CDM 2015: collaboration is key

A work of continuing development, the Construction (Design and Management) (CDM) Regulations are about to be reincarnated. The 2015 regulations aim to improve Great Britain’s construction industry and they have every chance of succeeding, though that was said in 1995 and again in 2007. So we must hope that those in the industry that have the ability to influence or control construction risks step up once again.

Plan
The plan was to simplify the Regs in order to meet the TMCS (temporary or mobile construction sites) Directive and avoid infraction. The casualties of this are CDM coordinators, independence of client advice and, of course, clear competence measures. Looking to further improve our construction industry is the challenge so seeing how we got here may seem churlish.

There is, however, a parallel observation that reflects the adage ‘don’t do as I do, do as I say’. The development and eventual launch of the revised CDM package has been a bizarre, obscure “don’t do as I do, do as I say”. The development and eventual launch of the revised CDM package has been a bizarre, obscure “don’t do as I do, do as I say”. The development and eventual launch of the revised CDM package has been a bizarre, obscure “don’t do as I do, do as I say”. The development and eventual launch of the revised CDM package has been a bizarre, obscure “don’t do as I do, do as I say”. The development and eventual launch of the revised CDM package has been a bizarre, obscure “don’t do as I do, do as I say”. The development and eventual launch of the revised CDM package has been a bizarre, obscure “don’t do as I do, do as I say”.

The familiar regulatory principle of “those who create the risks are best placed to deal with them” is undoubtedly true in construction. Without clients there would no money to commission projects resulting in no construction activity with no on-site risks to workers, yet this chain of influence is not wholeheartedly accepted by all those ‘best placed’ in the industry.

There is no need to point fingers – we all have a part to play in risk prevention and causation. This time round though, the ‘new’ principal designer (PD) will have the significant duties to plan and manage the design phase, expressly to eliminate or control construction health and safety issues. Designers often work under pressure so professionally they are naturally good at working collaboratively. The PD will have to call upon such resources, and designers should be well placed to do this. We have renewed expectations that this capability will naturally include health and safety.

Resources get a lesser showing in the new regulations, but to be fair the responsibility mainly sits with the construction client now. This is fine, as long as delivery expectations are high, parties work together. As the CDM coordinator will disappear between now and October, the industry will still need (and will still find valuable) good quality support, advice and guidance.

CDM 2015 is no consultants’ charter but the construction industry delivers much of its activity through teams built from professional consultants, and the changes play to these familiar team strengths and relationships. There will be many opportunities to support clients, contractors, principal contractors and now PDs through in-house or, more typically, negotiated services. The HSE’s impact assessment would not have wanted to see this coming, but it will.

The delivery of change will need more support in the first two years of CDM 2015 and as experience and confidence grows, many design practices and clients will have new or rejuvenated processes and advisers to work with.

Monitor
What success criteria will the HSE be monitoring? History suggests that having a clear view of the soft management or process aspects of CDM have been enforced (in its widest sense) either patchily or reluctantly. There will be the usual easing-in of the new requirements in the first couple of years, but the fee for intervention scheme is in place this time round, so how will that have an effect?

The biggest generic change to watch for will be the dissolution of the express competence requirements of CDM 2007, but we have to be careful. The sirens of deregulation or simplification will soon lose their voices as the industry must have effective supply chain risk management processes. No surprise really. This will mean having enough “reassurance” about appointments and contracts for design, construction and delivery – those business issues never go away. Unfortunately it will create more confusion, less clarity and less certainty. Abandoning the link with competence based core criteria is a huge mistake. The only hope is that this disparate industry swarms around to support the hiding place of the core criteria in PAS(91) as adopted and promoted by Safety Schemes in Procurement (SSIP). With the construction industry’s ‘can-do’ approach there is opportunity here for design practices and contractors to work together to deliver improved health and safety management.

The duties on the PD are tough – so much has to be managed and ensured. It must be hoped that the commercial pressures result in clear professional delivery of design risk management that can only be delivered if designers ensure their appointments are clearly, and separately defined.

Coordinate
CDM 2015 or otherwise, it is high time the HSE and the construction industry took a cool-headed look at how we engage and resolve issues. The Construction Industry Advisory Committee (CONIAC) is an important group but why does it mostly act as a platform for the HSE to tell us what it is doing? The industry standing up and being counted is something we can collectively aspire to achieve through meaningful, open collaboration and coordination. After all, the industry does not belong to the HSE.

Greg Brown is deputy chief executive of IIRSM

The new CDM Regulations come into force this April, and they might just work if the industry stands up to be counted, writes Greg Brown.