matters relating to health and safety during the pre-construction phase to ensure that insofar as is reasonably practicable, the construction work is carried out without risks to health or safety;
- take into account the general principles of prevention when design, technical and organisational aspects are being decided in order to plan the various items or stages of work and estimating the period of time required to complete the work or work stages;
- organise co-operation between contractors;
- co-ordinate the implementation by the contractors of applicable legal requirements for health and safety;
- ensure that employers and self-employed persons apply the general principles of prevention in a consistent manner and follow the construction phase plan;
- ensure that a suitable site induction is provided;
- ensure that access to the site is prevented to unauthorised persons;
- ensure that welfare facilities are provided throughout the construction phase;
- liaise with the principal designer and share information relevant to the planning, management and monitoring of the pre-construction phase and the co-ordination of health and safety matters during this phase
- make and maintain arrangements to enable effective co-operation between principal contractor and workers to ensure the health, safety and welfare of workers;
- consult those workers in good time on matters connected with the project which may affect their health, safety or welfare;
- ensure full disclosure of information which relates to the health, safety or welfare of workers on the site.

It is the duty of YHA to take reasonable steps to ensure that our principal contractors comply with the above.



## POLICY STATEMENT

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### Contractor duties

A contractor must:

- have the skills, knowledge and experience and the organisational capacity necessary to fulfil the role that they are appointed to undertake, in a manner that secures the health and safety of any person affected by the project;
- co-operate with any other person working on or in relation to a project to the extent necessary to enable any person with a duty or function to fulfil that duty or function;
- be satisfied that the client is aware of the duties owed by the client under the Regulations;
- plan, manage and monitor construction work carried out by the contractor to ensure that it is carried out without risks to health and safety;
- comply with any directions given by the principal designer or principal contractor;
- comply with the parts of the construction phase plan that are relevant to the contractor's work on site;
- take into account the general principles of prevention when design, technical and organisational aspects are being decided in order to plan the various items or stages of work and estimating the period of time required to complete the work or work stages;
- draw up a construction phase plan (if there is only one contractor working on the project);
- ensure that a person appointed to work on a construction site has the necessary skills, knowledge, training and experience to carry out allocated tasks;
- ensure that each worker is provided with appropriate supervision, instructions and information so that construction work can be carried out, insofar as is reasonably practicable, without risks to health and safety;
- take reasonable steps to prevent access by unauthorised persons to the site before work begins
- ensure that welfare facilities are provided.

It is the duty of YHA to take reasonable steps to ensure that our contractors comply with the above.

### The construction phase plan

The principal contractor must draw up a construction phase plan during the pre-construction stage of a contract. The construction phase plan must set out the health and safety arrangements and site rules. The principal designer must assist the principal contractor in preparing the construction phase plan by providing to the principal contractor all information which the principal designer holds that is relevant to the construction phase plan.

Throughout the project, the principal contractor must ensure that the construction phase plan is appropriately reviewed, updated and revised so that construction work can be carried out, so far as is reasonably practicable, without risks to health and safety.

### The health and safety file

During the pre-construction phase, the principal designer must prepare a health and safety file appropriate to the characteristics of the project which must contain information relating to the project which is likely to be needed during any subsequent project to ensure the health and safety of any person.

The principal designer must ensure that the health and safety file is appropriately reviewed, updated and revised from time to time to take account of the work and any changes that have occurred.

During the project, the principal contractor must provide the principal designer with any information in the principal contractor's possession relevant to the health and safety file, for inclusion in the health and safety file.

At the end of the project, the principal designer must pass the health and safety file to the client.