

1. Introduction

- 1.1 The Construction (Design and Management) Regulations 2015 place responsibilities on the Client, the Designer, and the Builder. As a result of the 2015 Regulations, the domestic market has changed because statistically there are more injuries and fatalities on smaller projects than on the larger ones. So, the HSE addressed this by requiring all projects to have someone overseeing health, safety and environment from the pre-start and construction phases.

2. The Client

- 2.1 On all non-domestic projects (including commercial) the Client has far more legal duties than on a domestic project such as a private house extension. The duties under Health and Safety at Work law, so it falls to the Client to appoint a Principal Designer (Principal Contractor) to ensure the project is carried out safely and in accordance with the Regulations.
- 2.2 On a non-domestic project the Client must ensure that the Principal Designer is:
- 2.2.1 make sure that the Principal Designer is suitably qualified, experienced, and sufficiently resourced to manage the project throughout;
 - 2.2.2 appoint, in writing, a Principal Designer to build and/ or manage the project and to oversee the design and construction of the project; and
 - 2.2.3 review and approve the Principal Designer's Phase Health and Safety Plan.

3. The Principal Designer

- 3.1 The Principal Designer replaced the CDM Coordinator by the Regulations and replaced the Principal Designer (PD) are that the person must have control over the building work and they must have some knowledge of the project so that any potentially hazardous activities can be properly managed.

4. The Principal Contractor

- 4.1 Every job, whether it is a small domestic works, requires a Principal Contractor who takes responsibility for the day to day running of the project. This is the same whether it is a building company with in-house tradesmen or a one-man band. Someone has to be appointed by the Client to be the Principal Contractor.
- 4.2 The Principal Contractor must ensure that they can fulfil on all projects:
- 4.2.1 They must prepare and implement a Phase Health and Safety Plan. The Principal Contractor must do this themselves if they have the necessary experience, or for a competent person to do it for them;
 - 4.2.2 The Principal Contractor must ensure that there are suitable welfare facilities on site for the workers to use. These must be provided from the very first day, and must be available until the works have finished;

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4.2.3 The Principal Contractor must ensure that the site/works area is secured when no one is placed at risk during the works. This includes ensuring that barriers are in place to make sure that no one can get close to the works, blocking off scaffolds to prevent unauthorised access, or making sure that excessive dust or noise is controlled.

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4.2.4 The Principal Contractor must ensure that everyone who comes onto the site receives a site induction, and this needs to be recorded;

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4.2.5 The Principal Contractor must ensure that the contractors they engage are competent to do their job, but from a health and safety perspective. It is always an important factor, but as a Principal Contractor you are always happy that your chosen subbie is able to carry out the work without making shortcuts. Accepting the cheapest option may well cost you more in the long run as health and safety requirements may not be met, and as Principal Contractor you are responsible for ensuring that and

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4.2.6 The Principal Contractor must ensure that they have someone responsible for the site, who does not need to be one of their own people; a contractor foreman. Remember, no matter who is in charge – it is the Principal Contractor's responsibility if they allow shortcuts to be taken or the work to be by-passed.

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5. **Construction Phase Health and Safety Plan (CPHSP)**

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5.2 The **Construction Phase Health and Safety Plan** is the Principal Contractor's working document for managing Health and Safety on the project. It is developed during the Pre-Construction phase.

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5.3 The builder (Principal Contractor) must ensure that if they are not experienced they employ a competent person, or

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5.5 Some of the issues covered in the CPHSP are: Scope of Works; Project Organisation; Information Between Parties; First Aid; Traffic Management

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6. **Fee for Intervention (FFI)**

6.1 The Health and Safety Fee for Intervention scheme (FFI)allows the HSE to recover the cost of health and safety law

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7. **What is a material breach**

7.1 A material breach is a contravention of health and safety law serious enough for the Inspector to issue a notice in writing to the duty holder.

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8. **Does FFI apply to you?**

8.1 Even if you are a 'one-off' contractor at a site. Therefore it is important that you ensure that all workers on your site are working safely at all times.

As a Principal Contractor, you are in charge of the site. All safety will be down to you. It is therefore your responsibility to ensure that all workers on your site are working safely at all times.

9. **How much will it cost?**

9.1 Since 1 April 2023 the fee levied is based on the cost of identifying the material, taking enforcement action and taking enforcement action from 2024/5 onwards, see [here](#) to be charged in any

case of a breach. The current rate of £166 per hour. The actual cost at the inspector has had to spend on his/her business to put it right, investigating the amount of the hourly fee for the breach. See [here](#) for the amount of the hourly fee for page [here](#). The minimum time likely to be charged in any

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