



Research into The Construction (Design & Management) Regulations - The Client Voice

A research project by Pye Tait Consulting on behalf of the Construction Clients' Group and the British Property Federation

Main Report

April 2010

Pye Tait Consulting

Royal House, 110 Station Parade, Harrogate, HG1 1EP

Tel: 01423-509433

Fax: 01423-509502

Email: info@pyetait.com Web: www.pyetait.com



Cert No: 5120

Contents

Foreword.....	4
Acknowledgements.....	5
About this Report.....	6
Executive Summary.....	7
1. Introduction	11
1.1 Objectives.....	11
1.2 Methodology	11
1.3 Research Implementation	11
2. The Findings	12
2.1 Respondent Characteristics.....	12
2.2 Frequent Clients	17
2.3 One-off and Infrequent Clients	27
3. Concluding Statement.....	31

Tables

Table 1 – Location of respondents.....	12
Table 2 – Industry – frequent clients	13
Table 3 – Industry – one-off clients	13
Table 4 – Respondents by organisation size	14
Table 5 – Respondents remit (no. properties) – frequent clients	16
Table 6 – Respondents remit (no. properties) – one-off clients.....	16
Table 7 – Multiple duties undertaken by clients	24
Table 8 – Overall impact of CDM 2007	26

Figures

Figure 1 – Impact of CDM on administration and costs	8
Figure 2 – Impact of CDM on involvement with construction projects.....	8
Figure 3 – Further information required in respect of CDM.....	9
Figure 4 – Factors which might prevent one-off clients enquiring about CDM.....	9
Figure 5 – Who one-off clients believe CDM should be aimed at	10
Figure 6 – Respondents by organisation size.....	15
Figure 7 – Have the CDM Regulations reduced risks?	17
Figure 8 – Are the CDM Regulations sufficiently generic or flexible?.....	18
Figure 9 – Impact of CDM on administration and costs	19
Figure 10 – Impact of CDM on clients’ involvement with construction projects	20
Figure 11 – Further information required in respect of CDM.....	21
Figure 12 – How the competence of duty holders is assessed	22
Figure 13 – Are health and safety pre-qualification schemes cost-effective?.....	23
Figure 14 – Spread of multiple duties undertaken by clients	24
Figure 15 – Did duties held under the Regulations change as a result of CDM 2007?	24
Figure 16 – How pre-construction information is established	25
Figure 17 – Overall impact of CDM 2007	26
Figure 18 – What one-off clients would do to ensure compliance with CDM.....	27
Figure 19 – Factors which might prevent one-off clients enquiring about CDM	28
Figure 20 – Confidence in knowing where to source information about CDM	28
Figure 21 – Who one-off clients believe CDM should be aimed at?	29
Figure 22 – Do one-off clients feel competent to abide by CDM?	30

Foreword

Health and safety is something that all good businesses and not for profit organisations should manage as carefully as their financial accounts. Over the past 2-3 years the Construction Clients' Group (CCG) and the British Property Federation (BPF) have been working hard to promote awareness of health and safety with the business community, particularly in relation to construction projects.

However, there remains concern that many UK businesses and organisations do not have sufficient understanding of construction safety issues, thus putting lives and livelihoods at risk.

Government regulation sends important signals to the market, and with this in mind, the CCG and BPF commissioned a research project via specialists Pye Tait Consulting to establish whether the current regulation of health and safety was proportionate, well-directed and widely implemented. This report sets out the findings of the study, which has become the largest piece of research in this area conducted over the last 15 years. With over 400 responses, it offers a truly representative sample by geographical and organisational spread.

The findings of the survey suggest that:

- two thirds of one-off clients have not heard of the Regulations and a significant number would not know where to find information about them
- two thirds of one-off clients rely on contractors and others for full compliance with the Regulations

The conclusions to be drawn from this research are that the CDM Regulations should be thoroughly and independently reviewed in order to ensure that construction projects are conducted safely across the industry.



Liz Peace
Chief Executive
British Property Federation



Jon de Souza
Chief Executive
Construction Clients' Group

Acknowledgements

This research project was commissioned and sponsored by the Construction Clients' Group (CCG) – a division of Constructing Excellence – in conjunction with the British Property Federation (BPF).

The Construction Clients' Group is the only dedicated client body combining both public and private sector clients in promoting best practice and industry engagement.

The CCG aims to:

- Enable clients to get better value from construction procurement
- Provide a learning and sharing network for clients
- Promote best practice and industry improvement
- Provide a portfolio of products and services for members
- Influence government policy and forthcoming legislation
- Provide a collective client voice in key representative groups for private and public sector clients and client representatives
- Increase client competence in the procurement of built assets
- Facilitate a better built environment and return on client investment

The research was carried out independently by Pye Tait Consulting.

Established in 1991, Pye Tait Consulting specialises in skills and qualifications research on a UK and European stage primarily for Government agencies. Its work extends in terms of focus and scale from international studies to research on local skills-pools.

Over the years the company has undertaken many research projects relating directly to skills needs and competence requirements in the construction industry. Its clients in this arena include the Health and Safety Executive (HSE) as well as ConstructionSkills, the Construction Industry Training Board (CITB), Constructing Excellence, and several organisations whose responsibilities lie in the building services sector.

About this Report

This document (the '**main report**') summarises the purpose of the research, the methodology used, as well as presenting the most important 'key' findings.¹

A Technical Annex (produced separately) contains additional 'secondary' findings as well as further detail relating to the responses and the approach to the research.

The Technical Annex is made up of the following sections:

- Purpose of the research
- Methodology
- Criteria for CDM 2007
- Secondary findings
- Literal responses from 'frequent' and 'one-off and infrequent clients'
- List of 'frequent client' respondents
- Copies of questionnaires used

¹ The findings designated as 'key' and 'secondary' were defined by the CCG following a review of the draft edition of the report.

Executive Summary

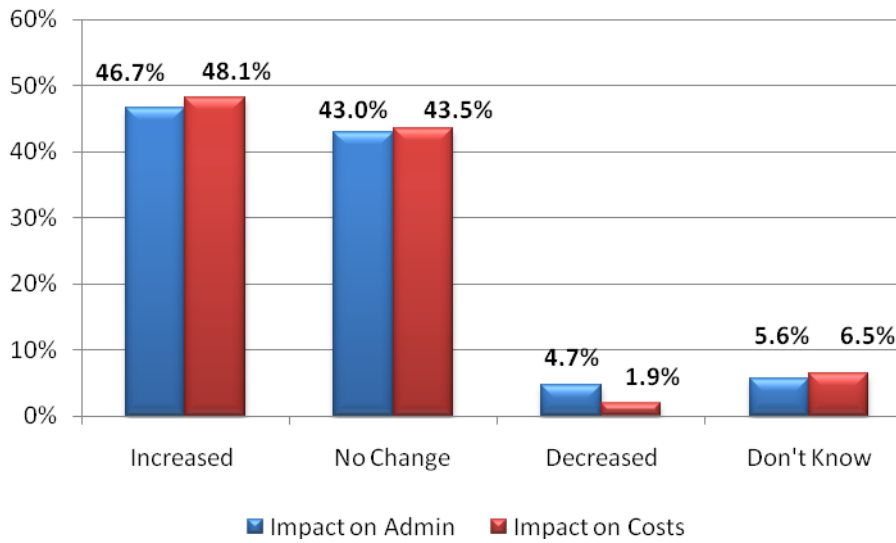
Construction clients who responded to the research consisted of businesses ranging from huge national employers with thousands of business properties, such as Royal Mail and Tesco, down to small businesses with only a handful of employees operating from single premises.

With a range of industry sectors also represented, this report provides a unique insight into the views of both 'frequent clients' as well as 'one-off and infrequent clients' in relation to the Construction (Design and Management) Regulations (CDM) 2007.

Frequent Clients

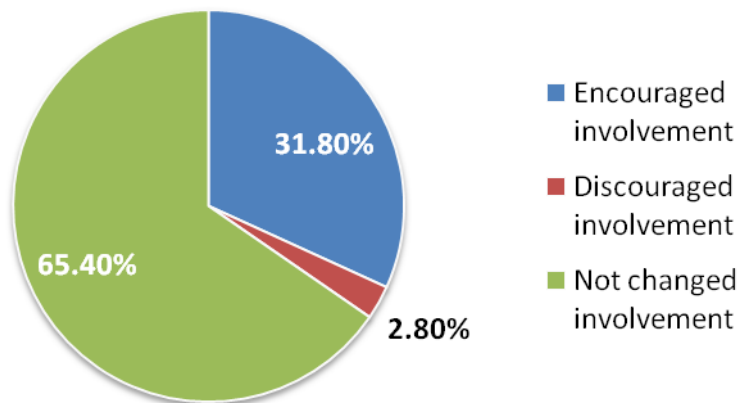
- A large minority of respondents (40%) think that the CDM Regulations have not directly led to a reduction in health & safety risks.
- A sizeable minority of 29% of respondents believe that the CDM Regulations are not sufficiently generic or flexible.
- Almost half of respondents believe that costs and administration have increased since the introduction of CDM 2007.

Figure 1 – Impact of CDM on administration and costs



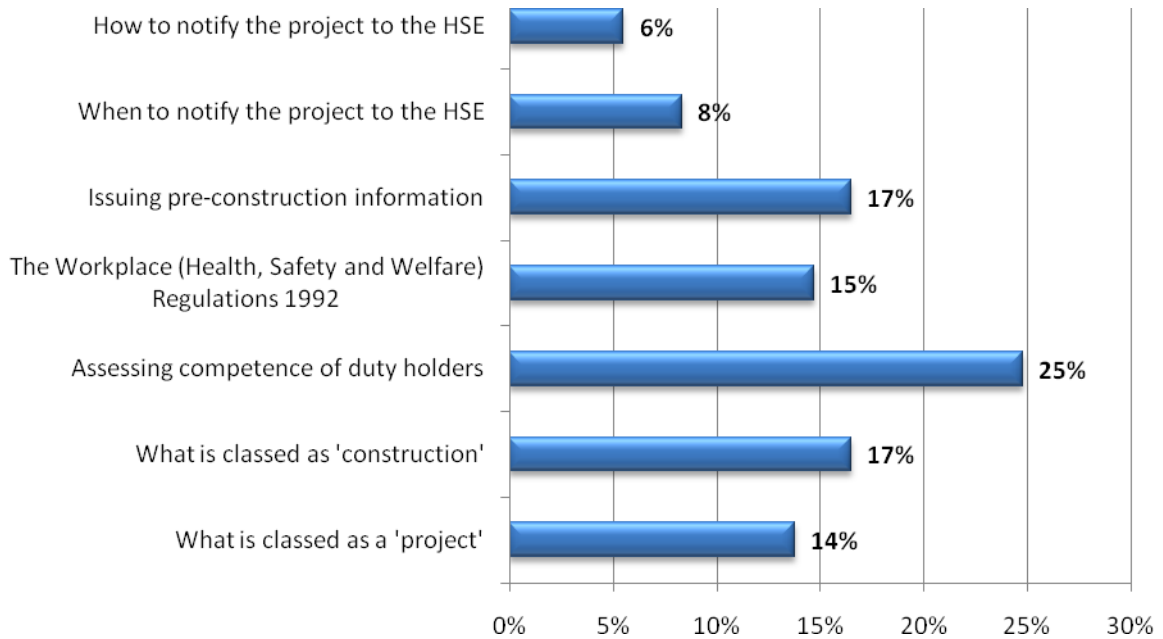
- Two thirds of respondents believe that the CDM Regulations have not changed their organisation's involvement in construction projects.

Figure 2 – Impact of CDM on involvement with construction projects



- Small proportions of frequent clients would appreciate further information on specific aspects of the CDM process. Around a quarter of responses to this question highlighted their need for further information and assistance on assessing the competence of duty holders.

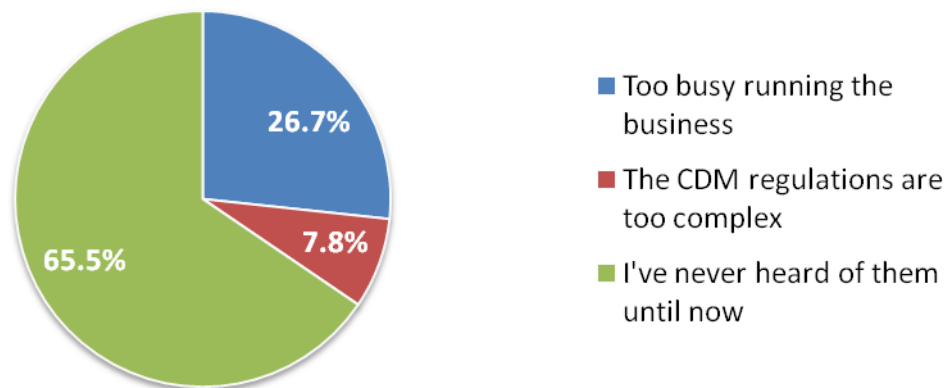
Figure 3 – Further information required in respect of CDM



One-off and infrequent clients

- Two thirds of respondents had never heard of the CDM Regulations before they were contacted for this investigation.

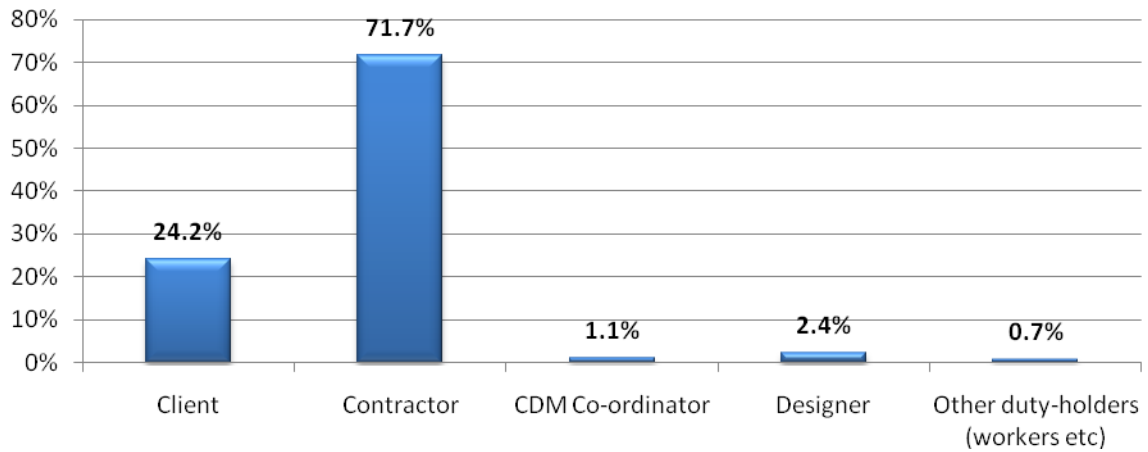
Figure 4 – Factors which might prevent one-off clients enquiring about CDM



- Two thirds of respondents would rely on the building contractor or another third party to deal with matters and to ensure full compliance.

- Just over four out of ten respondents would not know where to go to source information on the CDM Regulations.
- Some 80% of respondents believe that the Regulations should be aimed at the building contractor or other third parties.

Figure 5 – Who One-off Clients believe CDM should be aimed at



1. Introduction

1.1 Objectives

In 2009, the Construction Clients' Group (CCG) in conjunction with the British Property Federation (BPF) commissioned Pye Tait Consulting to obtain feedback on the Construction (Design and Management) Regulations (CDM 2007) from between 250 and 300 construction 'clients'. The emphasis was on the small to medium sized organisations whose core business did not involve construction work.

1.2 Methodology

The research ran until the end of December 2009 and consisted of three main elements:

- **Telephone Survey** – a short survey which aimed to acquire responses to the key issues from a wide spectrum of businesses
- **Online survey** - detailed and extensive questionnaire
- **Email** - an extended email-based effort to acquire greater numbers of detailed responses to the on-line survey.

1.3 Research Implementation

The research focused on two groups of organisations:

- **Frequent clients** – consisting of generally larger companies that had already had experience of the Regulations and could comment knowledgeably about their impact
- **One-off and infrequent clients**² – far more numerous - who potentially fell under the terms of the Regulations but who had not yet had detailed experience of them.

Pye Tait Consulting acquired responses from 102 frequent clients and 333 one-off clients for an overall total of 435 responses to the CCG CDM-Survey.³

² From this point forward 'One-off and Infrequent Clients' are referred to as 'One-off Clients' in the interests of brevity.

³ The **Technical Annex** contains more detail on the purpose of the study, methodology and research implementation.

2. The Findings

2.1 Respondent Characteristics

This section presents the most important 'key' findings from the research. Secondary findings are contained within the **Technical Annex** document.⁴

Respondents to the survey were gathered across the UK in the proportions indicated in Table 1.

Tables 2 and 3 show the spread of respondents using official Sector Industrial Classification (2003) codes. The element of the research aimed at 'one-off clients' was focussed on a restricted number of sectors in order to target organisations most likely to be carrying out work subject to CDM 2007.

Table 1 – Location of respondents

	Frequent Clients		One-off Clients		ALL	
	102	100.0%	333	100.0%	435	100.0%
England	89	87.3%	271	81.4%	360	82.8%
Scotland	9	8.8%	30	9.0%	39	8.9%
Wales	2	2.0%	25	7.5%	27	6.2%
Northern Ireland	2	2.0%	7	2.1%	9	2.1%

Highlighted cells denote the largest proportionate response.

⁴ The findings designated as 'key' and 'secondary' were defined by the CCG following a review of the draft edition of the report.

Table 2 – Industry – frequent clients

Base	100.0%
Agriculture, Hunting and Forestry	1.9%
Fishing	-
Mining And Quarrying	-
Manufacturing	1.9%
Electricity, Gas and Water Supply	10.2%
Construction	27.8%
Wholesale and Retail Trade; Repair of Motor Vehicles, Motorcycles and Personal and Household Goods	14.8%
Hotels and Restaurants	4.6%
Transport, Storage and Communication	1.9%
Financial Intermediation	-
Real Estate, Renting and Business Activities	15.7%
Public Administration and Defence; Compulsory Social Security	15.7%
Education	1.9%
Health and Social Work	0.9%
Other Community, Social and Personal Service Activities	11.1%

Table 3 – Industry – one-off clients

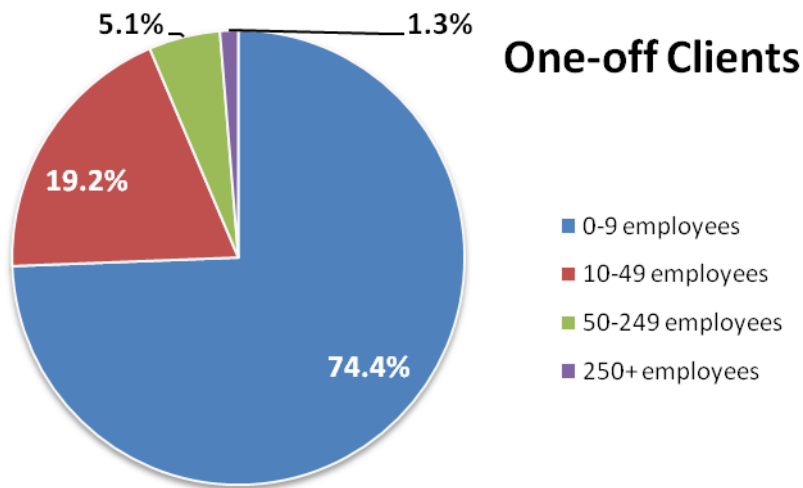
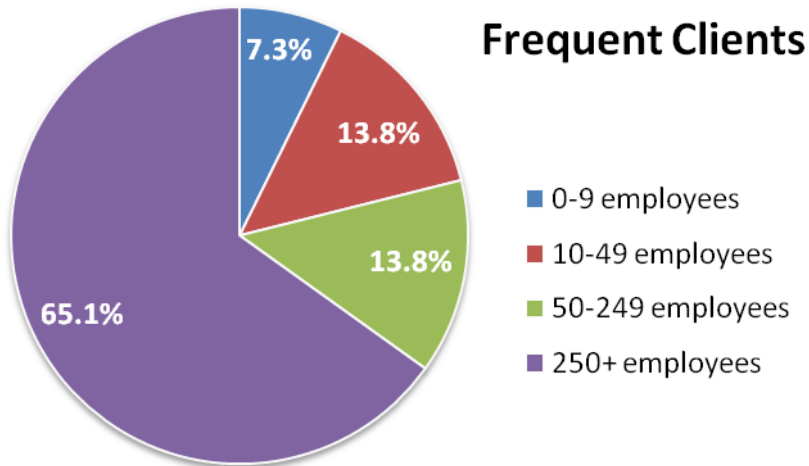
Base:	100.0%
Agriculture, Hunting and Forestry	1.8%
Wholesale and Retail Trade; Repair of Motor Vehicles, Motorcycles and Personal and Household Goods	48.0%
Hotels and Restaurants	26.7%
Other Community, Social and Personal Service Activities	23.4%

Perhaps the most important distinction between those who felt able to answer the full survey (frequent clients) and those who were potentially liable to the CDM Regulations but had little or no knowledge of them (one-off Clients) is that of size. As can clearly be seen in Table 4, frequent clients are, for most part, larger organisations. One-off clients have almost diametrically opposite characteristics – over 90% of these organisations employ less than 50 people.

Table 4 – Respondents by organisation size

Base	Frequent Clients	One-off Clients
0-9 employees	7.3%	74.4%
10-49 employees	13.8%	19.2%
50-249 employees	13.8%	5.1%
250+ employees	65.1%	1.3%

Figure 6 – Respondents by organisation size



A similar picture emerges from the remit of the respondents. Well over half of those who felt able to provide comments based on in-depth experience of the CDM Regulations had responsibility for more than 100 properties whereas eight out of ten of the one-off clients controlled just a single property (see Tables 5 and 6).

Table 5 – Respondents remit (no. properties) – Frequent Clients

Base	100.0%
1	10.4%
2-4	7.5%
5-9	7.5%
10-24	7.5%
25-49	6.6%
50-99	2.8%
100-499	20.8%
500-999	10.4%
1000-2499	7.5%
2500+	18.9%

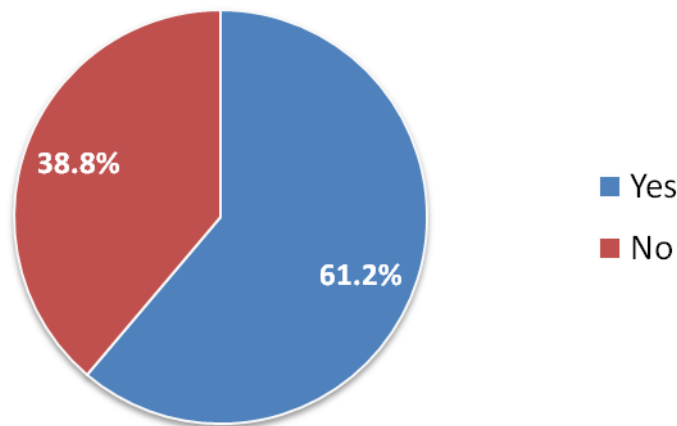
Table 6 – Respondents remit (no. properties) – One-off Clients

Base	100.0%
1	82.7%
2-4	11.2%
5-9	1.3%
10+	4.8%

2.2 Frequent Clients

Respondents were asked for their considered views as to whether the CDM Regulations 2007 have led to a reduction in the level of health and safety risks during construction projects. While 60% think that this has been the case **a large minority of 40% think that the Regulations have not directly led to a reduction in health and safety risks.**

Figure 7 – Have the CDM Regulations reduced risks?



Quotes from respondents: have the CDM Regulations reduced risks?

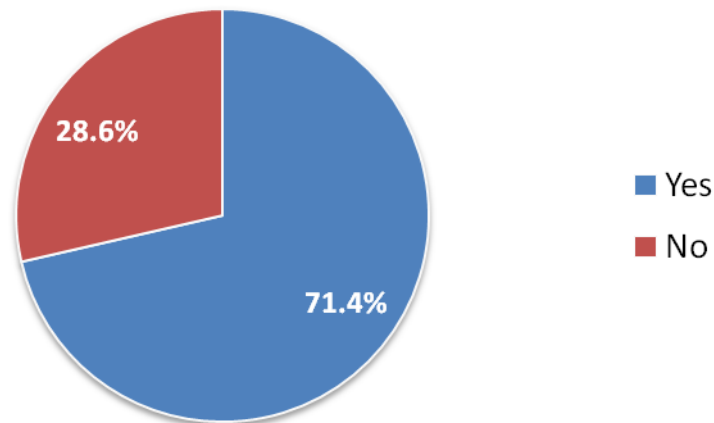
"In practice they haven't; don't really see the impact."

"People do the CDM course thinking that it will reduce risks, but it has more to do with alertness and common sense."

"Because H&S is monitored so closely anyway, this just adds an unnecessary layer of confusion and burdens clients with responsibilities for which they are really not prepared or suitable - no matter what training courses you want to send them on."

A similar split of respondents manifested itself in answer to a further question as to whether respondents feel that CDM 2007 is sufficiently generic and flexible to support all types and sizes of projects. While some 71% of respondents answered in the affirmative, **a sizeable minority of 29% believe that the CDM Regulations are not sufficiently generic or flexible.**

Figure 8 – Are the CDM Regulations sufficiently generic or flexible?



Quotes from respondents: are the CDM Regulations sufficiently generic or flexible?

"It tries to do too much, the ACOP in particular. It should be cut right back with reference to other overlapping H&S legislation. If there were a few key targets then these could be hit effectively rather than the current overload of good intentions...creating a culture of paperwork."

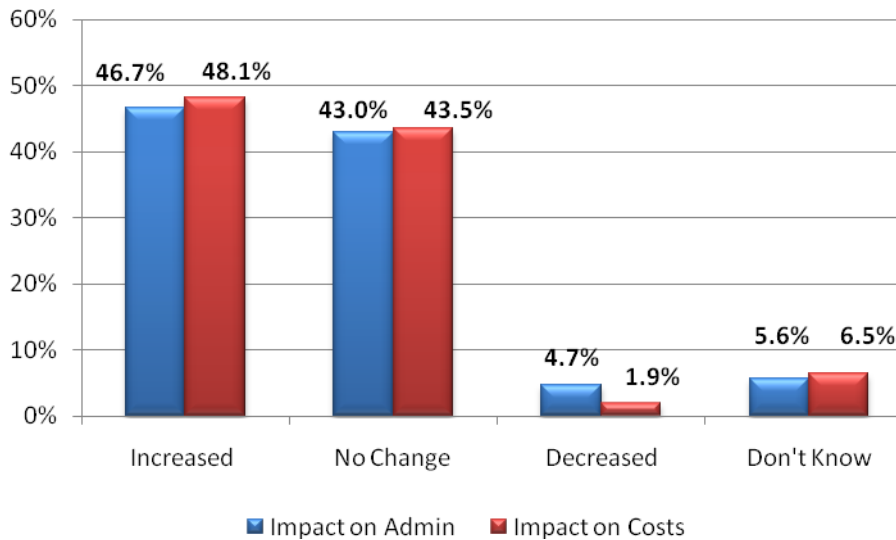
"Health & Safety risks exist for all sizes and values of work. The Regulations are sufficiently flexible to enable their application to all construction situations."

"It is flexible but places too much onus on clients who shouldn't need to know."

"Where it falls down is that it is too complex for small organisations (e.g. 3/4 man bands). It makes things difficult for them."

The CDM Regulations 2007 are judged by almost half of the Frequent Client respondents to have increased the amounts of administration required and half of those same respondents claim that the Regulations have increased their costs.

Figure 9 – Impact of CDM on administration and costs



Quotes from respondents: impact of CDM on administration and costs

"Just horrendous - why are the clients expected to manage the safety of other contractors' staff and systems?"

"I spend hours doing bureaucracy that has nothing to do with helping people to work safely. Added to that is the awful CSCS test"

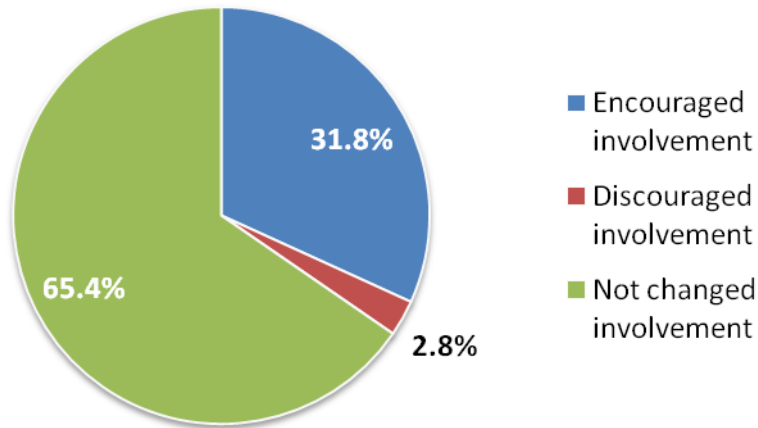
"Where CDM 1994 was applied correctly not much changed to CDM 2007"

"I have no visibility of costs so cannot comment, but the administration has certainly increased, particularly in our implementation of the Client role and the 'person carrying out the Client role' on behalf of a more senior person."

The majority of respondents - two thirds - believe that the CDM Regulations have not changed their organisation's involvement in construction projects.

Just less than a third of respondents believe that the Regulations have encouraged their organisation to become involved in construction projects.

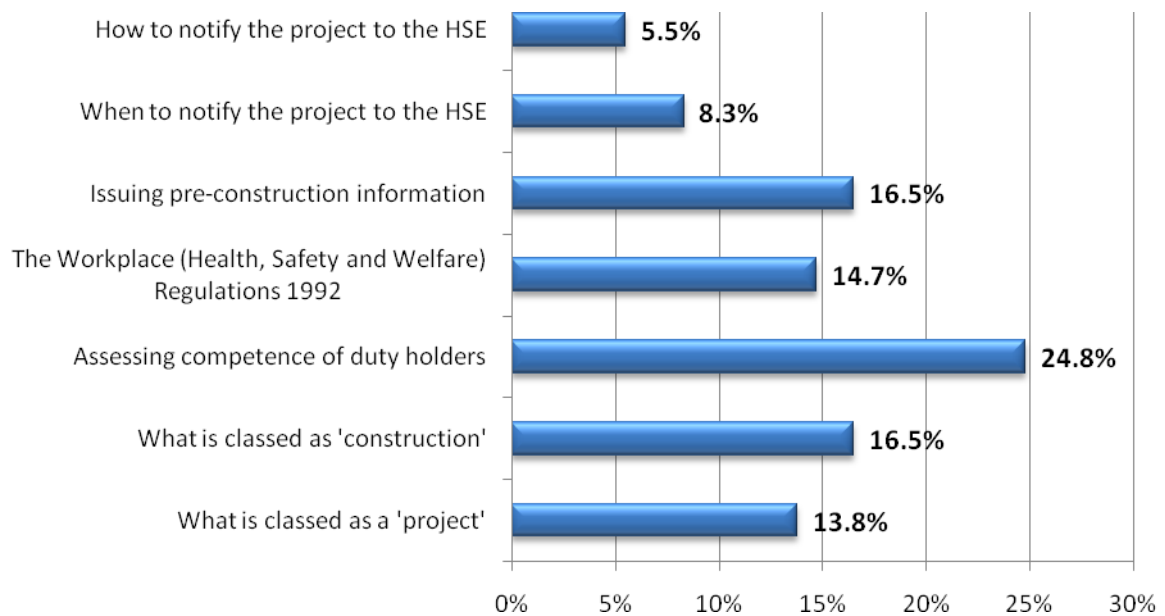
Figure 10 – Impact of CDM on clients’ involvement with construction projects



Small proportions of frequent clients would appreciate further information on specific aspects of the CDM process as illustrated in Figure 11.

Around a quarter of responses to this question highlighted their need for further information and assistance on assessing the competence of duty holders, while between a fifth and a sixth pointed to their need for information on the definition of construction, the issuing of pre-construction information, the Workplace Regulations 1992, and the definition of a project.

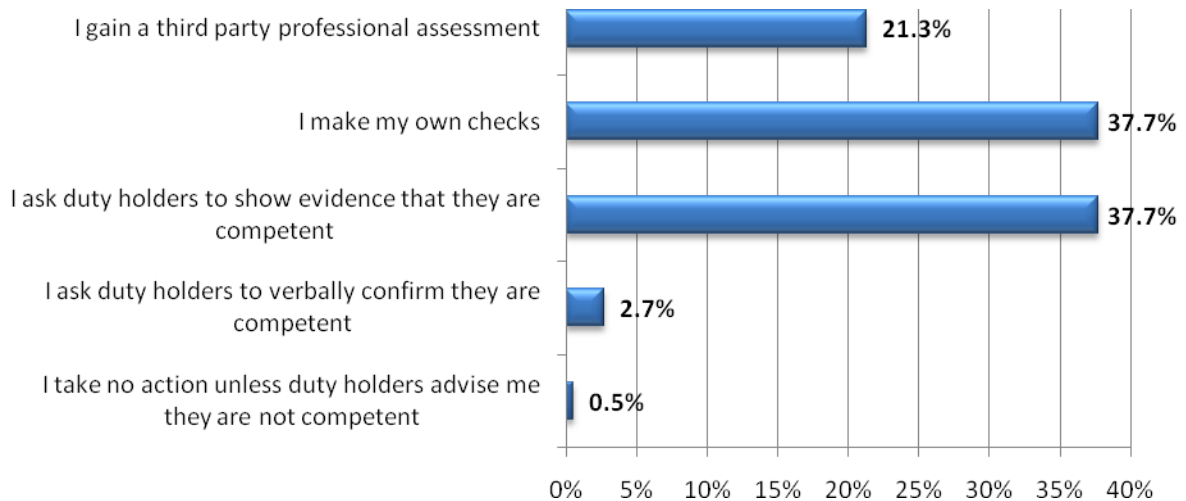
Figure 11 – Further information required in respect of CDM



Respondents were asked how they assess the competence of duty holders (e.g. designers and contractors) prior to the commencement of work.

Just under 80% of the responses to this question stated that the approach was either to request evidence or to make independent checks.

Figure 12 – How the competence of duty holders is assessed



Quotes from respondents: how the competence of duty holders is assessed

"We ask Duty Holders to provide evidence and follow up references. Check against appendix 4 of the Regulations. "

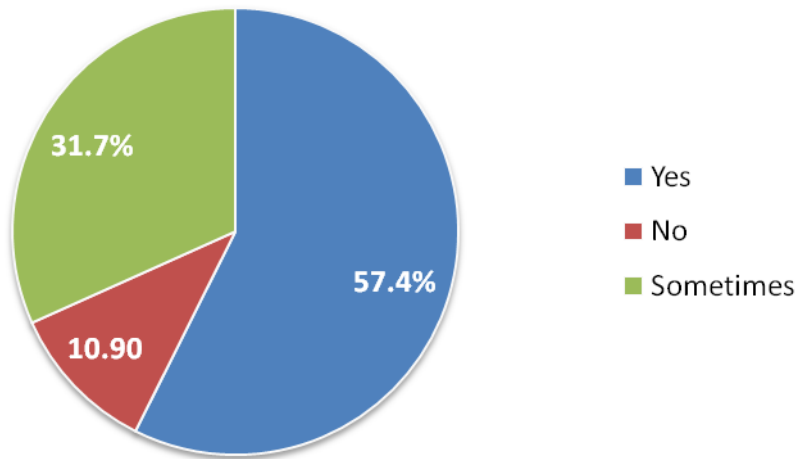
"We look at how long they have been trading, the number of reportable accidents and any training/certification they have."

"We require duty holders to provide evidence in accordance with Appendix 4 to the Approved Code of Practice to the CDM 2007 Regulations. We usually use a lead designer for all but the smallest projects. We expect the lead designer to help us to plan suitable time and resources for the project."

"Details of personnel to be used - including CV's; a suitable Safety Management System; details of experience - past works/clients; resources available; staff training information; monitoring information; enforcement history; information as to how they are actually going to carry out the work/role on the specific project."

The findings in Figure 13 show that around 57% of those who use health and safety prequalification schemes believe that they offer a cost-effective way of assessing competence, while around a third say that they only "sometimes" meet this criterion.

Figure 13 – Are health and safety pre-qualification schemes cost-effective?



Quotes from respondents: are health and safety pre-qualification schemes cost-effective?

"Pre-qualification schemes tend to be undertaken as desktop exercises that are largely completed by professionals. Operatives often fail to get the information or procedures at a site level. I.e. Documents are getting better and better but the standards are not. "

"The number available is excessive and not all are recognised by individual clients or professionals. They duplicate information and have INCONSISTENT assessment requirements based on individual preferences."

Most organisations appear to take on multiple duties in addition to that of 'client' as illustrated in Table 7. The most commonly-mentioned additional duties were those of CDM Coordinator and Designer. For around 80% of organisations, this situation did not change as a result of the CDM Regulations 2007.

Table 7 – Multiple duties undertaken by Clients

Base (Responses)	241	100.0%
None	32	13.3%
CDM Co-ordinator	58	24.1%
Designer	62	25.7%
Principal Contractor	36	14.9%
Contractor	31	12.9%
Worker	22	9.1%

Figure 14 – Spread of multiple duties undertaken by clients

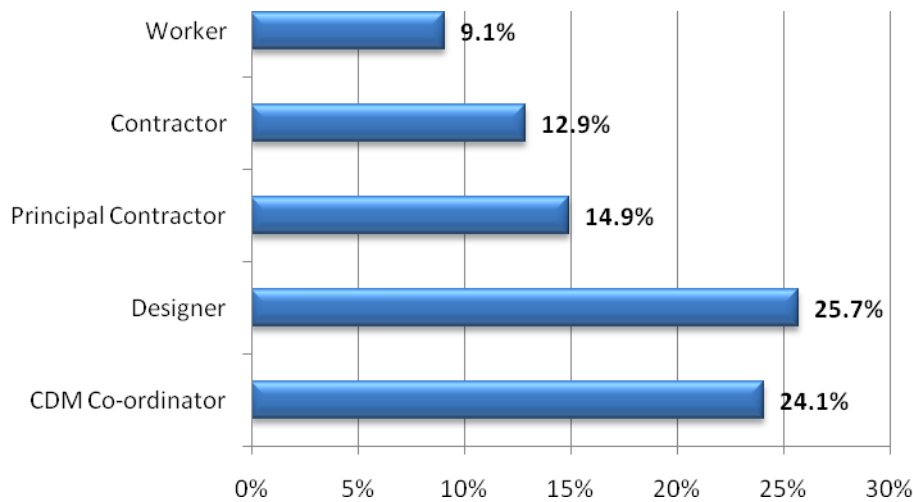
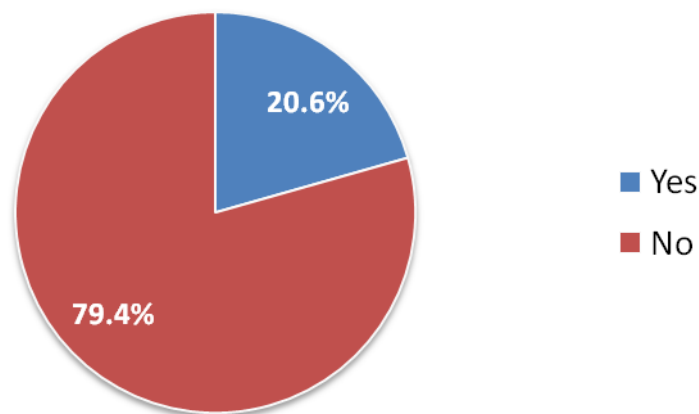
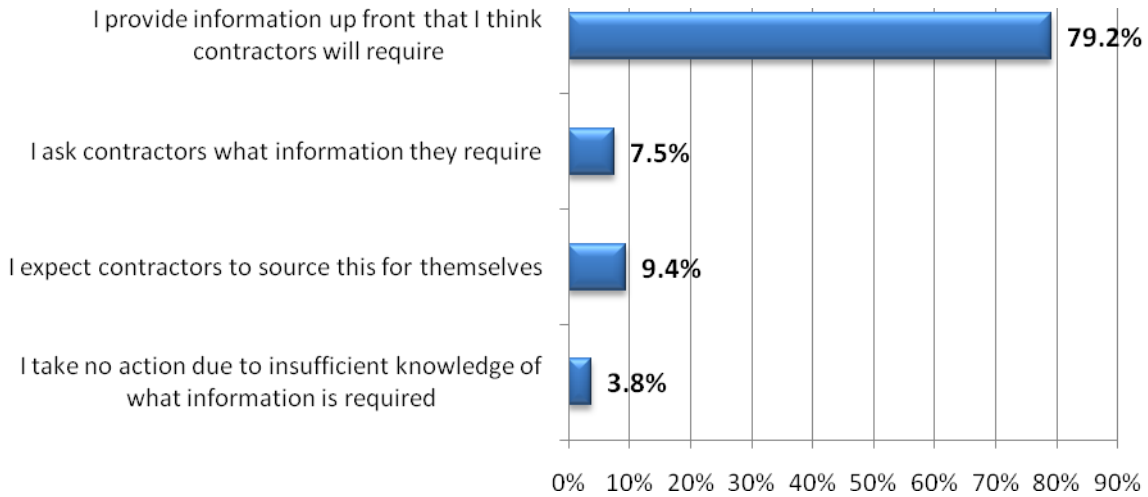


Figure 15 – Did duties held under the Regulations change as a result of CDM 2007?



Frequent clients ensure that contactors have relevant pre-construction information before work begins by providing all the information that the contractor will require (80%). **10% of respondents expect the contractor to source the information themselves.**

Figure 16 – How pre-construction information is established



Quotes from respondents: how pre-construction information is established

"Information pack regarding any significant risks that cannot be designed out, any relevant information regarding existing structures, asbestos survey info, environmental survey including flora and fauna considerations, site survey inc. buried services/contaminated ground, estimates of vehicle movements on and around the site, significant adjacent structures, archaeological survey info (if applicable), etc – anything significant that may affect the works. "

"A fully prepared Pre-Construction Information Pack is put together as per the requirements of the ACoP and is included with the tender documents. Assurances from the successful contractor that he has seen and understood the contents of the pack are obtained and minuted in pre start meetings."

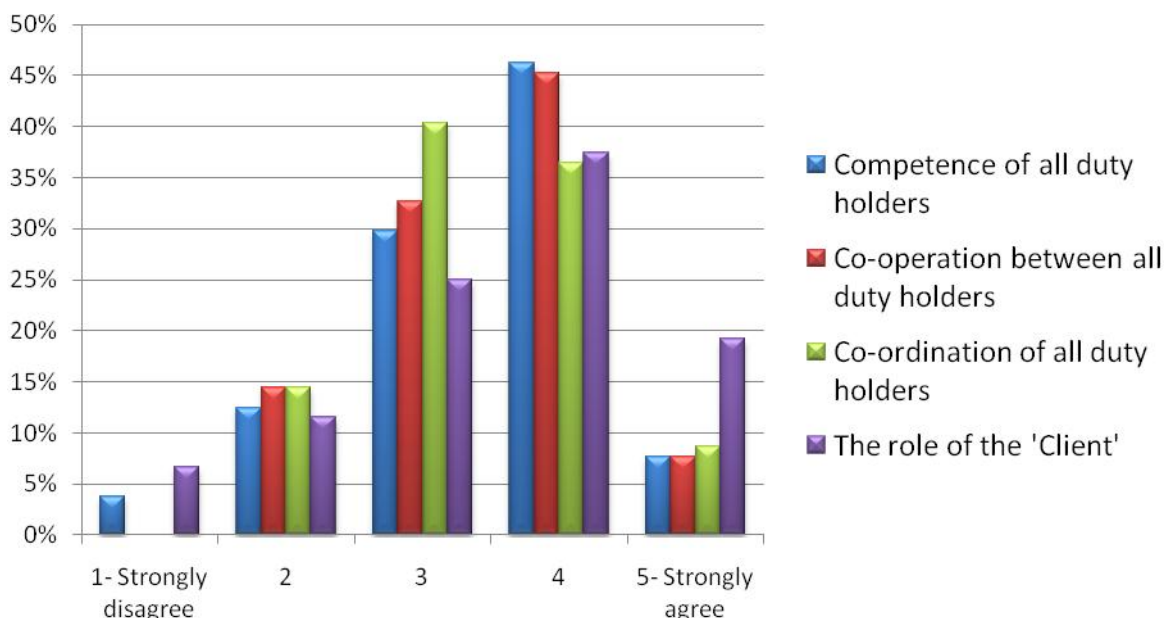
Respondents were also asked whether they believe that CDM 2007 has delivered a positive impact in certain key areas as listed in Table 8.

While the responses were at the affirmative end of the scale for all of the factors, the most positive responses emerged in the areas of the role of the client and the competence of duty holders while the most neutral response was with regard to the coordination of duty holders (the spread of response was, however, not great between all of the factors).

Table 8 – Has CDM 2007 delivered a positive impact in key areas?

	Competence of all duty holders	Co-operation between all duty holders	Co-ordination of all duty holders	The role of the 'Client'
1 - Strongly disagree	3.8%	-	-	6.7%
2 - Disagree	12.5%	14.4%	14.4%	11.5%
3 - Neither	29.8%	32.7%	40.4%	25.0%
4 - Agree	46.2%	45.2%	36.5%	37.5%
5 - Strongly agree	7.7%	7.7%	8.7%	19.2%

Figure 17 – Overall impact of CDM 2007



2.3 One-off and infrequent clients

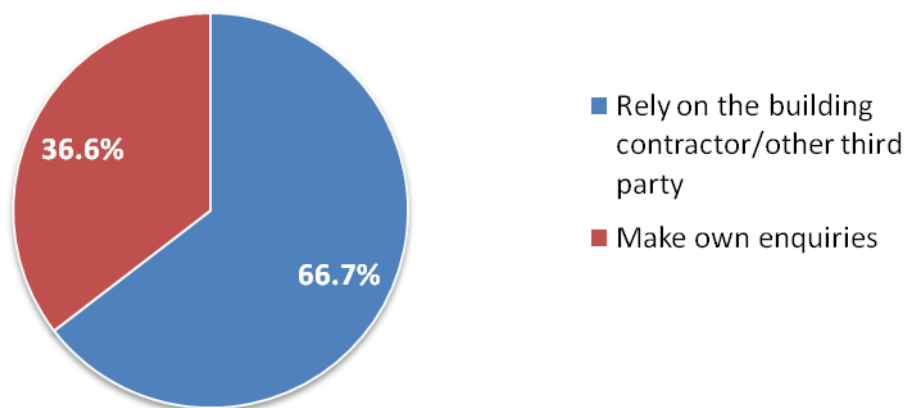
All of the respondents to this group have either had qualifying construction carried out in the past two years or said that they were likely to have such construction work carried out in the next year or so.

It should also be remembered that this group of organisations that could potentially be subject to the CDM 2007 Regulations in the next year or so consists for the most part of small businesses, the vast majority of which employ less than 50 staff.

These respondents - who number almost three times as many as the frequent Clients group - were asked what they would do on CDM if they wished to arrange construction work. As Figure 18 illustrates, **the vast majority of one-off clients – two thirds – would rely on the building contractor or another third party to deal with matters and to ensure full compliance.** A third said they would make enquiries themselves.

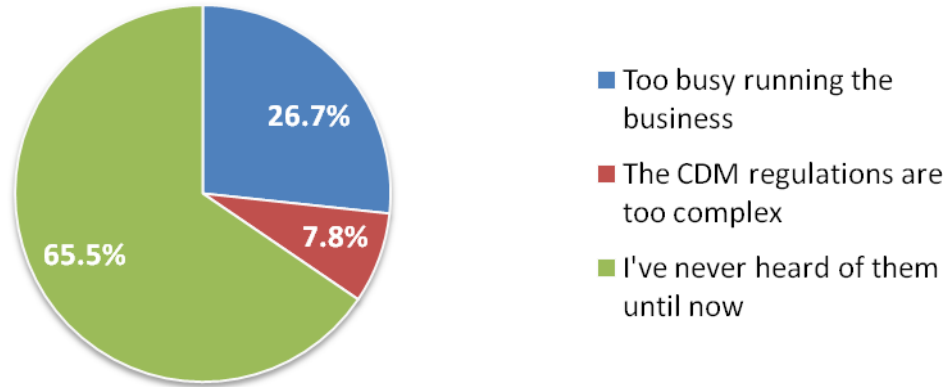
The preference of smaller businesses to rely on what they perceive as external experts is also demonstrated by the qualitative responses - see Technical Annex. A good many of the respondents prefer to leave the issue of health & safety for construction work to a third party.

Figure 18 – What one-off clients would do to ensure compliance with CDM



The factors that might prevent such businesses from making enquiries about the CDM Regulations are clarified in Figure 19.

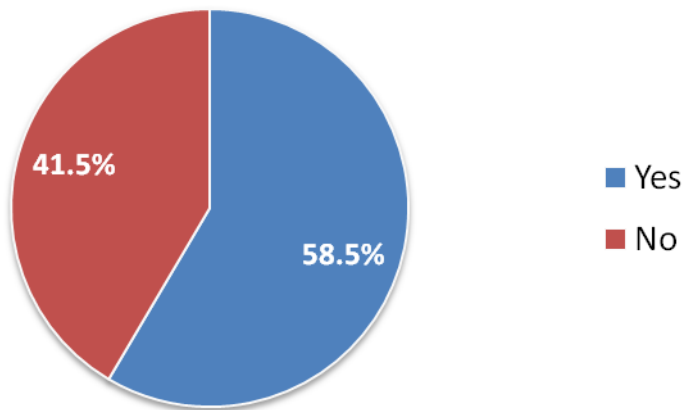
Figure 19 – Factors which might prevent one-off clients enquiring about CDM



Two thirds of one-off clients had never heard of the CDM Regulations before they were contacted for this investigation and a further quarter said that they are too busy with their businesses and don't have the time.

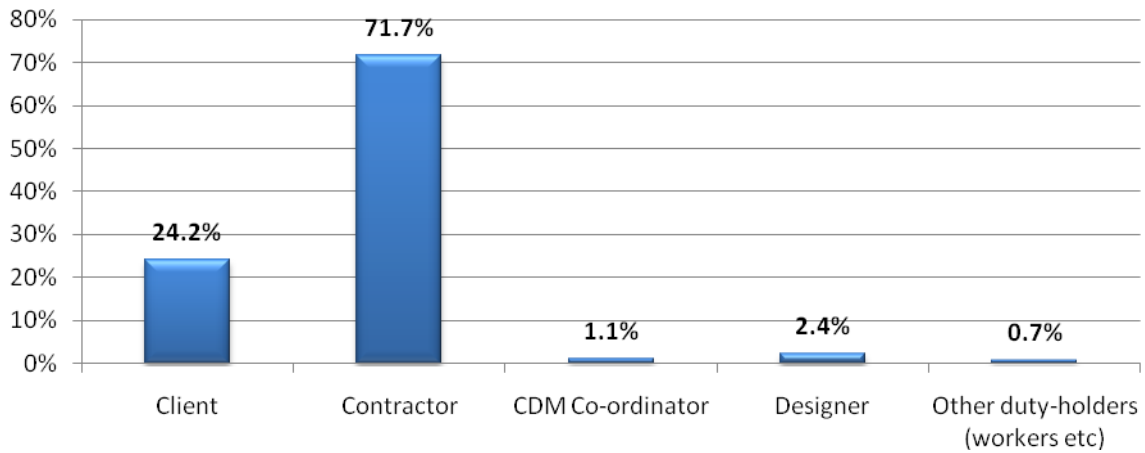
Just over four out of ten one-off clients would not know where to source information on the CDM Regulations (Figure 20).

Figure 20 – Confidence in knowing where to source information about CDM



When one-off clients were asked at whom they feel the CDM Regulations should be aimed only a quarter said that they should be directed at the client. **Some 80% believe that the Regulations should be aimed at the building contractor or other third parties.**

Figure 21 – Who one-off clients believe CDM should be aimed at



Quotes from respondents: according to one-off Clients, who should hold CDM responsibilities??

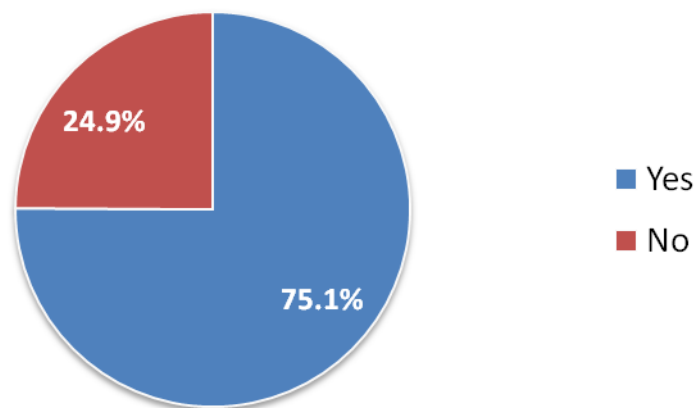
"It should be equal, though if external contractors are working the job you would expect them to take full responsibility for H&S"

"Depends on the size of the organisation commissioning the work"

"If you pay a contractor to do a job and get a quote then you expect them to do the job and take care of everything"

Notwithstanding the above, three quarters of one-off clients said that they would feel competent to abide by the Regulations (Figure 22)

Figure 22 – Do one-off clients feel competent to abide by CDM?



Quotes from respondents: do one-off clients feel competent to abide by CDM?

"Too much bureaucracy; too large a burden on small businesses; cannot understand technical terms; do not want to have to research construction Regulations as [I am] already too busy with the business."

"It's H&S gone mad"

"I feel strongly that CDM Regulations [are] 'red tape' from Brussels, a waste of time that cost the working man more money; a help to no-one."

"Not aware of the Regulations. Contractors should understand and comply with Regulations relating to their own area of work."

"I feel that the Regulations are more 'rubbish' from EU law that cause unnecessary expense and 'red tape', which causes problems for smaller businesses."

"The builder should be competent to handle these situations as it is not in the client's area of experience."

3. Concluding Statement

There is strong evidence to support the view that the CDM Regulations 2007 have had minimal impact on how frequent as well as one-off clients manage their involvement in construction projects.

Evidence suggests that:

- two thirds of one-off clients have not heard of the Regulations and a significant number would not know where to source information about them

- two thirds of one-off clients rely on contractors and others for full compliance with the Regulations