

## CDM Advisers

### Q1. Are 'CDM Advisers' required by CDM 2015?

- A. No. CDM 2015 makes no mention of a role or dutyholder called a CDM Adviser. A CDM Adviser is not required by law.

CDM 2015 requires the client to appoint a Principal Designer (PD) and Principal Contractor (PC) where there is, or is likely to be, more than one contractor working on a project.

As with any appointment a client must ensure that the appointee has the requisite skills, knowledge and experience (SKE) to undertake the role of PD or PC.

In the majority of cases, PDs are likely to already have most of the required SKEs, and are capable of developing them, probably without realising it.

### Q2. What if a prospective Principal Designer does not possess all the requisite skills, knowledge and experience (SKE) to undertake health and safety coordination?

- A. Usually an organisation will be appointed as PD. Only in the smallest projects is the PD likely to be an individual. As the PD function is new and will usually be taken on by a design organisation or project management team, it is anticipated that in the short term the PD may find that they lack *some* SKE.

There is nothing in CDM 2015 which prevents a PD from bringing in or buying in the services of specialists in a particular field to ensure their organisation is equipped with all the necessary SKE to undertake the role, and satisfy the client of their organisational capability.

Former CDM-Cs and other health and safety professionals may be in a position to offer these services.

The law does not allow the PD to delegate their responsibilities elsewhere. HSE expects that the adviser's role is to provide a temporary mechanism of support for the PD while the necessary skills and knowledge are developed.

### Q3. What should a construction client do if a prospective PD appointee intends to buy in health & safety coordination advice?

- A. Clients have responsibilities to appoint those in the role of PD who have the requisite SKE. Clients should therefore assure themselves of the reasons and arguments put forward by the PD for the inclusion of any brought or bought in advisory or support role, before accepting the arrangements and if necessary the client should review their selection of the PD.

### Q4. What if a construction client wishes to get CDM advice?

- A. Some clients are seeking to appoint advisers to support them in the discharge of their client duties. This is not required by CDM 2015.

Any external advisor cannot assume the legal duties, responsibilities and/or functions of the client. The law does not allow the client to delegate their responsibilities elsewhere.

**Q5. Is independent health and safety advice prohibited under CDM 2015?**

- A.** No. One of the main drivers for the change in CDM, is to remove the cost and bureaucracy of dutyholders ‘contracting out’ their responsibilities to a third party and to ensure that those who actually control and lead construction projects are accountable for doing so – in short those who create the risk are responsible for managing it.

As has always been the case, some dutyholders may feel that they do require independent health and safety advice to supplement their own SKE. Specialist advice is not prohibited by CDM 2015. Indeed the procurement of specialist expertise to support the delivery of quality construction projects may be both necessary and effective, particularly in the short term while further expertise is developed within organisations.

**Messages for dutyholders**

1. The PD and PC have the responsibility to control and coordinate health and safety in the pre-construction and construction phases and this cannot be contracted out to a third party.
2. CDM advisers are not required under CDM 2015. CDM 2015 does not require a client to have an advisor – it requires the client to appoint those with the right skills, knowledge and experience for the PD and PC coordination functions.
3. The design professions should be providing designers with the skills to discharge the PD role for the future, to be able to deliver the health and safety outcomes of CDM 2015.
4. For many projects the steps required by the client and PD to comply with their legal requirements will only require straightforward actions. In most cases, those involved in small projects are not expected to do more than they currently are.

**Further Information**

HSE Construction webpages

[The Construction \(Design and Management\) Regulations 2015](#)

HSE legal series guidance

[Managing health and safety in construction: Construction \(Design and Management\) Regulations 2015 \(L153\)](#)