

1. Introduction

- 1.1 The Construction (Design and Management) Regulations 2015 place responsibilities on the Client, the Designer, and the Builder. This is 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 the 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:
- 2.2.1 make sure that the project is properly planned, managed and sufficiently resourced to be completed safely and managed throughout;
 - 2.2.2 appoint, in writing, a Principal Designer to build and/ or manage the project and a Principal Contractor 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 and the Principal Contractor's Health and Safety Plan.

3. The Principal Designer

- 3.1 The Principal Designer is a new role introduced by the Regulations and replaced the CDM Coordinator. The duties of the Principal Designer (PD) are that they must have control over the design and they must have some knowledge of the project so that any potentially hazardous activities can be properly planned and 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 small 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 fulfil on all projects:
- 4.2.1 They must prepare and implement a Health and Safety Plan. The Principal Contractor must do this themselves if they have the necessary experience and competence 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 somewhere for the workers to rest and eat. These must be provided from the very first day, and must be maintained throughout the works have finished;

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4.2.3 The Principal Contractor must ensure the site/works area is secured when no one is placed at risk during the works. This includes ensuring 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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4.2.5 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 happy that your chosen subbie is competent to carry out the work without making shortcuts. Accepting that the cheapest option may not always be the best, as Principal Contractor you are responsible for ensuring that health and safety requirements are met.

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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; it can be 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 site to be by-passed.

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5. Construction Phase Health and Safety Plan (CPHSP)

5.1 Every job needs a Construction Phase Health and Safety Plan (CPHSP) not only to ensure that the Principal Contractor has a plan on the site and has

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5.2 The **Construction Phase Health and Safety Plan** is a working document that details the Safety on the project and the Pre-Construction Information (PCI) from the Client and Principal Designer.

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5.3 The builder (Principal Contractor) must ensure that if they are not experienced, they have a competent person, or a competent person, to prepare the CPHSP however they can arrange for a competent person, or a competent person, to create it for them.

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5.4 The CPHSP will include details of the Client, the CDM Approved Person, the Principal Contractor, the Project Manager and any significant sub-contractors.

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5.5 Some of the issues that should be included in a CPHSP are: Scope of Works; Project Information; Exchange of Information Between Parties; First Aid; Traffic Management; Welfare and

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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 costs of health and safety law enforcement.

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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 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

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

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

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