

# BUC GUIDELINES

## C8 Construction (Design and Management) Regulations 2007 (06/2007)

**These notes are offered as guidelines by The Baptist Union Corporation Limited to provide information for Baptist churches.**

**These notes can never be a substitute for detailed professional advice if there are serious and specific problems, but we hope you will find them helpful.**

**If you want to ask questions about the leaflets and one of the Baptist Trust Companies are your property trustees, you should contact them. They will do their best to help.**

**If your church property is in the name of private individuals who act as trustees they may also be able to help.**

### CHURCHES AND BUILDING WORK

Whenever a church is involved in a building project it is important that they understand that the Construction (Design and Management) Regulations 2007 apply to many projects. There are details in the leaflet about when the Regulations apply, but this is something that churches need to consider in partnership with their professional advisors.

If churches are arranging for work to be done themselves, even if they are using volunteers, the Regulations still need to be considered, and applied.

This leaflet aims to help you find out what you need to do, and to explain the system.

The purpose of the Regulations is to ensure good site management, and the safety of anybody involved in working on the site, or visiting the site.

There is a need to plan in advance, monitor activities when the project is in progress, and to ensure that paperwork is kept up to date.

Churches should note that there are penalties if the Regulations are not observed, but observing the highest standards of site safety are vital if accidents and injury are to be avoided.

### EUROPEAN DIRECTIVE

The Government, as required by a European directive, has brought into effect these Regulations which must be considered by churches intending to carry out, either by their own labour, or through a building contractor, any building work, alterations, fitting out, site clearance, redecoration or maintenance.

### BACKGROUND

The Construction (Design and Management) Regulations 2007 (CDM 2007) came into force on 6<sup>th</sup> April 2007. They replace the Construction (Health, Safety and Welfare) Regulations 1996 and the Construction (Design and Management) Regulations 1994.

The new regulations have been introduced with the objective of reducing bureaucracy in the CDM process. CDM 2007 should also make it easier for duty holders to know what is expected of them. The

Health and Safety Executive/Health and Safety Commission have sought within the regulations, to ensure that projects are properly managed, risks are controlled and that information reaches those who need it and when they need it (at the appropriate stage of the project).

## **IMPROVED SAFETY**

The pre-construction phase health and safety plan has been replaced with pre-construction information. It has been acknowledged that the client has an important role to ensure that appropriate pre-construction information is made available prior to the commencement of construction work. Health and Safety risk due to the lack of relevant pre-construction information has been addressed by the new regulations. In many instances, this may require reports to be produced and this information to be made available. The emphasis is now on the provision of information to those who need it, whether a project is notifiable or not.

Site welfare is addressed in the new regulations. It has been determined from statistical evidence that a high proportion of construction work absences are a consequence of ill health. The church must ensure that construction work does not start unless welfare facilities are provided. Responsibility for design of the facilities is not stated in the regulations. It is advisable that the design is led by the Principal Contractor in order to ensure that correct facilities for the work involved are provided. A church's offer to provide specific facilities may result in a liability being accepted if facilities are found to be inadequate.

A church must ensure that sufficient time is given to the Principal Contractor or Constructor for planning and preparation of construction work. Inadequate time could result in an argument that a church would need to defend in the event of an accident.

## **GOOD PRACTICE**

Although the purpose of the regulations is to reduce bureaucracy, the need for careful and comprehensive record keeping has not been removed. If an accident occurs, the HSE will review the content and time of information release.

## **PENALTIES**

Failure to comply with the Regulations could lead to penalties, including fines and imprisonment. Roles and responsibilities have been defined in CDM 2007. An accident due to failure to comply with the Regulations could have very serious consequences for a church.

## **WILL THE REGULATIONS APPLY?**

There are some exclusions for certain minor works but it must be remembered that the definition of construction work is very wide. In general terms the new Regulations will affect any church project but additional duties will be applicable for any project where:

- It is due to last more than 30 days; or
- It involves more than 500 person days of work.

If the project comes within the scope of the Regulations, the church must, even if it is to carry out the work by volunteer labour, comply with the new Regulations. Refer to the table in respect of duties under the Regulations.

## **ADVANCE NOTICE**

If the project is due to last more than 30 days or involves more than 500 person days of work advance notice of the project must be given to the Health & Safety Executive.

## **APPOINTMENT OF AN AGENT**

It is not now possible for the church to appoint an agent to take all responsibility for the Regulations. The regulations do however recognise that many clients know little about construction health and safety. Churches are therefore not required or expected to plan or manage projects themselves. Nor is it necessary to develop substantial expertise in construction health and safety. Clients must ensure that various things are done, but are not normally expected to do them themselves.

## **APPOINTMENTS REQUIRED**

The church is required to appoint a 'CDM Co-ordinator' and a 'Principal Contractor' if a project is notifiable. Both appointments should be made as soon as is practicable with regard to the design and construction stages. The 'Principal Contractor' must be a contractor. The CDM Co-ordinator' can be appointed independently or combine this work with another role such as designer or principal contractor. It is crucial however that the CDM Co-ordinator has sufficient independence to carry out their tasks effectively if the role is combined.

## **DESIGNERS**

Designers will include, first and foremost, the Church's Architect, but also Engineers, Surveyors, Service consultants and all those designing or specifying works.

## **COMPETENT PERSONS**

The church must ensure that they do not appoint a CDM Co-ordinator, Designer, Principal Contractor or Constructor unless it has taken reasonable steps to ensure that they are competent. Appendices 4 and 5 of the Approved Code of Practice identifies core criteria for demonstration of competence. The Approved Code of Practice is available from The Office of Public Sector Information (The Stationery Office) at [www.tsoshop.co.uk](http://www.tsoshop.co.uk), price £15.00. The persons appointed should also carry appropriate professional indemnity insurance.

## **PRE-CONSTRUCTION INFORMATION**

It is the church's duty to make available pre-construction information, which should be made available to interested parties, including designers and contractors. These requirements apply to all construction projects whether they are notifiable or not. The pre-construction information will consist of all the information in the church's possession (or which is reasonably obtainable and appropriate to the type of project) including:

- Reports on soil investigations and contamination.
- Condition surveys relating to structures and buildings and especially important where defects in the structure could result in premature or unnoticed collapse.
- Information relating to adjacent structures or premises possibly affected by the construction works.
- Information relating to previous uses of the site structure or premises where this is likely to have an affect on the health or safety of those undertaking construction work.
- Information relating to the presence of asbestos.
- Information relating to the intended use.
- The minimum amount of time before the construction phase which will be allowed to contractors appointed by the church for planning and preparation of the construction work.
- Information in any existing health and safety files.

For notifiable projects this information should be passed on to the CDM Co-ordinator.

## **WHEN THE WORK HAS BEEN COMPLETED**

The church must ensure that the health and safety file which will be given to the church is kept available for inspection and that any person who may need the information is notified of its existence.

## **CDM CO-ORDINATOR'S DUTIES**

The CDM Co-ordinator must co-ordinate the health and safety aspects of the design and planning and ensure that the general principles of prevention and protection are applied by everyone contributing to these processes.

It is the duty of the CDM Co-ordinator to give suitable and sufficient advice and assistance to churches in order to help them comply with their duties. This advice is of particular relevance in respect of the appointment of competent designers, contractors and ensuring that adequate arrangements are in place for managing the contract. The CDM Co-ordinator must co-ordinate design and preparation for construction where relevant to health and safety. An important aspect of the new role is the requirement to identify and collect the pre-construction information and advise the client if surveys need to be commissioned to fill significant gaps. The CDM Co-ordinator must ensure that information is provided promptly and in a convenient form to those involved with the design of the structure; and to every contractor (including the principal contractor). The CDM Co-ordinator must advise the client on the suitability of the contractor's initial construction phase plan and the arrangements to ensure that welfare facilities are on site from the start. The plan will contain general project particulars and timings, details of the risks to health and safety, and other such information as the contractor may require, regarding competence, resource and the ability to comply with all duties in connection with the management on site and further development of the plan.

The CDM Co-ordinator must ensure that a health and safety file is prepared in respect of each project. The file must be reviewed and amended as necessary as construction work proceeds and contains design information regarding the project, structure and materials which may affect the health and safety of any person engaged in, or affected by, the construction and subsequent cleaning and maintenance of the premises. The file must be delivered to the church on completion of the work.

The new role of the CDM Co-ordinator is potentially an onerous one and should not be undertaken by anyone lacking the necessary expertise and resource. The CDM Co-ordinator can be appointed independently or they may combine this work with another role, for example, project manager. Fee levels will vary dependent on size and complexity of project. Discussions within the professions indicate that churches should allow a fee of approximately 1-2% of construction costs to cover the work involved.

## **FEES**

Additional costs incurred by the Principal Contractor due to the new Regulations will probably not be shown as a separate item in any quotation. Care must be taken to ensure that employees and all self employed persons are able to consult and give advice concerning safety. The Principal Contractor must ensure that there is proper co-ordination relating to matters of health and safety for all those who work on site including other contractors. These duties include giving information to all who work on the site concerning the name of the person appointed as CDM Co-ordinator and giving all relevant information relating to the Health and Safety Plan to those concerned.

## **DUTIES OF DESIGNERS**

To take all reasonable steps to ensure that the church is informed of its duties. To ensure that the designs are prepared with due regard to the principles of prevention and protection by avoidance, control and management of risks. To produce adequate information in the design and co-operate with the CDM Co-ordinator and any other designers.

## **VOLUNTEER PROJECTS**

If the church is going to carry out a project without employing a paid contractor or CDM Co-ordinator it is possible to appoint one or more of its own members to fulfil these functions. However, as indicated, the person or persons appointed must be regarded by the church as fully competent to carry out the duties imposed by the Regulations and should provide adequate professional indemnity insurance. The person appointed will of course have the responsibility of seeing that all the Regulations are properly complied with.

## SUMMARY OF THE DUTIES UNDER THE REGULATIONS

A summary of the duties and how they are applied is given in the following table and chart.

	<b>All construction projects (Part 2 of the Regulations)</b>	<b>Additional duties for notifiable projects (Part 3 of the Regulations)</b>
Clients (excluding domestic clients)	<ul style="list-style-type: none"> <li>▪ Check competence and resources of all appointees</li> <li>▪ Ensure there are suitable management arrangements for the project including welfare facilities</li> <li>▪ Allow sufficient time and resources for all stages</li> <li>▪ Provide pre-construction information to designers and contractors</li> </ul>	<ul style="list-style-type: none"> <li>▪ Appoint CDM co-ordinator*</li> <li>▪ Appoint principal contractor*</li> <li>▪ Make sure that the construction phase does not start unless there are suitable:               <ul style="list-style-type: none"> <li>- welfare facilities, and</li> <li>- construction phase plan in place</li> </ul> </li> <li>▪ Provide information relating to the health and safety file to the CDM co-ordinator</li> <li>▪ Retain and provide access to the health and safety file</li> </ul> <p><b>(* There must be a CDM co-ordinator and principal contractor until the end of the construction phase)</b></p>
CDM co-ordinators		<ul style="list-style-type: none"> <li>▪ Advise and assist the client with his/her duties</li> <li>▪ Notify HSE</li> <li>▪ Co-ordinate health and safety aspects of design work and co-operate with others involved with the project</li> <li>▪ Facilitate good communication between client, designers and contractors</li> <li>▪ Liaise with principle contractor regarding ongoing design</li> <li>▪ Identify, collect and pass on pre-construction information</li> <li>▪ Prepare/update health and safety file</li> <li>▪ Check client is aware of duties and CDM co-ordinator has been appointed</li> <li>▪ Provide any information needed for the health and safety file</li> </ul>
Designers	<ul style="list-style-type: none"> <li>▪ Eliminate hazards and reduce risks during design</li> <li>▪ Provide information about remaining risks</li> </ul>	

Principal contractors		<ul style="list-style-type: none"> <li>▪ Plan, manage and monitor construction phase in liaison with contractor</li> <li>▪ Prepare, develop and implement a written plan and site rules. (Initial plan completed before the construction phase begins)</li> <li>▪ Give contractors relevant parts of the plan</li> <li>▪ Make sure suitable welfare facilities are provided from the start and maintained throughout the construction phase</li> <li>▪ Check competence of all appointees</li> <li>▪ Ensure all works have site inductions and any further information and training needed for the work</li> <li>▪ Consult with the workers</li> <li>▪ Liaise with CDM co-ordinator regarding ongoing design</li> <li>▪ Secure the site</li> </ul>
Contractors	<ul style="list-style-type: none"> <li>▪ Plan, manage and monitor own work and that of workers</li> <li>▪ Check competence of all their appointees and workers</li> <li>▪ Train own employees</li> <li>▪ Provide information to their workers</li> <li>▪ Comply with the specific requirements in Part 4 of the Regulations</li> <li>▪ Ensure there are adequate welfare facilities for their workers</li> </ul>	<ul style="list-style-type: none"> <li>▪ Check client is aware of duties and a CDM co-ordinator has been appointed and HSE notified before starting work</li> <li>▪ Co-operate with principal contractor in planning and managing work, including reasonable directions and site rules</li> <li>▪ Provide details to the principal contractor of any contractor whom he engages in connection with carrying out the work</li> <li>▪ Provide any information needed for the health and safety file</li> <li>▪ Inform principal contractor of problems with the plan</li> <li>▪ Inform principal contractor of reportable accidents, diseases and dangerous occurrences</li> </ul>
Everyone	<ul style="list-style-type: none"> <li>▪ Check own competence</li> <li>▪ Co-operate with others and co-ordinate work so as to ensure the health and safety of construction workers and others who may be affected by the work</li> <li>▪ Report obvious risks</li> <li>▪ Comply with requirements in Schedule 3 and Part 4 of the Regulations for any work under their control</li> <li>▪ Take account of and apply the general principals of prevention when carrying out duties</li> </ul>	

**Note:**

Schedule 3 of the Regulations details the information required to be included in a health and safety inspection report.

Part 4 of the Regulations lists duties relating to health and safety on construction sites.

<b>Association Trust Company</b>	<b>Contact</b>
<b>Baptist Union Corporation Ltd</b>	Baptist Union Corporation Ltd Baptist House PO Box 44 129 Broadway Didcot Oxfordshire OX11 8RT Telephone: 01235 517700
<b>East Midlands Baptist Trust Company Ltd</b>	The Baptist Union Corporation Ltd Baptist House PO Box 44 129 Broadway Didcot Oxfordshire OX11 8RT Telephone: 01235 517700
<b>Heart of England Baptist Association</b>	Heart of England Baptist Association BMS International Mission Centre 24 Weoley Park Road Selly Oak Birmingham B29 6QX Telephone: 0121 472 4986
<b>London Baptist Property Board</b>	London Baptist Association 235 Shaftesbury Avenue London WC2H 8EP Telephone: 020 7692 5592
<b>North West Baptist Association</b>	Baptist Union Corporation Ltd Baptist House PO Box 44 129 Broadway Didcot Oxfordshire OX11 8RT Telephone: 01235 517700
<b>South West Baptist Trust Corporation</b>	South West Baptist Trust Corporation Wonford Baptist Chapel 36-38 Wonford Street Exeter Devon EX2 5DL Telephone: 01392 433533
<b>West of England Baptist Association</b>	West of England Baptist Association The Old Forge Broom Hill Stapleton Bristol BS16 1DN Telephone: 0117 965 8828
<b>Yorkshire Baptist Association</b>	The Baptist Union Corporation Ltd Baptist House PO Box 44 129 Broadway Didcot Oxfordshire OX11 8RT Telephone: 01235 517700

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This is one of a series of *Guidelines* that are offered as a resource for Baptist ministers and churches. They have been prepared by the Baptist Union Corporation Limited and are, of necessity, intended only to give very general advice in relation to the topics covered. These guidelines should not be relied upon as a substitute for obtaining specific and more detailed advice in relation to a particular matter.

The staff at the Baptist Union Corporation, at Baptist House (or your regional Trust Company) will be very pleased to answer your queries and help in any way possible. It helps us to respond as efficiently as possible to the many churches in trust with us if you write to us and set out your enquiry as simply as possible.

The Baptist Union Corporation staff also deal with churches that are in trust with the East Midland Baptist Trust Company Limited, the North Western Baptist Association (Incorporated), and Yorkshire Baptist Association.

**If your holding trustees are one of the other Baptist Trust Corporations you must contact your own Trust Corporation for further advice. A list of contact details has been included.**

**If you have private trustees they too should be consulted as appropriate.**

**Contact Address and Registered Office:**

The Baptist Union Corporation Ltd, Baptist House, PO Box 44, 129 Broadway, Didcot, Oxfordshire OX11 8RT England

Telephone **01235 517700** facsimile **01235 517715** e-mail **buc.corp@baptist.org.uk DX 40852 Didcot**

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