

Birmingham Health, Safety



& Environment Association

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# ***Newsletter***

***March 2015***

## **TIME IS RUNNING OUT .....**



**From 1 April we will no longer be posting out copies of BHSEA Newsletters. In the future the Newsletter will be sent out electronically, unless a Member specifically requests a paper copy. Please contact the Secretary ([secretary@bhsea.org.uk](mailto:secretary@bhsea.org.uk)) if you wish to continue to receive a hard copy.**

Members who do not have access to a computer, or those who have changed their e-mail details, please make the Secretary aware (telephone: 07881 290238 or 0121 421 3463).

## ***Monthly Meeting – 9 March 2015***

George opened the meeting with a warm welcome to all, especially the many guests who had been attracted by the main presentation. The actual number of attendees was in fact 137– well in excess of the record attendance at the CDM meeting in October - clearly a hot topic!

George strongly encouraged those guests who were from the Birmingham area to consider joining the Association. As David Hughes remarked, amongst the benefits was the invaluable opportunity to attend meetings like this one and share knowledge and experiences.

Neil Boon, Construction Chair, then introduced Tony Mitchell, the main speaker for the day and a wholehearted supporter of BHSEA and the Working Well Together campaigns.



***Tony Mitchell,  
HM Principal Inspector, HSE***

**'CDM – What's the Latest?'**

Tony Mitchell is HM Principal Inspector of Health and Safety for Construction for the HSE. He operates from the Birmingham office and runs a team of five inspectors covering the West Midlands, Warwickshire and Worcestershire.

Tony's presentation today would give a brief run through of CDM 2015 and focus on the key changes as well as those areas that are staying the same.

## Key Changes

One of the key changes is that the domestic client will now have a part to play and this complies with the EU Directive 9257.

## Securing Construction Health and Safety

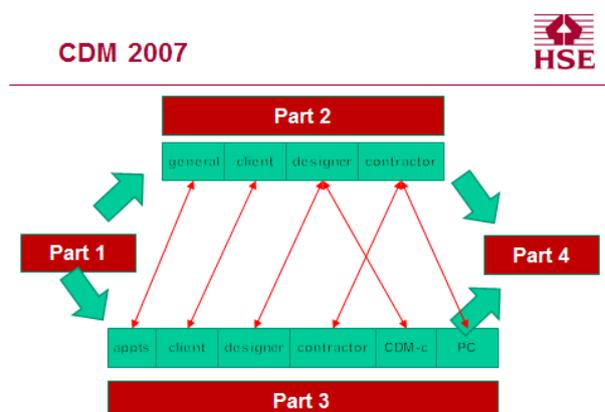
Key aims/objectives:

- Managing risks
  - General principles of prevention:
    - Avoiding risk;
    - Evaluating risks which cannot be avoided or eliminated; and
    - Proportionate measures to control risk at source
- Appointing the right people at the right time to enable them to contribute
- Information, instruction, training and supervision
- Co-operation, co-ordination and communication
- Consultation and engagement with workers. From research and experience it is clear that where workers are involved and consulted sites become healthier and more productive.

## What is CDM 2015 about?

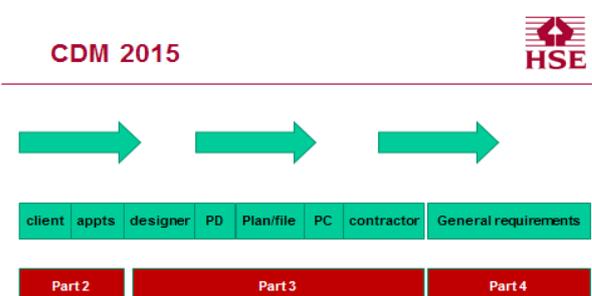
- CDM 2015 applies to all construction work.
- The Regulations set out the requirements for managing health and safety on construction **PROJECTS**.
- A project is more than a construction site – and can apply to anything from a kitchen cupboard to HS2.

## Structure Changes



CDM 2015 is streamlined, linear and much simpler, following the basic steps involved in a project.

You will see from the CDM 2007 slide that the structure was quite complex and the considerable duplication between the duties in parts 2 and 3 caused confusion.



## **What stays broadly the same?**

- Application to **all** projects
- Role of the Principal Contractor
- Part 4 technical standards for construction sites – only minor tweaks
- Schedule 2 – welfare requirements
- Co-ordinators for H&S in the pre- and construction phases

The provisions from 2007 that have worked well, are embedded and understood by industry, have remained in place. HSE will also maintain their proportionate enforcement on site, tracking back to clients and designers where standards on site are consistently failing. The regulations make it clearer for duty holders to understand their roles and duties, and for all duty holders to be held accountable for the conditions on site.

Currently the Directive requirements for pre-construction and construction-phase co-ordination are fulfilled by the CDM-c and PC respectively. This two part co-ordination function will be retained in CDM 2015, but will be delivered differently.

## **Outline of Main changes**

- Simplified structure
- Client – greater responsibility
- Domestic client exemption – removed
- CDM co-ordinator role - removed
- Principal Designer role (PD) – introduced
- ‘Competence’ – removed in its current form
- Construction phase plan for all projects
- Threshold for appointments – where there is more than 1 contractor
- Notification is a stand-alone requirement – not trigger point for additional duties

## **Duty holders – Clients**

Clients are the head of the procurement chain and the major influence on project standards and culture. As the project is for the benefit of the client, it is only right that they are involved. The client is not expected to take an active role in managing the work, but must make arrangements for managing the project such as:

- assembling the project team, ensuring those appointed have the right skills, knowledge and experience for the job depending on the complexity of the project, ensuring their roles, functions and responsibilities are clear
- ensuring sufficient resources and time are allocated
- ensuring mechanisms are in place for the project team to communicate and co-operate
- taking reasonable steps to ensure the Principal Designer (PD) and Principal Contractor (PC) comply with their duties
- providing pre-construction information

If the client fails to make the relevant appointments the duties must be undertaken by the client.

## **The Client's Principals**

The client's principals are the Principal Designer and the Principal Contractor, and co-ordination between them all is key to a successful project. The PD and PC have equivalent and related roles for liaison and exchange of information during both the design and build stages of a project. The PD is responsible for all the pre-construction phase and any design work wherever it happens throughout the life of the project, which could overlap into the construction phase as well.

## **Duty holders – Principal Designer (PD)**

The CDM 2007 role of CDM Co-ordinator (CDM-c) has been removed and the role of Principal Designer has been created. This is not a direct replacement for the role, although the PD will carry out many of the functions previously carried out by a CDM-c.

The function of co-ordination is an integral part of the project. The key role of the PD is to act as a conduit for information flow. The PD has to:

- plan, manage, monitor and co-ordinate the pre-construction phase – gathering information such as ground surveys, structural surveys, asbestos surveys etc
- ensure designers comply with their duties
- co-operate with and support the client in providing Pre-Construction Information

## **Duty holders – Principal Contractor (PC)**

The PC should:

- manage and co-ordinate the construction side of the project
- liaise with the PD throughout the construction phase on matters such as changes to the designs and the implications those changes may have for managing the health and safety risks
- provide information to the PD relevant to the Health and Safety file.
- effectively engage and communicate with the workforce by means of toolbox talks, meetings etc, to show leadership
- have a strong grasp of what is needed in any given situation.

Tony invited the audience to consider their company pro-activity with regard to managing CDM. In Tony's opinion the open door policy may not send out the right message. Pro-activity rather than re-activity is crucial to identifying issues early and resolving them quickly. Tony believes that leaders should go out to site, look for the issues, seek information and search for ways to improve the business.

## **Duty holders – Designer**

Designer duties remain similar to those in CDM 2007. Additional requirements include:

- Reduce or control risks through the design process and provide risk information with design drawings
- Refer risks that cannot be reduced or controlled through design to the PD

- Clear hierarchy for design risk management

Designers will now be expected to consider health and safety at the design stage.

### **Duty holders – Contractor**

Their responsibilities are very similar to before. The PC is a contractor first and then a principal contractor after that. The Contractor has a duty to:

- look for corporate bodies with organisational capability, relevant policies, structures and safe systems in place
- comply with the directions given by the PD and PC
- draw up the Construction Phase Plan, even if they are the only contractor on site, and should appoint individuals who have - or are in the process of obtaining - the necessary skills, knowledge, training and education.

Tony commented that this is not about card schemes but about getting the right people, with the right skills for the job. One of the biggest downfalls of CDM 2007 has been the proliferation of card schemes which consisted of short multiple choice tests rather than full instruction and training. In this regard, an NVQ is preferable to card schemes as it demonstrates workplace learning.

HSE have put in place the framework; it is now for the industry to take forward.

### **In brief, the revised and simplified regulations:**

- apply to all construction projects
- have greater relevance to smaller projects
- embed the co-ordination function within the project team rather than within the role of an individual (CDM-c)
- remove exemption for domestic clients. This has ensured compliance with the EU directive – but the regulations take a pragmatic approach to what can be reasonably expected from a domestic client, and pass the client duties onto their builder if the client doesn't pick them up.
- remove explicit competence requirements, focusing on appropriate skills, knowledge, training and experience.

### **Transitional Requirements**

From 6 April all aspects of CDM 2015 are to be implemented, with the exception of those projects started before 6 April 2015 and continuing beyond, in which case:

- Where there is no CDM-c or PC appointed the client must:
  - Appoint PD and PC if the construction phase not started,
  - If construction phase started, appoint PC
- Where CDM-c has been appointed:
  - the client must appoint PD within 6 months of Regs coming into force
  - CDM-c's duties (CDM2007) continue to apply until PD is appointed

By beginning of October CDM-c's will no longer exist in legislation and will have no formal status at all.

## **CDM Construction Phase Plan**

These will now be expected for all reasonably sized projects, and will apply to smaller sites.

A draft template CPP has been produced for use by small contractors when working for domestic clients. It covers the basic requirements for a CPP, including information about who is involved in the work, and how the main risks will be managed. The aim is to get small contractors to think about the work and potential hazards before the job commences. This template is to be made available via the internet and a phone app.

## **Summing Up**

- CDM 2015 changes focus onto management of risk by duty holders
- Technical standards unchanged
- Strengthen client role
- Domestic clients – duties taken by PD and PC
- CPP required for all projects
- Embed better standard of involvement with workforce
- Changes to notifications
- Working with industry to get the message out
- Clearer and easier to hold all duty holders to account

## **Members' Questions**

### **Toby Ryder – CDM Co-ordinator, Pinnacle Professional Services**

**Q** Toby asked whether it was the HSE's intention with the new regulations that the PD be novated and therefore under the employment of the Principal Contractor for the construction phase where there are still design elements being carried on. Under the current CDM rules the CDM-c is not novated and is able to advise the client without there being any conflict of interest.

**A** Although not an easy question to answer Tony confirmed that it was necessary to comply with the legislation which requires both a Principal Designer and a Principal Contractor, whether they be part of the same organisation or not, and that they be appointed by the Client. If the PD is novated into a PC's company and therefore cannot be appointed by the Client then the Client takes on the PD duty.

### **Dominic from the University of Warwick**

**Q** Dominic's concern relates to the new requirement for the appointment of a PD and PC for small, maintenance jobs which require more than one contractor. Under the existing rules the maintenance officer at the University is able to instruct and manage the contractors. Dominic is concerned that there is very little guidance in this regard, that the new rules will lead to a bureaucratic burden and that failing to comply could lead to civil or insurance claims.

**A** Tony's response was that the maintenance officer should continue to operate in the same way if only one contractor. But, as long as Risk Assessments and Method Statements are in place, no change will be required. The HSE will expect the job to be done right, but if not then enforcement will be proportionate.

### **Gerry Mulholland – British Gas**

Gerry reinforced Tony's comments that if you are doing what you should and could be doing then you will be meeting the regulations. His advice was to use the existing processes and procedures and not turn this into a burden.

### **Phil Berrisford – Stannah Lifts Group**

**Q** Phil's question related to the maintenance of fixed plant. The 2007 ACOP had a useful description of what was not construction work, such as planting of trees, erection of marquees and maintenance of fixed plant. His customers are now saying that after 6 April they will be asking for Construction Phase Plans for systems built into buildings such as lifts and escalators.

**A** Tony advised that if the Risk Assessments and Method Statements are in place then it should not be any more onerous to create a Construction Phase Plan.

### **John Towndrow – Atkins Global**

**Q** John sought Tony's view with regard to their thoughts that a structural engineer could be the PD or even a QS on a given scheme, theoretically.

**A** Tony advised that anyone and everyone could be a "designer" – defined as someone who designs or modifies plans. However, they cannot be a Principal Designer because this is the person appointed by the Client.

### **John Jacobs – Jacobs Feasey Associates**

**Q** John sought clarification that under the new CDM 2015 duty holders were no longer required to advise the Client that he has duties.

**A** Tony advised that the duties lie with the PD to consult with the Client to ensure the pre-construction phase information is provided.

**Q** John then asked what the reasonable steps were that a Client should take to ensure the PD and PC comply with their duties.

**A** Tony advised this would depend on the project. For a small project, the Client should put together a brief as to what he would require them to do. For example, he should expect to have the health and safety file; he should be looking for good references and asking questions like whether there is a safety policy, who the supervisors would be and whether they have had experience on site; also, can they deliver on budget and on time, etc. In essence, evidence of good management.

**Q** Another member of the audience – currently a CDM-c, commented that during a recent meeting with a client, which happened to be a committee, no-one seemed keen to take on the new responsibilities. In her view the impact on the domestic market would likely be significant as the smaller builders will struggle to understand what is expected of them.

**A** Tony's answer was that they have a duty to comply with the law. But he also stated that the technical standards have not changed, only the management structure, so if they are complying with the standards now there should be no cause for concern.

### **Andy Ellis - Oakwrights**

**Q** Andy works with self builders – such as those on the programme 'Grand Designs'. In his experience, clients seek his help to obtain planning permission and then want to take over themselves. His question was how do those people appoint a PD and PC when they are essentially in charge.

**A** Tony's response was that a domestic client who becomes involved in organising or directing the build then becomes liable under the legislation. Guidance is already out there and will probably remain the same, although the name of it may change.

### **Mike Pearson – Site Assessment and Training Services Limited**

**Q** Mike's comment concerned Construction Phase Plans for small projects. His company felt that a simple Method Statement would suffice as a CPP. However, on closer observation it appeared that although the CPP creates an action plan it does not provide solutions eg what to address and how to do it. Also, in Mike's experience designers are reluctant to be involved once they have drawn up their plans for the client nor does he feel they will be competent in this new role.

**A** Tony stated that the new legislation requires designers to be more pro-active than before and consider their designs in order to reduce risks at source. The HSE will take appropriate action where designers fail to comply with their duties.

Neil Boon summed up by stating that CDM has evolved over the last 20 years and he welcomed the changes and simplification. Working for a Principal Contractor, Neil has experience of sorting out the problems of other parties. He acknowledged that the involvement of the Client and the Principal Designer should be a step in the right direction and the key elements to success are planning, organising and making sure the right people are in the right jobs

Neil thanked Tony for his most informative and stimulating talk.

***For Tony's presentation slides, refer to the BHSEA website [www.bhsea.org.uk](http://www.bhsea.org.uk). Please note that, as the source of this information is the HSE, the slides are subject to Crown copyright and may not therefore be edited or simply rebranded.***

## Members' Corner



**David Hughes,  
Honorary BHSEA Member**

### **HOW TO DO IT!** **Some Suggestions to Think About**

David Hughes has been a member of BHSEA for some 30 years and has also been on the Council and Management Committee. He has many years' experience as a health and safety consultant and trainer. These are just some of his suggestions on how to approach the health and safety manager's role.

Over the years David has found that it is sometimes easy to fall into the trap of spending a lot of time on risk assessments and legislation but to lose sight of the fact that safety is a management function.

#### **Safety Manager's Function**

- **Plan** – Safety Improvements
- **Lead** – Safety Implementation
- **Co-ordinate** – Safety Activities
- **Develop** – A Safety Culture

#### **These are David's Tops Tips**

##### **Step 1 - Plan Your Personal Approach to Safety**

- avoid getting bogged down by routine paperwork (such as reports and statistics)
- avoid being at everyone's beck and call (plan your time and actions)
- avoid fire-fighting (agree a plan of action and stick to it)
- involve everyone (don't preach to them)

##### **Step 2 Develop your Safety Action Plan**

When looking at a site, work from the outside in.

- ❖ Identify the hazards, both external (neighbourhood) and also internal. As an example, David recalled a petrol station which had been adjacent to a construction site. It was 30 feet away but 15 feet lower and so out of sight of the site. It presented a potential fire hazard.

Another example was a builders' yard next to a junior school. The frequent reversing of HGV's posed a hazard to mothers and children, especially at the beginning and end of the school day and during the lunchtime. The action plan was to clearly identify the times when the HGVs should ideally not be on site or when extra precautions should be in place.

- ❖ Consider the external conditions, such as surface condition of the site, weather conditions, pedestrians, vehicles manoeuvring on site.
- ❖ Consider company created hazards which might affect neighbours or pedestrians, such as smoke, fumes, odours; dust, noise, emissions from cooling towers.
- ❖ In consultation with all employees, identify departmental, environmental and operational/process hazards on site then define and agree the appropriate solutions and controls.

### **Step 3 – Working Method**

- ❖ Explain what you are going to do – ensure employees understand the difference between hazards and risks.
- ❖ Identify and discuss hazards/risks with operators - this will improve employee understanding and co-operation.
- ❖ Discuss and agree methods of hazard/risk elimination/reduction and any necessary operational changes.
- ❖ Discuss and agree guarding/protection methods.
- ❖ Then write up and implement all the agreed operational/work methods and other changes. You should announce your safety policy publicly and then maintain continuous awareness.

**Bear in mind that it is instinctive for people to:**

- **Resist imposed change (even when it benefits them)**
- **Accept and adopt change (that they have helped to develop)**

And David's last piece of advice:

**“Always be enthusiastic; it's infectious!”**

George thanked David for his insightful and concise presentation and commented that he too had found that people resist imposed rules but they are always more receptive to change where they are able to participate in the process.



## **Anniversary Event – 22 April – ‘Looking Back – Moving Forward’ – Construction Safety in the West Midlands, 60 Years and Counting**

Neil advised all that the Event at the Barclaycard Arena was gaining support. Tony Mitchell will be a key speaker on the day.

An exhibition will take place alongside the Event presentations. Up to 40 exhibition stands are available. Contact the [Secretary@bhsea.org.uk](mailto:Secretary@bhsea.org.uk) asap if your company would like an exhibition stand.

### **BHSEA Membership – Special Offer**

Steve Parton advised that a number of locally based guests at today's meeting had expressed an interest in becoming members. As a result, and in light of the fact that the BHSEA membership year is due to end on 31 May, anyone wishing to join from today would be exempt from paying a subscription fee until the beginning of the new membership year. Members will be Invoiced for the new 2015/2016 membership year on 1 June 2015.

Steve pointed out the tremendous value for money that membership provides. Not only does it enable BHSEA members to enjoy free access to events such as the monthly programme meeting (with lunch!), the 4-6 half-day SHADS per year and special events like the one being planned for April but also, as David Hughes commented, the opportunity to discuss issues and concerns with like-minded professionals. All for a very reasonable £42 (for a company with less than 250 employees), or £72 (if more than 250).

### **Birmingham City Council: Health and Safety Business Forum 23 April 2015**

Terry Mallard, Birmingham City Council's Environmental Health Section and BHSEA Council Member, has alerted us to a free health and safety at work business forum on 23 April 2015. Starting at 8.45 am and closing at 11.35 am, the Forum is being held at the Hollyfields Centre Club Limited in Erdington.

Further information is available from <http://www.hollyfields.org.uk/about.html>. Contact Terry on 0121 303 9915 or e-mail [HST@birmingham.gov.uk](mailto:HST@birmingham.gov.uk) to book your place.

### **IOM Research Project – Cancer Patients & Return to Work**

The Institute of Occupational Medicine (IOM) is currently working with Loughborough University and Affinity Health at Work in carrying out a research project funded by the Institution of Occupational Safety and Health (IOSH) to examine occupational safety and health issues surrounding return to work for people who have been treated for cancer.

The IOM are seeking to recruit SME's that have experience of managing a return to work after cancer process in the last 12 months. As part of the project, the IOM wish to interview the employee in cancer remission as well as the

stakeholders at the company that were involved in this process (eg employers, occupational health professionals, HR and line managers).

The results of the case studies will be collated into examples of best practice in managing return to work and how to manage the hazards associated with returning to work in the specific organisations studied.

Contact [secretary@bhsea.org.uk](mailto:secretary@bhsea.org.uk) if you would like to be involved or if you need further information

## **Date of Next Meeting**

**2.00 pm Monday, 13 April 2015**

**at the Birmingham Medical Institute**

### **Main Presentation**

#### ***Warehouse Racking Safety***

**Steve Cowen, Cowen Associates Ltd. &  
Chairman SEMA Technical Committee**

### **Members' Corner**

#### ***Mental Health in the Workplace***

**Lee Dargue**

***Don't forget the buffet lunch at 1.15 pm***