



## **PRE-CONSTRUCTION HEALTH AND SAFETY AND BUILDING REGULATIONS INFORMATION FOR CLIENTS**

The Construction (Design and Management) Regulations (CDM) and the Building Safety Act apply to all projects, and whilst focused on larger and higher risk buildings, are intended to make all buildings safer.

Looking first at the CDM Regulations, on any project involving more than one tradesman, including domestic projects, the client's duties are:

1. To appoint a Principal Contractor and Principal Designer in writing, and ensure they carry out their duties.
2. To allow sufficient time and resources for the project to be properly and safely managed.
3. To ensure the design team and contractors are provided with suitable information (e.g. asbestos surveys, drainage plans) regarding the site at planning and pre-construction stages.
4. To ensure welfare facilities are provided on site.
5. To notify the HSE that work is taking place if required.
6. To ensure a construction phase plan has been put in place during the works.
7. To keep a 'Health and Safety' file on completion for any future work to the building.

For domestic projects, clients duties (4), (5) and (6) will be passed to the Principal Contractor, although the obligations to appoint a suitably skilled team, provide sufficient time and resources, provide site/building information and maintain records on completion will remain. Domestic projects are where the client is building their own house or altering their existing house.

***To familiarise yourself with your obligations visit:***

**<http://www.hse.gov.uk/construction/areyou/domestic-client.htm>**

Cross and Craig Associates will act as CDM Principal Designers on domestic projects unless agreed otherwise. Our appointment as CDM Principal Designer for non-domestic projects must be agreed separately in writing, or the client will retain this responsibility. Our duties are to:

- Identify and discuss the relevant risks during the pre-construction phase
- Eliminate those risks if possible or implement control measures required
- Ensure the cooperation of everyone on the design team
- Assess the adequacy of the information provided by the client and advise on where additional information is required
- Provide the information to other consultants and contractors and liaise with the contractors for the duration of our appointment.

Health and safety requires collaboration from all parties. We can only base our drawings and specifications on our own non-obtrusive measured surveys and on information provided to us by the clients. It is the client's responsibility to therefore pass us all relevant information that they hold on the property. Severn Trent's drainage maps are not publicly visible so a CCTV survey will probably be required if the client has no information on the existing drainage. Should any unforeseen risks be discovered on site, the Principal Designer must be notified and then we will be able to take all

reasonable measures to work with the contractors to either eliminate the hazard or amend the design accordingly.

The CDM Principal Designer is not required to notify the HSE, advise on or monitor health and safety arrangements on site, check the contractors' construction phase plan, or take on overall responsibility for the project.

On large scale projects, where we may not have the capacity in house to deal with all the health and safety issues, we will take on a CDM Advisor as a sub-consultant or a separate CDM Principal Designer can be appointed. The CDM Advisors fees will be charged as an extra service.

Cross and Craig can provide the clients and contractors with:

Copy of any specialist surveys undertaken e.g. ecological, drains, asbestos  
Copy of the approved planning drawings  
The Planning Approval / Certificate of Lawfulness reference with key conditions noted  
Copy of the working drawings and any engineers' calculations  
The Building Regulations application reference.  
Details of any other approvals sought e.g. Severn Trent Water  
Details of all consultants involved  
Key information regarding the brief, the building and targets to be achieved  
Designers risk assessments where appropriate.

This pack of information will form the starting point of the clients Health and Safety file. Should any significant risks be discovered during construction, such as asbestos or contamination, it will be the responsibility of the client and the contractor to ensure the risks are adequately dealt with and documented in the Construction Phase Plan and added to the Health and Safety file on completion of the project.

At the end of our appointment, the client will be given all the documentation and drawings produced to that point. Where we are not involved with the appointment of a contractor, it will be the client's responsibility to pass all the information on to the Principal Contractor.

At the end of the project the client must obtain from the contractor all paperwork relating to the operation and maintenance of the building including all certification, warranties and handbooks to add this to the Health and Safety file. This completed file must be kept for future occupants to inform all future works on the building.

From October 2023, the Building Safety Act 2023 introduced additional responsibilities for both the client and the Principal Designers.

Under this legislation, the client's duties are to:

1. Ensure design work is carried out so that, if built, the building work can be compliant with the Building Regulations.
2. Ensure the building work is carried out in accordance with the Building Regulations.
3. Enable designers and contractors to cooperate to ensure compliance with the Building Regulations, and review arrangements throughout the project.
4. Undertake periodic reviews to identify any Higher-risk Buildings.
5. Provide building information to every designer and contractor on the project.
6. Assess the competency of the Principal Designer and Principal Contractor.

We are here to help you with these duties, and by appointing a competent communicating team and sharing the information you have on your building, you will be meeting your obligations.

The Building Regulations Principal Designer duties are:

1. Planning, managing and monitoring the design work during the design phase.
2. Setting a plan for ensuring the design can be compliant with Building Regulations and controlling any changes to the plan during the project to completion. The Principal Designer will ensure the designs are checked by Building Control or an Approved Inspector prior to work commencing and make any changes that are required for the design to be approved.
3. Coordinating the work of the other designers and ensuring the other designers are competent to provide designs that are compliant, and that all parties coordinate with each other.
4. Liaising with the Principal Contractor and sharing information throughout the design phase.

The Principal Designer is responsible for taking all reasonable steps to ensure that the design, as a whole, is Building Regulations compliant. For domestic projects, Cross and Craig will act as Building Regulations Principal Designers. As with the CDM Regulations, our appointment for non-domestic projects must be agreed separately in writing. Where this agreement has not been made, the client will retain the duty of Principal Designer.

To carry out the role as Principal Designer, we need to have control of the design throughout the project. However, we know that many clients do not require our involvement through the building work, and our appointment can end before work starts on site. So long as we are notified in advance of any design changes that occur after the end of our appointment, and given the opportunity to review these and amend the drawings accordingly, we will maintain our role as Principal Designers. We will charge an hourly rate for site visits and changes to drawings after the end of our agreed appointment.

However, sometimes the client and builder may agree design changes after our appointment has finished without our knowledge. Sometimes, we are not appointed to prepare detailed construction drawings for Building Control at all. In these scenarios, the client is relying on the contractor to ensure that the design is Building Regulations compliant, and so we will do the following:

1. Where we have produced detailed construction drawings that have been approved by Building Control, we will ask you to confirm in writing at the end of the project that the building work was built strictly in accordance with our designs.
2. If the client cannot do this, or we have only produced planning level drawings, we will ask you for written confirmation that the responsibilities of the Principal Designer (listed above) have been formally passed to the contractor, or you (as client) have accepted these yourself.

On more complex jobs, the contractor may be responsible for co-ordinating a number of designers, such as the suppliers of the beam-and-block floors, trusses, windows, staircase, heat pump or MVHR system. Again, if this is happening after our appointment has ended, we will ask you, as client, to confirm in writing that the responsibilities of the Principal Designer have been formally passed to the contractor.

Cross and Craig will not design any Higher Risk Buildings. These are buildings over 18m high, or 7 storeys, containing two or more dwellings. Should the scope of work evolve during the design phase into a Higher Risk Building, Cross and Craig will have to terminate our appointment and allow another firm to take on the project. Similarly, we are obligated to only design structures that we are competent and experienced in detailing. We will therefore not design basements, swimming pools, timber frame structures or external wall insulation/cladding. Where the project requires these elements, other specialist firms will design them and must take on the role of Principal Designer to coordinate our work with their own.

Clients are requested to ask if they need any assistance in understanding their obligations under The Construction (Design and Management) Regulations 2015 and the Building Safety Act 2023. We are here to help you meet your duties and ensure that your building is both safe to build, occupy and maintain for the long term.