

# Designer Guidance

## Fewer than five employees

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# Introduction

The purpose of this document is to provide guidance to suppliers who are completing the CDM-C question set for those with five or more employees.

The guidance notes are applicable to all suppliers completing the Health and Safety Appendix, whether for an Acclaim Accreditation or as part of their Constructionline registration.

It is hoped that the guidance within this document will provide you with all of the information that you need however if you should have any queries please contact Acclaim Accreditation or visit [www.constructionline.co.uk/acclaim](http://www.constructionline.co.uk/acclaim)

**Telephone:** 01256 383609

**Email:** [acclaim@capita.co.uk](mailto:acclaim@capita.co.uk)

## Further reading / additional resources

The following links are to sites providing guidance on meeting the requirements of undertaking Designer duty holder roles

Managing Health and Safety in Construction – Construction (Design and Management) Regulations 2007 Approved Code of Practice: <http://www.hse.gov.uk/pubns/priced/l144.pdf>

HSE summary on website: <http://www.hse.gov.uk/construction/cdm/summary.htm>

<http://www.hse.gov.uk/construction/cdm/faq/designers.htm>

Are you a designer? <http://www.hse.gov.uk/construction/areyou/designer.htm>

ConstructionSkills CDM guidance:

<http://www.cskills.org/supportbusiness/healthsafety/cdmregs/guidance/index.aspx>

Introductory Guidance for Designers:

[http://www.cskills.org/uploads/CDM\\_Designers4web\\_07\\_tcm17-4643.pdf](http://www.cskills.org/uploads/CDM_Designers4web_07_tcm17-4643.pdf)

## Note to suppliers with fewer than five employees on completing this health and safety question set.

Companies with fewer than five employees are not required by law to have a written health and safety policy. A health and safety policy comprises a number of documents covering;

- **policy statement** (the company's commitment to health and safety)
- **organisation** (the responsibility of individuals for health and safety from the most senior director down to members of staff)
- **arrangements** (how a company will act to meet its legal obligations on a number of topics e.g. undertaking risk assessments, managing lone working staff, dealing with asbestos).

These companies should then monitor and audit themselves to check that they actually do what they say they should do and look for areas of improvement in health and safety management.

It is recognised that small companies won't need such comprehensive systems in place as looking after a small team of just a few people can be managed more easily. In addition, for the very small companies employing fewer than five people there is no legal requirement to write down how you manage health and safety.

However, in order to satisfy the requirements of an assessment carried out in accordance with Appendix 4 of the CDM Regulations Approved Code of Practice, some written evidence is necessary. You cannot simply say "I train my staff" and expect that to be taken as sufficient evidence to demonstrate that you have an adequately trained workforce. Therefore you need to provide a written response to each of the questions that form the assessment. Your responses should demonstrate that you understand what is required of you and how you achieve that. This should be in sufficient detail that someone else, i.e. Acclaim Accreditation, can assess you as meeting the requirements. Where the question set makes reference to a policy or arrangements, you may take this as meaning you should provide a statement describing what you do.

Your responses can take the form of text typed directly into the box provided, a document that you upload or a combination of both. Where we can, we have provided some links to documents prepared by the HSE to assist you. If you use these documents you should understand that you are committing yourself to complying with the points made in them.

When considering how you should respond, you should be aware that we are not looking for long, overly detailed statements. You should check to ensure that each of the matters raised in the 'Guidance Note text' is covered adequately by your response. If you believe that a particular issue is not relevant to your organisation, and therefore your response does not need to cover one of the

items listed as 'evidence required', you should say so but you must give a reason why.

**If you do not provide an item of evidence requested without an explanation as to why, you will be asked for it by the Constructionline administrator which may delay your assessment.**

### Changing Circumstances

**If you are a self employed person** who works on his/her own (sole trader), all the references to 'your employees' are not relevant and you should state this where necessary. This assessment will then be completed on this basis. Should you find that your circumstances change and you engage one or more employees, you must reapply for a new Acclaim certificate as any certificate issued will be invalidated. By clicking on the 'Yes' button and proceeding with the assessment you are confirming your agreement that you will do this.

Similarly **if you are a company with fewer than five employees** this assessment will be completed on this basis. If you increase your workforce such that you have five or more employees, you must reapply for a new Acclaim certificate as any certificate issued to you will be invalidated. By clicking on the 'Yes' button and proceeding with the assessment you are confirming your agreement that you will do this.

## Question 1: Policy and Organisation

Are you able to demonstrate that you have a policy and organization for health and safety (H&S) management?

You are expected to have and implement an appropriate policy, regularly reviewed and signed off by the Managing Director or equivalent.

The policy must be relevant to the nature and scale of your work and set out the responsibilities for health and safety management at all levels within the organisation.

### Guidance

#### Policy

Your policy should be:

- To prevent accidents and cases of work-related ill health and provide adequate control of health and safety risks arising from work activities
- To provide adequate training to ensure employees are competent to do their work
- To engage and consult with employees on day-to-day health and safety conditions and provide advice and supervision on occupational health.
- To implement emergency procedures- evacuation in case of fire or other significant incident. You can find help with your fire risk assessment at [www.communities.gov.uk/firesafety](http://www.communities.gov.uk/firesafety)
- To maintain safe and healthy working conditions, provide and maintain plant, equipment and machinery, and ensure safe storage/use of substances.
- To display the health and safety law poster
- To provide first aid box and accident book

It can be stated as outlined in the bullet points above, or written to cover these, and any additional aspects, in your own words. For this purpose you may use the form included in p10 of the HSE document INDG 449 (click <http://www.hse.gov.uk/pubns/indg449.pdf> ) provided you complete, sign and date it.

Your policy should be signed by the most senior person responsible for health and safety e.g. Managing Director and be dated within the past 12 months.

## Organisation

You should clearly indicate how your company is organised and how responsibilities are allocated throughout the company in sufficient detail to illustrate how health and safety obligations are discharged. The information should include details of those responsible. The policy document on page 10 of INDG 449 has a column for you to allocate health and safety responsibilities.

### **What you need to provide**

1. Either H&S Policy or signed p10 from INDG 449
2. Either Organisation for Health and Safety or completed p10 from INDG 449

## Question 2: Arrangements for Health and Safety Management

### Arrangements

Are you able to demonstrate arrangements for ensuring that your H&S measures are effective in reducing/preventing incidents, occupational ill-health and accidents?

These should set out the arrangements for health and safety management within the organisation and should be relevant to the nature and scale of your work. They should set out how the company will discharge their duties under CDM2007. There should be a clear indication of how these arrangements are communicated to the workforce.

## Guidance

### General Arrangements

Your arrangements should have regard to Planning, Organisation, Control, Monitoring and Review as set out in the Management of Health and Safety at Work Regulations 1999 regulation 5 (<http://www.hse.gov.uk/pubns/priced/l21.pdf>).

You should include the index of your arrangements, if you have one, but there is no need to provide all the arrangements themselves unless identified below.

Your arrangements should include at least the following:

- risk assessment
- consultation with employees
- safe plant and equipment
- hazardous substances
- information, instruction and supervision
- training
- accidents, first aid and work related ill health
- monitoring
- emergency procedures
- fire and evacuation

The 'arrangements' noted above are not task specific 'risk assessments' but should describe your general arrangements for addressing each subject.

You must provide details of your arrangements covering the following matters:

- lone working
- asbestos awareness
- visiting sites

In addition you must provide at least two additional arrangements most appropriate to your line of design work.

### Arrangements for CDM2007

Your arrangements for discharging your duties under CDM07 should be provided and include how you:

- ensure the client is aware of his duties under CDM,
- eliminate hazards and reduce risk associated with those hazards which remain,
- provide adequate information about any significant risks associated with your design,
- co-ordinate your work with others.

You must demonstrate how this information is communicated to the workforce unless you are a sole trader in which case this is not applicable to you.

## What you need to provide

1. Index of arrangements
2. Arrangements for:
  - Lone working
  - Asbestos awareness
  - Visiting sites
  - At least two other arrangements
3. Arrangements for CDM2007
4. Your means of communicating this information to the workforce

## Question 3: Competent Health and Safety Advice

**Do you have access to competent H&S advice/assistance – both general and construction sector related?**

Your organisation, and your employees, must have ready access to competent health and safety advice, preferably from within your own organisation.

The advisor must be able to provide general health and safety advice, and also (from the same source or elsewhere) advice relating to construction health and safety issues.

### Guidance

Your answer must demonstrate:

- An appropriate source (one or more)
- Examples of such advice

for both general issues e.g. new or amended legislation, manual handling in the office, use of computer screens; and also for out of office work related issues, e.g. lone working, dealing with asbestos.

Although Suppliers may use their own staff for the provision of advice, these individual(s) must be competent to give this advice. Regardless of whom you use, you must include details of their qualifications and experience (which should be commensurate with the role) – see HSE guidance on competent advice (<http://www.hse.gov.uk/business/competent-advice.htm>).

You must include two examples of such advice provided within the previous 24 months, at least one of which should be related to out of office issues. The examples should include the advice itself.

### What you need to provide

1. Details of competence of H&S advisor(s) including CV
2. Two examples of advice received

## Question 4: Training and Information

**Do you have a policy and process for providing your workforce with training and information appropriate to the type of work for which your organization is likely to bid?**

You should have in place, and implement, training arrangements to ensure your employees have the skills and understanding necessary to discharge their duties as contractors, designers or CDM co-ordinators. You should have in place a programme for refresher training, for example a Continuing Professional Development (CPD) programme or life-long learning which will keep your employees updated on new developments and changes to legislation or good health and safety practice. This applies throughout the organisation - from Board or equivalent, to trainees.

### Guidance

You should have a training policy that demonstrates that you consider the needs of all your employees by:

- Determining the appropriate training and information that they require.
- Monitoring the delivery of information and training

#### Information

You should explain how you determine what information is required and how this is provided e.g. leaflets, notices, talks.

#### Training

This should cover both the introduction to a subject and also on-going 'refresher training'. This may be presented in a number of ways e.g. tool box talks, team meetings, on-the-job, on-line approaches or formal training sessions. Whatever manner is used it should demonstrate a considered approach.

Such instruction should be sufficient to provide the requisite skills and understanding for the tasks to be undertaken.

## Training Records

All those who regularly visit sites should also hold a CSCS/CSR card or equivalent to demonstrate that they have achieved at least this level of understanding, although this on its own is not sufficient to demonstrate that adequate training has been provided.

You should provide sample training records from across all employee levels to demonstrate that you implement your training policy. These records should include general health and safety training, training in CDM07, asbestos awareness training etc.

Where your employees are likely to come into contact with asbestos containing materials you must provide evidence of annual asbestos awareness refresher training.

### **What you need to provide**

1. How information is provided to employees
2. Training policy
3. Training records

## Question 5: Qualifications and Experience of Workforce

Does your workforce have H&S or other relevant qualifications and experience sufficient to implement your H&S policy to a standard appropriate to the work for which your organization is likely to bid?

Employees are expected to have the appropriate qualifications and experience for the assigned tasks, unless they are under controlled and competent supervision.

### Guidance

The nature of this 'qualifications, training and experience' will vary, depending upon the tasks being undertaken.

You should have a policy which clearly sets down the health and safety qualifications required for all levels of staff.

You should provide CVs of directors and designers showing that they have appropriate qualifications, training and experience. CVs should be typical of the people employed by the supplier.

### What you need to provide

1. Policy
2. CVs.

## Question 6: Monitoring, Auditing and Review

Do you check, review and where necessary improve your H&S performance?

You should have a system for monitoring your procedures, for auditing them at periodic intervals, and for reviewing them on an ongoing basis.

### Guidance

You should have a policy that demonstrates how you:

- monitor your procedures,
- check or audit your procedures,
- review your practices in the light of experience, and look to improve where this is appropriate

These activities should be carried out by a competent person.

You should provide information on how, when and who you use to implement the following:

#### Monitoring:

Pro-active monitoring (usually relates to specific tasks, or work locations); re-active monitoring (usually occurs after accidents or incidents).

#### Review:

A review should be annually or when there is an apparent need, e.g, after an accident or near miss. It may include a review of policy, procedures, risk assessments and any changes to the nature and scope of your work.

## Audit:

An audit is a more formal review of the overall process: hazard identification, risk assessment, safe system of work and its implementation in the workplace and provision of supervision. This process should include the investigation of accidents and the incorporation of any lessons learnt into your method of working.

You must provide evidence of a health and safety audit or review undertaken within the past 12 months.

Alternatively, the provision of an OHSAS 18001 compliance certificate issued by a UKAS accredited certification body is sufficient evidence to demonstrate competence in this area.

## What you need to provide

1. Policy for monitoring audit and review

2. **Either**

Monitoring or audit report with resultant management action

**Or**

OHSAS 18001 certification

**Or**

Health and safety advisor's annual review with resultant management action

## Question 7: Consultation with Workforce on Health and Safety Matters

Do you have procedures in place to involve your workforce in the planning and implementation of H&S measures?

You should have, and implement, an established means of consulting with your workforce on health and safety matters.

### Guidance

This may be achieved in a number of ways; for example, team meetings, questionnaires, office discussions, via safety or union representatives. Your arrangements should include details of how this is achieved, and how you deal with any concerns expressed by staff over health and safety, who deals with them and how you give feedback.

You must provide your arrangements for consulting with your workforce together with evidence to demonstrate that you implement it. The evidence should comprise at least two of the following:

- a) records of health and safety committees
- b) notes of staff meetings where health and safety matters were discussed
- c) screen shots of company intranet pages relevant to health and safety
- d) records of concerns raised and how they were dealt with.

Of which one must address item (d) and none of which should be more than 12 months old.

### What you need to provide

1. Procedures/Arrangements
  2. Evidence of implementation
- two examples

## Question 8: Accident/Incident Reporting

**Do you conduct accident/incident reporting and undertake follow-up investigation?**

You should have records of all RIDDOR (the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations) reportable events for at least the last three years. You should also have in place a system for reviewing all incidents, and recording the action taken as a result.

You should record any enforcement action taken against your company over the last five years, and the action which you have taken to remedy matters subject to enforcement action.

### Guidance

#### Accidents

Learning from accidents is a vital element of good safety risk management.

It is expected that you will have a formal means of recording and keeping records of accidents for at least the last three years. You should also comply with the requirements of the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR).

<http://www.hse.gov.uk/pubns/indg453.pdf>.

Your records should also show how (and by whom) these accidents were investigated and how your work methods changed as a result.

You must provide:

- RIDDOR statistics for the last three years
- an explanation of how you record and keep accident records e.g. accident book
- two examples of accident investigation and details of how you amended your procedures (if applicable) as a consequence

## Enforcement action

You must provide details of any enforcement action taken against you over the last five years. Enforcement action can be in the form of:

- a) an Improvement Notice
- b) a Prohibition Notice
- c) Prosecution

You must also provide details of the action you took in response to the enforcement action and how this was communicated to your staff. If no enforcement action has been taken against you in the last five years you should say so and this is all you need to do.

## What you need to provide

1. RIDDOR statistics
2. Keeping accident records
3. Two examples of accident investigation
4. Enforcement action
  - details
  - your action

## Question 9: Appointing Competent Sub-consultants

Do you have arrangements for ensuring that your suppliers apply H&S measures to a standard appropriate to the work for which they are being engaged?

You should have arrangements in place for appointing competent sub-contractors/consultants.

You should be able to demonstrate how you ensure that sub-contractors will also have arrangements for appointing competent sub-contractors or consultants.

You should have arrangements for monitoring sub-contractor performance.

### Guidance

It is expected that when you appoint sub-consultants, the standards you apply when assessing their H&S competency match the requirements of the CDM ACoP Appendix 4. These standards should be appropriate for the nature and scale of the work for which they are being contracted.

You should be able to demonstrate how you ensure that your sub-consultants will also have arrangements for appointing competent sub-consultants themselves.

Your arrangements should also include the on-going monitoring of the H&S standards of your appointed sub-consultants.

If you have not engaged a sub-consultant in the last three years a statement to this effect is adequate and you do not need to provide a completed sub-consultant assessment. However if the possibility exists then you should still have procedures in place should the need arise.

You should provide details of your procedures for ensuring:

- the competence of your sub-consultants
- the same standards are applied throughout your supply chain (this would normally be through pre-contract enquiries and then a contract requirement)
- the monitoring of your sub-consultant's performance

You should also provide a completed sub-consultant health and safety competence assessment that is in accordance with the requirements of CDM ACoP Appendix 4.

If you do not engage sub-consultants at all then you must provide a statement to this effect. This assessment will then be completed on the basis that you do not engage sub-consultants. Should you find that your circumstances change and you engage sub-consultants, you must reapply for a new Acclaim certificate as any certificate issued on the basis of the above will be invalidated. You must provide a statement that you understand that you will need to reapply for a reassessment if you appoint sub-consultants, having previously stated that you do not.

The statement that you provide should read as follows:

"We do not engage sub-consultants and understand that should we commence doing so this will invalidate our Acclaim certificate and we agree to apply for reassessment if we wish to maintain our certification."

## **What you need to provide**

1. Competence assessment arrangements
2. Completed sub-consultant assessment
3. Statement about not engaging sub-consultants, if appropriate

## Question 10: Designer Duties under Regulation 11 CDM

Do you have and implement, arrangements for meeting your duties under regulation 11 of CDM2007?

You should have, and implement, arrangements for meeting your duties under regulation 11 of CDM2007.

### Guidance

Designers have a significant role to play in helping prevent accidents and reducing ill health on construction sites and making structures safer to use and maintain.

You should have arrangements in place that set down how you meet your duties under CDM 2007 which should incorporate the following:

#### Co-operation

This will include your meetings and other discussions, exchange of safety information, and agreements on issues which affect other site users such as emergency arrangements, deliveries, traffic routes, design interfaces and the like.

#### Co-ordination

This will include how you co-ordinate your design with others to ensure you do not create hazards for others to resolve.

#### Elimination of hazards

Your emphasis should be on practical measures that reduce particular risks arising from the design, not on lengthy procedural documentation highlighting generic risks.

## Workplace Regulations

This will demonstrate how you ensure that your design complies with the requirements of the Workplace (Health, Safety and Welfare) Regulations.

You should provide your arrangements that show how you comply with your duties under CDM 2007 Regulation 11.

You should provide evidence showing how you:

- Ensure co-operation and co-ordination of design work within the design team and with other designers/ contractors;
- Ensure that hazards are eliminated and any remaining risks controlled;
- Ensure that information on significant risks that have not been designed out are conveyed to others;
- Ensure that any structure that will be used as a workplace will meet relevant requirements of the Workplace (Health, Safety and Welfare) Regulations 1992;
- Manage design changes.

You should provide at least two examples showing how risk was reduced through design.

## What you need to provide

1. Arrangements/procedures for meeting duties under Regulation 11.
2. Evidence of co-operation and co-ordination of design work with other designers/ contractors.
3. Evidence showing how you identify and eliminate hazards and reduce risk.
4. Evidence of how you pass on information regarding residual risks.
5. Evidence showing how you ensure a structure will meet requirements of Workplace Regs 1992.
6. Procedures for managing design changes.
7. Two examples.