



**INLAND
WATERWAYS**
ASSOCIATION

GUIDANCE NOTE

*Construction
(Design and
Management)
Regulations*



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INTRODUCTION

The Construction (Design & Management) Regulations 2015 (CDM) are the main set of regulations for managing health, safety and welfare on construction projects. CDM applies to all building, construction and maintenance work and places legal duties on everyone involved, no matter who you are – from trustees to site leaders to volunteers - so you need to be aware of these regulations.

CDM will apply to all waterway restoration construction projects but no two sites will be the same. CDM recognises that each site will have its own way of managing health, safety and welfare and involving everyone in the process of keeping a site safe.

The aim of CDM is to ensure that no-one is harmed during construction and that the finished structure is safe to use and maintain. It supports effective planning of the project to ensure it is well managed with fewer unexpected costs and problems.

CDM doesn't have to be an onerous regulation to follow, it's just about working safely by:

- 1 Planning the work so that risk is managed throughout the project.
- 2 Getting the right people, both volunteers and contractors in place at the right time.
- 3 Ensuring there is cooperation and coordination between clients, designers, contractors and volunteers.
- 4 Ensuring everyone has the right information about the risks and how they are managed.
- 5 Engaging and consulting with your volunteers/contractors about the risks.
- 6 Documenting risk management process to show that foreseeable risks have been considered and revising this as required.

CONSTRUCTION, DESIGN & MANAGEMENT



Health and Safety during the whole project



Provision of welfare facilities



Legal duties for the construction process



CDM APPLIES TO:

CDM applies to roles in the management of the project and assigns duties to each of the roles. The first named role is the client, the person for whom the project is carried out. The client appoints other duty holders to design and build the project.

The designer is any person, or company, who prepares or modifies a design or who arranges for someone else to do so. The design includes drawings, specifications, calculations and bills of quantities and can relate to a structure or a mechanical or electrical system.

The contractor is a person, organisation or company, who carries out and manages construction work.



Where there is more than one contractor on a site, for instance where WRG works alongside a restoration group, the client must appoint a principal designer and principal contractor. Both of these roles have specific duties laid down in CDM.

APPOINTMENT OF DUTY HOLDERS

A person or organisation can hold multiple roles under CDM. If you don't nominate a duty holder to a role it automatically defaults to the client. For restoration groups, with skills within the organisation, this might be appropriate – but you will have to demonstrate that as an organisation/ person you have the relevant skills, knowledge, experience and training to undertake the role.

The table below explains the roles and basic duties and how they might apply to your restoration project.

Duty Holder	Most likely Candidate	Main Roles
Client	Restoration groups Local council Private landowner Canal and River Trust	Make suitable arrangements for managing a project, including making sure: <ul style="list-style-type: none"> • Other duty holders are appointed as appropriate. • Sufficient time and resources are allocated. Make sure: <ul style="list-style-type: none"> • Relevant information is prepared and provided to other duty holders. • The principal designer and principal contractor carry out their duties. • Welfare facilities are provided. • The health and safety file is prepared. Notify the Health and Safety Executive for notifiable projects using the F10.
Designer	Organisation or volunteer who has a background/ skills/ experience relevant to the project such as engineering, surveying, architecture etc. IWA honorary engineer	When preparing or modifying designs, eliminate, reduce or control foreseeable risks that may arise during: <ul style="list-style-type: none"> • Construction. • The maintenance and use of a structure once it is built. Provide information to other members of the project team to help them fulfil their duties. Coordinate and cooperate with other duty holders.
Contractor	Restoration group Waterway Recovery Group Other volunteer groups Contractor Sub-contractor	Plan, manage and monitor construction work under their control so it is carried out with risks to health and safety appropriately managed. 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 (Project Plan, refer to the guidance note on Preparing the Project Plan). Provide a site induction and consult with workers (volunteers). Ensure the site is secure and welfare facilities are provided. Cooperate with other duty holders.



Workers	Volunteers, staff of contractors, self-employed individuals	<p>Workers must:</p> <ul style="list-style-type: none"> • 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. • cooperate with their restoration group, site leader, fellow workers, contractors and other duty holders.
For projects with more than one contractor		
Client	Restoration groups Local council Private landowner Canal and River Trust	<p>In addition to the client duties above:</p> <p>Appoint a principal designer and principal contractor in writing.</p>
Principal designer	Organisation or volunteer who has a background/ skills/ experience relevant to the project such as engineering, surveying, architecture who has control over the overall design of the project. IWA honorary engineer.	<p>Plan, manage, monitor and coordinate health and safety in the pre-construction phase of a project. This includes:</p> <ul style="list-style-type: none"> • Identifying, eliminating or controlling foreseeable risks. • Ensuring designers carry out their duties. <p>Prepare and provide relevant information to other duty holders.</p> <p>Liaise with the principal contractor to help in the planning, management, monitoring and coordination of the construction phase.</p> <p>Prepare health and safety file.</p>
Principal contractor	In most cases this would be the restoration group or lead volunteer group.	<p>Plan, manage, monitor and coordinate health and safety in the construction phase of a project. This includes:</p> <ul style="list-style-type: none"> • Liaising with the client and principal designer. • Preparing the construction phase plan (Project Plan). • Organising cooperation between contractors and coordinating their work. <p>Make sure:</p> <ul style="list-style-type: none"> • Suitable site inductions are provided. • Reasonable steps are taken to prevent unauthorised access. • Workers are consulted and engaged in securing their health and safety. • Welfare facilities are provided. <p>Provide information for the health and safety file.</p>



Many restoration groups will act as the client, designer and contractor under CDM which means you have overall responsibility for the successful management of all aspects of the restoration project.

This includes:

- ① Having a clear project brief.
- ② Formally appointing relevant duty holders.
- ③ Providing pre-construction information to designers and contractors to enable them to plan the work safely.
- ④ Making sure the design is adequate and can be built, used and maintained safely.
- ⑤ Notifying the Health and Safety Executive (HSE) for projects of more than 30 days and 20 people simultaneously at any time or more than 500 person days.
- ⑥ Ensuring that there is cooperation and coordination between designers and contractors.
- ⑦ Having clear lines of communication between designers, contractors and volunteers.
- ⑧ Ensuring a construction phase plan is written before work starts (we call this the Project Plan). More details are given in the guidance note on Preparing the Project Plan.
- ⑨ Making sure construction work is planned, managed and monitored so that the risks are adequately controlled at an acceptable level.
- ⑩ Making sure your volunteers have relevant information, training and supervision to carry out their roles safely.
- ⑪ Making sure adequate welfare facilities are provided for contractors/volunteers.
- ⑫ Ensuring the construction site is secure and members of the public are not put at risk.

Some restoration projects are initiated by the restoration group on third party property. The restoration group must get permission from the third party to carry out the work. The CDM roles still need to be assigned within the restoration group. The pre-construction and construction phase plans will need to be produced. For instance when working on Canal and River Trust (CRT) property you will need to be appointed into the CDM roles (designer, principal designer, contractor, principal contractor) and CRT will retain the client duties.



KEEPING VOLUNTEERS SAFE

Under CDM restoration groups are responsible for the management of the project to ensure volunteers are kept safe and do not suffer ill health.

Restoration Groups must:

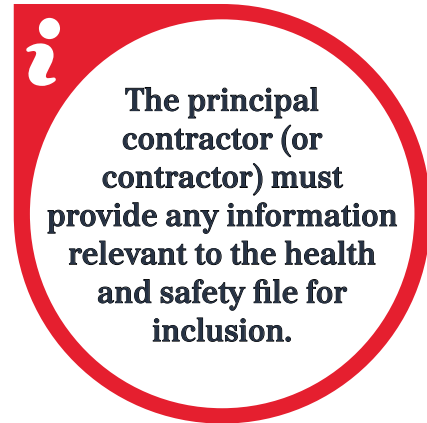
- 1 Carry out site inductions for all volunteers.
- 2 Assess a volunteer's skill level before allowing them to work on site - not all volunteers come with qualifications and certificates demonstrating their skills and training.
- 3 Consider softer skills, such as the ability to foresee risk and communicate clearly as well as the more technical skills. Volunteers who have not worked on a construction site before may need additional support initially.
- 4 Ensure appropriate supervision for all volunteers.
- 5 Provide information and instruction to volunteers for the task being undertaken.
- 6 Consult with volunteers about matters that affect their health, safety and welfare.

NOTIFIABLE PROJECTS

If a canal restoration project is expected to last longer than 30 working days and have more than 20 volunteers working on the project simultaneously at any one time, or exceed 500 person days, the restoration group will need to make sure that they (or their client) notify the HSE of their project and that they have appointed the relevant duty holders. This means submitting a F10 online or via the post (which takes less than 15 minutes to complete online).

HEALTH & SAFETY FILE

The health and safety file contains information relating to the project that may be required to ensure the health and safety of any person using or working on the structure. The health and safety file must be reviewed, updated and revised to take account of the construction work and any changes that have occurred.



INSURANCE

If employees or volunteers within your organisation are undertaking design works (including taking on the role of principal designer) they may be considered to be giving professional advice. You are strongly advised to ensure that you have the necessary insurances in place to cover the potential liabilities that could be incurred (both by your organisation and the individuals concerned) if something were to go wrong. Relevant insurances are Professional Risk and Trustee Indemnity (Management Protection) policies.

For further information see the guidance note on Insurance or contact:

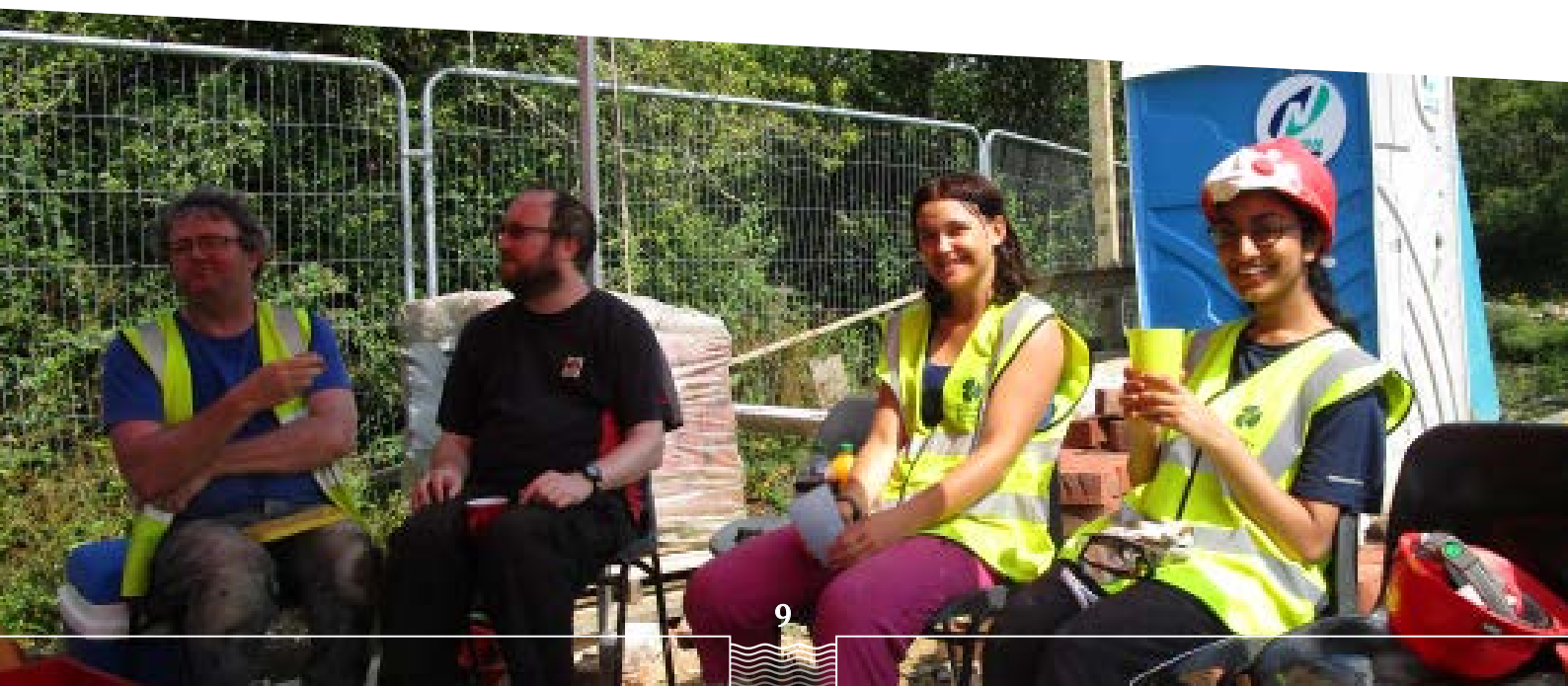
✉ insurance@waterways.org.uk
☎ 01494 783 453

WELFARE ARRANGEMENTS

CDM details the minimum welfare facilities required on a construction site in Schedule 2.

- 1 **Sanitary conveniences:** should be suitable and sufficient at accessible places, must be adequately lit and ventilated, kept clean and orderly. Separate facilities should be provided for men and women or should be a separate room which is lockable from the inside.
- 2 **Washing facilities:** should be suitable and sufficient, including showers if the work is particularly dirty at accessible places, in the immediate vicinity of every sanitary convenience and changing room. They must include clean hot and cold or warm water, soap and a means of drying. They must be sufficiently lit and ventilated and kept clean and orderly. Separate facilities should be provided for men and women or should be a separate room which is lockable from the inside.
- 3 **Drinking water:** an adequate supply of drinking water, marked by an appropriate sign. A sufficient number of suitable cups must be provided.
- 4 **Changing rooms and lockers:** suitable and sufficient changing rooms must be provided if a worker has to wear special clothing or where the worker cannot be expected to change elsewhere. Separate facilities should be provided for men and women. Changing rooms must be provide with seating and facilities to enable a person to dry personal effects and clothing. Facilities must enable persons to lock away any special clothing which must not be taken home, their own clothing which is not worn during working hours and their personal effects.
- 5 **Facilities for rest:** suitable and sufficient rest rooms or areas at accessible places. They must be equipped with adequate number of tables and seating with backs, include suitable arrangements to ensure meals can be prepared and eaten, a means for boiling water, be maintained at an appropriate temperature and where necessary have a suitable area for any woman who is pregnant or who is a nursing mother, to rest lying down.

Refer to the guidance on Volunteer Health and Welfare for more information.



USEFUL RESOURCES:

HSE Guidance on CDM

Construction Industry Training Board CDM guidance on roles and responsibilities

HSE Guidance on the regulations, L153

CDM Wizard - this app is mainly for the building trade but it will help get you started on writing the Project Plan and identify some of the risks associated with canal restoration work. It also gives you tips on how to keep everyone safe. Download app from the CITB website.

The Construction (Design and Management) Regulations 2015

Sign up to read the full Practical Restoration Handbook and supporting resources here:
waterways.org.uk/practicalrestorationhandbook





Historic England

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