

Implementation of the CDM 2015 Principal Designer Role

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DIOHAS Meeting

11th September 2023

Agenda for today

- **Brief overview of the PD Review**
- **Issues that may require further focus**
- **Q&A**

Overview of the PD Review

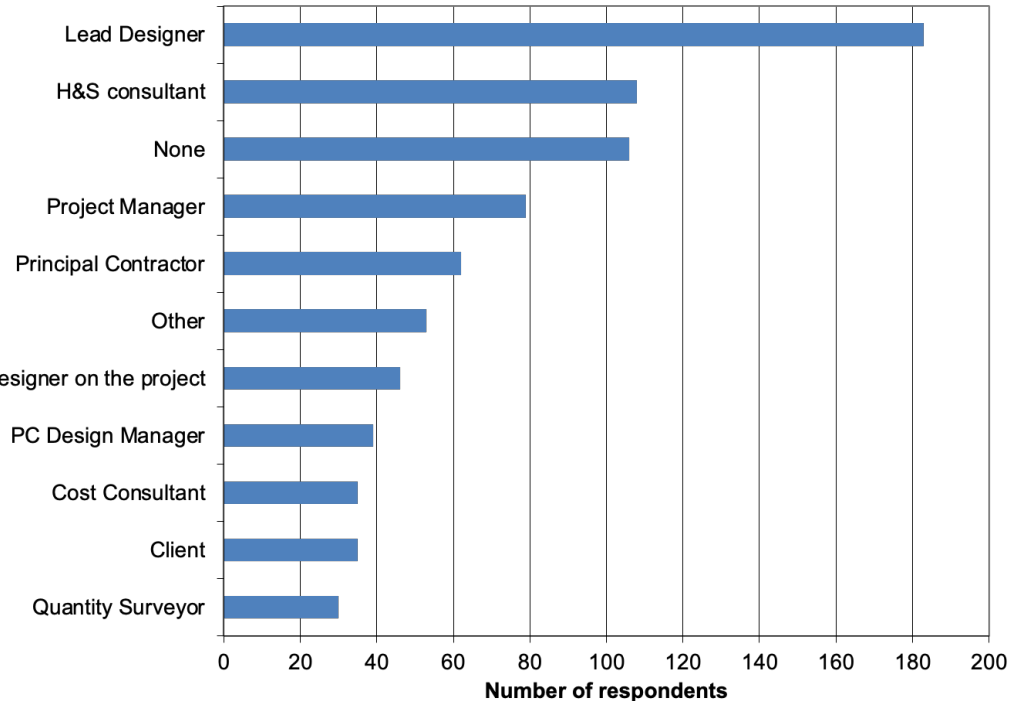
- **HSE tender Dec 2020 with review to be completed by 31 March 2021**
- **Online survey (849 respondents)**
 - Implementation of each relevant CDM 2015 clause on a project (c500)
 - Behaviours that influence the PD role (c360)
 - Comments on what's working and what's not (c320)
- **Interviews with & written submissions from 20 key stakeholders**
- **Two Reports**
 - HSE Research Report 1198 (<https://www.hse.gov.uk/Research/rrhtm/rr1198.htm>)
 - Technical Annex (<http://mpwrandr.co.uk/implementation-of-the-cdm-2015-principal-designer-role/>)
- **Authors of HSE Research Reports are not allowed to make recommendations for HSE / Government Policy in those reports**

Issues that may require further focus

The need for more designer-led design risk management

- Designer-led design risk management embeds the Principal Designer (PD) role in design organisations
- Increased awareness of the implications of design decisions on construction, use and maintenance
- Emphasis on pre-construction planning and information

Additional role undertaken by PD



Appointing the right people at the right time with the right resources

- **Right people**

- PD role requires a broad range of skills, knowledge, and experience plus credibility and ‘soft skills’
- Proper integration of PD into projects is essential

- **Right time**

- Some clients appoint PDs late, hindering their influence

- **Right resources**

- Commercial pressures impacting on the PD role were reported in a range of circumstances

The current understanding of the PD role is not always sufficient

- **Clients and PDs sometimes misunderstand the PD role**
- **Need for guidance and clarity, especially on smaller projects**
- **Various issues causing confusion and barriers to implementation**

Some PDs not empowered or given authority to undertake role and may not be 'in control' of preconstruction phase

- **Empowerment & Authority**

- PDs need authority and empowerment such as control over budgets
- Collaboration between PDs, design teams, and client support is crucial
- Lead Designer better placed

- **Control – Regulation 5(1)(a)**

- 20% did not consider PD to be in control of pre-construction phase
- Reasons for lack of control linked to culture and contracts
- D&B contracts present particular issues

PDs interaction with temporary works needs to increase

- **38% indicated that PD interacted with Temporary Works Designers**
- **PDs needs to establish effective dialogue with PC's Temporary Works Coordinator to coordinate temporary works design**
- **PDs should consider PCI required by Temporary Works Designers in addition to Permanent Works Designers**
- **PDs had lacked sufficient knowledge of temporary works and the construction process**
- **PDs temporary works duties better defined than other duties**

Procurement routes & forms of contract influence how the PD role is undertaken

- **Challenges related to PD role and standard industry contracts**
- **Considerations in Design and Build projects**
- **Impact of different contractual situations**

Some organisations are more willing to undertake the PD role than others

- **Designers**

- Liability of ‘coordination for health and safety’ even though they are coordinating the design
- Cost of PI insurance
- Health and safety seen as a Contractor’s role

- **Contractors**

- Contractor would have to ‘outsource’ the day-to-day PD activities to an advisor
- To reduce Contractors’ statutory liabilities
- Contractor genuinely does not understand what is required of PD role

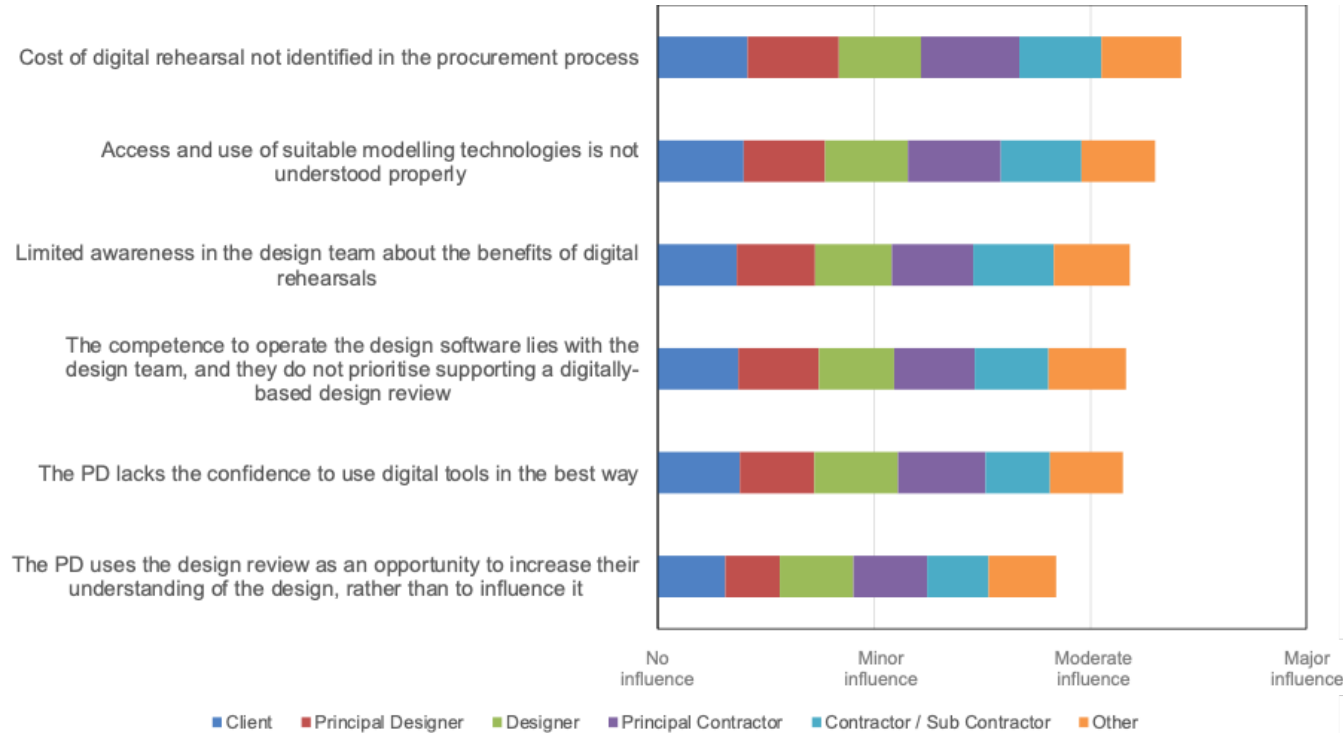
The PD is perceived by some to be a low value role

- **Low PD fee levels and their impact**
- **The role of inexperienced PDs in reinforcing a box-ticking mentality**
- **The need for evidence of the PD role's value**

Not all those with PD duties have integrated the PD role within their organisation

- **Still organisations who appointed advisors to help rather than integrate it within their business**
- **PD is not integrated in the Lead Designer's team because:**
 - PD appointed by the Client, but D&B Contractor runs the design via its Design Manager which limits the PD's contact with Designers in supply chain
 - PD does not have key staff from traditional technical design professions
 - PD lacks the knowledge to enable proper integration in the design team across all parts of the project.

The potential value of BIM is only being realised on larger projects – likelihood of use influenced by ...



Summary

1. The need for more designer-led design risk management
2. Appointing the right people at the right time with the right resources
3. The current understanding of the PD role is not always sufficient
4. Some PDs not empowered or given authority to undertake role and may not be 'in control' of preconstruction phase
5. PDs interaction with temporary works needs to increase
6. Procurement routes & contract form influence how PD role is undertaken
7. Some organisations more willing to undertake the PD role than others
8. PD is perceived by some to be a low value role
9. Not all with PD duties have integrated PD role within their organisation
10. The potential value of BIM is only being realised on larger projects

Any questions?

About the Author



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Profile

Mike has over 30 years' experience. He specialises in construction and structural safety, CDM and risk, and founded **MPW R&R** to provide Consulting, Forensic and Expert Witness services in those areas.

He is a member of the Temporary Works forum, Structural Safety, Confidential Reporting on Structural Safety and the Institution of Structural Engineers Health and Safety Panel.

Mike has:

- Worked on the design, appraisal, repair and site supervision of building and bridge structures;
- Developed guidance for assessing the safety of existing structures in the UK, EU and HK;
- Expertise in construction health and safety and CDM gained from undertaking a range of projects for HSE, advising duty holders and acting as an expert witness;
- Authored of >50 published reports and papers on a range of risk topics <http://mpwrandr.co.uk/publications/>; and
- Authored nearly 30 blog posts on construction safety, structural safety and risk (<http://mpwrandr.co.uk/blog/>).

In recent years ...

Mike has specialised in construction health & safety, risk and the CDM Regulations; he

- Provided support to HSE in the revision of the CDM 1994 ACoP and Guidance;
- Led a review of HSE's Designer Initiatives;
- Led independent evaluations of CDM 1994 investigating industry practices and costs of compliance – this informed HSE's development of CDM 2007;
- Led the independent evaluations of CDM 2007,
- Led the review of the use of CDM 2007 in the construction of London 2012;
- Led the recent review of the Principal Designer role
- Has been instructed as an expert witness by both prosecution and defence teams in cases involving allegations of corporate and gross negligence manslaughter and breaches of the Health and Safety at Work Act and the CDM Regulations; and
- Has provided opinion on cases involving collapses, falls from height, temporary works, fire, etc.