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| **Construction (Design and Management) Regulations 2015 (CDM 2015) Church of Scotland Procedures** |
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 1.0 Purpose

The church of Scotland and its associated charities and stakeholders are committed to providing employees, volunteers, service users and the general public with a safe working environment and ensuring that the services delivered are safe and in compliance with the relevant policies and Health and safety legislations.

## The purpose of this guidance is to ensure further general understanding and compliance with the Construction Design & Management Regulations 2015 (CDM 2015), Procedures and Control of Contractor Procedures.

 **Please take full advantage of the professional advice and assistance offered by your presbytery Building Officers and the General Trustees safe buildings team if you are planning or undertaking any construction, maintenance or improvement activities which require CDM2015 compliance or oversight.**

The Construction Design & Management Regulations aim to improve health and safety in the construction industry by ensuring that all persons involved in any construction work had clearer responsibilities and defined duties when instructing, engaging or undertaking any contractor duties.

The primary purpose of the changes to the previous **CDM2007** legislation was to specify duty holders so that it would be easier to identify any health and safety failings in the statutory duties imposed on each of the duty holders during the planning, design and construction elements of each project undertaken.

The Church of Scotland and its associated charities and stakeholders have a statutory duty to ensure that management and all employees, volunteers that are authorised in the instruction of contractors and designers are aware of the organisational implications placed on their individual entity and charity trustees when becoming an identifiable (CDM) duty holder and the regulatory responsibilities and duties placed on the charity trustees as the (**client, designer or principal contractor**) the duties must be fully identified and suitably discharged by the individual charity trustees within their undertaking of such instructions and commissions.

The church of Scotland and associated charities and its employees do not carry out many contractor duties within the defined legislative scope of **CDM2015** where we may be identified as the (**designer or Principal Contractor** however we are predominantly identifiable as the( **Client**) and Its equally important to identify our duties and responsibilities within these instances and ensure that we and any contractors we instruct have fulfilled the compliance requirements of each of the duty holder roles when we are engaging in contracts and works across the Church of Scotland properties and estate.

2.0 Scope of the CDM regulations 2015

The legislative interpretation and definition of the scope has been copied below to clearly allow all trustees and employees authorised to instruct contractors to identify the areas where the CDM2015 regulations are applicable within their individual areas of responsibility and control.

1. ***“construction work” means the carrying out of any building, civil engineering or engineering construction work and includes —***

***the construction, alteration, conversion, fitting out, commissioning, renovation, repair, upkeep, redecoration or other maintenance (including cleaning which involves the use of water or an abrasive at high pressure, or the use of corrosive or toxic substances), de-commissioning, demolition or dismantling of a structure;***

***(b) the preparation for an intended structure, including site clearance, exploration, investigation (but not site survey) and excavation (but not pre-construction archaeological investigations), and the clearance or preparation of the site or structure for use or occupation at its conclusion;***

***(c) the assembly on site of prefabricated elements to form a structure or the disassembly on site of the prefabricated elements which, immediately before such disassembly, formed a structure;***

***(d) the removal of a structure, or of any product or waste resulting from demolition or dismantling of a structure, or from disassembly of prefabricated elements which immediately before such disassembly formed such a structure;***

***(e) the installation, commissioning, maintenance, repair or removal of mechanical, electrical, gas, compressed air, hydraulic, telecommunications, computer or similar services which are normally fixed within or to a structure.***

3.0 Duty holder Definitions

(Right Click on red titles for hyperlink access to HSE Definition)

[Commercial clients](https://www.hse.gov.uk/construction/cdm/2015/commercial-clients.htm) – for whom the project is being carried out. The (**client)** has the entire health and safety responsibility at the pre-construction and tendering stage of the project.

Make suitable arrangements for managing a project, including making sure:

* other duty holders are appointed as appropriate
* sufficient time and resources are allocated
* relevant information is prepared and provided to other duty holders
* the principal designer and principal contractor carry out their duties
* Notification to HSE of notifiable projects (F10 form) : [HSE - F10 - Notification of Construction Project](https://www.hse.gov.uk/forms/notification/f10.htm)
* welfare facilities are provided.

**Cautionary Guidance Note:**

* **The Clients CDM responsibilities cannot be adopted by a third party**, it’s important to be aware that where a CDM advisor or consultant is commissioned we are still fully responsible for the Implied duties, any pre-construction and site-specific information supplied to consultants should be deemed suitable for discharging our duties and suitably signed off by competent (COS) volunteers, employees or suitably qualified building officers or Health and Safety professionals.

there may be additional information required from the property duty holders and contracts project team to develop the Pre-construction checks and information, further specific details may also be required from the contractor prior to progressing the contract such as safety records, competency related certifications and staff training records, confirmation of insurance which should include professional indemnity and public liability within the (COS) required thresholds for the full duration of the planned works or project.

[Principal contractors](https://www.hse.gov.uk/construction/cdm/2015/principal-contractors.htm)-The main contractor engaged to carry out the construction work or project will be responsible for Planning, managing, monitoring and coordinating health and safety in the construction phase of a project. This includes:

* liaising with the client and principal designer
* preparing the [construction phase plan (PDF)](https://www.hse.gov.uk/pubns/cis80.pdf)
* organising cooperation between contractors and coordinating their work they will also have responsibility for any sub-contractors carrying out works on the project.

They must also make sure:

* suitable site inductions are provided
* All necessary certifications, licences and staff training have been deemed suitable and up to date.
* guidance and information have been provided
* reasonable steps are taken to prevent unauthorised access
* workers are consulted and engaged in securing their health and safety
* welfare facilities are provided

[Principal designers](https://www.hse.gov.uk/construction/cdm/2015/principal-designers.htm) **–** Designers (Architects) appointed by the (**client)** in projects involving more than one contractor. The designer can be an employee, volunteer or external 3rd party organisations or individuals with sufficient knowledge, experience and ability to carry out the role.

They have an imposed duty to plan, manage, monitor and coordinate health and safety in the pre-construction phase of a project.

This includes:

* identifying, eliminating or controlling foreseeable risks
* Ensuring the design identifies and eliminates hazards and risks during the construction phase and the finalised construction and project.
* Prepare and provide relevant information to other duty holders, this includes the preparation and handover of the Health and safety file when the project has been concluded.
* Liaise with the principal contractor to help in the planning, management, monitoring and coordination of the construction phase.

[Contractors](https://www.hse.gov.uk/construction/cdm/2015/contractors.htm) – Those who carry out the actual construction work, contractors can be an individual or a company often referred to as subbies or sub-contractors.

* plan, manage and monitor all work carried out by themselves and their workers, considering the risks to anyone who might be affected by it (including members of the public) and the measures needed to protect them
* check that all workers they employ or appoint have the skills, knowledge, training and experience to carry out the work, or are in the process of obtaining them
* make sure that all workers under their control have a suitable, site-specific induction, unless this has already been provided by the [principal contractor](https://www.hse.gov.uk/construction/cdm/2015/principal-contractors.htm)
* provide appropriate supervision, information and instructions to workers under their control
* ensure they do not start work on site unless reasonable steps have been taken to prevent unauthorised access
* ensure suitable welfare facilities are provided from the start for workers under their control, and maintain them throughout the work

In addition to the above responsibilities, contractors working on **projects involving more than one contractor** must:

* coordinate their work with the work of others in the project team
* comply with directions given by the [principal designer](https://www.hse.gov.uk/construction/cdm/2015/principal-designers.htm) or principal contractor
* comply with parts of the construction phase plan (CPP) relevant to their work

For projects involving more than one contractor, coordinate their activities with others in the project team – in particular, comply with directions given to them by the principal designer or principal contractor.

For single contractor projects, prepare a [construction phase plan (PDF)](https://www.hse.gov.uk/pubns/cis80.pdf)

[Workers](https://www.hse.gov.uk/construction/cdm/2015/workers.htm) – Those working for or under the control of contractors on a construction site.

Workers must:

* be consulted about matters which affect their health, safety and welfare
* take care of their own health and safety, and of others who might be affected by their actions
* report anything, they see which is likely to endanger either their own or others' health and safety.

**3.1 Definitions Explained**

The legislative definition of “Construction work” shown above and where the CDM 2015 regulations are applicable is often misunderstood and open to mis interpretation and has led to a continuous request for the regulator (HSE) to provide further advice and guidance on the perceived duties implied for those carrying out smaller scale, reactive maintenance, repairs, and “odd jobs” which are unlikely to be within the scope of CDM and not always considered to be “Construction Work”

The HSE and IOSH have since responded with publications of the definition and although the definitions detailed within section 2(a) above includes ***repair, upkeep, redecoration or other maintenance (including cleaning)*** this appeared to be far reaching and open to various interpretations the (HSE And IOSH) have concluded that they are only regarded as CDM “construction work” within the context of what would be considered part of a medium to large scale Construction project undertaken by a **Principal Contractor** and also any other works where the **structural integrity** is likely to be a consideration in the scope of these minor works being carried out.

The HSE has indicated that the qualifying project/activity must fall within one or more of the three categories set out in the definition, those being the carrying out of any:

• **Building / Structural works**

**• civil engineering or**

**• engineering construction work**

**3.2 Operational responsibilities**

The Charity Trustees should continue to clearly identify the CDM duties within their area of responsibility and understand where they may be considered the **client**, **principal contractor**, **designer** or combined duty holder, (where we adopt more than one duty dependant on our overall involvement in the project). A contracted CDM advisor or the GT’s Health and Safety advisor will be available to assist with any guidance and information in complex projects where the duty holder responsibilities may be difficult to ascertain.

The Church of Scotland and charity stakeholders are fully committed to ensuring that Health and Safety management remains a priority for all volunteers, employees, and any external contractors undertaking any works on behalf of the Church of Scotland.

The church of Scotland and associated charity stakeholders must continue to strive towards the continued delivery of an inclusive safety culture across its churches and even in instances where smaller scale maintenance projects are undertaken out with the scope of CDM2015 regulations we must ensure that we are:

* sensibly planning the work so the risks involved are managed from start to finish
* having the right people for the right job at the right time
* cooperating and coordinating our activities with others
* having the right information about the risks and how they are being managed
* communicating this information effectively to those who need to know
* consulting and engaging with workers or contractors about the risks and how they are being managed

**4.0 Property Maintenance & Planned Improvements**

Reactive maintenance, standalone minor repairs and other small-scale improvements and “odd Jobs” which are unlikely to fall within the defined requirements for CDM will still need to be closely monitored by the charity trustees particularly where they start to stray into the realms of what may be considered **building or structural works**, therefore the scope of the initial requested works and any further identified additional works by the contractors or employees carrying out these activities should be carefully considered for when they may qualify for CDM compliance protocols in addition to any other H&S related compliance.

Planned improvement projects where a number of contractors and others are carrying out a series of planned improvements and upgrades independently e.g. Kitchen removals and installation, bathrooms and window replacements do qualify as construction Work and therefore qualify for CDM2015 conformity by the **principal contractor** and the **client**.

**5.0 Roles & Responsibilities**

The church of Scotland General Trustees health and safety team have reviewed various possible scenarios where construction works has been undertaken at church premises.

The questions below are often asked by Congregations and charity trustees when planning or considering any structural changes, planned improvements, repairs or construction work, where understandably the responsibility may be difficult to ascertain, consideration has been given to the following:

* Who should be recorded as the Client?
* Who should undertake the Client duties under CDM 2015?
* Who is the Principal Designer?
* Who should notify the HSE (if the works are notifiable) ?
* Who is responsible for ensuring that Pre-Construction Information (PCI) is prepared?
* Who is responsible for ensuring that the contractor prepares a Construction Phase Plan (CPP) and who reviews the CPP?
* Who is responsible for ensuring that the contractor is competent to carry out the work?
* Who is responsible for ensuring that the building Health & Safety File is updated following the completion of the works?

 ***(See Appendix 1 below it*** **details the above roles & responsibilities for a variation of scenario’s)**

**6.0 Control of Contractors**

The contractors code of safe working practice document which has been published on the Church of Scotland health and safety toolkit online aims to give specific guidance and information for the contractors and persons engaging them. This can be quickly accessed via the Link below:

There are a number of responsibilities that come with the authority to engage contractors.

Other particular responsibilities that align with controlling contractors include:

* Selecting competent contractors (Vetting, recommendations, competency etc)
* Duty holder co-operation and information sharing
* Full PCI provision (Pre – Construction Information)
* Contractor Risk assessment and safe system of work is in place and reviewed in line with this procedure
* Construction Phase Plan (CPP) is in place and reviewed in line with this procedure
* Construction work is monitored and regular project meetings to cover performance, and any deviations from the planned design or the CPP scope including health and safety implications and control measures.

## 6.1 Health and safety and Welfare

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Health, Safety and Welfare is a required standing and mandatory item on all project related meeting agendas and should include competent professional oversight on behalf of the Church of Scotland project, if this cannot be achieved within the Church entity instructing the works or where there is no external CDM or H&S consultant assigned to the project the Church of Scotland General Trustees Health & Safety advisor should attend to ensure (COS) professional oversight, advice, information and guidance.

The General Trustees SafeBuildings team has a suite of agenda templates for pre-start and progress meeting use. This includes Health and Safety and CDM as standard. These can be found within the CDM sections of the General Trustees online Health and Safety toolkit. Link Below:

[Construction Design and Management (CDM) Regulations 2015 | The Church of Scotland](https://churchofscotland.org.uk/resources/general-trustees-health-and-safety-toolkit/construction-design-and-management-cdm-regulations-2015)

**6.2 Performance Monitoring**

Regular or active monitoring shall be achieved through regular site visits and inspections by the assigned project manager or the locally assigned Responsible person. Other visits may be conducted over the duration of the project by the SafeBuildings team or your presbytery buildings officer. Checklist Are available on the online H&S Toolkit.

Reactive safety monitoring shall be mandatory in the event of all CDM qualifying projects where (COS) is identified as the (**Client, designer**), all projects which involve 3rd party employed contractors to ensure that safe practices are maintained and that a co-ordinated approach to safety elements of the project are maintained throughout the project cycle.

 Incidents involving contractors or (COS) employees, volunteers or the general public must be investigated in line with the (COS) Investigating Accidents and Incidents procedure. Incidents involving a contractor must be investigated by the principal contractor and any sub-contractors must comply with the investigation and supply all the relevant information to allow for the incident investigation process, Any RIDDOR reportable incident shall be reported accordingly by the principal contractor and findings must be communicated to the (COS) project Manager or Safe buildings team.

**6.3 Substandard Contractor Performance**

The evaluation of the contractor’s performance must not only be in relation to the delivery of the works being carried out, they must also include the safety culture amongst the contractors and the delivery of the Health and safety measures and controls laid out during the Construction phase plan detailed within the scope of the works.

**If your contractor is falling short of the contracted expectations of the project or work or you become worried about the H&S compliance and activities being undertaken, contact your Project Manager or the General Trustees Health & Safety team in the first instance.**

**6.4 Design Development**

## Designer Responsibilities

## The principal Designer must ensure that any identified Health and Safety hazards and risks which could be suitably designed out of the brief are done so by ensuring a continual design risk assessment process during planning and construction and after the project has been completed, any aspect of the building design that is considered to introduce new or inherent hazards and risks not previously identified in the planning and design brief should be designed out where they cannot be suitably controlled.

## This is fundamental to ensuring that potential construction risks are considered and minimised as part of the design stage.

No (COS) staff, volunteers without the relevant competency or experience should be undertaking any design duties or making any design input with the contractors, they should discuss this with the PBO or a member of the GT’S SafeBuildings team prior to the works being undertaken.

## 6.5 Pre-Construction phase - Information

 **Pre-Construction phase (PCP)**

Pre-Construction phase Information must be collated by the (**Client**) to provide to the CDM Consultant, contractor/principal contractor and designer detailing inherent site-specific hazards and risks this includes the asbestos register and any refurbishment survey required.

Access to confined spaces, access to height or fragile roofs, (safety certifications for anchorage, fixed ladders or walkways at height) weakened or hazardous structures etc

**6.6 Construction Phase Plan**

## Construction Phase Plan (CPP)

Contactors are responsible for planning the work safely and documenting this in a Construction Phase Plan (CPP) for anything considered to be associated with:

* **Building / Structural works**

**• civil engineering or**

**• engineering construction work**

***(See Scope of CDM section 2 above)***

The CPP should be reviewed prior to the works starting on site to ensure that it is fit for purpose. The principal contractor should prepare and share this with the client and the Design team, the CPP should have considered any hazards and risks identified by the client during the Pre- Construction Information phase of the project.

For ongoing scheduled maintenance or inspections an annual review of the CPP and scope of works should be undertaken with the contractors. (e.g. annual roofing, spire, lighting conductor inspections)

**6.7 Post Construction**

Prior to the contract being completed, the property should be fully evaluated by the project manager SafeBuildings team or instructed designer to ensure that the scope of the work has been fully completed and no uncontrolled Health and Safety concerns remain, the site should be suitably cleared and all building materials, waste and equipment etc have been moved off site.

**The Risk Assessment for the building(s) use must be reviewed by the kirk Session to ensure that the changes, additions and any new equipment or installations have been suitably included.**

**Health & Safety File**

On completion of the project, the Health & Safety File is required to assist with the future maintenance, cleaning, refurbishment or demolition of the property. This should be supplied by the designer or principal contractor undertaking the designer elements of the project. It should contain all Health and Safety and fire safety measures, manufacturers manuals and warranty details for installed equipment and fixtures and be retained by the **(Client)** to ensure that ongoing maintenance and recommended care of the finished installations.

**As referred to in Section 5 The General Trustees Health & Safety team have prepared various scenarios below to demonstrate the CDM responsibilities where we may be identified as the client, this is not an exhaustive list and there will be areas of uncertainty where further clarifications may be required to identify (Client, Designer and even contractor) responsibilities (Any uncertainties should be addressed with your Presbytery Buildings officer or as member of the GT’s Safe buildings Team.**

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# **Appendix 1: CDM 2015 Duty holder Responsibilities**

| **Scenario** | **Client** | **Client Duties**  | **Responsibility for instructing Principal designer, CDM consultant and principal contractor** | **F10 (Where Notifiable)** | **Pre construction informationPCI** | **Review Contractors CPP** | **Contractor Competency** | **Prepare H & S File** |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **1. Charity Trustees (Congregation) instruct construction or structural works at their church building(s)****(CDM Qualifying)** | Charity Trustees | Charity TrusteesPresbytery(where PBO involved)GT’s where SafeBuildings team involved) | Charity Trustees  | Charity trustees or CDM Advisor where instructed  | Charity Trustees must compile the PCI and ensure all information supplied to CDM consultant (Where instructed), principal designer and principal contractor | Charity trustees, principal designer, PBO, GT safe buildings Team review it on their behalf and advise as to whether it is competent. | Charity Trustees,PBO’s GT Safe buildings team | Principal designer or principal contractor undertaking the design elements of the project. |
| **2. GT led construction project on behalf of or assisting charity trustees****(CDM Qualifying)** |  General TrusteesCharity TrusteesPresbytery (where PBO involved) | GT’sCharity TrusteesPresbytery (where PBO involved) | GT’s | GT’s or CDM consultant where instructed | GT’S and Charity Trustees | GT’s and charity trustees | GT’s | Principal designer or contractor adopting designer responsibilities. |
| **3. GT led construction project for GT responsible building(s)****(CDM Qualifying)** | General Trustees | GT’s | GT’s | GT’s or CDM consultant where instructed | GT’s  | GT’s CDM consultant. Principle designer  | GT’s | Principle Designer or contractor adopting designer responsibilities |
| **4. Charity trustees’ large construction or structural project undertaken in conjunction with GT’s****(CDM Qualifying)** |  Charity trusteesGeneral trustees possibly presbytery dependant on (PBO) involvement |  Charity Trustees GT’sPresbytery | GT’sCharity Trustees | GT’s charity trustees or CDM Consultant where instructed  | GT’sCharity Trustees  | GT’s Charity TrusteesCDM Consultant where applicable | GT’s safe buildings team  | Principle Designer or contractor adopting designer responsibilities |
| **5. Safety intervention works undertaken by the GT’s or PBO to prevent injury or harm****(Could be CDM Qualifying)** | GT’SCharity TrusteesPresbytery | GT’sCharity TrusteesPresbytery | GT’sCharity trustees  | GT’sCharity Trustees | GT’s Charity Trustees | GT’sCharity trustees | GT’s safe buildings team | Principle Designer or contractor adopting designer responsibilities |
| **6. Non-structural property repair or maintenance work organised by Kirk Session (Not expected to exceed 1 working day)****(Not CDM Qualifying) unless structural or civil engineering work required (check with GT safe buildings team where unsure)** |  Charity Trustees  | Charity Trustees | Not Required | Not Required | Charity Trustees | Contractors must provide risk assessment and Method statement (RAMS)  | Charity trustees or guidance from GT’s SafeBuildings team | Not Required |
| **6a. Small scale repairs, routine maintenance and odd jobs -single contractor (Not expected to exceed 1 days work)****(Not CDM Qualifying)** | Charity Trustees | Not required | Not Required | Not required | Charity Trustees to Supply Asbestos register, fire safety instruction, or details of any known hazards or risks to contractor. | Contractors must provide risk assessment and Method statement (RAMS)  | Charity Trustees  | Not required  |
| **7. Asbestos Surveys and removals****(CDM Qualyfying)** | Charity Trustees | Charity TrusteesGT’s | Professional Asbestos Contractors | Professional Asbestos Contractors | Professional Asbestos Contractors | GT’s or principal contractor | GT’s or Principal Contractor | Professional Asbestos Contractor. |