# **ALLFORD HALL MONAGHAN MORRIS**

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Project

Subject DIOHAS Meetings 2018 6/6 - meeting notes

Ref .

Job No H0005

Date 26.11.2018 (Monday)

Pages 1

cc. -

### **Meeting Notes – Peter Waxman**

<u>DIOHAS meeting 2018 5/6</u>: 26<sup>th</sup> Nov 2018, 4.30-6.00pm at AHMM (5-23 Old Street, London EC1V 9HL)

#### Attendance (17):

- 1. Peter Waxman Multiplex (guest speaker)
- 2. Andy Jobling Levitt Bernstein
- 3. Sarah Susman Scott Brownrigg
- 4. Gavin Bull HSE
- 5. Gary Burden PRP Architects
- 6. Patricia Holt Nicholas Hare Architects
- 7. Carol King (?) Nicholas Hare Architects
- 8. Janet McDougall BLDA Architects
- 9. Nigel Ostime Hawkins Brown
- 10. Richard Collis Feilden Clegg Bradley Studios
- 11. Mustafa Hussain Currie Brown
- 12. Aamir Shahzad (?) Currie Brown
- 13. Nima Shamsipour Rund
- 14. Martin Touška Rolfe Judd
- 15. Jeffrey Tribich Malcolm Hollis
- 16. Paul Bussey AHMM (chair)
- 17. Goh Ong AHMM

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	01	Guest speaker: Peter Waxman of Multiplex	
		<b>Presentation:</b> Our guest speaker, will lead a discussion on a draft of a RIBA Core CPD 2019, titled "CDM 2015: your essential guide to Designer duties".	

# RIBA CPD CORE 2019 PROGRAMME YOUR ESSENTIAL GUIDE TO DESIGNER DUTIES TOPIC 2, CDM 2015

Peter Waxman, Director of CDM at Multiplex CDM Services

# What is CDM?



# CDM IS CONCERNED WITH DESIGN, CONSTRUCTION, MAINTENANCE AND EVENTUAL DEMOLITION



# "CDM HAS NOTHING TO DO WITH HEALTH AND SAFETY"

- the term "Health and Safety" carries a lot of baggage
- using these words often distracts the listener and leads them away from what I believe is the true definition of what I do



 CDM should be used as a tool to refine and develop the design and construction process



#### AN OVERVIEW OF CURRENT H&S LEGISLATION

Health and Safety at Work Act 1974

Then the "6 Pack" consisting of secondary (subordinate) legislation which allows the Government to make changes to the law without needing to push through a completely new Act:

- Workplace (Health Safety and Welfare) Regulations 1992. (Concerned with the working environment)
- 2. Personal Protective Equipment at Work Regulations 1992
- 3. Manual Handling Operations Regulations 1992
- 4. Display Screen Equipment Regulations 1992
- 5. Provision and Use of Work Equipment Regulations 1998
- 6. Management of Health and Safety at Work Regulations 1999. (Concerned with managing risks from work activities)
- 7. Other statutory instruments include the Building Regulations, the Regulatory Reform (Fire Safety) Order 2005 and the Construction (Design and Management) Regulations 2015

# CDM IS CONCERNED WITH THE MANAGEMENT OF HEALTH AND SAFETY RISKS THROUGH DESIGN, CONSTRUCTION AND EVENTUAL DEMOLITION

#### Design

- consideration of cleaning, replacement and general maintenance
- general build-ability
- general usability of completed building-adequate access

#### Construction

- deep excavations/working at height
- working in partially occupied premises
- access and construction sequence

#### Use

- internal and external cleaning
- working at height/deep risers, lift shafts etc.
- general access, repair, replacement and maintenance

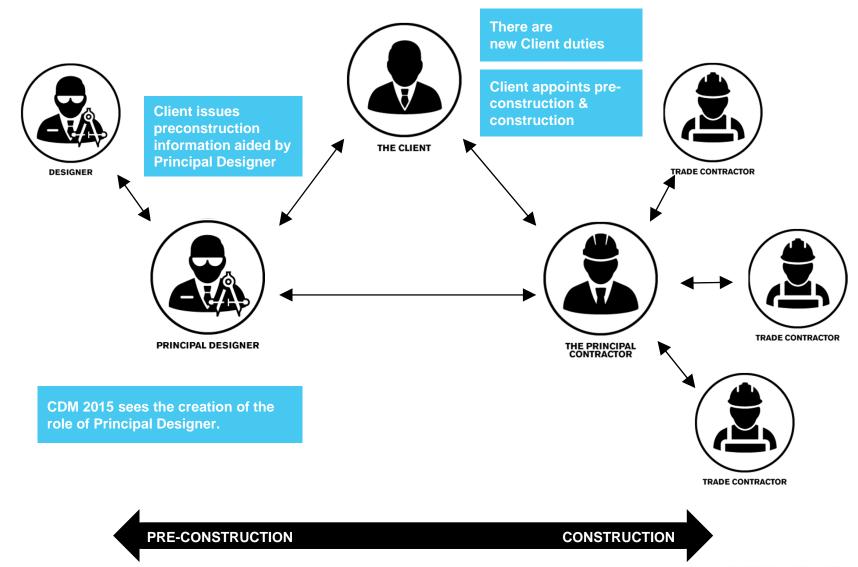
#### **Demolition**

- embodied energy-post tensioned concrete
- uncontrolled collapse
- risks from connected services

#### **CDM LEGISLATION TIMELINE**

- European Directive 92/57/EEC laid down minimum safety and health requirements for construction sites by establishing a chain of responsibility linking all the parties involved
- The Construction (Design and Management) Regulations 1994 (CDM) came into force in March 1995
- The CDM Regulations 2007 combined the CDM Regulations 1994 and the Construction (Health Safety and Welfare) Regulations 1996 into one regulatory package, aimed at alleviating the previous complex and bureaucratic approach taken by many duty holders
- The Construction (Design and Management) Regulations 2015 are the latest update, creating the duty holder known as the Principal Designer

### CDM 2007 v 2015



#### CDM 2015 BECAME LAW ON 6th APRIL 2015

- the Regulations may be viewed at: <a href="http://www.legislation.gov.uk/uksi/2015/51/contents/made">http://www.legislation.gov.uk/uksi/2015/51/contents/made</a>
- the HSE have published client guidance to CDM 2015. This may be viewed at: <a href="http://www.hse.gov.uk/pubns/books/l153.htm">http://www.hse.gov.uk/pubns/books/l153.htm</a>
- the CDM2015 Industry Guidance documents may be viewed at: <a href="http://www.citb.co.uk/health-safety-and-other-topics/health-safety/construction-design-and-management-regulations/">http://www.citb.co.uk/health-safety-and-other-topics/health-safety/construction-design-and-management-regulations/</a>





#### CDM DUTY HOLDERS

- Clients Organisations or individuals for whom a construction project is carried out
- Principal Designer A Designer appointed by the client in projects involving more than one contractor. The Principal Designer undertakes the co-ordination of CDM for the project
- Designers Organisations or individuals who as part of a business, prepare or modify designs for a building, product or system relating to construction work
- Principal Contractors Contractors appointed by the client to coordinate the construction phase of a project where it involves more than one contractor
- Contractors Those who carry out the actual construction work, contractors can be an individual or a company

#### CDM REGULATIONS 2015 REQUIREMENTS AT A GLANCE

- 1. All projects defined as "construction" must have:
- Workers with the right skills, knowledge, training and experience
- Contractors providing appropriate supervision, instruction and information
- A written construction phase plan
- 2. All projects where more than one contractor is involved must have: All of paragraph 1 (above) +:
- Principal Designer and Principal Contractor to be appointed
- Health and Safety File to be produced at project completion

If the work is scheduled to last longer than 30 working days and have more than 20 workers working simultaneously at any point in the contract, or exceeds 500 person days, then all of paragraphs 1&2 apply, plus the Client must notify the HSE.

#### DESIGNER RESPONSIBILITIES

### Designers should:

- not start any design work unless they are satisfied the client is aware of their CDM duties
- take account of the general principles of prevention when preparing or modifying designs
- take account of pre-construction information provided by the client
- work towards eliminating, reducing or controlling foreseeable risks through design
- provide information to other duty-holders using or implementing the design
- co-operate with other duty-holders

#### PRINCIPAL DESIGNER RESPONSIBILITIES

In summary, the Principal Designer is responsible for:

- assisting the client in preparing the pre-construction information
- planning, managing and monitoring the pre-construction phase
- ensuring co-operation and co-ordination so that designers comply with their duties
- ensuring that where reasonably practicable, risks are eliminated or controlled through design work
- passing information on to the Principal Contractor
- liaising with the Principal Contractor and designers during the construction phase with respect to on-going design
- preparing the health and safety file

### **CLIENT RESPONSIBILITIES**

In summary, the Client is responsible for ensuring that:

- Suitable arrangements are in place for managing the project and sufficient time and resources are allocated
- those they appoint are suitable and are adequately resourced to undertake the work required
- relevant information about the site and the project is prepared and provided to all duty holders
- they issue the F10 Notification Form to the HSE
- the Principal Designer and Principal Contractor carry out their duties
- · welfare facilities are provided



### WHO IS A DESIGNER?

#1
A DESIGNER IS ...



A DESIGNER IS AN ORGANISATION OR INDIVIDUAL WHOSE BUSINESS INVOLVES **PREPARING** OR **MODIFYING** DESIGNS FOR CONSTRUCTION PROJECTS (INCLUDING THE DESIGN OF TEMPORARY WORKS); OR **ARRANGING** FOR, OR **INSTRUCTING**, **OTHERS** TO DO THIS. DESIGNS INCLUDE **DRAWINGS**, **DESIGN DETAILS**, **SPECIFICATIONS**, **BILLS OF QUANTITY** AND **DESIGN CALCULATIONS**.

#### WHO IS A DESIGNER?

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DESIGNERS ARE THEREFORE; ARCHITECTS, CONSULTING ENGINEERS, QUANTITY SURVEYORS AND INTERIOR DESIGNERS, PLANNERS, OR ANYONE WHO SPECIFIES OR ALTERS DESIGNS AS PART OF THEIR WORK.

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THEY SHOULD ENSURE ...



WHEN TAKING ON AN INHERITED DESIGN AS PART OF A DESIGN AND BUILD CONTRACT, THE DESIGN SHOULD BE INTERROGATED TO ENSURE DESIGN HAZARDS AND RISKS HAVE BEEN IDENTIFIED AND ARE ACCEPTABLE.



# GENERAL DUTIES INCLUDING DESIGNERS REGULATION 8

This applies to all duty holders under CDM 2015 and relates to the need for cooperation between duty holders and others working on the project including any adjoining construction sites.

Report anything you are aware of that is likely to endanger health and safety

And ensuring information or instructions are comprehensible and provided as soon as is practicable, to the right people at the right time.

# DUTIES OF DESIGNERS REGULATION 9 & 10

(1) A designer must not commence work in relation to a project unless satisfied that the client is aware of the duties owed by the client under these Regulations.

# DUTIES OF DESIGNERS REGULATION 9 & 10

- (2) When preparing or modifying a design the designer must take into account the general principles of prevention and any pre-construction information to eliminate, so far as is reasonably practicable, foreseeable risks to the health or safety of any person -
  - (a) carrying out or liable to be affected by construction work;
  - (b) maintaining or cleaning a structure; or
  - (c) using a structure designed as a workplace.

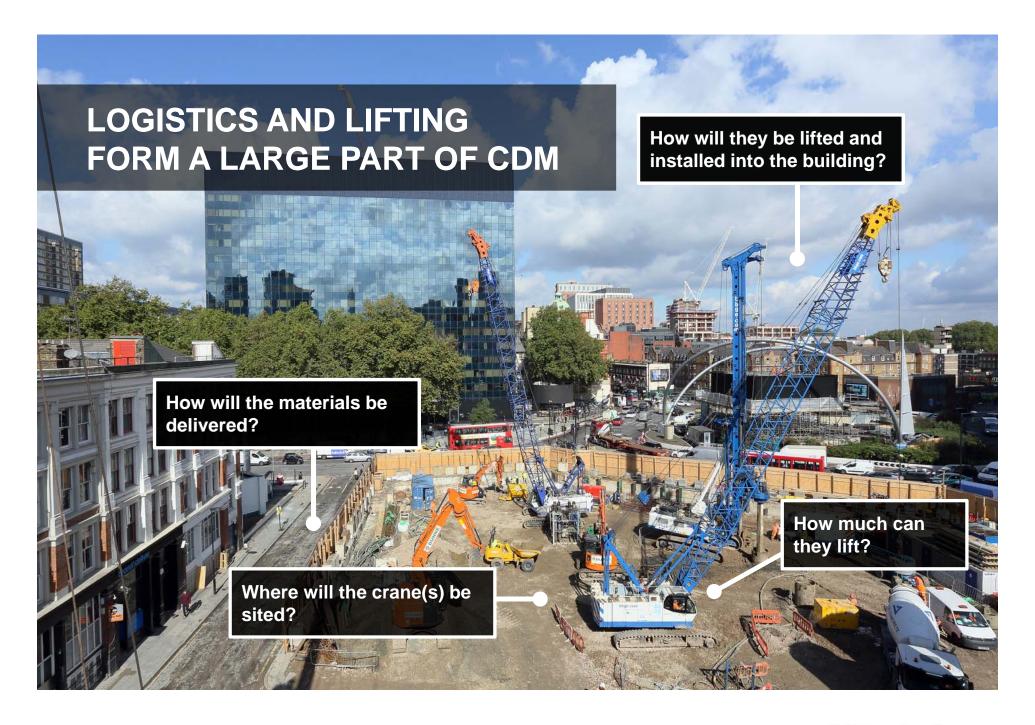
# DUTIES OF DESIGNERS REGULATION 9 & 10

- (3) If it is not possible to eliminate these risks, the designer must, so far as is reasonably practicable
  - a) take steps to reduce or, if that is not possible, control the risks through the subsequent design process;
  - b) provide information about those risks to the principal designer; and
  - c) ensure appropriate information is included in the health and safety file.
- (4) A designer must take all reasonable steps to provide, with the design, sufficient information about the design, construction or maintenance of the structure, to adequately assist the client, other designers and contractors to comply with their duties under these Regulations.

# DUTIES OF DESIGNERS HEALTH AND SAFETY FILE REGULATION 12

Designers must provide relevant information about the project which should be taken into account when using, cleaning, maintaining, carrying out future construction work or demolition after the project has finished in a safe manner and without risks to health.









Always work towards eliminating the risk rather than merely reducing it.



Remove the need to work at height wherever possible, particularly where it requires work from ladders or where safe means of access cannot be provided.



Always favour collective (e.g. roof perimeter barrier) protection over personal (e.g. work restraint harness) protection.



Understand the difference between "fall restraint" and "fall arrest" systems.

#### DESIGNERS' DUTIES UNDER CDM



"Designers have to weigh many factors as they prepare their designs. Health and safety considerations have to be weighed alongside other considerations, including cost, fitness for purpose, aesthetics, buildability, maintainability and environmental impact".

CDM 2015 allows Designers to take due account of other relevant design considerations.

The Regulations are designed to ensure that the risk creators are also the risk owners.

This sentiment is echoed in the Hackitt Report which states that "the principle of risk being owned and managed by those who create it was enshrined in UK health and safety law in the 1970s, following the review conducted by Lord Robens"

# THE DUTY HOLDER'S ASSESSMENT OF RISK AS BEING ACCEPTABLE OR NOT IS ULTIMATELY A SUBJECTIVE DECISION



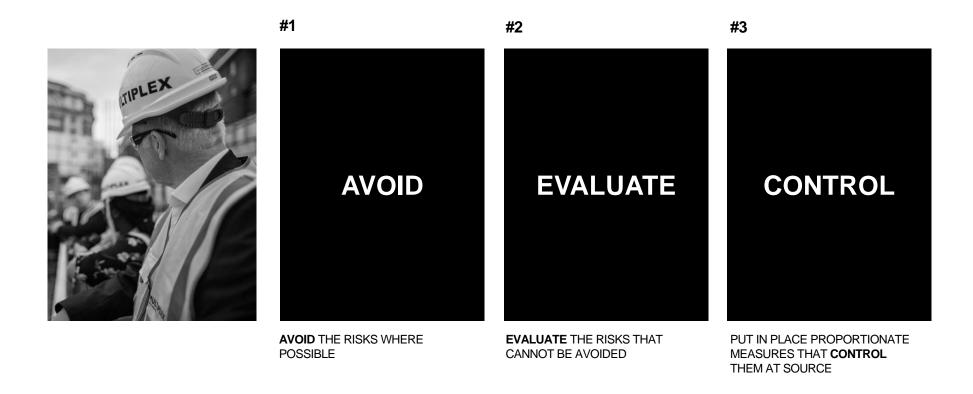
Colourised photo of W.H. Murphy and his associate demonstrating their bulletproof vest in 1923

#### PRINCIPAL DESIGNER FINED OVER FIRE RISK

- a Principal Designer and Principal Contractor have both been sentenced after serious breaches of their health and safety duties under CDM 2015
- Exeter Magistrates heard that concern was raised about the lack of health and safety controls on a large timber frame extension project at a residential home in Exmouth
- the CDM Principal Contractor was required to control how the work was carried out and to ensure that the work would be completed safely. The CDM Principal Designer failed during the pre-construction phase to consider the risk of fire spread to the vulnerable nearby residents



# PRINCIPLES OF PREVENTION HIERARCHY OF CONTROL



CDM 2015 requires designers, principal designers, principal contractors and contractors to take account of the principles in carrying out their duties.

# THE GENERAL PRINCIPLES OF PREVENTION

(1) These principles are a requirement of the Management of Health and Safety at Work Regulations 1999 and apply to all industries, including construction. They provide a framework to identify and implement measures to control risks on a construction project.

### THE GENERAL PRINCIPLES OF PREVENTION

- (2) The general principles of prevention are to:
  - a) Avoid risks;
  - **b) Evaluate** the risks which cannot be avoided;
  - c) Combat the risks at source;
  - d) Adapt the work to the individual, especially regarding the design of workplaces, the choice of work equipment and the choice of working and production methods, with a view, in particular, to alleviating monotonous work, work at a predetermined work rate and to reducing their effect on health;

- e) adapt to technical progress;
- **f) replace** the dangerous by the non-dangerous or the less dangerous;
- g) develop a coherent overall prevention policy which covers technology, organisation of work, working conditions, social relationships and the influence of factors relating to the working environment;
- h) give collective **protective measures** priority over individual protective measures; and
- i) give appropriate **instructions** to employees.

#### HAZARD AND RISK SUMMARY

- It is important to understand that the phrase "risk assessment" comes from the Management of Health and Safety at Work Regulations 1999. Under CDM 2015, the Designer is not required to produce an assessment.
- The Designer's primary role as duty holder is to avoid foreseeable risks whilst designing, and not to simply assess the risks which they have introduced.
- Notwithstanding the above, Designers need to provide adequate information regarding any significant risks which remain in their design (residual risks).

# There should be no surprises!



#### PROVIDING DESIGN INFORMATION – NOTES ON DRAWING

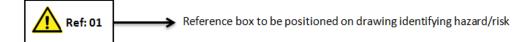
CDM HAZARD & RISK IDENTIFICATION  Identifies Hazard / Risk		
Ref: Prater 01	Glazing Scope - 5A,5B,8A,8B  Can the project be installed, glazed and replaced safely. Prater have no cleaning regime input, there are no Abseil loads to consider.  Check the project lift size to ensure the glass can be safely moved around the completed building. Ensure MEWP access can be deployed around the completed building perimeter. Glass Panes are 905mm x 1750mm approx - 90kg.	Refer to Prater Design Detail drawings; RAD-PRA-00-ZZ-DR-X-31000_03 / 31001_03 / 31002_03 / 31003_03 / 31004_03 / 31005_03 / 31006_03 / 31007_03 / 31008_03 / 31009_03

#### NOTE:

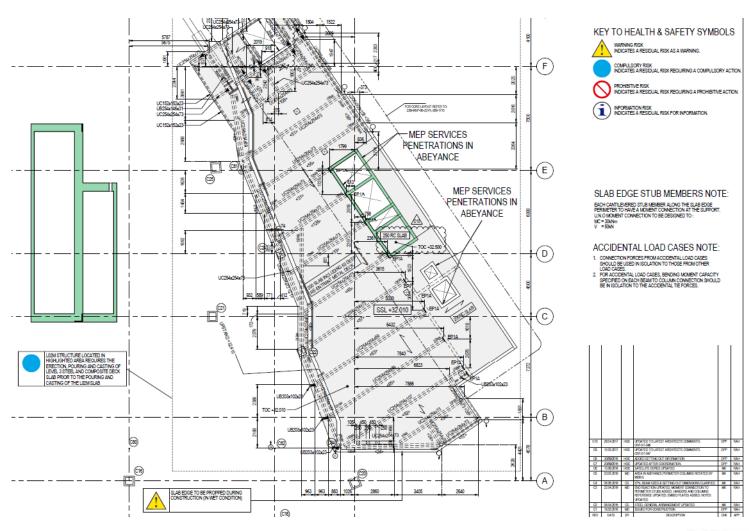
Hazards listed above are only those considered significant risks and:

- a) not likely to be obvious to contractors or other designers that have the necessary skills, knowledge and experience
- b) unusual; or
- c) likely to be difficult to manage effectively

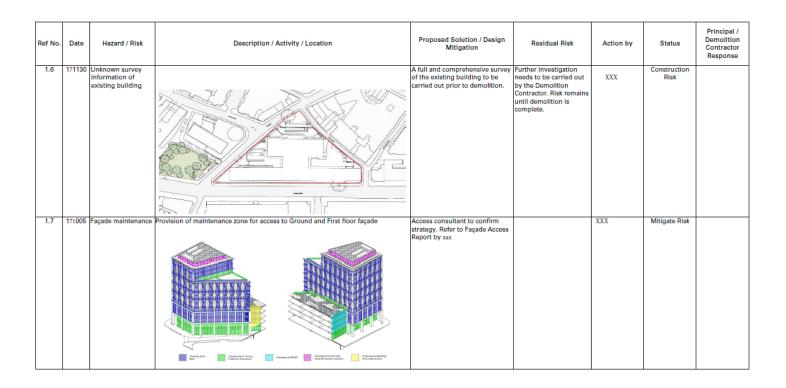
The above should be read in conjunction with all available design information including information contained within Pre-Construction Information documentation.

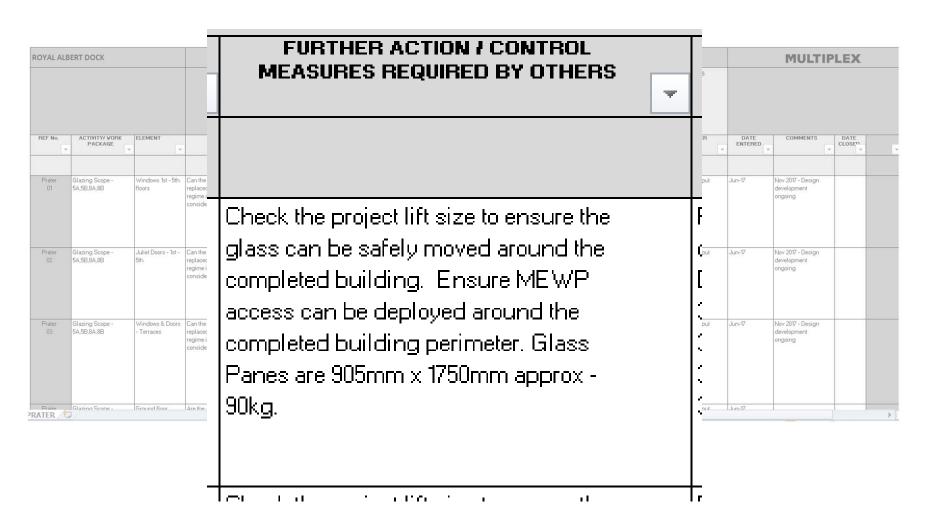


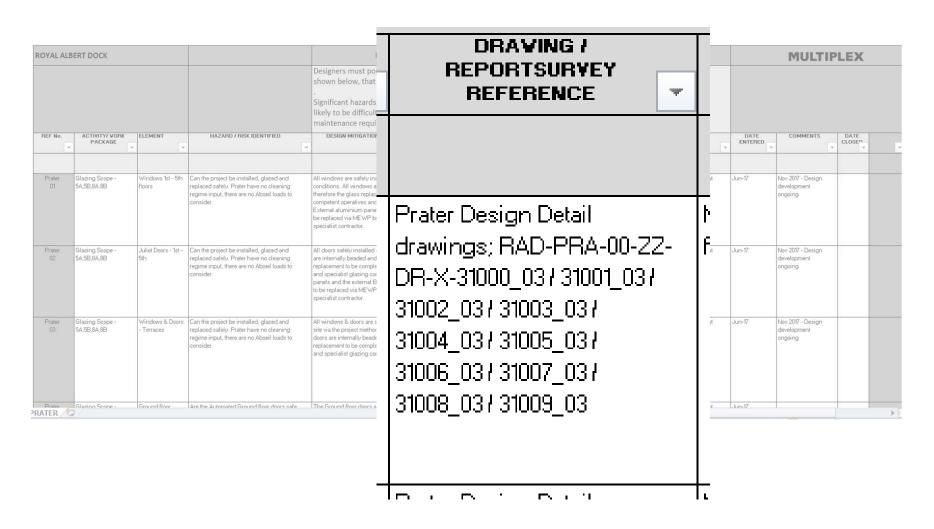
#### ADDING CDM HAZARD AND RISK INFORMATION TO DRAWINGS

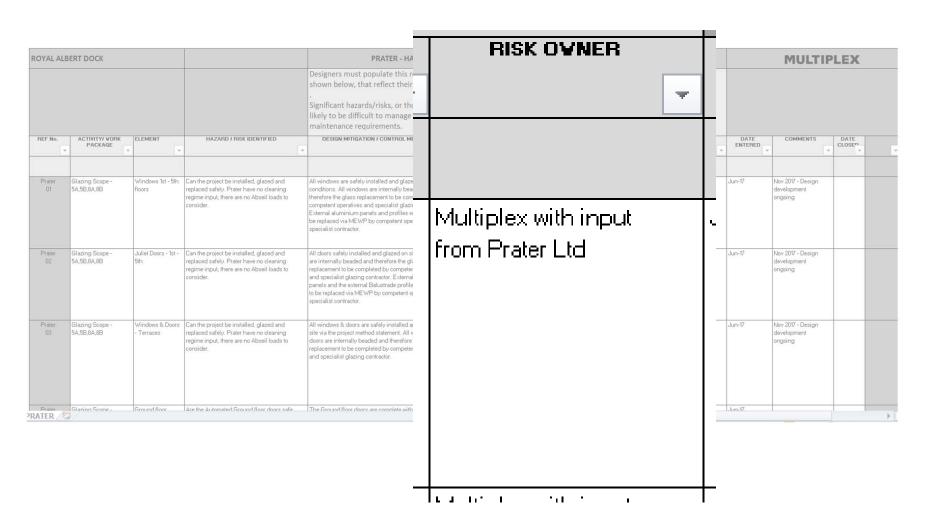


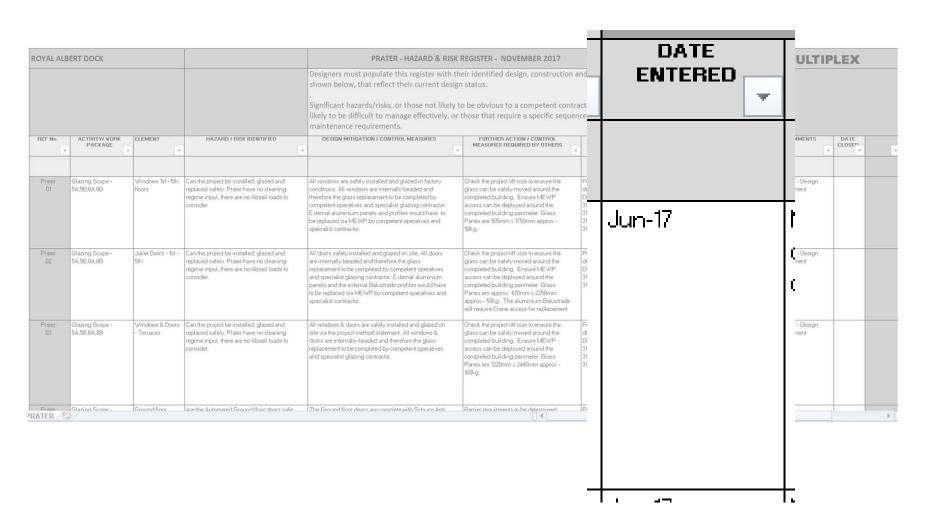
# ADDING EXTRACTS FROM DRAWINGS TO THE CDM RISK ANALYSIS REGISTER

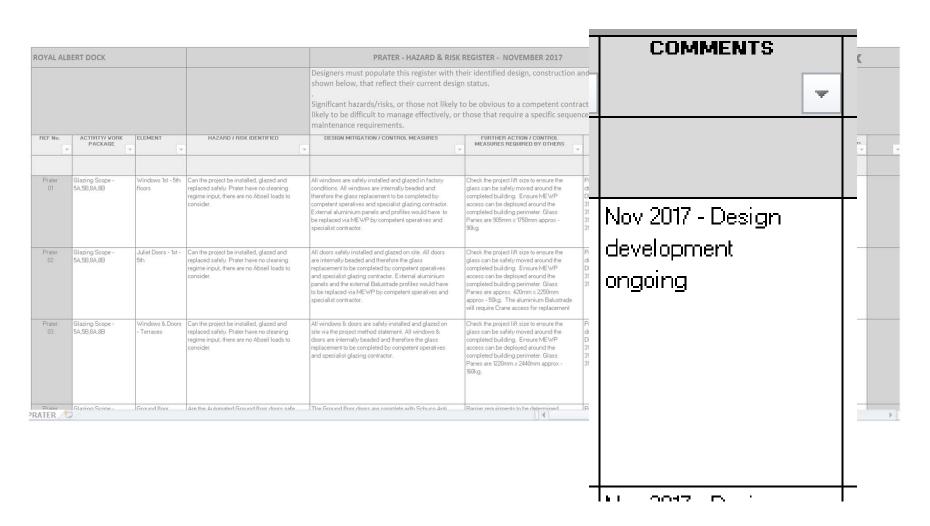


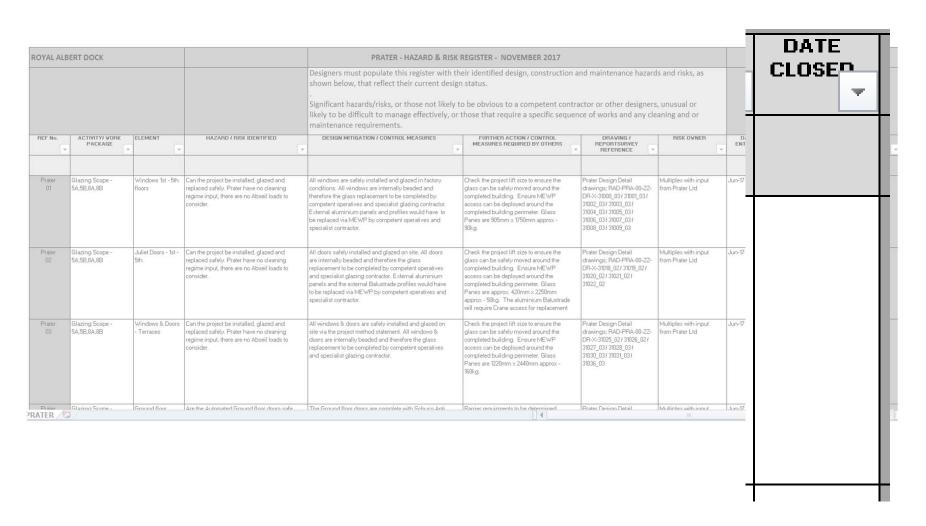




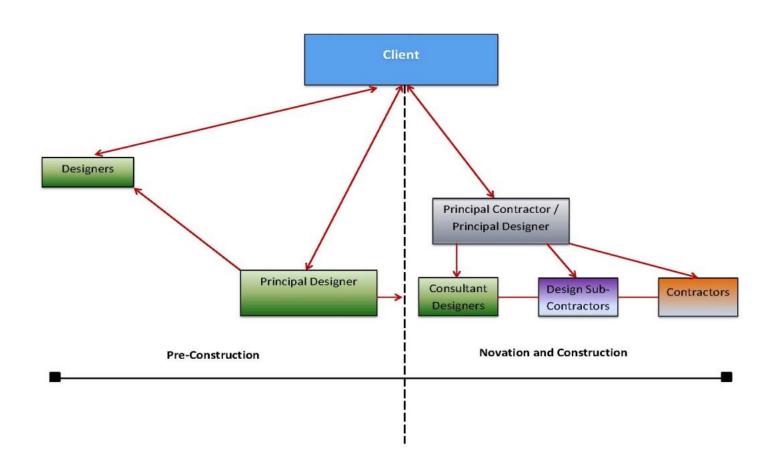


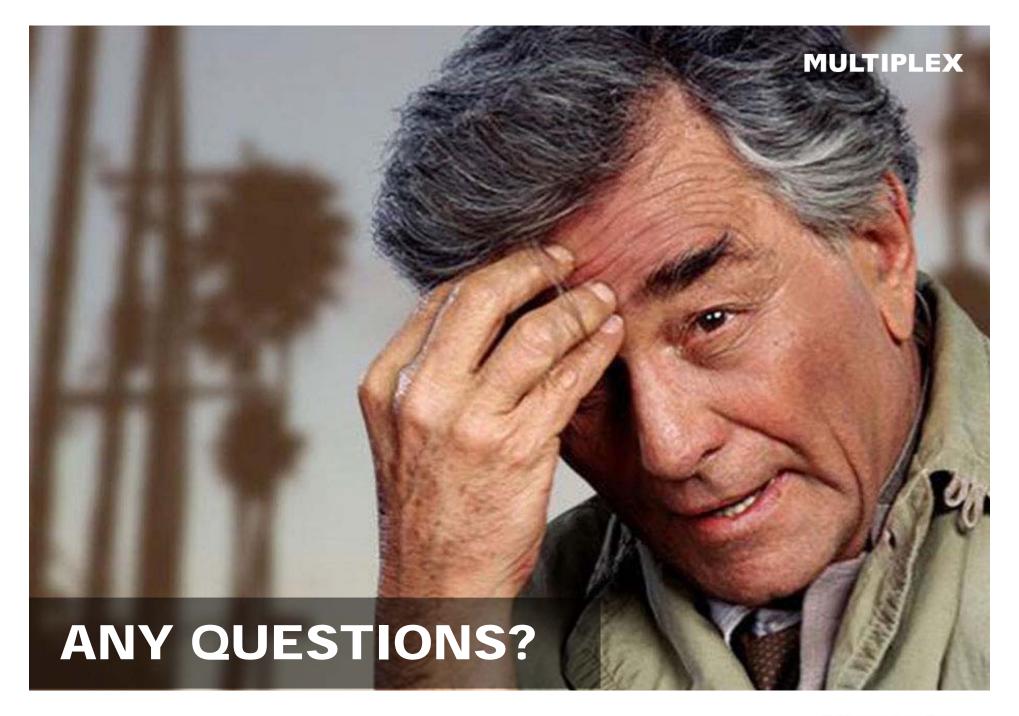






### CDM D&B PROJECT PROCESS MAP





Built to outperform.