
A year on, CDM 2015 is still a bureaucratic burden



CDM 2015 tried to empower the main participants in construction projects, but its less strict approach is empowering new CDM advisers, argues Martin Cox, of construction adviser Pellings.

The authors of the CDM changes in 2015 may feel they have succeeded in the goal of cutting unnecessary bureaucracy and paperwork. But, a year on from their introduction, general opinion in the construction industry is that CDM 2015 has created more bureaucracy.

The spirit of the 2015 Regulations was to reallocate CDM responsibilities to the main parties involved in construction projects: principal designers, principal contractors and clients. It was anticipated that the regulatory changes would place construction design and management responsibilities squarely with those who should be responsible and had the power to ensure they were enacted. But this, as yet, hasn't happened to any great extent.

When I go to meetings with construction clients, they want to understand how they can manage the risks imposed by CDM 2015. The former CDM co-ordinator had come to be seen primarily as an administrative and checking role: now, however, their safety management function sits squarely with the client, and this is what is making clients "jittery", as they often don't have the in-house knowledge or capacity to deliver this function and are increasingly aware of the corporate manslaughter legislation.

The result is that clients are increasingly appointing their own CDM advisers to give them comfort, which was surely not foreseen by the HSE. In effect, what has happened is that the CDM co-ordinator role has been re-created through the CDM adviser role, putting the bureaucratic burden back in place.

CDM co-ordinators live again

When we advise the principal contractor or designer, a client-appointed CDM adviser typically wants to see how we are planning and managing the health and safety aspects of a project, and how we are liaising with the sub-contractors and the rest of the design team, together with regular updates. In other words, it's a lot like the CDM co-ordinator.

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Under the previous Regulations, it was very clear that the CDM co-ordinator was seen as the project's go-to health and safety expert, while much of their expertise is now expected to be covered by the principal designer. Invariably, however, if architects are appointed as principal designer they don't have the requisite training. A two-day course offered by the RIBA and ICE is now available for the principal designer role, but in our experience that doesn't give those who attend the qualifications required by clients.

Clients and other members of the construction team also struggle to see exactly what role the principal designer is playing. The principal designer is expected to be more proactive in managing safety during the design process. However, project architects who are not acting as principal designers see the word "designer" and expect them to have design input and provide design solutions, not simply point out unsafe practices or designs.

There's an app for that

On the construction side, contractors on every project now have to provide a construction phase plan setting out how they would plan, manage and monitor the health and safety aspects of the works. Under the 2007 Regulations, the content of the plan was set out in great detail, whereas the 2015 Regulations reflect looser expectations. As a result, contractors now have to resist the temptation to cut corners. We are regularly asked by clients to review submitted plans, and on around 60% of them we will require further information before advising the client that they are sufficiently developed to allow work to start.

A good example of how small contractors skimp on detail is the widespread use of a downloadable app produced by the Construction Industry Training Board (CITB). The HSE has said that filling in the template on this app is sufficient to be used as the construction phase plan. The app asks the user questions and then gives model answers but, clearly, every project is different, and I believe it is being over-used by some contractors.

It's not all bad news. In some respects, the loosely written Regulations are having a beneficial effect by forcing CDM professionals to review and update all documentation and procedures. And it may be that the situation is still evolving, with people still getting used to the spirit of CDM 2015. Let's hope so, as further changes to the Regulations – and I have heard rumours of CDM 2018 – could only have a detrimental effect on safety.

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