



The Responsibilities of the Interior Designer under CDM Regulations 2015



Contents

Introduction	3
What do the CDM regulations require?	4
Does CDM 2015 apply to domestic projects?	4
Who are the duty holders under CDM 2015?	4/5
What is a designer under CDM 2015?	5
What is the designer's importance?	5
What are the duties of a designer?	6
When do a designer's duties apply?	7
What is the principal designer?	7
What is the role of a principal designer?	7/8
Does the principal designer have other duties?	8
Further information	9



Introduction

The Construction (Design and Management) Regulations 2015 (CDM 2015), which came into force on 6th April 2015, cover the management of health, safety and welfare in construction projects. They apply to all projects – including those for domestic clients – and they replaced CDM 2007.

As an interior designer, you have legal duties under CDM 2015 and, depending on how the project is organised, may well have an additional role and duties under the regulations. Make sure you understand what the law is, who the duty holders under CDM 2015 are, and what each role requires.

What do the CDM regulations require?

CDM 2015 requires those responsible for appointing designers and contractors to ensure the designers and contractors have the skills, knowledge, training and experience to carry out the work in a way that secures health and safety.

The regulations also state that for a project where more than one contractor is involved, there must be a principal designer and principal contractor (see below), and the project must have a health and safety file.

They also specify that if work is scheduled to last longer than 30 working days and have more than 20 workers working simultaneously at any point in the project, or exceed 500 person days, the client must notify HSE (Health and Safety Executive) about the project.

However, the requirements of CDM 2015 apply whether or not the project is notifiable.

Does CDM 2015 apply to domestic projects?

The regulations do apply to domestic projects. The HSE provides guidance for domestic clients to which you can refer them.

Who are the duty holders under CDM 2015?

Aside from the designer, and the principal designer (see below), the regulations also stipulate the roles and duties of others involved in a construction project. They are:

Clients, that is the organisations or individuals for whom a construction project is carried out. Their duties include making sure other duty holders are appointed and that sufficient time and resources are allocated.

They have to make sure relevant information is prepared and provided to other duty holders; that the principal designer (see 'What is the principal designer?', below) and principal contractor (see below) carry out their duties; and that welfare facilities are provided.

Domestic clients are individuals who have construction work carried out on their home, or the home of a family member, that is not done as part of any business (for profit or not). CDM 2015 places client duties on commercial clients in full but, for domestic clients, duties normally pass to the contractor (see below), if it is a single-contractor project, or to the principal contractor (see below) for projects with more than one contractor. If the domestic client has not appointed a principal contractor, the client duties must be carried out by the contractor in control of the construction work.

A domestic client can alternatively choose to have a written agreement with the principal designer (see 'What is the principal designer?', below) to carry out their client duties.

Principal contractors are appointed by the client to co-ordinate the construction phase of a project where it involves more than one contractor.

Contractors are those who do the construction work. They may be either an individual or a company.

Workers are those people who work for or under the control of contractors on a construction site.

What is a designer under CDM 2015?

A designer is an organisation or individual who prepares or modifies a design for a construction project, or arranges for or instructs someone else to do so.

'Design' includes drawings, design details, specifications, bills of quantity and calculations prepared for the purpose of a design. As well as interior designers, under CDM 2015, the term designers includes architects, architectural technologists, consulting engineers, quantity surveyors, temporary work engineers, chartered surveyors, technicians or anyone who specifies or alters a design.

If they carry out design work, others – such as principal contractors, and specialist contractors, for example an engineering contractor providing design, procurement and construction management services – can be included in the definition.

Where commercial clients become actively involved in designing in relation to their project, they may also be considered to be designers.

Under CDM 2015, the person who selects products for use in construction is a designer and must take account of health and safety issues arising from their use. If a product is purpose-built, the person who prepares the specification is a designer and so are manufacturers, if they develop a detailed design.

What is the designer's importance?

A designer has a strong influence during the concept and feasibility stage of a project, says the HSE. The earliest decisions can fundamentally affect the health and safety of those who will construct, maintain, repair, clean, refurbish and eventually demolish a building. The health and safety of those who use a building as a workplace may also be affected.

The HSE states that a designer should address health and safety issues from the start. If this doesn't happen, projects can be delayed and it can be harder for contractors to devise safe ways of working once on site. Costly late changes to enable the building to be used and maintained safely once built might also be required.

What are the duties of a designer?

The regulations lay out what you need to do as a designer, including the duty to eliminate, reduce or control foreseeable health and safety risks through the design process. A designer should:

1 — Make clients aware of their duties

A designer needs to make clients aware of their duties under CDM 2015. In fact, you shouldn't start work on a project unless you're satisfied that the client is aware of their duties under the regulations.

This can take place in early meetings or liaison with the client to discuss the project. The level of advice you'll need to give to a client will depend on their knowledge and experience as well as the complexities of the project.

More than one contractor on the project? Informing the client of their duties is normally the job of the principal designer (see 'What is the principal designer?', below). You can seek confirmation from the principal designer that the client has been made aware of their duties.

2 — Prepare or modify designs

You must consider the general principles of prevention, and the pre-construction information provided to you in order to eliminate as far as reasonably practicable foreseeable risks to health and safety.

You need to consider potential risks to the people carrying out or liable to be affected by the construction work; those maintaining or cleaning a building once built; and those who'll use it as a workplace.

If the risks can't be eliminated, you should take steps to reduce or, if that isn't possible, control the risks through the design process; provide information about the risks to the principal designer; and ensure relevant information is in the health and safety file.

3 — Provide design information

You need to give information to other duty holders under CDM 2015 using or implementing the design.

This includes the principal designer (see 'What is the principal designer?', below), other designers, the principal contractor (or contractor if it's a single-contractor project), and contractors who construct the design (see 'Who are the duty holders under CDM 2015?', above).

4 — Co-operate with other duty holders

You should liaise with other designers including the principal designer (see 'What is the principal designer?', below) so that work can be co-ordinated to establish how different aspects of designs interact and influence health and safety. This includes temporary and permanent works designers. Designers must also co-operate with contractors and principal contractors (see 'Who are the duty holders under CDM 2015?', above) so that their knowledge and experience about, for example, the practicalities of building the design is taken into account.

When do a designer's duties apply?

The duties apply as soon as designs which may be used in construction work in Great Britain are started. This includes concept design, competitions, bids for grants, modification of existing designs and relevant work as part of feasibility studies.

What is the principal designer?

The principal designer (PD) can be an organisation or individual appointed by the client to take control of the pre-consultation phase of any project involving more than one contractor. The PD must be appointed in writing by the client.

Be aware that a principal designer is not a direct replacement for CDM co-ordinator under CDM 2007. The range of duties is different from those undertaken by the latter.

Under CDM 2015, the PD may have separate duties as a designer (see 'What is a designer under CDM 2015?', above).

The PD must have the right skills, knowledge and experience and, for an organisation, the organisational capability, to carry out all of the functions and responsibilities of a PD for the particular project and be in control of the pre-construction phase.

If you work on the planning and building regulations stages of a project but then cease to be involved, the client has to appoint another PD. You remain responsible for the design decisions taken in preparing the original plans.

What is the role of a principal designer?

The responsibilities of a principal designer are to:

1 — Plan, manage, monitor and co-ordinate health and safety in the pre-construction phase. Relevant information that might affect design work before and after the construction phase has started must be taken into account – such as an existing health and safety file.

2 — Help and advise the client in bringing together pre-construction information, and provide the information designers and contractors need to carry out their duties.

3 — Work with any other designers on the project to eliminate foreseeable health and safety risks to anyone affected by the work and, where that is not possible, take steps to reduce or control those risks.

4 — Ensure that everyone involved in the pre-construction phase communicates and co-operates, co-ordinating their work wherever required.

5 — Liaise with the principal contractor (see 'Who are the duty holders under CDM 2015?', above), keeping them informed of any risks that need to be controlled during the construction phase.

Be aware that if the client in a domestic project doesn't appoint a PD, the role must be carried out by the designer in control of the pre-construction phase. The client duties of a domestic client are normally taken on by another duty holder – often the principal contractor (see 'Who are the duty holders under CDM 2015?', above) if more than one contractor is involved. The PD could, though, have a written agreement with the domestic client to take on the client duties in addition to their PD duties.

Does the principal designer have other duties?

If you're going to act as principal designer, you need to be aware of your duties with regard to the construction phase plan and the health and safety file.

As PD you must assist the principal contractor in preparing the construction phase plan by providing all the information you hold that is relevant to the construction phase plan including pre-construction information from the client, and information obtained from designers.

During the pre-construction phase, as PD you must prepare a health and safety file containing information relating to the project which is likely to be needed during any subsequent project to ensure the health and safety of any person.

You must also 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. Note that, during the project, the principal contractor has to provide you as PD with any information in their possession relevant to the file, for inclusion in it.

If your appointment as PD were to finish before the end of the project, you would have to pass the health and safety file to the principal contractor.

At the end of the project, as PD you must pass the health and safety file to the client.

Further information

Looking for further information? You can download the HSE guidance on the The Construction (Design and Management) Regulations 2015

Disclaimer - This document has been created from the HSE guidelines to make it easier for Interior Designers to find the relevant sections. The BIID take no responsibility for the compliance of Interior Designers and the CDM Regulations 2015 based on this document.



biid.org.uk