church growth trust

your experts in church properties

CDM Regulations: The role and duties of churches regarding health and safety during building works

A Church Growth Trust Briefing Paper (January 2023)

CONTACT DETAILS

Church Growth Trust
1 Manor Farm Barns, Baines Lane, Seaton, Oakham, Rutland, LE15 9HP
01536 201339
enquiries@churchgrowth.org.uk
www.churchgrowth.org.uk

Church Growth Trust is the operating name of Church Growth Trust Limited, a registered charity no. 1138119, and a company limited by guarantee no. 07352319, registered in England

COPYRIGHT
This publication is the copyright of Church Growth Trust. If it is to be reproduced in whole or part, it must not be for commercial gain and should clearly acknowledge Church Growth Trust with the following wording: "Reproduced with permission from Church Growth Trust. www.churchgrowth.org.uk". If extracts are to be used in another context, permission should be sought in advance by emailing enquiries@churchgrowth.org.uk or telephoning 01536 201339.

DISCLAIMER
Whilst every care has been taken in the preparation of this material, Church Growth Trust cannot be responsible for action taken or refrained from in reliance thereon. It is recommended that appropriate professional advice be sought in each relevant individual circumstance.

© Copyright Church Growth Trust 2023

CONTENTS

1.0 Introduction 4
2.0 Legislation and guidance 4
3.0 When do the CDM Regulations apply? 5
4.0 What is considered as "Construction Work"? 5
5.0 An overview of the responsibilities and duties of the client 6
5.1 Allocate sufficient time and resources to manage health and safety 6
5.2 Appoint a Principal Designer 6
5.3 Provide pre-construction information 6
5.4 Notify the Health & Safety Executive (if project is notifiable) 7
5.5 Appoint a Principal Contractor 7
5.6 Ensure the Principal Contractor prepares the Construction Phase Health & Safety Plan 7
5.7 Provide sanitary/welfare facilities 7
5.8 Ensure the Principal Designer prepares the Health & Safety File 7
5.9 Keep and update the Health & Safety File 7
6.0 Failure to appoint a Principal Designer or Principal Contractor 8
7.0 Key members in the project team 8
7.1 The Client 8
7.2 The Principal Designer 8
7.3 The Designers 9
7.4 The Principal Contractor 9
7.5 Other Contractors 10
8.0 Assembling the project team 10
9.0 Notification of projects 11
10.0 Preconstruction information 12
10.1 Historical information provided by the client 12
10.2 Information supplied by the client regarding current building usage 12
10.3 Information supplied by the design team 13
11.0 The Construction Phase Health & Safety Plan 13
12.0 Provision of sanitary and welfare facilities 14
13.0 The Health & Safety File 15
14.0 Potential intervention by the Health and Safety Executive 15
15.0 Additional information 16

1.0 Introduction

This briefing paper is prepared primarily for churches and similar organisations who may be considering building work or projects. The emphasis of the paper is therefore on the responsibilities and legal duties on churches in the role as client, rather than the duties of designers, contractors and other professionals who will be engaged on the building project and who should be more familiar with their duties under the CDM Regulations.

Construction work can pose serious hazards, for example from asbestos, manual handling, falls, transport and collapses. Each year many people die or are injured in construction related accidents and many more suffer from long-term ill health.

The aim of the Construction (Design & Management) Regulations, known as CDM Regulations in short, is to eliminate or reduce risks to health and safety in construction projects.

Clients set the tone for the overall project and have overall control. The client's arrangements must ensure that the building is designed and constructed and can be subsequently used and maintained in safety.

The risks to health and safety not only affect the construction workers themselves, but also members of the public who may be in close vicinity during building works, those who may continue to use a building during alterations or extensions and those who will be responsible for using and maintaining the completed building, such as cleaning and regular maintenance work. The risks to health and safety will ultimately affect those who may need to demolish the building in the future.
To improve standards in health and safety requires team work and co-ordination between the whole project team including, not only the client, but also designers, contractors and workers.

The aim of the CDM Regulations is to focus on identifying hazards at an early stage in the design process from initial concept onwards – not as an afterthought or a "bolt-on" extra. Where possible risks to health and safety should be eliminated. Where they cannot be eliminated, they should be reduced as far as possible.

2.0 Legislation and guidance

The Construction (Design & Management) Regulations 1994 came into force on 31 March 1995. The Regulations have subsequently been updated and superseded by the Construction (Design & Management) Regulations 2007 which came into force on 06 April 2007 and the current Construction (Design and Management) Regulations 2015, which came into force on 06 April 2015.

The 2015 version of the Regulations strengthens and broadens the responsibilities of a client. An important difference introduced with the 2015 Regulations is the level and number of duties which may affect small church building projects. Under the previous 2007 Regulations, if the project was not large enough to require notification to be given to the Health and Safety Executive, then some of the duties, such as the preparation of a health and safety plan and a health and safety file did not apply. Under the 2015 Regulations all of the duties now apply, whether the project is large enough to be notified to the Health and Safety Executive or not. This alteration will have the effect of placing extra health and safety duties on churches as clients, even for small building projects.

In tandem with the 2015 Regulations, the Health & Safety Executive have published Guidance on Regulations to give practical advice on how to comply with the legislation. The Guidance runs into 90 pages and only a brief summary can be given in this document.

The Guidance has a special legal status: "Following the guidance is not compulsory, unless specifically stated, and you are free to take other action. But if you do follow the guidance you will normally be doing enough to comply with the law. Health and Safety Inspectors seek to secure compliance with the law and may refer to this guidance".

In addition to a commentary and advice on the CDM Regulations, the Guidance on Regulations also includes a full transcript of the CDM Regulations 2015. It is therefore advisable that churches considering building works obtain a copy of the Guidance on Regulations, details of which are given in the last section of this document.

The Health and Safety Executive have also produced some simple leaflets and booklets which explain the CDM Regulations. Details of these are also given in the last section of this document.

3.0 When do the CDM Regulations apply?

The CDM Regulations apply to all construction work within the United Kingdom, together with work in areas unlikely to affect church projects, such as work in its territorial seas and renewable energy zones.

Where the project is undertaken for a "domestic" client (someone who has construction work undertaken on their own home, or the home of a family member, and is not done in connection with a business), different provisions apply. These provisions are not covered by this document which is prepared in relation to church projects.

Most church building projects, other than some maintenance work or small alterations, will need to be notified to the Health and Safety Executive as detailed in Section 5. This is in addition to any requirement for Planning Approval, Building Regulations Approval or Party Wall Agreements.

However, it is important to note that all construction projects are subject to the Regulations, even if they are not large enough to require notification to the Health and Safety Executive.

4.0 What is considered as "Construction Work"?

"Construction work" is specifically defined in the Regulations and, as may be expected, includes most building work to be planned by churches. It means the carrying out of any building, civil engineering or engineering construction work to a structure. It includes work to a structure which comprises construction, alteration, conversion, fitting out, commissioning, renovation, repair, upkeep, redecoration or other maintenance, de-commissioning, demolition or dismantling.

It also includes preparation work for an intended structure, such as site clearance or site preparation and the assembly or disassembly of prefabricated components forming a structure.

Also included is work in connection with mechanical, electrical, gas, telecommunication, computer services, together with other services which would not normally apply to church projects, such as hydraulics and compressed air.

Structures to which the Regulations apply can include structures other than the main building. Most of these will not be relevant to most church projects as they concern pylons, masts, bridges etc, but they do include underground tanks, earthworks, retaining walls etc which may be part of a church building project.

If there is any element of doubt regarding the definition of what constitutes “construction work” or a “structure”, the full text of the Regulations should be consulted.

5.0 An overview of the responsibilities and duties of the client

The Guidance to the Regulations acknowledges that most clients, particularly those who only occasionally commission construction projects, will not be experts in the construction projects. For this reason, they are not required to take an active role in managing the actual construction work. However, the client is required to make suitable arrangements for managing the project so that health, safety and welfare is secured. This may often be done by assistance and guidance from professionals within the project team.

A brief overview of responsibilities and duties imposed on the client by the CDM Regulations 2015 is listed below in the approximate chronological order in which they are likely to occur. It is not exhaustive and is based upon the project being a typical church building project which is considered a “commercial” project under the Regulations. Different responsibilities and duties apply where the project is undertaken for a “domestic” client and are not covered here.

5.1 Allocate sufficient time and resources to manage health and safety

The client must allow time to meet their duties under the Regulations. On larger church projects it may be appropriate to allocate a particular church officer to be the main contact point for H&S matters and information.

They should also set a realistic time frame and budget and cover other relevant matters, such as setting up a single point of contact in the client’s organisation.

5.2 Appoint a Principal Designer

There will usually be several persons working on the project who may be classed as designers, as identified in a later section. If so, the client must appoint one person to be the Principal Designer who, as such, will have particular responsibilities and duties under the Regulations. The role of Principal Designer is often undertaken by the architectural consultant appointed, but not necessarily so.

The Regulations state that the appointment of the Principal Designer must be in writing. It would be important to state in the written appointment that the person or organisation is agreeing to undertake the specific role of Principal Designer under CDM Regulations, in addition to their normal responsibilities as a designer.

5.3 Provide pre-construction information

It is a requirement of the Regulations that the client must provide pre-construction information as soon as practicable to each designer and each contractor working on the project. This is often done by handing relevant information to the Principal Designer who may compile the information into a pre-tender information pack and distribute the necessary information to other designers or contractors on behalf of the client. An indication of the information which may be relevant is summarised in a later section. More detailed information regarding the preconstruction information is given in Section 10.

Much of this information can be compiled and copied by the client at the concept of a project, even before designers are appointed, in preparation for issue at a later date.

5.4 Notify the Health & Safety Executive (if project is notifiable)

If a project falls within the requirements for notification, the client must notify the Health and Safety Executive as soon as possible. They must also update notifications as more information becomes available and must ensure a copy of the notice is displayed. Fuller details are given in Section 9.

5.5 Appoint a Principal Contractor

As for designers, there may be several contractors working on a project, as outlined in Section 7.5. If so, the client must appoint one of them to be the Principal Contractor who, as such, will have particular responsibilities and duties under the Regulations.

As for Principal Designers, the Regulations state that the appointment of the Principal Contractor must be in writing. It would be important to state in the written appointment or contract that the person or organisation is agreeing to undertake the specific role of Principal Contractor under CDM Regulations, in addition to their normal responsibilities as a contractor.

If the project is to be subject to receiving competitive tenders, appointment of the Principal Contractor cannot normally take place until after receipt and evaluation of the tenders.

5.6 Ensure the Principal Contractor prepares the Construction Phase Health & Safety Plan

Once the Principal Contractor has been appointed, he will need to prepare a Construction Phase H&S Plan before commencing the work. Details of the Construction Phase Health and Safety Plan are outlined in Section 11. It is the client's responsibility to ensure that he has done so. One way of ensuring this is to require a copy to be submitted to the client for comment before construction commences.

The client will need to allow sufficient time within the project program between appointing the Principal Contractor and the works commencing for the preparation and circulation of the Construction Phase Plan.

5.7 Provide sanitary/welfare facilities

The Regulations require that the client must ensure that the minimum welfare facilities are provided for the workforce. These include sanitary, washing, rest and eating facilities and are covered in more detail in Section 12.

If the client is not providing the facilities themselves, they will need to ensure the contractor is doing so. The facilities must be in place before any work commences, which includes any demolition, stripping out etc, so adequate time must be allowed for these to be put in place before commencement of the works.

5.8 Ensure the Principal Designer prepares the Health & Safety File

Preparation of the Health and Safety File, as a record of completed work, will normally be undertaken by the Principal Designer as part of their duties and will usually require little work from the client, other than to receive it. However, it is the duty of the client to ensure it is completed by the Principal Designer.

Details of the Health and Safety File are covered in Section 13

5.9 Keep and update the Health & Safety File

It is the client's duty to maintain and update the Health and Safety File and make it available

for inspection by others who may need to undertake work in the future, following completion of the foreseeable building work.

6.0 Failure to appoint a Principal Designer or Principal Contractor

Regulation 5 specifically requires the client to appoint a Principal Designer and Principal Contractor.

It is important to note under Regulation 5 that, if the client fails to formally appoint a Principal Designer or a Principal Contractor, then the client becomes responsible for fulfilling all the duties of the Principal Designer or Principal Contractor themselves. In most church projects, it is unlikely that the client would have sufficient knowledge of the construction process and, in particular, knowledge of the relevant Health and Safety procedures, to fulfil these duties, although they would become liable for them.

7.0 Key members in the project team

7.1 The Client

The client has the greatest influence over the way the project is run as they have contractual control of how and when the work is undertaken. They have control over the time, money and other resources available for the project. They determine who makes up the project team, when they are appointed, their competence and who does what. They also have control over whether the team has the information it requires about the existing building and structures.

The previous CDM 2007 Regulations required the client to appoint a CDM Co-ordinator. The role of CDM Co-ordinator has now been abolished under the 2015 Regulations and greater responsibilities and duties are placed on the client. They make the client accountable for the impact their decisions and approach have upon the health, safety and welfare of the project.

For church building projects it is important to be aware that the "client" under the CDM Regulations is the person for whom the project is carried out, not necessarily the legal owners. In cases where the property is held by a Trust, such as Church Growth Trust but the work is being commissioned by the church leaders, it is the church who has the legal requirement to fulfil the responsibilities and duties of the client, not the Trust.

In the case of most church building projects, a group of people are often the client as far as the building contract is concerned, rather than an individual. It is therefore important to clarify without doubt who the client is in legal terms in respect of both the contract and the CDM Regulations. Terminology such as the "ABC Community Church" is unlikely to be sufficient. The named client would be best worded to identify specifically who is responsible e.g. "The Elders and Deacons of ……." Or "The Trustees of……" If the client is named as "The Trustees of ABC Community Church" and the client fails to fulfil their legal obligations and duties under the CDM Regulations, there is the possibility that the trustees could personally be liable for the consequences.

7.2 The Principal Designer

It is the client's duty to appoint, in writing, one person or organisation to undertake the responsibilities and duties of Principal Designer. Suitably qualified professionals will be familiar with the CDM Regulations and the duties of this role and, as this document is directed to inform clients, they will not be listed in detail here. Full details of their duties can be found in the Regulations and the Guidance referred to in the last section of this document.

A brief overview of their duties is as follows:

- To assist the client in the provision of pre-construction information.
- To plan, manage and co-ordinate health and safety in the pre-construction phase of the project, including identifying, eliminating or controlling risks to persons involved during the construction stage and subsequent maintaining/cleaning operations, together with those who may use the structure as a work place.
- Ensuring the designers carry out their duties.
- To prepare and provide relevant information to other designers.
- To provide relevant information to the Principal Contractor to help them plan, manage, monitor and co-ordinate health and safety in the construction phase.
- Where the Principal Designer's appointment extends for the duration of the contract, he will be responsible for compiling the health and safety file during the construction phase and handing it over to the client upon completion of the project. Where the Principal Designer's appointment concludes before the end of the project, he is required to pass the health and safety file to the Principal Contractor who is required to review, update and revise the file and to pass the file to the client at the end of the project.

7.3 The Designers

Whilst the architectural designer is likely to be the key designer for the project, other designers appointed by the client can include other persons with design duties. These may include structural engineers, drainage engineers, interior designers, heritage organisations and designers of specialist equipment or installations, such as sound equipment, heating and ventilation etc. A client also becomes a designer under the Regulations if they specify or stipulate certain aspects of the design, such as finishes, materials etc.

The designers are required to co-operate with and to supply relevant information to other duty holders, including the Principal Designer and, like the Principal Designer, they are required to modify designs to eliminate, reduce or control risks that may arise during construction and during the maintenance and use of the building once it is completed. They would also be expected to contribute any relevant information to the health and safety file upon completion of the project.

7.4 The Principal Contractor

The Principal Contractor is a special title and position under the CDM Regulations.

On many projects there may be more than one contractor working at a time. If there are more than one contractor, the client is required to appoint one of them as the Principal Contractor. With several contractors working at the same time there is opportunity for no particular overall approach and monitoring of health and safety risks. The appointment of one contractor as the Principal Contractor seeks to control this.

Usually the main contractor for the project also acts as the Principal Contractor and other contractors working on the site do so under his authority with regard to health and safety matters. In addition to his own domestic subcontractors, these may include other contractors working independently or working direct for the client as outlined in the following section.

The Principal Contractor will ensure the safe working and co-ordination between contractors

and will be responsible for ensuring satisfactory welfare facilities are provided on site. Once appointed, they will draw up the Construction Phase Health and Safety Plan before construction work begins and keep it up to date as work progresses. They will ensure that any site rules which have been prepared are enforced and feed information to the Principal Designer as work is completed to enable the preparation of the Health and Safety File. If the appointment of the Principal Designer does not extend to the end of the contract, the Principal Contractor takes on the responsibility for compiling the Health and Safety File and passing to the client upon completion of the project.

7.5 Other Contractors

Contractors are those who actually do the construction work. On most smaller projects there will only be the Principal Contractor, but on other larger projects contractors may include specialist contractors employed directly by the client e.g. those installing sound systems, furniture, blinds/curtains or other specialist items. They can also include self-employed persons or those directly employed by the client, such as their caretaker or maintenance officers.

8.0 Assembling the project team

The Guidance to the Regulations indicates that the client's management arrangements for the project must cover what the client will do when considering the appointment of those working on the project.

Under the previous 2007 Regulations the CDM Co-ordinator would commonly have assisted the client with this assessment or undertaken it on their behalf. However, with the role of CDM Co-ordinator abolished in the 2015 Regulations, the responsibility is with the client.

The client should take reasonable steps to satisfy themselves that those who will carry out the work have the skills, knowledge, experience and, if an organisation, the organisational capacity to manage health and safety risks. What are considered as reasonable steps will depend upon the complexity of the project and the range and nature of the risks involved. The enquiries made should be sensible and proportionate and relate only to information which will address the anticipated risks. The Guidance indicates that excessive or duplicated paperwork should be avoided.

The Guidance to the Regulations refers to PAS-91:2013 which may be of assistance when making pre-qualification enquiries. This document contains sample questionnaires for the construction industry and is publicly available to download free of charge from the British Standards Institute website. It is likely to be over complex for forming a questionnaire relating to small church projects. However, some of the sample questions may be of assistance in forming a shorter and simpler questionnaire.

The Guidance to the Regulations suggests that when carrying out pre-qualification checks the client should check that the designer or contractor has enough experience and a good record in managing the risks involved in the project. The Guidance also suggests that due weight should be given to whether they hold membership of an established professional institution or body and whether those bodies have arrangements in place to provide some reassurance that health and safety is part of the route to membership of their profession. Questions can also be asked to ensure they have the sufficient skills and knowledge to carry out the work involved.

9.0 Notification of projects

Notification must be given if a construction project is expected to:

- Last longer than 30 days AND have more than 20 workers working simultaneously at any point in the project OR
- Exceed more than 500 person days.

The thresholds for notification were modified in the 2015 Regulations to indicate that projects lasting over 30 days only have to be notified if more than 20 persons are working simultaneously.

Under the previous 2007 Regulations notification was required for any project lasting longer than 30 days, irrelevant of how many persons were on site at any one time. As from 06 April 2015, this alteration to the threshold will have the effect of removing the requirement to give notice for many smaller church building projects unless they have more than 20 persons working at one time or they exceed the 500 person day limit. (e.g. 500 person days would be reached by employing five persons, all working five days a week for 20 weeks).

For church projects notification has to be given to the Health and Safety Executive. Where the work concerns railway works, defence sites, nuclear sites etc, notice has to be given to other bodies and details are not included here.

A further change from the 2007 Regulations was introduced with the 2015 Regulations. It is now the client who is responsible for ensuring the notification is given. However, if the client is unfamiliar with this process, they may request someone else to do this on their behalf, such as one of the designers or contractors. One way of the client ensuring the notice has been served by some other person is to request a copy of the notice sent.

However, serving the notice is not a complex matter. Schedule 1 of the Regulations list the information required but a simpler way to ensure the required information is supplied is to use the electronic F10 notification form at www.hse.gov.uk/forms/notification/f10.htm. The web site includes help and advice notes. However, it is not mandatory to use the F10 form, provided that all of the specified information is given. Unlike planning applications and building regulation applications there are no fees to be paid when submitting the information.

The notice has to be given as soon as practicable and in the early stages of the project. If some of the information is not known at the time of notification, e.g. details of the names or numbers of contractors, the notice should be updated when the required information is known.

If a construction project is small enough to not be notifiable at first, but there arise subsequent changes to its scope to make it fit the criteria for notification, the client must notify the HSE as soon as possible.

Once submitted the client must ensure that a copy of the notice is displayed in the construction site office or other prominent position, where it can be easily viewed by any person working on the site. If any information is subsequently updated, an up to date copy must be displayed. The client may arrange the display himself or ask the contractor to do so.

10.0 Preconstruction information

Preconstruction information will generally fall into several categories:

10.1 Historical information provided by the client

This will largely consist of historical information know or available to the client. The designers will usually be unaware of this information until supplied by the client, unless they have been involved in design aspects of the structure previously. The information may well affect their design. It therefore needs to be made available at the outset of the project to designers and, at a later stage, available to potential contractors. Clients can prepare and collate this information well in advance of the project, even before designers are appointed.

Information may typically include:

- Copies of any Health and Safety File produced since the introduction of the CDM Regulations in 1995. It is a legal requirement for work undertaken since 1995 that a Health and Safety File is retained, so this should not present any problems.
- Copies of any historical information available, such as original construction drawings, calculations, planning or building regulations approvals, associated drawings, schedules of work etc.
- It was not a legal requirement to retain information on building projects prior to 1995 and it is common on church projects that such information has been lost or not retained, mainly due to the change in church officers or leadership. In the absence of any written or printed information, a verbal or written declaration by the church of the approximate date of original construction together with the approximate dates of subsequent extensions/alterations/refurbishment will be of assistance, as these approximate dates can give an indication of the type of construction and materials that would have been employed.
- Details of service connections and suppliers such as:
    - Drainage connections (foul and storm)
    - Electricity
    - Gas
    - Water
    - Cable
    - Telecom/data communications.
- Details of previous use of land or buildings.
- Details of any ground investigations such as mining reports, contamination reports, archaeology reports etc, if available.
- Copies of asbestos registers and asbestos management plans for the structures concerned.
- Details of any other hazardous materials incorporated in the building structure e.g. fibreglass, lead etc and details of any hazardous substances stored at the premises e.g. fuel for lawnmowers, paints, LPG cylinders etc.

10.2 Information supplied by the client regarding current building usage

This will typically include additional information regarding the use of the building during the construction process, which should be discussed with the designers well in advance of seeking tenders from contractors.

Information may typically include:

- Whether the existing building or parts of it will continue to be in use by the client, their staff or the public during the construction process, or whether it will be vacant.
- If continuing to be in use:
  - Dates, times of regular church activities, including evenings and weekends when safe access needs to be provided to certain parts of the building. This may need to include time periods before activities for setting up/arrivals and clearing up/departures.
  - Agreed access routes, both pedestrian and vehicular, enabling segregation between construction areas and public access.
  - Emergency escape routes which need to be maintained.
  - Disabled access routes which need to be maintained.
  - Any temporary adjustments to lighting, escape lighting, escape signage arising from temporary routes.
  - Any restrictions on noisy or dusty activities arising from the use for church activities.
  - Any restrictions on deliveries or their timing to reduce or eliminate conflict with building users.
  - Any restrictions on specialist activities, arising from church activities e.g. hot bitumen work, asbestos removal etc.
  - Details of any emergency evacuation procedures, assembly points etc which may be affected by the works.
  - Any additional site rules or procedures to be imposed upon the contractors.

10.3 Information supplied by the design team

This will comprise additional information regarding the anticipated building project and will usually be compiled by the designers.

Information may typically include:

- Additional reports, surveys, investigations undertaken during the design process which have a bearing on health and safety matters.
- Particular hazards identified with proposed materials.
- Particular hazards identified with regard to the construction process.
- Details of any particular construction sequences or demolition sequences to be followed.
- Any additional site rules or procedures to be imposed upon the contractors.

11.0 The Construction Phase Health & Safety Plan

Once the Principal Contractor is appointed it will be his responsibility to prepare the Construction Phase Health & Safety Plan by taking any pre-construction information and building upon it to develop a more detailed Construction Phase Plan, which may include site layout plans, agreeing allocated areas for material storage, circulation routes, method statements for work to be carried out etc.

Although it is the Principal Contractor's responsibility to prepare the plan it is the client's responsibility to ensure that he has done so, before construction commences. It would therefore be reasonable for the client to require a copy of the plan. This enables the client to comment upon it, if

necessary, and to know that the plan has been produced. However, the client is not required to approve the plan. The client also needs to allow sufficient time for the plan to be developed and circulated between appointment of the Principal Contractor and commencement of works.

Not all information relevant to the Construction Phase Plan will be available to the Principal Contractor at the outset of the project (e.g. details of working arrangements and procedures for subcontract works, where the subcontractor is yet to be appointed, may not be known in the first instance). The Construction Phase Plan will therefore constantly need to be reviewed and updated during the construction works.

12.0 Provision of sanitary and welfare facilities

The subject of sanitary and welfare facilities for construction workers is often overlooked or underestimated on church building projects, particularly where the project may be a simple extension rather than a complete new building. Long gone are the days where a construction worker is expected to sit in his van and eat his sandwiches for lunch, without any washing facilities or sanitary accommodation.

Ensuring that satisfactory sanitary, washing, rest and welfare facilities are available for those working on the project is specifically identified as being a duty of the client under the Regulations, although in practice they may be arranged by the Principal Contractor. Work should not be permitted to commence until the necessary welfare facilities are in place.

The minimum welfare facilities which have to be provided are listed in Schedule 2 to the Regulations and are repeated in other guidance documents. The following is a very brief summary of the facilities which must be provided on construction sites:

- Sanitary conveniences, including lighting and ventilation.
- Washing facilities, in the immediate vicinity of sanitary facilities and changing rooms, including a supply of hot and cold or warm water, soap or other suitable means of cleaning, towels or other suitable means of drying, lighting and ventilation.
- Drinking water, including signage to denote drinking water and a supply of drinking vessels or a drinking fountain.
- Changing Rooms, including seating and, where necessary, drying facilities. These are only required where workers have to wear special clothing. (This need may not apply to many simple church projects.)
- Lockers. These are only required where workers have to wear special clothing. (This need may not apply to many simple church projects.)
- Facilities for Rest, including an adequate number of tables and of chairs with backs.
- Rest Facilities for pregnant women. Where necessary adequate facilities must be available for a woman who is a nursing mother or is pregnant to lie down.
- Meal Preparation. Suitable arrangements to ensure meals can be prepared and eaten, means for boiling water and maintained at an appropriate temperature.

The simple solution in terms of organisation is to require, under the building contract, that the Principal Contractor is responsible for installing, maintaining and removing all the required welfare facilities, although the siting/location of these would need to be agreed. This adds expense to the cost of the construction works for the temporary hire of such facilities. In addition, on small sites the space available to place the facilities is often very restricted, particularly as contractors' offices, storage areas/sheds etc would also be required.

Most churches are in the fortunate position that, where a building already exists, they may already have, on their premises, the welfare facilities required by the Regulations and may therefore choose to permit the contractor to use their own sanitary and welfare facilities. This would not apply if the project involved altering or refurbishing such welfare facilities. Permitting the use of existing facilities can make a considerable cost saving, but with churches the following considerations may be relevant:

- Is the existing building to continue in use? If so, would there be any conflict between use by construction workers and other occupants of the premises?
- In particular are there any security issues in terms of allowing construction workers access to the areas concerned, including when the building is not occupied by the church, in terms of overall security of the building, intruder alarms, valuable equipment, responsibility for ensuring the building is correctly and adequately secured when vacated etc?
- Would there be any issues regarding access by the construction workers into the required sections of the building with, for instance child protection policies, where access is only given to authorised persons?
- Responsibilities over cleaning and maintaining the facilities in joint-use in good order, including maintaining the route from construction area to facility area in a clean and acceptable state.

Some churches may immediately dismiss the concept of sharing welfare facilities with the contractor on the basis of maintaining the facilities in clean and acceptable condition but, in some cases the cost of arranging additional and more regular cleaning, even on a daily basis, can prove more economical than the additional cost of the contractor hiring separate facilities.

13.0 The Health & Safety File

Upon completion of the project a health and safety file is to be prepared. The Health and Safety File is only required by the Regulations for projects where there is more than one contractor. The information to be contained within the file is more fully detailed in Appendix 4 of the Guidance to Regulations but typically includes information about the current project which is likely to be needed to ensure health and safety during any subsequent work, such as maintenance, cleaning, refurbishment or demolition of the structure. There should be enough detail to allow likely risks to be identified and addressed by those carrying out the work.

The file will normally be prepared by the Principal Designer during the construction phase and be handed to the client upon completion of the works. If the Principal Designer's appointment does not extend until the completion of the works, he must hand the file to the Principal Contractor who takes on responsibility for updating and completing the file and handing it to the client upon completion of the works.

It then becomes the duty of the client to retain and update the file and make it accessible and available to all who may need it during the life of the structure.

If the client disposes of their interest in the building, the file has to be transferred to the person who takes on the new owner duties.

14.0 Potential intervention by the Health and Safety Executive

Serious breaches of health and safety on a construction project could lead to work being stopped by the Health and Safety Executive. Additional work may be required to put things right, in addition to

the consequential costs in delays to the construction program. In extreme circumstances clients can be prosecuted.

The Health and Safety Executive now recovers the cost of time spent dealing with breaches in health and safety law. This is known as Fee For Intervention (FFI). FFI applies when the Health and Safety Executive finds something wrong and they believe it is serious enough to write to a duty holder regarding the matter. A fee is charged for the inspector's time in sorting out the matter.

15.0 Additional information

"Managing Health & Safety in Construction: Construction (Design and Management) Regulations 2015: Guidance on Regulations". (L153) ISBN 978 0 7176 6226 3. It is 90 pages and a free download is available from www.hse.gov.uk or possible to purchase a hard copy for £15.00. Note: This document includes the full text of the CDM (Design & Management) Regulations 2015.

"CDM 2015 Industry Guidance for Clients" ISBN 978-1-85751-389-9. It is 22 pages and an in-depth guide specifically regarding the responsibilities and duties of clients under the Regulations. Published by CITB (Construction Industry Training Board) and available as a free download from www.citb.co.uk.

"Need building work done? A short guide for clients on the Construction (Design & Management) Regulations 2015." (INDG 411). It is 6 pages and free to download from www.hse.gov.uk.

"Provision of Welfare facilities during construction work" (Construction Information Sheet 59). It is 4 pages and free to download from www.hse.gov.uk/pbns/cis59.htm.

"PAS-91:2013 Construction prequalification questionnaires". It is 56 pages and free to download from the British Standards Institute website http://shop.bsigroup.com/upload/PASs/PAS91-2013.pdf.

For general advice on property, building projects and architectural work:

Jonny Heaney is a Chartered Architect and able to advise on large and small church building projects
Giles Arnold of Church Growth Trust is a Chartered Surveyor and able to advise on many property related issues.

Church Growth Trust

1 Manor Farm Barns, Baines Lane,
Seaton, Oakham, Rutland LE15 9HP
Tel: 01536 201339
Email: jonny.heaney@churchgrowth.org.uk and giles.arnold@churchgrowth.org.uk
Web: www.churchgrowth.org.uk