



## Rural & Industrial Design & Building Association

### The CDM regulations and the Farmer

The Construction (Design Management) Regulations 1994 (CDM) were amended in 2007 with the aim of continuing to reduce the number of accidents on construction sites and improve the overall management of health and safety from inception to demolition. The regulations reinforce existing requirements and duties on the **Client** and **Designer** to ensure that the work is carried out as safely as possible. The regulations therefore set out to ensure that there is adequate provision made in the planning of the works for health and safety requirements.

#### The minimum safety standards when erecting a building.

The site practices given below are not dependent on the site being covered by the CDM regulations, but apply to all sites.

The surface of the site should be sufficiently prepared to take the plant planned for use on the project and is safe for foot traffic.

The steelwork and purlins will normally be erected using a crane or telehandler. Access to height should be from powered access - Mewp. Any person working from a Mewp should be wearing a safety harness.

Before the roof is sheeted either a handrail or other suitable protection should be provided at the edge of the building on all eaves and gables. The building should also be netted by a competent person using the correct safety nets. Side sheets and gutters should be fixed using powered access or scaffolding.

Where other methods must be used their safety assessment needs to show that they are at least as safe as the above.

In addition to the above minimum safety standards the CDM Regulations place extra responsibilities on all parties involved in a building contract.

#### When does CDM apply?

The regulations apply to all non domestic building projects but there are extra responsibilities for those where construction work takes more than 30 days, or there is more than 500 person days of construction work (30 days site). Construction work covers the clearing of the site through the fitting out of the building.

#### The two main new CDM responsibilities are:

- The appointment of a CDM Coordinator prior to design work starting
- The notification of the Health and Safety Executive of the project as soon as the Coordinator is appointed.

#### The responsibility of the Farmer as a Client

- Ensure that everyone appointed to work on the project is competent to carry out the tasks required of them.
- Be satisfied that those appointed will allocate adequate resources to health and safety
- Provide information about the site (e.g. power cables in the ground, restrictions to the site, asbestos or other dangers)
- Allow for sufficient time and resources
- Must not set unrealistic building programmes that jeopardise safety.
- Ensure that a health and safety plan has been prepared before work starts on site and that the designers and contractors comply with it.
- Appoint a CDM Coordinator

#### The responsibility of the Farmer as a Designer

Where a farmer states the layout of the building, or where it is to be placed, or the type of construction or cladding to be used, he could be considered a Designer. The Designer's responsibilities under the CDM regulations may give him the responsibility to:

- Ensure that the design can be constructed safely.
- Ensure that the building can be maintained safely for its design life.

### **The responsibility of the Farmer as a CDM Coordinator**

Where the project is above the 30 day site limit and the farmer does not specify another person as a CDM Coordinator it will be considered that he has taken on the role himself. As a Coordinator he will be required to:

- Notify the Site to the Health and Safety Executive
- Ensure the designer has ensured that the construction can be carried out, maintained and demolished safely
- Ensure a Health and Safety file is prepared
- Ensure a Health and Safety plan is provided by the Principal Contractor.

### **The responsibility of the Farmer as a Principal Contractor**

When a farmer lets contracts to different contractors covering, ground works, building erection, fitting out, etc. He may be acting as the Principle Contractor and if so will be required to:

- Prepare a Health and Safety plan
- Take responsibility for the welfare, health and safety performance of his “sub contractors”.
- Ensure the sub contractors work in accordance with the Health and Safety plan
- Ensure that the various sub contractors co-operate with each other as regards health and safety.
- Ensure that any sub contractors, as employers, properly train their employees

### **The Farmer who constructs his own building can find himself responsible for all of the above**

Where the farmer uses his own labour or sub contract labour, he could probably be acting as the **Client**, the **Designer**, the **Coordinator**, the **Principal Contractor** and the **Sub Contractor** and so has full responsibility for health and safety for the design life of the building.

### **Delegation of CDM duties**

The above responsibilities are obviously very onerous on someone who is not an expert in design and construction. So the farmer as a Client can pass all these responsibilities, including most of those as a client, to an Agent, who could be a competent contractor or designer.

### **How can a farmer be sure the specialist Contractor or Designer is competent?**

By asking the following Questions.

- Do they have experience of similar type of work and have they any references?
- Does the quotation mention any allowance for safety issues, (if not is the price similar to a quotation that does)?
- Are the risks of falls being controlled e.g. by the use of non-fragile materials, if not, why not?
- Can they supply a copy of their safety policy, public liability insurance and relevant certificates of competence?
- Can they supply sample method statements and risk assessments?
- Are they members of a relevant trade association, which requires them to sign up to a Code of Practice, such as Ridba?

The above is only a brief guide, it is not a complete guide to Health and Safety responsibilities on site, for more information contact your competent contractor, supplier or designer.

The above guidance is given with the best intentions but nothing in this advice shall create or be deemed to create any obligations, whether expressed or implied, on Ridba under the CDM or other regulations.

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