



Construction, Design and Management (CDM) Regulation Changes 2015: Guidance for Insurers and Loss Adjusters

Construction Health and Safety legislation underwent a substantial change on 6th April 2015 with the introduction of the Construction, Design and Management (CDM) regulations 2015. So how have these changes come about, what are they and how will they impact on the roles of the various parties involved in a construction and loss adjuster industry?

Changes of note include:

- Simplified structure to the regulations
- Clients responsibilities strengthened and broadened
- Removal of exemption for domestic clients i.e. homeowners are now in scope of the regulations
- A new role of Principal Designer to co-ordinate the design stage
- Removal of the role of CDM-Coordinator
- Amendment to notification level
- Notification threshold includes worker numbers
- Appointments threshold being where more than one contractor on a project
- Removal of 'competence' requirement and replaced with 'skills, knowledge, experience and training' and 'organisational capability'
- All construction projects require a Construction Phase Plan (CPP)

Whatever your role in construction or loss adjusting, CDM aims to improve Health and Safety in these industries by helping you to:

- Sensibly plan the work so the risks involved are managed from start to finish
- Have the right people for the right job at the right time
- Cooperate and coordinate your work with others from start to finish
- Have the right information about the risks and how they are being managed
- Communicate this information at the right time effectively to those who need to know
- Consult and engage with workers about the risks and how they are being managed
- Avoid distraction and waste of resource on excessive documentation and process
- Ensure costs incurred with regard to health safety and welfare are expended effectively

For the purpose of this document:

Policy holder and/or Insurer are the client.



Table of Contents

1. Claims Settlement Scenarios
2. Table of New Roles and Duties
3. CDM Regulations 2015 – Key Changes
4. Domestic Clients
5. Commercial Clients
6. Principal Designer
7. Principal Contractor
8. First Notification of Loss (FNOL) to Insurer/Broker by Customer
9. Pre-construction Information
10. Pre-visit risk assessment
11. Visit –Initial Measures
12. Validation of loss
13. Before the work starts
14. During the work
15. Requirements at the completions of works
16. Selection and management of panel suppliers and contactors
17. The customer instructs his own expert or contactor
18. Obligations on the contractor
19. Possible Effects on day to day business for Adjuster businesses



1. Claims Settlement Scenarios

There are different means of settling claims in Insurance and Loss Adjusting and the purpose of this section is to identify the CDM requirements under each of these processes. A full understanding of the full document is required but this section provides headline guidance.

Whilst the CDM 2015 regulations apply to ALL Construction projects the Health and Safety Executive single out Domestic projects with the following caveat:

HSE Advice 1 – domestic clients

If you are having work done on your own home, or the home of a family member, and it is not in connection with a business, you will be a domestic client. The only responsibility a domestic client has under CDM 2015 is to appoint a principal designer and a principal contractor when there is more than one contractor.

However, if you do not do this, (as is common practice) your duties as a domestic client are automatically transferred to the contractor or principal contractor. If you already have a relationship with your designer or architect before the work starts, the designer can take on your duties, provided there is a written agreement between you and the designer to do so.

HSE Advice 2 – commercial clients

If you are having construction work carried out as part of your business, you would be considered a commercial client. This could be an individual, partnership or company, and includes property developers and companies managing domestic properties.

If more than one contractor will be involved, a commercial Client will need to appoint (in writing) a principal designer and a principal contractor. A principal designer is required to plan, manage and coordinate the planning and design work. Appoint them as early as possible so they can help you gather information about the project and ensure that the designers have done all they can to check that it can be built safely.

This section deals with the process in terms of complexity and the involvement of the Claims Handler or loss adjuster and other appointed agents. The levels that are considered are as follows:

1. Desk top validation of an estimate

The desk top handler should advise the Domestic Clients of HSE Advice 1 and Commercial Clients HSE Advice 2

2. Desk top validation of an estimate with the use of a scoping tool

The desk top handler should advise the Domestic Clients of HSE Advice 1 and Commercial Clients HSE Advice 2

3. Adjuster visit and agreement with scope and estimate

The Loss Adjuster should advise the Domestic Clients of HSE Advice 1 and Commercial Clients HSE Advice 2

4. Appointment of a network contractor with consent of the Policyholder

The Loss Adjuster should advise the Domestic Clients of HSE Advice 1 and Commercial Clients HSE Advice 2. Further, as the Insurer will be deemed to be the Client and the Loss Adjuster the agent of the Insurer the Loss Adjuster should ensure the contractor is competent, is acting as the principal



contractor and principal designer. In addition the Loss Adjuster should pass on all relevant pre construction information gained on site.

5. Appointment of surveyor to prepare specification of works

The Loss Adjuster should advise the Domestic Clients of HSE Advice 1 and Commercial Clients HSE Advice 2 adding that, as the Insurer will be deemed to be the Client and the Loss Adjuster the agent of the Insurer the Loss Adjuster should ensure the contractor is competent, is acting as the principal contractor and principle designer. In addition the Loss Adjuster should pass on all relevant pre construction information gained on site.

The Loss Adjuster should also be satisfied that the surveyor (whether in house or otherwise) is competent (has the appropriate skills, knowledge and experience to complete the work) when Insurers or the adjusting firms network contractor is used. This is not the case when the Insured’s own selected contractor and surveyor are engaged.

2. New Roles and Duties

CDM duty holder	Summary of role/main duties
<p>Clients - organisations or individuals for whom a construction project is carried out</p>	<p>Make suitable arrangements for managing a project. This includes making sure:</p> <ul style="list-style-type: none"> • other duty holders are appointed in writing • sufficient time and resources are allocated • relevant information is prepared and provided to other duty holders • the Principal Designer and Principal Contractor carry out their duties • welfare facilities are provided.
<p>Domestic clients - people who have construction work carried out on their own home, or the home of a family member that is not done as part of a business, whether or not for profit</p>	<p>Duties are normally transferred to the contractor, on a single contractor project; or the Principal Contractor, on a project involving more than one contractor. However, the domestic client can choose to have a written agreement with the Principal Designer to carry out the client duties.</p>
<p>Designers - who as part of a business, prepare or modify designs for a building, product or system relating to construction work</p>	<ul style="list-style-type: none"> • When preparing or modifying designs, to eliminate, reduce or control foreseeable risks that may arise during construction and the maintenance and use of a building once it is built. • Provide information to other members of the project team to help them fulfil their duties.
<p>Principal Designers - appointed by the client in projects involving more than one contractor. They can be an organisation or an individual with sufficient knowledge, and experience</p>	<ul style="list-style-type: none"> • Plan, manage, monitor and coordinate Health and Safety in the pre-construction phase of a project. <p>This includes identifying, eliminating or controlling foreseeable risks and ensuring designers carry out their duties.</p> <ul style="list-style-type: none"> • Prepare and provide relevant information to other duty holders. • Liaise with the Principal Contractor to help in the planning, management, monitoring and coordination of the construction phase.



<p>Principal Contractors – contractors appointed by the client to coordinate the construction phase of a project where it involves more than one contractor</p>	<p>Plan, manage, monitor and coordinate health and safety in the construction phase of a project, including</p> <ul style="list-style-type: none"> • liaising with the client and Principal Designer • preparing the construction phase plan • organising cooperation between contractors and coordinating their work • ensuring suitable site inductions are provided • ensuring reasonable steps are taken to prevent unauthorised access • ensuring workers are consulted and engaged in securing their Health and Safety • ensuring welfare facilities are provided.
<p>*Contractors – those who do the actual construction work and can be either an individual or a company</p>	<ul style="list-style-type: none"> • Plan, manage and monitor construction work under their control so that it is carried out without risks to Health and Safety • For projects involving more than one contractor, coordinate their activities with others in the project team – in particular, comply with directions given to them by the Principal Designer or Principal Contractor • For single-contractor projects, prepare a construction phase plan.
<p>Workers – the people who work for or under the control of contractors on a construction site</p>	<p>They must:</p> <ul style="list-style-type: none"> • be consulted about matters which affect their health, safety and welfare • take care of their own Health and Safety and others who may be affected by their actions • report anything they see which is likely to endanger either themselves or others • co-operate with their employer, fellow workers, contractors and other duty holders.

* **Note**- A Sub-contractor would fall under the definition of Contractor under CDM 2015.

3. CDM Regulations 2015 – Key Changes:

The new regulations recognise the influence and importance of the client as the head of the supply chain and that they are best placed to set standards throughout a project. Additional responsibilities therefore arise, not just at the commencement of the project but throughout. Clients who are regular developers will be better able to manage these responsibilities, but there may be a steep learning curve for new or inexperienced clients. A client is required to appoint a Principal Designer as well as a Principal Contractor in any project where there is more than one contractor working on the project, as multiple parties on site increases the risk of injury and death. If they do not, they will assume those parties’ responsibilities.

What is defined as Construction under CDM 2015?

There are two steps to determining whether an activity falls within the definition of *construction work*, and therefore whether CDM 2015 applies.

Step 1 – the project/activity must fall within one or more of the three categories set out in the definition, those being the *carrying out of any;*

Building work, civil engineering work, or engineering construction work.*.



If the activity falls within any of these three categories, CDM 2015 **does** apply. If the activity does **not** fall into any of the three categories, CDM 2015 **does not** apply and Step 2 is not relevant.

****Note:** The Engineering Construction Industry Association (ECIA) sets out **engineering construction work** as the design, construction and maintenance of process plant across the oil and gas, water, environmental, steel and metal, cement, glass, paper, brewing and distillation, food, power generation, nuclear waste reprocessing, pharmaceutical production, petrochemical and chemical sectors.*

Step 2 - If the activity falls into one of the three main categories, then the list of specific construction activities in (a) - (e) (on the next page) are relevant and provide the second stage to determining if an activity is construction work.

When considering (a) – (e), note that the activities in each relate to specific actions in respect of a structure within the project, and should not be considered as interchangeable.

There may be activities similar to those listed which may be considered, but they should be seen in the context of the functions, and not just ‘made to fit’.

(a) the construction, alteration, conversion, fitting out, commissioning, renovation, repair, upkeep, redecoration or other maintenance (including cleaning which involves the use of water or an abrasive at high pressure, or the use of corrosive or toxic substances), de-commissioning, demolition or dismantling of a structure;

This relates to activities involved with the building, alteration, upkeep etc. decommissioning, demolition or dismantling of a structure.

(b) the preparation for an intended structure, including site clearance, exploration, investigation ... and excavation ..., and the clearance or preparation of the site or structure for use or occupation at its conclusion;

This relates to the preparation of a site for an intended structure and the preparation of the site or structure for its occupation or use at its conclusion.

(c) the assembly on site of prefabricated elements to form a structure or the disassembly on site of the prefabricated elements which, immediately before such disassembly, formed a structure;

This relates to the assembly or disassembly of prefabricated elements on site to form or take apart a structure.

(d) the removal of a structure, or of any product or waste resulting from demolition or dismantling of a structure, or from disassembly of prefabricated elements which immediately before such disassembly formed such a structure;

This relates to the removal of a structure or waste from demolition or dismantling of a structure.

(e) the installation, commissioning, maintenance, repair or removal of mechanical, electrical, gas, compressed air, hydraulic, telecommunications, computer or similar services which are normally



fixed within or to a structure;

This relates to the installation, commissioning, maintenance, repair or removal of a system of services (i.e. heating system, plumbing system) normally fixed to or within a structure rather than an individual component of any such system.

Note: The definition provides for certain activities that are exempt from CDM 2015. These are:

Site surveys; pre-construction archaeological investigations and the exploration for, or extraction of, mineral resources, or preparatory activities carried out at a place where such exploration or extraction is carried out.

Notifiable Project:

What is the threshold for notification and what implications does it have for other duties under CDM 2015?

- The notification threshold for projects has changed. A project becomes notifiable where it lasts longer than 30 days AND has more than 20 workers, working simultaneously at any one point OR exceeds 500 person days overall.
- Increasing the notification threshold will reduce the number of projects required to be notified significantly, and thus reduce the burden on business.
- Notification is a stand-alone requirement and does not give rise to any additional duties.

Can duty holders other than the client notify the project?

- The duty to notify is placed upon the client. It will be acceptable common practice for others, particularly the Principal Designer to notify the project on BEHALF of the client – but the duty is not delegable.

FAQ: Why does the F10 notification form have no facility for identifying persons other than the client as notifier?

Because the duty is the client's. AN Other may notify on behalf of the client and the F10 form provides a tick box for this situation.

Key message for duty holders:

- There has been continued and disproportionate interest in the requirements of notification. It is believed this resulted from the culture that prevailed in much of the construction industry under CDM 2007 that the law only applied if a project was notifiable.
- CDM 2015 applies to ALL construction projects irrespective of size, duration or complexity and that whether a project is notifiable or not has no bearing on the duties to be discharged. Only those projects that satisfy the notification threshold are notifiable.

The Regulations covers the duties of clients for all construction projects. These duties apply in full for Commercial clients, however, the duties for domestic clients normally pass to other duty holders as shown in the table below.



4. Domestic Clients

Non-commercial clients were excluded under CDM 2007 but are included under CDM 2015. The regulations will therefore apply to more of the smaller contractors who work with domestic clients.

Although the exemption for domestic clients has been removed, duties of domestic clients are normally transferred to the contractor (on a Single Contractor project) or the Principal Contractor (on a project involving more than one contractor). The only responsibility placed upon a domestic client is to appoint the Principal Contractor and Principal Designer, where there is more than one contractor. However, if this (as will be common practice) does not happen, the regulations automatically make the contractor in control the Principal Contractor and the designer in control the Principal Designer. In recognising that some domestic clients may have already established a relationship with their designer or architect (the Principal Designer) before they go ahead with construction, the regulations allow the Principal Designer to take on the client duties where there is a written agreement between the client and Principal Designer to do so.

Messages for contractors and domestic clients:

Most importantly, the regulations do not seek to make the lives of contractors more difficult. By passing the client responsibilities to the Contractor (on a single contractor project) or Principal Contractor, or the Principal Designer if the domestic client so wishes, the current position for domestic projects changes little.

Toolkit for small businesses

The new regulations intend to support small business in improving Health and Safety standards on sites where incident rates are high. It is not the intention to increase bureaucracy or cost – quite the opposite.

By providing clear guidance through the industry guides for Principal Contractors and contractors and templates, the HSE believes that small construction projects can be delivered to a higher standard of Health and Safety and thus cost effectiveness with minimal extra work on the part of business.

Construction plan toolkit includes:

Template for [Construction Phase Plan](#)

Lists essential points to help to plan and organise the job, and work together with others involved to make sure that the work is carried out without risks to health and safety, and complies with CDM 2015.

CITB smartphone CPP app

The app is freely available to download from the CITB website, which allows the construction phase plan to be completed within a few minutes without any paper form filling. This app is designed for small businesses undertaking routine construction projects. Once the relevant construction activities are input – the app identifies the common Health and Safety risks automatically, and the control measures that should be followed. The plan is automatically generated and can be saved or emailed to others such as clients and other contractors.

5. Commercial clients

Recognising the importance and influence a client has over the way a project is procured and delivered and the standards to which these are done, the regulations strengthen and broaden their responsibilities. The regulations encourage clients to actively lead construction projects, whilst recognising that their experience and abilities will be diverse.



The client is now responsible for making the arrangements by which the project will be managed and ensuring that those arrangements are maintained and reviewed throughout the life of the project.

Where there is or is likely to be more than one contractor working on a project, the client must appoint both a Principal Designer (PD) and a Principal Contractor (PC) at the earliest opportunity and before construction starts. The client is also responsible for taking 'reasonable steps' to ensure both the PD and PC comply with their duties, for providing pre construction information (PCI), ensuring the construction phase plan and Health and Safety file are produced and for ensuring the Health and Safety file is handed over to any new owner of the structure.

Where an Insurer directly appoints suppliers or contractors they will become the client and assume the duties under the 2015 CDM regulations.

The Insurer may engage the services of a loss adjuster to act on their behalf in arranging designers, surveyors and or contractors but the Insurer will still remain the Client and continue to assume the duties under the 2015 CDM regulations.

6. Principal Designer

The Principal Designer is required to coordinate all Health and Safety matters during the pre-construction phase, which can often overlap with the construction phase. Any designer (not just the Principal Designer) must not start any design work unless they are satisfied that the client is aware of the duties they have under CDM 2015. It is possible that a design and build contractor may be appointed as both the Principal contractor and Principal Designer, although in cases where they are not in place at concept design stage, the architect may take on the role of Principal Designer up to completion of the pre-construction phase. At the end of the pre-construction phase the architect, as Principal Designer, would then pass the Health and Safety file to the design and build contractor as Principal Contractor and Principal Designer.

FAQ: What is the purpose of the Principal Designer?

The PD function is provided, primarily to project manage and control the design stages (including design changes and modifications) of a construction project from concept to completion to ensure Health and Safety risks are properly identified, considered and controlled.

FAQ: Who can carry out the role of the Principal Designer?

The PD must be a designer - an architect, consulting engineer or quantity surveyor, or anyone who specifies and alters designs as part of their work. They can also be clients, contractors and tradespeople if they carry out design work or arrange for or instruct persons under their control to do so. They must have the right mix of skills, knowledge and experience or organisational capability to carry out all the functions and responsibilities assigned to them in Regulations 11 and 12 and have control over the pre-construction phase.

Commonly, the Principal Designer (PD) is likely to be:

- for larger projects - a design practice or a technical department of a Principal Contractor e.g. a Principal Contractor doing design and build
- for smaller projects - a self-employed architect/technician, small design practice, a project management company, a client's internal estates management team, or even a specialist tradesperson such as an electrician where they lead on the design function



So long as they meet the criteria of;

- i. being a designer;
- ii. having the relevant skills, knowledge and experience or organisational capability, and;
- iii. being in control of the pre-construction phase.

FAQ: Does CDM 2015 require the Principal Designer to be a member of the project design team?

No. The PD must be appointed by the client as soon as it is established that more than one contractor is or is likely to be working on the project to plan, manage, monitor and control the design stages.

- If the client gets it right and appoints the PD early at the concept stage, then the appointment should commonly take place before the project design team has been fully identified or assembled. The PD may provide their own design team, appoint a team or manage and control any team appointed by others.
- Whatever the model, which provides maximum flexibility for the client, - the PD must be able to prove to the client that they have the skills, knowledge and experience or organisational capability to fulfil all the functions - proportionate to the nature be in control of the design team so that they, and the design team, can carry out their roles effectively.

FAQ: Can a client carry out the role of the Principal Designer?

Yes. If a client fails to, or decides not to appoint a PD the law provides that the PD role is automatically assigned to the client.

Many clients will choose to take on the PD role themselves but irrespective of whether by choice or otherwise, the client must have the skills, knowledge experience and organisational capability to fulfil all the PD functions and responsibilities effectively.

FAQ: What if a domestic client fails to appoint a Principal Designer?

It is recognised that a domestic client is unlikely to know that they are required to do this. Should this be the case, the role of PD will automatically be carried out by the designer 'in control'. In most cases this is likely to be a building surveyor.

What should designers and contractors be saying to clients (domestic, inexperienced or otherwise)?

A designer can take many guises from an architect, technician or technologist through to the specific designer disciplines of structural, civil, electrical and the like. Moreover, any other discipline (including contractors) preparing or modifying a design, or arranging or instructing another under their control to do so, is a designer. Irrespective of the role, the duties on the designer remain the same. Primarily, their first obligation will be to ensure before they start any design work that the client is aware of their obligations under CDM.

Designers' responsibilities differ little in this respect from that conferred on them by CDM 2007. A designer should have sufficient knowledge of the client's obligations in order to be able to assess their knowledge and advise them of their role. Advising the client of their obligations is a routine matter that will be part of any early discussions about the project.



The regulations do not specify any one method by which designers will discharge this responsibility and indeed it will be on a case by case basis.

Many designers have in the past, used a standard letter format to the client and this may well continue to be a sensible approach. In the smallest of commercial projects, this may prove a useful method, but it may be that verbal advice and assurance is enough. It is often helpful for a designer to have some mechanism to record that they have discussed and advised the client on this issue – but any such mechanism should minimise bureaucracy for bureaucracy's sake.

What if the designer is not equipped to fulfil the Principal Designer role?

The client appoints the PD – and in so doing has to be satisfied before that appointment takes place that the designer appointed to be PD has the necessary skills, knowledge and experience and/or organisational capability to undertake the work in hand in a way that secures Health and Safety.

The relevant designer needs to be aware of their own limitations as they should not accept the appointment unless they meet that standard.

Generally, a designer will be qualified and a member of a relevant professional body and as such should be able to demonstrate their capabilities fairly readily in respect of the design function.

What may be more of a concern is whether the designer has sufficient Health and Safety knowledge or the organisational capability to undertake the work in a way that secures Health and Safety.

If a designer wants their Health and Safety skills assessed in order to assure the client that they meet the standard for appointment then they can do so by different methods. A third party assessment using an assessment body which is a member of the umbrella organisation Safety Schemes in Procurement (SSIP) (www.ssip.org.uk) is one method, but not a requirement of the law. If a designer wanted to undertake self-assessment to provide the client with assurance – then the prequalification questions in PAS 91 provides a free tool to do so.

However, the regulations do not prohibit the Principal Designer from being supported by others. Thus it would be acceptable, for a Principal Designer to 'buy – in' specialist support in areas such as Health and Safety, if the PD's skills were still developing and to provide the organisational capability required. But, the responsibility for discharging the requirements of the PD role cannot be delegated either downward or sideways and thus the PD will always be fully responsible for the requirements placed upon them – irrespective of whether they are supported by others or not, in their discharge.

What if the designer is only appointed to undertake design (planning, building regs)?

The duties on the designer are the duties of the designer irrespective of when subsequent construction takes place and by whom.

Thus they are still required to ensure the client understands their responsibilities, are required to consider Health and Safety hazard and risk as part of their design process and through that process eliminate them. Where that is not reasonably practicable, the designer must, through subsequent design considerations, reduce or control those risks.

Additionally, the designer will need to include with the design, sufficient information about the designed structure, its construction or maintenance that allows other designers and contractors to fulfil their duties in the future.



7. Principal Contractor

This role fulfils the role of Health and safety coordinator for the project execution phase (the construction phase). The Principal Contractor largely retains the core duties that they held under CDM 2007, with only minor modification. Essentially therefore, during the pre-construction phase, and before setting up a construction site, the Principal Contractor must draw up a construction phase plan or make arrangements for one to be drawn up. The plan must set out the Health and Safety arrangements and site rules taking account, where necessary, of the industrial activities taking place on the construction site and any specific measures arising. The Principal Designer must assist the Principal Contractor by providing all information that is relevant to the construction phase plan.

8. First Notification of Loss (FNOL) to Insurer/Broker by Customer

This is the first contact between the customer and the insured or broker, normally via a call centre. The task of the call centre employee is to take basic details of the cause of damage and the cost of repairs where this information is known. Normally call handlers and customers have little knowledge of CDM 2015 regulations.

Cash settlements based upon information supplied by the customer

For cash settlements based upon estimates (or where the customer proposes to do the work themselves) the Insurer are unlikely at this point to be in a position to inform customers whether the work requires a notification to the HSE under the CDM regulations. The policyholder customer will be the client.

If the insurers calculate a cash settlement using a 'scoping tool' software application and information provided by the customer as a means to provide a settlement valuation or as the means to verify an estimate, this may provide evidence that the works will require notification to the HSE under the CDM regulation 2015. The customer should be informed where they can find the information to confirm this, although there is no legal obligation to do this. However, the policyholder customer will be the Client and will assume the Client duties.

It is worth noting that validation schedules are indeed just that and it should be noted to the Policyholder Customer that they have not be prepared with CDM designer's duties in mind.

9. Pre-construction Information

Where an insurer takes the decision to arrange an inspection all efforts should be made to ensure identification of significant hazards and risks which should be passed to the adjuster or surveyor before they undertake their site visit.

Where an insurer appoints a contractor to inspect damage, the insurer must satisfy itself that the contractor is competent to undertake the work.

10. Pre-visit risk assessment

Insurers' representatives appointed to inspect damage must undertake a pre-visit risk assessment. This may be undertaken over the telephone with customer, on the door step prior to entry onto the premises, or a combination of both. The risk assessment should be recorded to ensure compliance with the Management of Health and Safety Regulations and may form part of the Pre Construction Information. This is good practice but might not always be part of the construction work.



11. Visit – Initial Measures

For domestic or commercial a 'suitable and sufficient' risk assessment must be undertaken before and recorded prior to commencement of any work.

For maintenance work, it is important to note:

- The definition of maintenance work has not changed. If the task in hand looks like construction work, requires construction skills and uses construction materials, it is likely to be construction work. General maintenance of fixed plant which mainly involves mechanical adjustments, replacing parts or lubrication is unlikely to be construction work.
- If the maintenance work is construction work, and there is only one contractor, no PC or PD appointment is required. If more contractors are brought in, then a PC and PD need to be appointed for that particular project.
- All construction work under CDM 2015 requires planning, but the plan for smaller jobs should be simple, short and proportionate to the risks.

12. Validation of loss

The Loss Adjuster or contractor must have appropriate training to identify damage, validate and include the reasonable cost of repair works, this should include timescales, number of contractors involved as these form part of the CDM 2015 requirement where notification is required.

The Loss Adjuster/surveyor when completing these can attract the Designers duties under CDM. The Designer has a duty in carrying out design, to eliminate or control foreseeable risks as far as reasonable practicable, any significant risk that cannot be designed out has to go into the Pre-Construction Information being passed by the Client whether this is the Insurer or the policyholder customer to the Contractor/s, so that they can carry out their duties.

13. Before the work starts

Pre-construction information is required before any work is started.

The pre-construction information provides the health and safety information needed by the designers and contractors who are bidding for the work on a project, or who have already been appointed to enable them to carry out their duties, it is also required by the principal designer and principal contractor when planning, managing, monitoring and coordinating the work of the project.

Pre-construction information provides a basis for the preparation of the construction phase plan and is defined as information about the project that is already in the client's possession or which is reasonably obtainable by or on behalf of the client. The information must:

- Be relevant to the particular project;
- Have an appropriate level of detail; and
- Be proportionate to the risk involved.



The Construction Phase Plan

All construction projects now require a Construction Phase Plan (CPP) – irrespective of size and duration. The purpose of this provision is to focus those undertaking even the smallest of projects (including domestic work) on the planning of the project and ensure associated risk is considered and controlled.

The plan should be proportionate to the scale of the job and the Health and Safety risks involved. Plans involving smaller, less risky jobs should be short and simple and should require no further consideration than is already required for well-managed activities.

FAQ: Does maintenance work need a Construction Phase Plan?

The definition of construction work has not changed and duty holders still need to make a sensible judgement as to whether CDM 2015 applies to activities such as maintenance. For example, where the activities involve general maintenance of fixed plant involving mechanical adjustments, replacing parts or lubrication it continues to be unlikely to be construction work and CDM 2015 will not apply.

However, where the task in hand looks like building work, requires construction skills and uses construction materials, CDM 2015 is likely to apply. In this case, the job will need planning. A practical and proportionate construction phase plan, which highlights the real risks of the work, should be prepared and kept up-to-date.

FAQ: Is the installation of drying equipment following an insured incident deemed construction work?

No but on completion the certificate of completion should form part of the Pre-construction Information.

FAQ: Is the lifting of carpets, underlay and gripper rods and the subsequent fitting of new floor fall under the definition of construction work?

Although not deemed construction work, as with all activities undertaken by a professional contractor they should have the appropriate safe system of work and risk assessments in place.

FAQ: Would the lifting/replacement of a laminate or solid wood be defined as construction work?

This would depend on the extent of the works, if it was a simple replacement then unlikely but if it forms part of a larger project it is likely to fall under the CDM regulations.

14. During the work

Consideration should be given to:

- Whether the method of undertaking the works should be altered
- Whether a licensed contractor, for such items as the discovery of asbestos products, is required and the appropriate tests undertaken.
- Whether the work must be notified to the HSE.

Any reassessment must be recorded.



If an adjustor/surveyor is preparing or modifying a design or arranges for, or instructs, any person under their control to do so then by definition of CDM 2015 then they are the Designer and attract Designer duties under CDM 2015.

15. Requirements at the completions of works

On completion of the works, a Health and Safety file must be produced and handed to the client (a copy should also be kept for audit purposes). If the Client is the Insurer then the file should be passed to the policyholder customer.

16. Selection and management of panel suppliers and contactors

Employers are responsible for training and Health and Safety of their own staff.

Where an insurer, as a Client, appoints a supplier / contractor the insurer must satisfy itself that the contractor is competent as far as Health and Safety is concerned. The insurer must make reasonable enquires and undertake due diligence in the selection process to ensure that the supplier or contractor is competent.

The insurer must be satisfied that the contractor provided suitable training to its employees. Training needs to suit the employees and the role that they undertake.

The insurer must satisfy itself that there is processes for ensuring sub-contractors are competent and audit to ensure that the process is followed as far as reasonably practicable.

Site inspections may be appropriate, but it is recognized that the value of such inspections could be limited. It is impossible to cover a representative sample of claims, given the number of claims submitted and wide geographical area concerned. The threat of inspections, however, may have some value, but insurers are not 'required' to inspect provided that other suitable checks are in place to ensure compliance. It is for individual insurers to decide whether this is proportionate approach to risk mitigation.

17. The customer instructs his own expert or contactor

If the Insured decides to use their own expert or contractor then the Insured takes on the Client Duties and they will have to appoint in writing their own Designer and Contractor. As the Client the Policy Holder is responsible for creating Pre-Construction Information.

18. Obligations on the contractor

There is an obligation placed on the contractor to ensure the site is managed in a safe manner, to manage all known hazards and risk before starting any works and to ensure suitable arrangements are in place to remove or reduce these to an acceptable level.

19. Possible Effects on day to day business for Adjuster businesses

In conclusion the loss adjuster business needs to ensure it understands what their roles are. In most cases it will be that of providing information to their clients and monitoring the CDM requirements on behalf of them.

In some cases they will attract the role of a designer where they specify the works from a scope of works or undertake the surveyor role in a claim.



Where the business has, or uses, a contractor network they will also need to ensure the competence of the contractors who will undertake the works, ensuring their knowledge of CDM 2015 is sufficient and their understanding of their role with the chain.

Each business within the Adjusting and Insurance sector will have its own model to operate from and differ slightly depending on its resources available to achieve compliance with the Regulations.

The overall aim of the revised Regulation is to improve the health and safety of the building and refurbishment sector, reduce the disproportionate interest in the requirement of notifications and ensure all projects are managed correctly to the proportion of risk involved.

Top Tips:

- Read the industry guides – they are a great help
- Consider the use of the CITB smartphone CPP app, if appropriate
- Make sure work is planned in a sensible and proportionate way
- Concentrate on the real risks involved with construction work
- Be aware of your role when dealing with domestic projects, when this is insurance work, the insurer will become the Client where the insurer directly appoints suppliers or contractors
- Use the HSE CDM 2015 website – it has all the information you need for free
- Remember – HSE does not expect contractors to be Health and Safety officers – they want you to work safely.
- Contractors and designers need to communicate and help each other in delivering a successful project

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[Insert Heading]