



HEALTH AND SAFETY
AUTHORITY



Clients in Construction Best Practice Guidance



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SECTION 1 INTRODUCTION

1.1 BACKGROUND

The majority of Clients are first time, one-off Clients, who are acting in the role for the first and possibly the only time.

The role of the client may be filled by a wide variety of people ranging from farmers, doctors or publicans to Local Authorities and large multinational organisations.

These guidelines are designed to clarify the requirements of the legislation, for the smaller one-off Client, as well as the larger and more experienced Client. The guidelines introduce the duties regarding various parties involved in a construction project.

1.2 THE INTENDED PURPOSE OF THIS GUIDANCE

This guidance, (which is issued by the Health and Safety Authority), aims to clarify the role of the Client. It is not compulsory and you are free to take other actions to achieve compliance. If you do follow this guidance you will normally be doing enough to meet the requirements of the law.

The aim of this document is to give advice and assistance to everyone who may have to fulfil the role of Client under Section 17 of the Safety, Health and Welfare at Work Act 2005 and the Safety, Health and Welfare at Work (Construction) Regulations 2006.

This document is designed to allow the smaller scale once-off Client identify their own duties and the duties of the persons they have appointed. Larger Clients may be interested in a more in depth review of aspects of the legislation as well as the strategies that have been adopted to enhance the level of safety management by other Clients.

The law applies equally to all Clients. This does not mean that a small first time Client will have to devote the same amount of resources as a large multinational company. It is important that the resources employed are proportionate to the scale of the project and the risks related to that project.

Further Information

This guidance for Clients in Construction should be read in conjunction with the *Guidelines on the Procurement, Design and Management requirements of the Safety, Health and Welfare at Work (Construction) Regulations 2006*.

Clients should also familiarise themselves with the Safety, Health and Welfare at Work Act 2005, the Safety Health and Welfare at Work (General Application) Regulations 2007 and any other safety regulation or code of practice which would be relevant to their particular project.

Further information and BEST PRACTICE EXAMPLES are highlighted throughout this guide:



highlights where further explanatory information can be found. It also identifies important requirements set down by legislation and/or codes of practice.

Further Information



provides examples of issues arising and their management by individuals and/or organisations.

BEST PRACTICE EXAMPLES

Guidance is provided in ten sections:

- **Section 1:** (this section) introduces the document;
- **Section 2:** outlines the different types of Client that can exist and how the legislation applies;
- **Section 3:** briefly outlines the duties of Designers and Contractors;
- **Section 4:** briefly outlines the duties of the Project Supervisor Design Process (PSDP) and the Project Supervisor Construction Stage (PSCS);
- **Section 5:** provides checklists and competency questionnaires that Clients can use when appointing Designers, PSDP, Contractors and PSCS;
- **Section 6:** includes the Health and Safety Authority's approved form for notification of the appointment of project supervisors (AF1 form);
- **Section 7:** considers some common issues for Clients;
- **Section 8:** outlines how Clients can exert a positive influence on health and safety for their projects;
- **Section 9:** provides some further information, which may be of assistance to first time clients;
- **Section 10:** provides definitions of some common terms.

SECTION 2 CLIENTS

2.1 WHO IS A CLIENT?

DEFINITION OF A CLIENT

A “**Client**” means a person for whom a project is carried out, in the course or furtherance of a trade, business or undertaking, or who undertakes a project directly in the course or furtherance of such trade, business or undertaking.

The Client is the person or company, with the controlling interest in the project. Generally the Client will retain a significant level of control over the assessment and appointment of Designers and Contractors for a project.

Generally, there are many types of Clients who will find this guidance beneficial:

- Doctors, extending their Surgery;
- Hoteliers or B&B proprietors, extending their premises;
- Publicans, extending their premises; Farmers constructing outbuildings;
- A supermarket or shopkeeper, refurbishing their premises;
- A small manufacturer, installing new machinery;
- A Local Authority or a Hospital Authority engaged in construction activities;
- A School board, building an extension or renovating.

This document seeks to explain the following:

- What is a Client’s role?
- What is a Client’s level of expertise?
- Why is it important for the client to be involved in health and safety?
- What are the Benefits and Consequences?
- What are the legal requirements that a Client must fulfil?
- What are the ‘Construction Regulations’? What is a risk assessment?
- What are the assessment and appointments requirements?
- What should a Client expect from the other parties involved in a construction project?
- How does a Client notify a project?

Types of Client

The Construction Regulations apply a very broad definition of 'construction work' to projects involving people at work.

However, they do exclude you if you are a Homeowner who is extending or building a house for your own domestic use. If, on the other hand, you are extending your house for the purpose of letting it out as a business venture, you will be deemed a Client under the Construction Regulations and obliged to fulfil the duties imposed on you therein.

If you commission work on your own private domestic premises, then...

YOU ARE NOT A CLIENT

If you are a person or company for whom a project involving construction work is undertaken for the purposes of trade, business or undertaking, or if you have a controlling interest in the project, then...

YOU ARE A CLIENT

A domestic homeowner or Client who manages construction work for a fixed sum or supplies materials, labour or both for a construction project, is defined as a Contractor. For example, where a homeowner undertakes the construction of a domestic house by labour only, they will be required to comply with the duties of a Contractor which are outlined in Section 3.2.

Further Information

Regulation 6(6) of the Construction Regulations 2006 gives an exemption to Homeowners from the duties of the Client as defined in Section 17(1) of the Safety, Health and Welfare at Work Act 2005 in accordance with Section 58(4) of the Act.

Where a person, other than a domestic Homeowner, appoints a Designer or Contractor for construction work, that person must ensure that he or she complies with the duties of the Client in assessing and appointing the Designer or Contractor.

Designers and Contractors will still have to meet their statutory duties under the Safety, Health and Welfare at Work (Construction) Regulations, 2006, when undertaking work for Clients and Homeowners.

Homeowners who follow this guidance will help to ensure that their Designers and Contractors comply with their duties under the Act and Regulations.

2.2 WHAT IS A CLIENT'S LEVEL OF SAFETY EXPERTISE?

It is recognised that not all Clients would possess the knowledge and expertise to take a leading role in construction safety. A large proportion of Clients are smaller private agencies functioning as a Client for the first time.

This lack of experience does not necessarily mean a loss of commitment to safety performance. A Client's commitment to safety can be demonstrated by the allocation of adequate attention and resources to the appointment of a competent Project Supervisor Design Process, Project Supervisor Construction Stage, a Designer or Contractor. This will allow them to fulfil their roles and will reinforce this commitment to safety. A Client can and should influence the people they have appointed, in order to get value for money and ensure the safety of those engaged in their project.

The Client can influence the way that safety is applied during design and construction, by simply showing an interest in safety and safe working practices when visiting the site or meeting with Designers, Contractors or Project Supervisors. By making their interest clear the Client is setting a standard that is conducive to a safe working culture.

2.3 WHY IS IT IMPORTANT FOR A CLIENT TO BE INVOLVED IN HEALTH & SAFETY?

HSA research has shown:

- **45%** of sites, where a fatality occurred, the Clients had failed in their duties to appoint a Project Supervisor Design Stage (now Design Process) or a Project Supervisor Construction Stage, for their construction projects.
- **25%** of construction accidents were related to omissions or failures to address health and safety issues, prior to the start of the construction stage. (Design Stage/Process).

This is reflected in changes in the Safety, Health and Welfare at Work (Construction) Regulations 2006, which now require Clients, Project Supervisors Design Process (PSDP) and Designers, to have more robust duties assigned to them. This ensures safety is managed from the outset of a construction project.

Further Information

Following the guidance is not compulsory and you are free to take other actions to achieve compliance. But if you do follow the guidance you will normally be doing enough to comply with the law. Health and Safety Authority inspectors seek to secure compliance with the law and may refer to this guidance for illustrations of good practice and compliance.

2.4 BENEFITS AND CONSEQUENCES

The involvement of the Client and the correct fulfilment of the Client's statutory duties can have a direct impact on the safe working practices on construction projects. The influence of the Client is not just limited to their statutory compliance.

Clients need to be assured that the persons or organisations they engage or appoint for their construction project have the necessary qualifications, training and experience. They also need to be assured, that those same persons or organisations are aware of their own

duties as assigned under the relevant Act or Regulation. This will ensure a reduction in the likelihood of injuries or fatalities and a reduction to the overall risk to the project.

Clients need to be informed and ask the right questions.

 Benefits of Complying	 Consequences of Non-Compliance
<p>Ensuring Clients are compliant.</p> <p>Protection of reputations and financial commitments.</p> <p>Value for money (time and effort spent is proportional to the value of the project and the level of risk it contains).</p> <p>Potential for lower insurance premiums.</p> <p>Reduction in waste and loss to a project.</p> <p>Projects completed in a timely fashion.</p> <p>Constructive and positive relationships with neighbours and the general public.</p> <p>Easier and safer maintenance of a completed facility.</p> <p>Safer facility for the end user and customer.</p> <p>Safer and cheaper modifications to a structure and eventual dismantling.</p> <p>Reduction in accidents and incidents.</p>	<p>Increased risk of enforcement action against the client and project team.</p> <p>Risk to reputations and financial commitments of those involved in the project.</p> <p>Increased risk of added costs to the project incurred by accidents/incidents to people/equipment/environment.</p> <p>Risk of increased insurance premiums or conditions after accidents or incidents.</p> <p>Risk of delays and interruptions to overall project timescale resulting in impacts to business.</p> <p>Risk of poor morale among the construction workforce.</p> <p>Risk of poor relations with the local community or potential customers.</p> <p>Risk of poor perceptions by the general public of your project.</p> <p>Increased risk of product liability (building, products, etc).</p>

2.5 CLIENTS AND THE LAW

The Safety, Health and Welfare at Work (Construction) Regulations 2006 set out the duties of Clients, Designers, Project Supervisors and the general duties of Contractors. They apply to all forms of construction work, but the Clients duties only apply to construction work done in the course of a trade, business or other undertaking.

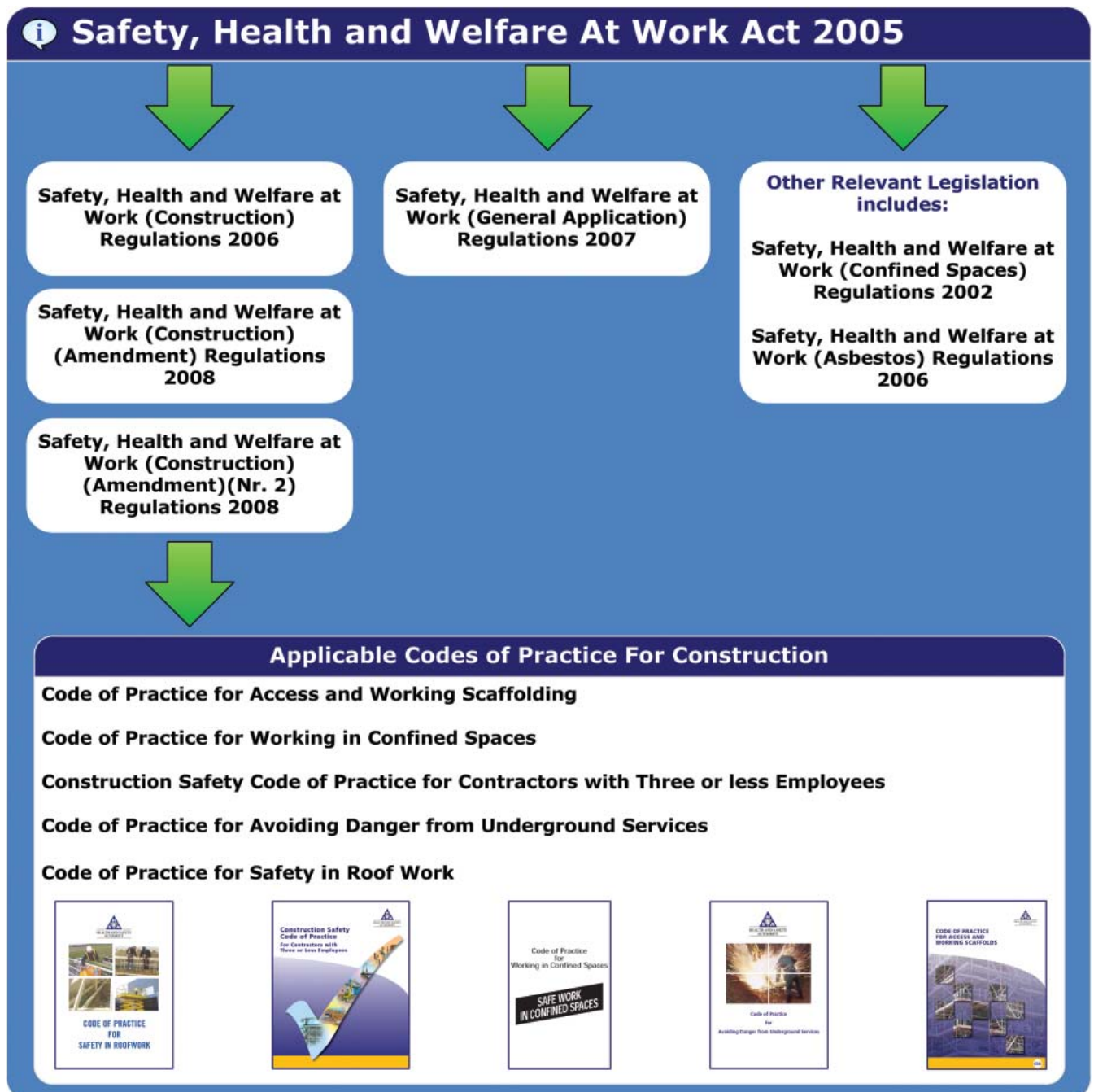
Construction work can also include the installation or replacement of some types of fixed plant and machinery as well as their commissioning and decommissioning.

In some cases maintenance to a structure is considered to be construction work and

therefore the regulations may apply. Clients should refer to the definition of construction work in section 10. In addition please refer to page 9 for further guidance and to determine the appointments that need to be made.

A range of different people have specific duties in relation to the assessment and appointment. These duties are set out in the relevant statutory provisions, including in particular but not exclusively, the provisions listed below:

Clients, Project Supervisors, Designers and Contractors must comply with their duties contained in the following non-exhaustive list of legislation when undertaking construction work:



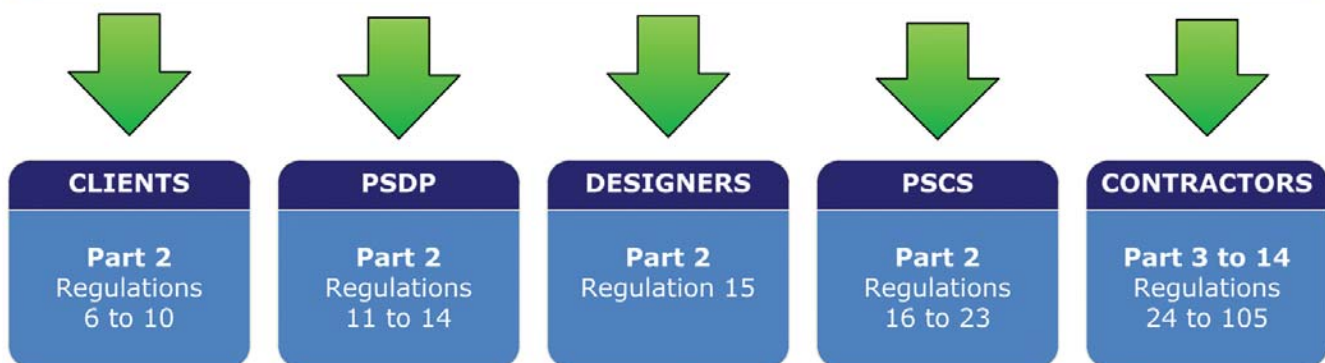
(Non exhaustive list of Legislation) Clients need to keep abreast of new legislation or codes of practices which may impact on their construction projects.

The Construction Regulations are broken down into relevant sections for the various parties.

Key Duties (non-exhaustive list of duties)

Information Safety, Health and Welfare at Work (Construction) Regulations 2006

Part 2	Design and Management
Part 3	General Duties of Contractors and Others
Part 4	General Safety Provisions
Schedule 4	Construction Skills Certification Scheme



2.5.1 THE CONSTRUCTION SAFETY MANAGEMENT TEAM

It is important that the management of safety on construction projects is discussed and agreed. The Construction Regulations set out differing requirements as to whether a project will have to be notified to the Health and Safety Authority.

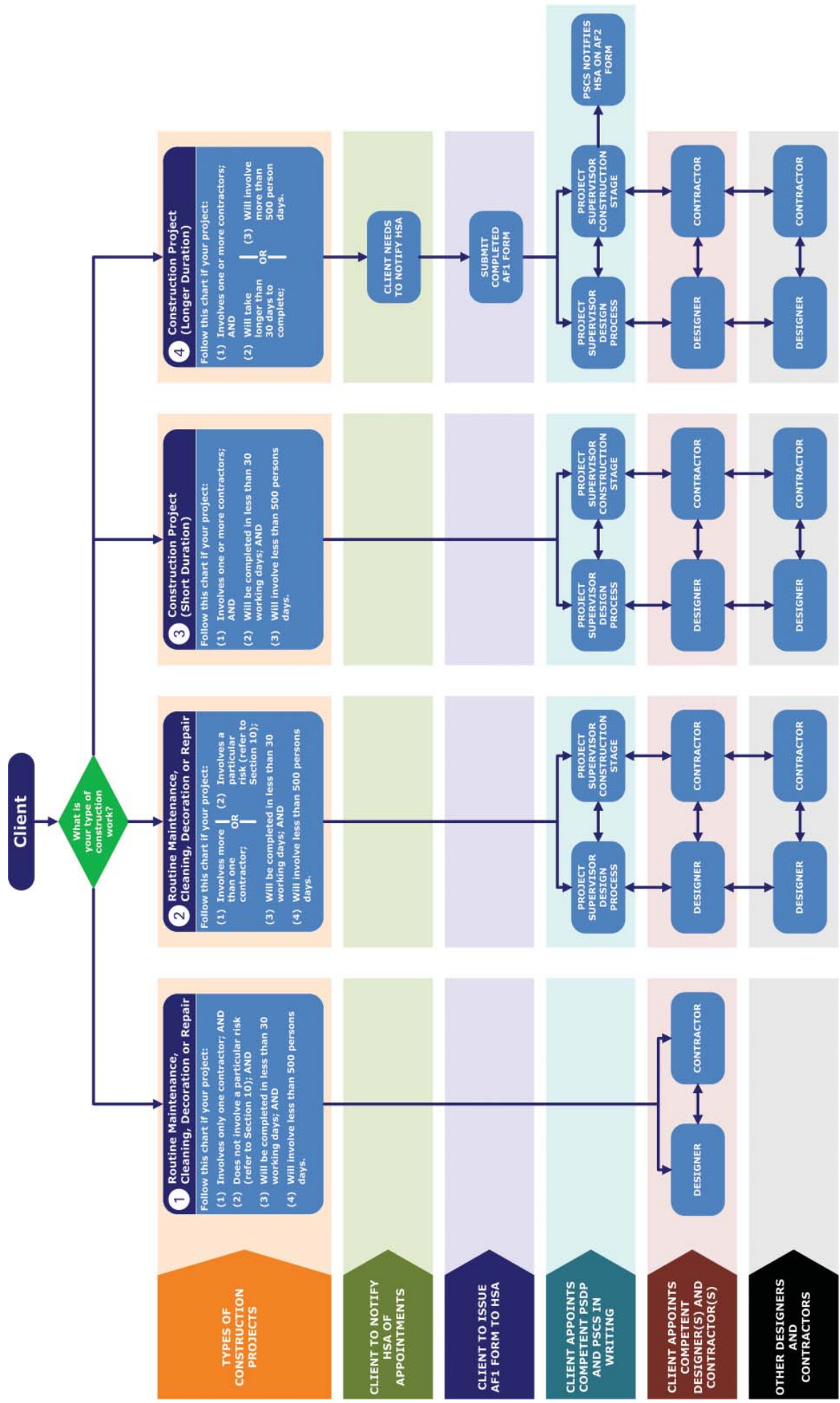
Certain types of projects will require the Client to appoint a Project Supervisor Design Process (PSDP) and a Project Supervisor Construction Stage (PSCS). Where appointed, the Project Supervisors will provide a layer of safety coordination. Guidance for the assessment of competency is provided in section 2.6. The duties and responsibilities of the PSDP and PSCS are contained in sections 3 and 4 of this document.

Charts are provided as examples of the structure of construction safety management teams. The structure of a construction safety management team is dependent on the type of work to be undertaken and the type and/or level of risks associated with the construction work.

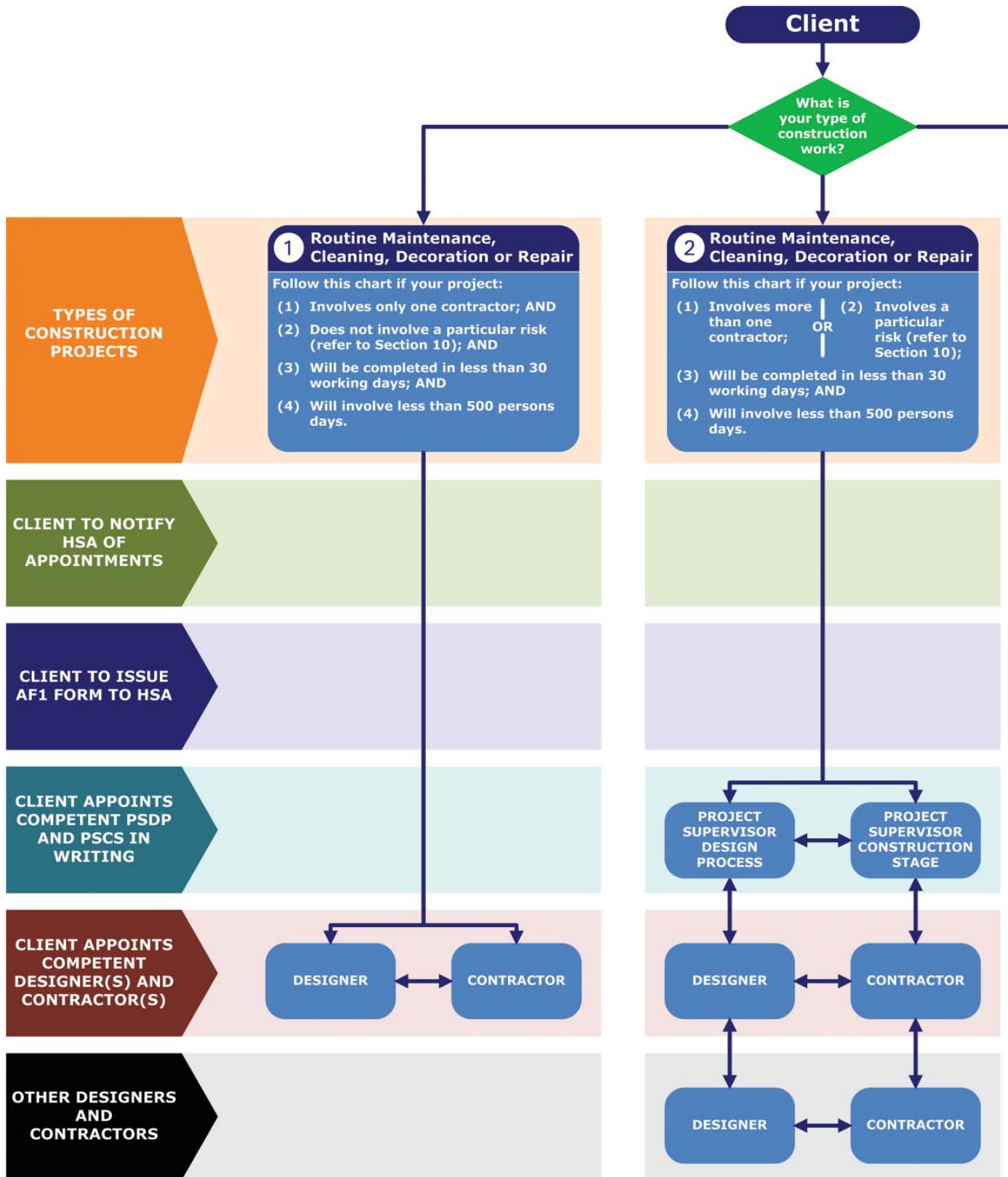
The chart overleaf (and repeated on pages 10 and 11) sets out the different steps that a Client needs to follow, depending on the nature and complexity of the project. In addition the chart indicates the types of projects that need to be notified the Health and Safety Authority.

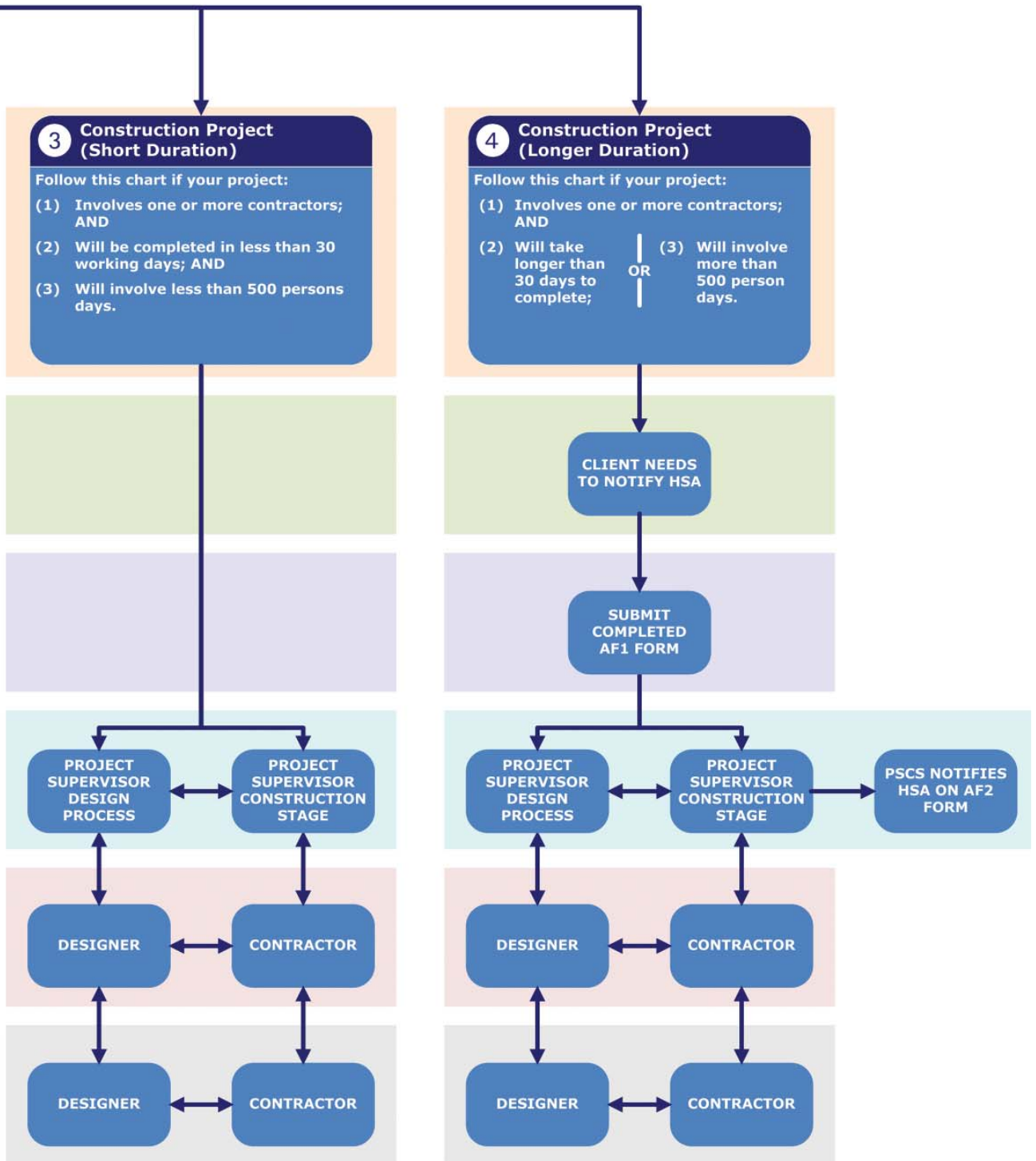
Clients need to consider the schedule of Particular Risks, which are listed in section 10, when making decisions about appointments and notifications. Refer to section 2.9 of this guidance.

This represents the relationships between different duty-holders. The flowchart is not set out in a strict timescale or sequence. On your project you may be making appointments at different stages.



This represents the relationships between different duty-holders. The flowchart is not set out in a strict timescale or sequence. On your project you may be making appointments at different stages.





2.5.2 RISK ASSESSMENT

Bad advice and poor understanding of health and safety can affect your project. The most important process throughout the management of a construction project is risk assessment and risk control. This Guidance Document and the Guidelines on the Procurement in Design and Management Requirements of the Construction Regulations 2006, will assist Clients in understanding how risks can be successfully assessed and controlled on construction projects.

There is a legal requirement that all employers must have written risk assessments, for all work activities. These must be up to date and communicated to the relevant people carrying out the work. This is undertaken by a competent person appointed by the employer.

Section 17 of the Safety Health and Welfare at Work Act 2005 requires Clients to appoint competent persons. The Client may need to appoint one or more competent persons to assist them in complying with safety and health legislation.

This could include a person who is capable of giving informed and appropriate general advice on health and safety, as well as a person with specialised technical knowledge.

Part of the process in managing and controlling risk on a construction project is the assessment and appointment of those persons who will make sure a construction project is managed. This is undertaken by the Client at the start of a project.

Project Supervisors, Designers and Contractors have legal obligations, in relation to completing and reviewing risk assessments from design to construction and eventually to hand-over of the project to the Client. It is a legal requirement that safety is managed from the start of a project.

All of the project team, from the Client, Designer, Contractor to the Project Supervisors should take account of the General Principles of Prevention, which are contained in Schedule 3 of the Safety, Health and Welfare at Work Act 2005. The General Principles sets out a hierarchy of control measures that apply to all places of work. Clients should also make themselves aware of the 'high' risk activities, which are identified as particular risks.

Duty holders should seek to avoid risks, but where the risks cannot be eliminated or avoided, a risk assessment should be performed.

The risk assessments must be site specific for all stages of the Design and Construction.

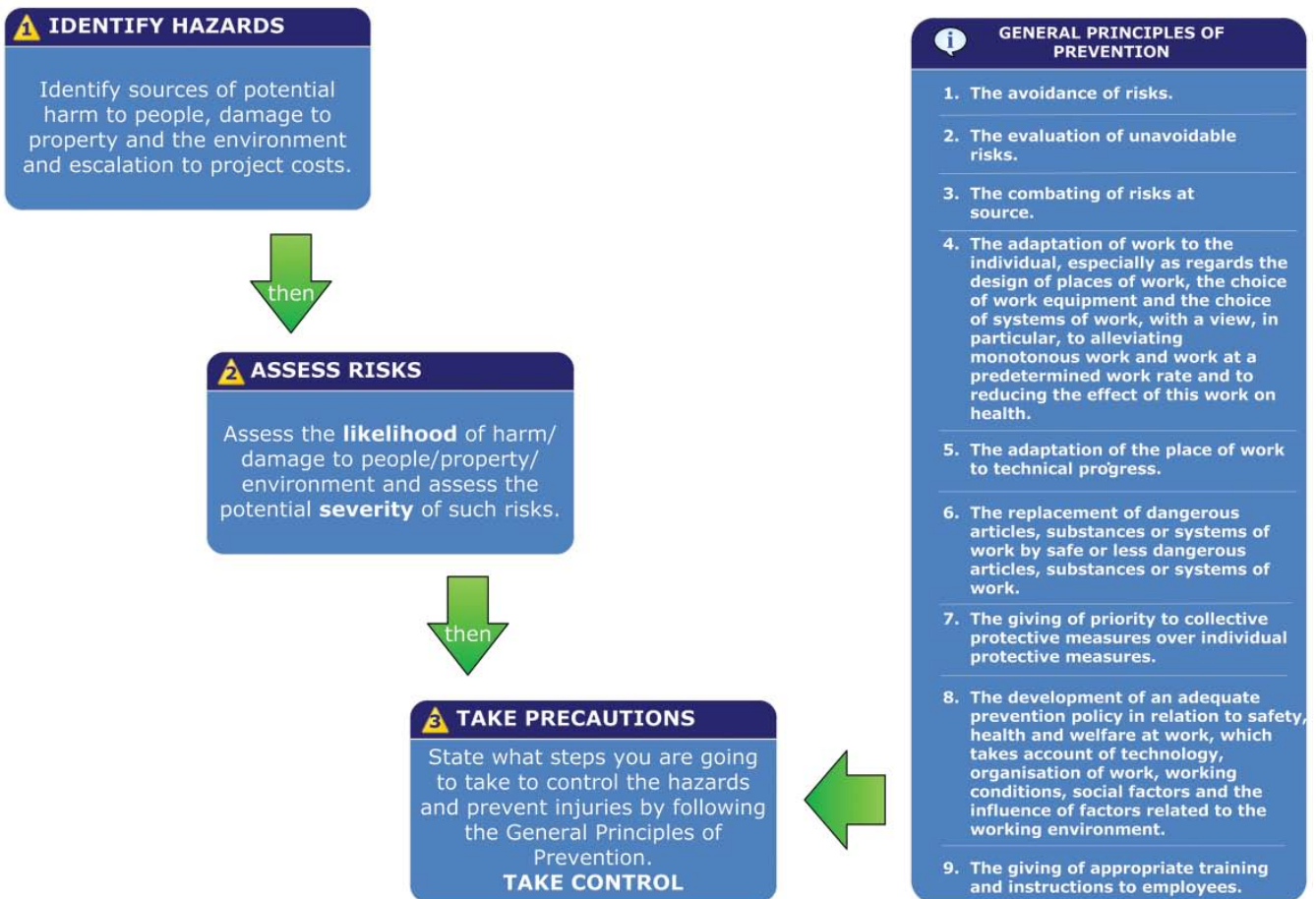
The person undertaking the risk assessment needs to consider three aspects:

- The likelihood that someone could be injured;
- How often is the hazard evident;
- How severe the injury could be.

As the likelihood and the severity increases, the risk of someone being harmed on your project increases. It is important to reduce the risk of the likelihood, the severity of injury or even the number of times a hazard is present. Correct precautions should then be taken to control the risk and to prevent injury.

The decision on how to manage and control the risk is very important, especially if there are set requirements in the legislation, for the identified hazard. Competent Designers and/or Contractors should determine appropriate controls. Appropriate records should be kept in the safety and health plans, safety statements and method statements (safe systems of work). Records must be kept, to demonstrate how risk was assessed and controlled/managed.

THE RISK ASSESSMENT PROCESS



Further Information

Persons engaged in completing risk assessments for projects from design process to construction stage must consider the General Principles of Prevention, which are contained in the following guidance documents:

- *Guidelines on the Procurement, Design and Management Requirements of the Safety, Health and Welfare at Work (Construction) Regulations 2006*, (parts 3,4,5 and 6)
- *Guidelines on Risk Assessments and Safety Statements (2006)*, which set out 6 simple steps to be followed.

For reference consider the following:
 Safety, Health and Welfare at Work Act 2005, Section 19 and Schedule 3.

Guidelines on the Procurement, Design and Management Requirements of the Safety Health and Welfare at Work (Construction) Regulations 2006

Guidelines on Risk Assessments and Safety Statements

2.6 WHAT DOES THE CLIENT NEED TO DO?

This guidance is applicable to all Clients: whether a first time Client, a one-off Client or a large scale Client. This guide will make it easier to understand the duties and responsibilities of the Client and reduce the overall risk on construction projects.

THE ROLE OF THE CLIENT

1 ASSESS COMPETENCY

The Client must make reasonable enquiries into persons or organisations who put themselves forward to be appointed as Project Supervisors, Designers and Contractors.

The assessment may take the form of reviewing both the competence and the capabilities of the proposed appointee. This must be in writing.

Sample competency assessment forms are contained in Section 5, which can be used or expanded.

The Client may need to seek professional advice from industry bodies or others.



2 APPOINT IN WRITING

In order to co-ordinate the design and construction works, the Client must put in place persons or organisations to oversee the design and construction work on the Clients behalf.

These appointments are called Project Supervisors for Design Process (PSDP), Project Supervisors Construction Stage (PSCS), Designers and Contractors.

Their duties are explained in Sections 3 and 4.



3 NOTIFY HSA OF APPOINTMENTS

The HSA must be notified of construction projects in advance of construction, firstly by the Client at the design stage and then by the PSCS. Clients should familiarise themselves with their Notification requirements as illustrated in the flow chart in Section 2.9 and the AF1 form in Section 6.



4 INFLUENCE YOUR PROJECT

Proactive Clients can have a major impact on the performance of the appointed Designers, Contractors and Project Supervisors from Design Process to the Construction Stage. They can ensure by the exercise of their influence that what they receive at the end of the project is a completed structure or building which is safe for the end-user.

The use of risk management techniques during the Design Process will ensure that hazards which can be eliminated during the Design Process do not result in costly delays to projects through, for example, the need to redo construction work, or even lead to the failure of the project as a whole.

2.6.1 SUMMARY OF ASSESSMENT

The first duty of the Client is the assessment and then the appointment of the Supervisors and personnel/organisations, who will perform specific health and safety duties for the Client before, during and after the construction work.

When Does a Client Need To Assess and Appoint Duty Holders?

DUTY HOLDER	WHEN
Project Supervisor Design Process (PSDP)	Before – Design Starts
Designer	Before – Design Starts
Project Supervisor Construction Stage (PSCS)	Before – Construction Starts
Contractor	Before – Construction Starts

It is crucial that the Client assesses and then appoints competent Project Supervisors, Designers and Contractors. The extent of these enquiries will depend on the scale and complexity of the hazards of the project and any identified particular risks. To do this, the Client needs to assure themselves of the candidate's credentials. The general questions that should be asked are as follows:

What do You Assess?

What is their previous experience in undertaking the role of Project Supervisor, Designer, or Contractor?

Do they have knowledge of design and construction, particularly in relation to the nature of the construction project?

If there are any particular risks related to the project:

- What plan does the prospective PSDP/Designer have for dealing with these risks during the Design Process?
- What plan does the prospective PSCS/Contractor have for managing the risks at Construction Stage?
- What level of qualifications or training do they hold in health and safety? Do they keep up to date with changes?
- Are they members of recognised professional bodies, particularly those concerned with health and safety?
- Did they have a health and safety management system in place for previous and similar projects, and do they have such a system in place for their own company?
- Do they have knowledge and experience of preparing a Safety File?
- Have they enough resources and people available for your project?
- Have they had any Improvement Notices, Prohibition Notices or Convictions issued against them or imposed on them by the Health and Safety Authority?
- How many accidents and incidents have they had in the past five years?

The roles are further explained in sections 3 and 4 of this document. Competency assessment forms and a checklist have also been included in section 5 of this document to assist in the process of assessment. Further formation on the duties and roles of the parties can be found in the guidance document; Procurement, Design and Management

Requirements of the Safety, Health and Welfare at Work (Construction) Regulations 2006.

Depending on the nature and complexity of a project, the Client with the assistance of the Designer and/or the PSDP must also provide relevant information to the prospective Contractors and PSCS who are tendering for their roles in advance of their appointment. The information must be provided as part of the tender, where possible.

2.6.2 SUMMARY OF APPOINTMENTS

All appointments of competent persons, such as Designer, Contractor and Project Supervisors under the Safety, Health and Welfare at Work Act 2005 must be in writing. When appointed, the Project Supervisor must confirm in writing acceptance of the appointment.

The appointment letter should be in the form of a headed letter, issued from the Client to the appointee, referencing the applicable appointment of the Designer, PSDP, Contractor and PSCS. This appointment letter should also reference the applicable legislation to which the Designer, PSDP, Contractor and PSCS is required to comply with. The receipt of the written acknowledgement by the Client will form an agreement between the Client and the appointee for compliance by the appointee with the legislative requirements, detailed in the letter of appointment.

Clients should only appoint one Project Supervisor Design Process and one Project Supervisor Construction Stage for each project requiring project supervisors. It is not permissible to have multiple PSDP and multiple PSCS on a single project. Where the client amends the appointments they must follow the same process of assessment and appointment. The client must keep copies of these appointments on file.

Generally, Clients appoint qualified and competent third party agencies to fulfil the roles of PSDP and PSCS separately or fulfilling both roles. Some Clients, who have the in-house experience to do the role of PSDP and/or the role of PSCS, may prefer to perform those functions themselves (there is nothing in the Regulations preventing the Client from doing so, if the Client can demonstrate that they are competent to undertake this role). Early assessments and appointments should be completed, to ensure health and safety implications of the decisions for the project are taken at the earliest stage.

Further Information

Clients or persons to whom the Regulations apply have a duty to ensure competency is assessed and appointments are made for Designers and Contractors, under Section 17 of the Safety, Health and Welfare at Work Act 2005 and the Safety, Health and Welfare at Work (Construction) Regulations 2006.

In addition Project Supervisors are required for construction projects:

- Where construction work exceeds 500 person days;
- Where construction work exceeds 30 working days;
- Where Particular Risks have been identified;
- Where more than one contractor is engaged for a construction project.

For Client notification requirements refer to Section 2.9 of this guidance.

For Particular Risks refer to Definitions & Schedule 1 of the Construction Regulations 2006.

2.7 CLIENTS PROVIDING INFORMATION

The Client has a duty to cooperate with the PSDP, Designers and Contractors under Regulation 8 (4) of the Construction Regulations and also Section 21 of the Safety, Health and Welfare at Work Act 2005 in providing relevant safety information for a construction project. This information should be provided at the start of the design process. This information can then be assessed and considered during the design process and issued to tenderers prior to assessment and appointment of the PSCS and Contractor.

The client may have such information available in the existing Safety File or may have to make reasonable enquires to identify potential hazards. For example, where there are asbestos containing materials within an existing building, the client must make this information known to the Designers and PSDP.

Hazards discovered during the construction stage could lead to costly delays and changes in the construction programme. Where a Project Manager is appointed by a client to oversee the project, the Project Manager must cooperate with the Project Supervisors.

Information Must be Provided Concerning

Any information about previous activities carried out on the site that may affect safety, for example the potential for contaminated ground conditions;

Any information regarding services already existing on the site such as buried or overhead services;

Any information from a previous or existing Health and Safety File;

Any surrounding environmental conditions that must be considered;

Any activities taking place around the site, such as nearby roads and traffic or other ongoing work in the vicinity;

Any factors that need to be taken into account during work and maintenance of the facility;

Any special health and safety requirements of the Client, for their own business purposes;

Any information about non-employees who may be affected by the construction work.

The information will be needed at the outset of the project to allow the PSDP and Designer to take account of the risks in design and include residual risks in the Preliminary Safety and Health Plan. Once the Designer and PSDP have performed their duty, this information must form part of the information provided in advance to the Contractors and PSCS when tendering for a project.

BEST PRACTICE EXAMPLE

A Client commissioned an asbestos survey before beginning the refurbishment of a 1960s office block. This survey revealed the presence of amosite asbestos.



The results of the survey were passed to the PSDP, who ensured it was included in the tender documents for the PSCS and Contractors. This meant that there was no hold up or delay to the project and reduced the risk to all involved.

2.8 WORKING WITH THE DESIGNER, CONTRACTOR AND PROJECT SUPERVISORS

The Client must cooperate with the Project Supervisors to allow them to carry out their duties. This means providing them with any information available to the Client that they need and allowing them sufficient time to perform their role. The information that they will need would be anything that might impact upon the health and safety of any parties working on the site. In general this information will already have been given to the PSDP who will have included it in the Preliminary Safety and Health Plan.

The Client must ensure that they have supplied the PSDP and the PSCS, with any relevant information; which will help them perform their duties.

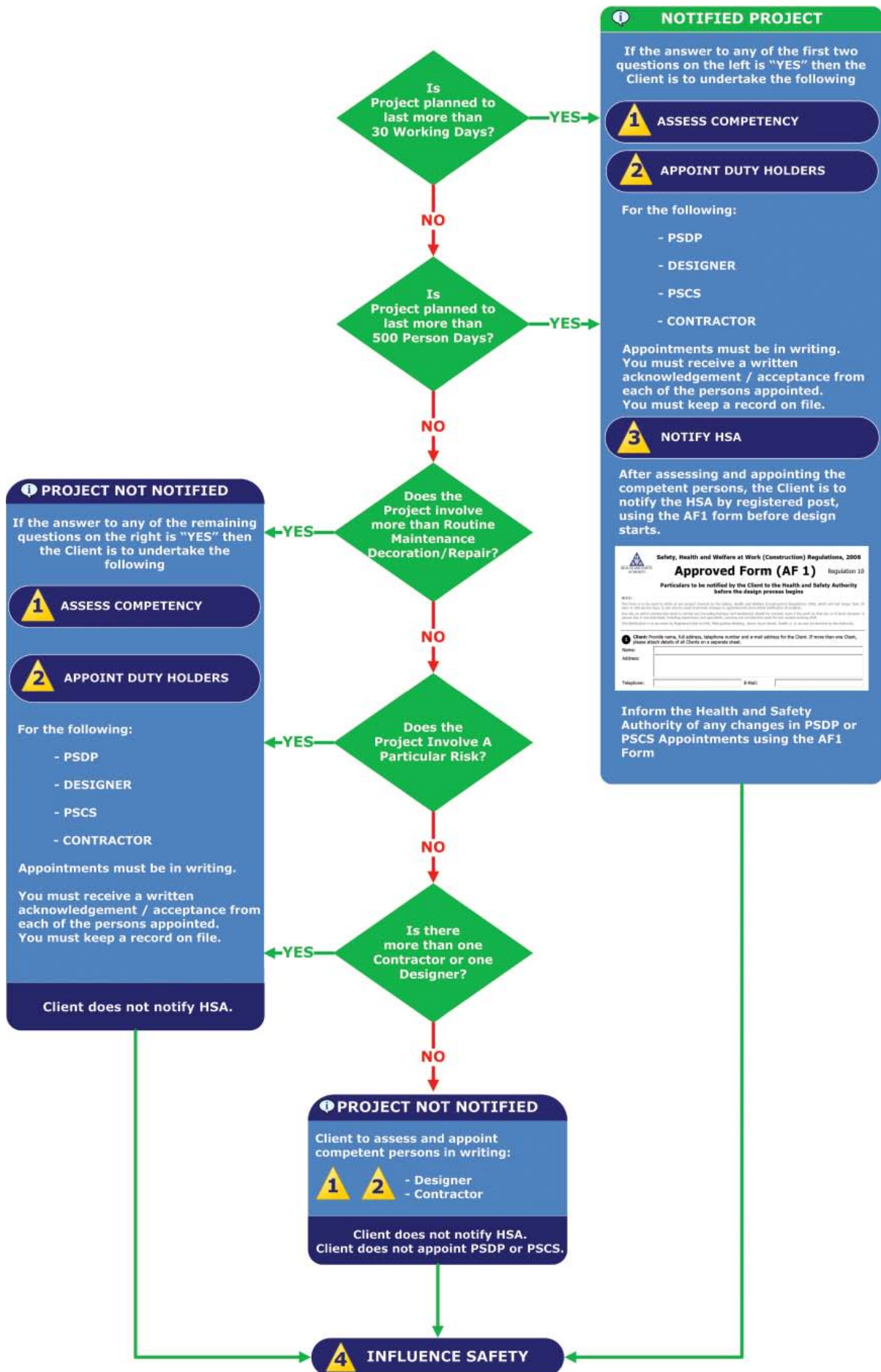
A well-informed Client will be aware of any risks that have been identified by the PSDP in the preliminary Safety and Health Plan and can ask how the PSCS will seek to control these risks in advance of the project. This can form part of the Client's continuous monitoring and assessment.

Provision of Adequate Time

When projecting a timescale for a project, the client must take account of the time that the Project Supervisors, Designers and Contractors will need to perform their duties. The Client should also take account of the following:

- Preparation of Safety and Health Plans for design and construction;
- Surveys (where needed);
- and the other duties of the PSDP/PSCS.

2.9 NOTIFICATION OF CONSTRUCTION PROJECTS – FOR CLIENTS



2.10 ACCIDENTS AND INCIDENTS

In the event of an accident occurring on site, the Client has no specific legal duties to perform. However it is best practice to have procedures in place that will allow the Client to be satisfied that appropriate corrective actions would be taken.

Typically a Client may wish to be kept informed of any incidences and what actions are being taken to prevent the accident reoccurring. In addition the Client may request the Project Supervisors, Designer or Contractor to investigate any accident or dangerous occurrence. Such an investigation should seek to identify any contributing factors and the root cause of the accident or dangerous occurrence. If these factors have been properly identified, it should be possible to put controls measures in place to ensure there is no reoccurrence.

The Contractor as an employer has a statutory duty to report certain types of accidents or incidents to the HSA. The Health and Safety Authority may conduct a criminal investigation into either a dangerous occurrence or serious accident. During a criminal investigation a Client may be asked to demonstrate that the appointment and assessments of Project Supervisors, Designers and Contractors had been undertaken in accordance with the Legislation.

2.11 LACK OF PERFORMANCE FROM THE PSDP, DESIGNER, PSCS OR CONTRACTOR

Having reviewed the various duties expected from the PSDP, Designer, PSCS and Contractor in sections 3 and 4. The Client may decide that these persons are not performing their duties correctly. This may be indicated by an increase in the number of issues reported or observed. This will give an insight as to how safety is being managed on the project.

In this case the Client can use a formal process, to rectify the situation with the Project Supervisor. The format would include the following:

- A formal letter highlighting the deficiency to the duty holder, requesting their proposals to resolve the situation;
- Agreement of a time frame to carry out these proposals.

In the event that the differences between the Project Supervisor and the Client cannot be reconciled, the Client should consider terminating the appointment of the Project Supervisor and engaging a new PSDP or PSCS as necessary. This should be done in writing with a copy of the new assessments, appointments and their acceptance kept on file. Notice of the change of appointee should also be sent to the Health and Safety Authority on the AF1 Form (Section 5).

If such changes of appointment are made during the project a suitable handover procedure should be adopted. This should ensure that all relevant records, including risk assessments, safety and health plans and the safety file are handed over to the new PSDP or PSCS.

Where the Client is of the opinion that the Designer or Contractor, is not performing their duties, the Client can raise this with the appointed Project Supervisor (PSDP or PSCS),

to investigate and take appropriate action. For example the Project Supervisor may issue a formal written direction to the person concerned. This should be undertaken when all other contractual processes have been exhausted.

Where a person fails to comply with the written direction, the Project Supervisor is required to notify in writing the HSA, the Client and the person to whom the direction was issued.

SECTION 3 DESIGNERS AND CONTRACTORS

3.1 DESIGNERS

3.1.1 WHO IS THE DESIGNER?

The “**Designer**” is a person or company engaged in work related to the design of a project. The term design, in the Safety, Health and Welfare at Work (Construction) Regulations 2006, means the preparation of drawings, particulars, specifications, calculations, bills of quantities in so far as they contain specifications or other expressions of purpose according to which a project, or any part or component of a project is to be executed. The Designer is therefore any person who is engaged to do such work.

Examples of Designers would include the following:

- Architects;
- Engineers;
- Surveyors;
- Contractors carrying out design work (Design, Build and Operate);
- Specialist suppliers.

Designs develop from initial concepts through to detailed specification, involving different teams and disciplines at various stages throughout the life of the project. Designers are therefore in a unique position to make decisions that can greatly reduce the risks to construction health and safety.

3.1.2 DESIGNER ASSESSMENT AND APPOINTMENT

At the start of a project, the Designer is one of the first points of contact for the Client. The Client may arrange for the appointment of a number of different Designers or one Designer, such as a firm of multidisciplinary consultants, to carry out the design of the proposed project.

The general assessment criteria set down in Section 2.6 and the use of the competency assessment form and checklist in section 5 will assist in the formal assessment process. Clients should also be aware of the duties of the Designer when considering the assessment process of a Designer.

The Designer can have a positive influence on the health and safety of a project. The decisions they make at the start of the design process will have a bearing on the types of risks and hazards that will be involved at the construction stage. There may also be a reduced financial impact on the cost of the project, if problems are designed out, rather than rectify them at a later date when more work has been done. It is important that the Client takes this into account when assessing and appointing the Designer.

Further Information

A Designer specified tilt and turn windows to reduce risks during window cleaning.

The client overruled this on the grounds of cost.

The designer pointed out that the Client was taking over the Designers duties under Regulation 15. The Client needed to address how the risk to window cleaners could be minimised and how the duties under the regulations would be complied with.

3.1.3 DUTIES OF THE DESIGNER

Designer's responsibilities do not just extend to the health and safety of the workers during the construction stage. The Designer also has responsibilities to make sure the health and safety of those persons, who will use, maintain, operate, repair, clean and, ultimately, dismantle or demolish the structure. Designers must demonstrate how they take account of the general principles of prevention in their designs.

These duties are outlined in Section 16 of the Safety, Health and Welfare at Work Act 2005, Regulation 15 of the Safety, Health and Welfare at Work (Construction) Regulations 2006. These apply whenever a Designer is engaged in a design, which will be used for the basis of construction work.

(non-exhaustive list)

Duties Of Designers

- Identify any hazard in their design which may be present during construction and subsequent maintenance
- Where possible eliminate the hazard or reduce the risk
- Communicate the necessary control measures, design assumptions or remaining risks to the PSDP for inclusion in the Preliminary Safety Plan
- Cooperate with other designers and PSDP/PSCS
- Take account of any existing Safety and Health Plan or Safety File
- Comply with directions issued by the PSDP or PSCS
- Where no PSDP has been appointed, inform the Client that a PSDP must be appointed
- Where no PSDP is required, the Designer must communicate the necessary control measures, design assumptions or remaining risks to the Contractor

Further Information

Safety, Health and Welfare at Work Act 2005 requires designers to ensure that the project is capable of being constructed to be safe, can be maintained safely and complies with all relevant legislation.

Further Information

Reference should also be made to Part 4 on Designers, in the *Guidelines on the Procurement, Design and Management Requirements of the Safety, Health and Welfare at Work (Construction) Regulations 2006*.

3.2 CONTRACTORS

3.2.1 WHO IS A CONTRACTOR?

The “**Contractor**” is a person or company engaged in work related to the construction of a project. This also means someone who manages or carries out the construction work or even a person who supplies labour or materials for a project.

Further Information

A domestic Homeowner or Client will be required to comply with the duties of a Contractor when they undertake the following:

- Manage the construction work for a fixed or other sum;
- Supply materials, labour or both, to carry out the construction work.

For example, where a person undertakes the construction of their domestic house by labour only, they will be required to comply with the duty of a Contractor as laid out in Section 3.

Contractors must comply with Parts 3 to 14, 24 and 26, of the Safety, Health and Welfare at Work (Construction) Regulations 2006, which address in detail the safety needs for various management requirements for Construction activities.

3.2.2 CONTRACTOR ASSESSMENT AND APPOINTMENT

The Contractor should be appointed as soon as the Client has the relevant information to make a suitable appointment. The earlier this is done the more the Contractor will be able to assist in the design and planning process. This will also reduce the lead-time that the Contractor needs to mobilise for a project.

The general assessment criteria set down in section 2.6 and the use of the competency assessment form and a checklist in Section 5 will assist you in the formal assessment process. Clients should also be aware of the duties of the Contractor when considering the assessment process of a Contractor.

The Contractor should be adequately resourced and have the necessary competence to fulfil their duties. To be competent an organisation needs to have sufficient experience, knowledge and suitable skills to carry out their duties satisfactorily. The Client must make reasonable enquiries to ensure the Contractor is competent to do the relevant work and can allocate resources to it. The extent of enquiries will depend on the scale and complexity of the project.

Clients should note if Contractors are implementing certified safety management

systems, for example Safe-T-Cert or equivalent. The Safe-T-Cert is a construction sector specific safety management system, which is based on International Labour Office guidelines on Occupational Safety and Health Management Systems (ILOOSH2001). These management systems assist Contractors in the successful management of health and safety on site. In addition these systems are audited by third parties, which will give further assurance to the Client.

The Project Supervisor Design Process may also give advice to the Client when carrying out an assessment of competency.

3.2.3 WHAT CAN YOU EXPECT FROM THE CONTRACTOR?

Contractors must ensure they comply with their duties as employers under the Safety, Health and Welfare at Work Act 2005 and their duties as assigned under the Safety, Health and Welfare at Work (Construction) Regulations 2006.

The Contractor should be using the relevant information, prepared at design, which is made available from the Designer, PSDP and Client to ensure the Safety and Health of the persons undertaking the actual work.

The Contractor should be implementing the General Principles of Prevention in reducing the risk to the project and the people engaged in working on it. Contractors are expected to provide more rigid controls when they undertake work which involves a particular or high risk, this may involve specialised training/equipment and safe systems of work (method statements).

Where a PSCS has been appointed, the Contractor is expected to cooperate with the PSCS. This includes providing the PSCS with the necessary information for the coordination of work activities with other Contractors. This must be agreed between the PSCS and the Contractors.

Effective cooperation, coordination and communication between all Contractors and the PSCS is essential to ensuring the site is a safe place to work.

Contractors must give the PSCS any information, which might also affect the health and safety of workers or members of the public. The Contractor needs to monitor work activities to ensure the control measures outlined in the plan are being adhered to.

3.2.5 DUTIES OF THE CONTRACTOR

The duties of Contractors are summarised overleaf.

(non-exhaustive list)

✔ Duties Of Contractors

- Cooperate with the PSCS, where one has been appointed
- Provide a copy of their safety statement and relevant information to PSCS and Client
- Promptly provide the PSDP with information required for a Safety File
- Comply with their duties as employers under the Safety, Health and Welfare at Work Act 2005
- Ensure risk assessments and safe systems of work taking account of the General Principles of Prevention are in place and are being followed
- Report accidents or incidents, where required, to the HSA; investigate causes and put in place necessary preventative measures
- Comply with site specific rules contained within their safety statement and/or a site specific Safety Plan
- Provide workers with site inductions and ensure operatives undertaking work activities have the correct training and qualifications including the safe pass and CSCS card
- Appoint a safety officer where there are more than 20 on site or 30 employed
- Consult with workers and the safety representative
- Monitor compliance and take corrective action

ℹ Further Information

Section 17 of the Safety, Health and Welfare at Work Act 2005 requires that any person who carries out construction work must ensure, so far as is reasonably practicable, that projects are constructed to be safe and without risk to health and comply in all appropriate respects with Safety and Health legislation.

ℹ Further Information

Reference should also be made to Part 6 on Contractors in the *Guidelines on the Procurement, Design and Management Requirements of the Safety, Health and Welfare at Work (Construction) Regulations 2006*.

SECTION 4 PROJECT SUPERVISORS

4.1 PROJECT SUPERVISOR DESIGN PROCESS

4.1.1 WHO IS THE PROJECT SUPERVISOR DESIGN PROCESS?

The “**Project Supervisor for the Design Process**” is the Client’s appointed safety representative in coordinating the Design Process. The PSDP fulfils a safety role under the legislation and is responsible for ensuring that safety is coordinated from the beginning of the design of a project.

The Safety, Health and Welfare at Work (Construction) Regulations, 2006, state that the Client is responsible for ensuring that anyone he appoints as PSDP, has the required competency and the necessary resources to perform the role.

A Client may wish to appoint their principal Designer as both PSDP and Designer. This can work very successfully for the Client, if the Designer can demonstrate how they intend to undertake the role of PSDP. It does not negate the Client’s requirement to make sure the Designer is competent and has provided the necessary resources to fulfil the role. Not all Designers would be deemed competent or have the necessary resources to perform the role of PSDP.

4.1.2 ASSESSMENT OF PROJECT SUPERVISOR DESIGN PROCESS (PSDP)

Where required under the Safety, Health and Welfare at Work (Construction) Regulations 2006, it is the responsibility of the Client to assess and appoint a competent Project Supervisor for the Design Process (PSDP). This is the first and vital step in ensuring that safety will be taken into account throughout the project.

The appointment of the PSDP will last until the end of the project; this is because design work and amendments to the design may be ongoing, until the project is finished and the information is issued to the Client in the Form of a Safety File.

The PSDP can be a single person or a company and should be appointed at the beginning of the design process. Where a company is appointed to the role, the Client should ensure that there is a named individual with whom they can communicate safety concerns.

4.1.3 WHAT RESOURCES SHOULD THE PSDP DEDICATE TO THE ROLE?

The resources needed to adequately fulfil the role of PSDP may vary from project to project according to its nature, scale and complexity. On some small-scale projects this may mean that the PSDP is essentially fulfilling a part time role. On larger projects there may be full time staff needed due to the nature, scale and complexity of the work.

Where the Designer has been appointed as PSDP, they must allocate adequate resources to the project to perform the role of PSDP which are over and above those needed for the design function. In all cases however the Client must satisfy himself that the PSDP will allocate enough resources to perform the role correctly and to perform the duties as outlined.

4.1.4 WHEN SHOULD PSDP BE APPOINTED?

The PSDP needs to be appointed in writing on or before the start of the design process for the project. This is to meet the following requirements;

- The PSDP will be responsible for the development of the Preliminary Safety and Health Plan. This preliminary plan must be prepared and issued to all parties tendering for the role of Project Supervisor Construction Stage.
- The PSDP will be responsible for ensuring that the General Principles of Prevention are taken into account, throughout the design process. Also he has responsibilities for coordinating the activity of all Designers appointed by the Client, as it relates to health and safety. Including the activities of Designers engaged by the Contractor, for example Temporary Works Designers.
- The PSDP is responsible for ensuring that adequate time scales are allowed throughout the project for adequately dealing with safety requirements

In general the early appointment of the PSDP can be regarded as 'best practice'. The earlier that a preliminary overview of the foreseeable safety issues is completed, the earlier action can be taken to reduce the likelihood of impact to the project. This may be achieved by designing out the risks or by amending the design to mitigate the risk. This is of particular importance at the conceptual design stage when the major elements of a project are being decided upon. If significant design decisions have already been made before the appointment it will be more difficult and costly to change them, especially if particular risks are identified.

The Client may also decide that the PSDP will play a role in the selection of other parties such as the Designers and the PSCS; this should be established at the tender stage.

4.1.5 WHAT CAN YOU EXPECT FROM THE PSDP?

The PSDP should look at the design as a whole and evaluate whether there are any safety risks involved in the construction and the materials that will be used. This process can save both time and money for a Client once the project proceeds to construction. It is nearly always less costly to change a design during the Design Process, rather than try and deal with it at construction stage, as it may have a significant effect on the project.

A competent Project Supervisor Design Process will also be able to assist and advise the Client in fulfilling his role under the Safety, Health and Welfare at Work (Construction) Regulations, 2006. If needed they will be able to give advice and assist in the selection of a Project Supervisor Construction Stage or other Contractors.

The PSDP should also take into account the way that the proposed structure will be used after completion. On most structures there will normally be a certain amount of maintenance needed. This can be as simple a job as window cleaning. Good design should take this into account by allowing for easy and safe access to the windows. Poor design might require the erection of temporary scaffolding or expensive machinery

to perform the job in a safe manner, whose cost may be borne by the client after the completion of the project.

If there are any remaining risks (residual risks) related to the structure, the PSDP will identify these and will then inform the Project Supervisor Construction Stage that these risks exist. Throughout the construction stage the PSDP and PSCS should communicate health and safety issues across both the design team and the construction teams and coordinate the safe working procedures.

Clients should refer also to Appendix 3 of the guidelines for the Procurement, Design and Management Requirements of the Safety, Health and Welfare at Work (Construction) Regulations 2006.

4.1.6 DUTIES OF THE PROJECT SUPERVISOR DESIGN PROCESS

(non-exhaustive list)

Duties of the PSDP

- The PSDP may appoint Health and Safety Coordinators for the Design Process
- Ensure that the work of Designers is coordinated to ensure safety, especially:
 - Permanent Works Designers (for example Project Structural Engineer, Project Mechanical Engineer, Project Electrical Engineer, Architect)
 - Specialist Designers (for example Lighting Consultant, Steel Designer, Precast Designer, IT Designer)
 - Temporary Works Designers (for example Temporary Support Designer, Shoring Designer, Temporary Electrics Designer)
- Identify hazards arising from the Design or from the technical, organisational, planning, or time-related aspects of the project
- Take account of the General Principles of Prevention
- Where possible, eliminate the hazards or reduce the risk
- Prepare a written Safety and Health Plan for any project where construction will take more than 500 person days or 30 working days or there is a Particular Risk and deliver it to the Client prior to tender
- Communicate necessary control measures, design assumptions, or remaining risks to the PSCS so they can be dealt with in the Safety and Health Plan
- The PSDP may issue directions to Designers or Contractors or others
- Notify the HSA and Client of non-compliance with any written directions issued
- Prepare a Safety File for the completed structure and give it to the Client

BEST PRACTICE EXAMPLE

Risk of falling from height while installing light fittings and cleaning the atrium identified during the Design Process as a hazard.



The design was amended to reduce risk by designing entrance doors to the building of sufficient size to allow access for a suitable Mobile Elevating Work Platform (MEWP) from which the light fittings could be installed and maintained and the atrium could be cleaned. The ground floor slab was designed by the Structural Engineer to cater for the intended MEWP. The design, involving input from the Architect, MEWP supplier and Structural Engineer, was coordinated by the PSDP.

BEST PRACTICE EXAMPLE

Whilst reviewing existing drawings, the Designer and PSDP are notified by the Client that asbestos-based material was referenced in a construction detail for the roof of an existing building due for demolition.



The PSDP informed the Client that an asbestos survey would be needed prior to construction work commencing. The survey revealed the presence of asbestos. These results were included in the Preliminary Health and Safety Plan, which allowed the Contractor to establish the level of risk and remove the asbestos safely prior to the main contract. This did not affect the overall timescale for the completion of the project.

4.2 PROJECT SUPERVISOR CONSTRUCTION STAGE

4.2.1 WHO IS THE PROJECT SUPERVISOR FOR CONSTRUCTION STAGE

The appointed “**Project Supervisor Construction Stage**” can be a person or a company and must be appointed before the start of any construction work; the appointment will last until all work on site is complete.

The PSCS fulfils a safety role under the legislation and is responsible for coordinating safety during the construction of a project. The responsibilities include the implementation of safe working procedures outlined in the Safety & Health Plans and coordinating construction work so as to be carried out with due attention to the safety of all site workers and members of the public whose safety and health may be directly affected by the construction activities.

The PSCS must develop the Safety and Health Plan in advance of the project and take into account any risks identified by the PSDP and any risks involved in the construction process as detailed under their duties.

Early appointment of the PSCS, where feasible, allows them to contribute to the design process, develop the construction stage plan and coordinate their resources in advance of the project.

4.2.2 ASSESSMENT OF PROJECT SUPERVISOR CONSTRUCTION STAGE (PSCS)

It is the responsibility of the Client to make sure that a copy of the completed Preliminary Safety and Health Plan is given to all prospective candidates for the role of PSCS prior to tendering for the project. This is to make sure the prospective PSCS has the relevant health and safety information to properly evaluate potential risks relating to the project before submitting their tenders. It will also allow them to accurately gauge the amount of time and resources that they will need to devote to the project, preventing cost overruns and delays, ensuring that the Contractor has an opportunity to price for safe working practices that will be required on site.

The Client must then make sure that the appointee is competent and has the adequate resources to perform the role. In situations where a Contractor is being considered for the PSCS role, they may have already implemented a certified Safety Management system which would demonstrate a measure of competence in undertaking the PSCS role, for example Safe-T-Cert, OHSAS 18001, or equivalent (refer to section 3.2.2). In relation to the management of health and safety, the Client can ask how the PSCS will seek to control these risks in advance of the project.

As with the PSDP the Client should keep a record of the enquiries that he made to ascertain the PSCS competence. The general assessment criteria set down in section 2.6 and the use of the checklist in section 5 will assist you in the formal assessment process.

4.2.3 WHAT RESOURCES SHOULD THE PSCS DEDICATE TO THE ROLE?

It is the responsibility of the Client to assess that the PSCS has provided for adequate resources so as to discharge their duties. The resources needed, will vary from project to project. On some large projects it is necessary for the PSCS to submit the names and curriculum vitae of staff that will be dedicated full time to the role. In other instances, for example on smaller projects, the PSCS may combine this role with other duties. In all cases it is the responsibility of the Client to satisfy himself that the PSCS will devote sufficient time and resources to perform all of the PSCS duties.

Further Information

The Client may consider seeking advice on the selection of a Project Supervisor from an external professional body experienced in Architecture, Engineering, Safety or Construction.

Refer to summary of assessment in Section 2.6.1 and the suggested questionnaire in Section 5.

4.2.4 WHEN SHOULD THE PSCS BE APPOINTED?

The PSCS must be appointed before the start of any construction on the project. This is to make sure that the Safety and Health Plan can be properly formulated before work begins. The timely appointment of the PSCS will allow them to prepare the plan to make sure that no work will take place on the site before adequate safety measures have been identified and put in place.

Further Information

The Client must make sure that a competent PSCS is appointed for the entire construction stage of the project.

The Client should change or renew this appointment as necessary.

4.2.5 WHAT TO EXPECT FROM THE PSCS

The Client should expect the PSCS to coordinate the safe working procedures on the construction project with all Contractors on site once construction work has started.

In the same way that the PSDP coordinates the activities of all Designers and ensures safety is taken into account and coordinated during the design process, the Project Supervisor Construction Stage (PSCS) has responsibilities for coordinating safety during

the actual construction of the project.

For Clients, some general indications of how well a project is progressing can be as follows:

- How quickly does the PSCS or Contractor respond to issues raised?
- How many accidents/.incidents/complaints are there for the project?
- Is the Contractor complying with their duties?
- Is the PSCS complying with their duties?
- Is the management of safety evident on site (signage. etc)?
- How tidy is the site?
- Is the site adequately secured?
- Are all persons on site wearing appropriate personal protective equipment?
- Is there adequate storage of materials?
- Is there adequate and clean welfare arrangements?

Further information is contained in Section 8 and provides guidance on the Client's ability to positively influence on construction projects.

Further Information

For the content of the Safety and Health Plan, Clients should consult Appendix 3 of the Guidelines on the Procurement, Design and Management Requirements of the Safety, Health and Welfare at Work (Construction) Regulations 2006

4.2.6 DUTIES OF THE PROJECT SUPERVISOR CONSTRUCTION STAGE

It is important that the Client understands the duties required of the PSCS, when assessing the competence of the tenderers. The PSCS duties required under the Safety, Health and Welfare at Work (Construction) Regulations 2006, are outlined overleaf.

(non-exhaustive list)

✔ Duties of the PSCS

- Notify the Health and Safety Authority on an AF2 form if construction is likely to take more than 500 person days or 30 working days. Notification to be made before construction commences
- Develop the Preliminary Safety and Health Plan into the Health and Safety Plan for the project;
- Apply the General Principles of Prevention
- Make sure that Contractors comply with the Safety and Health Plan
- Coordinate the provision and maintenance of welfare facilities
- Coordinate arrangements to ensure that where required craft workers, general construction workers and security workers have a Safety Awareness card (for example, Safe Pass and a Construction Skills card)
- Coordinate measures to restrict entry on to the site
- The PSCS may appoint Health and Safety Co-ordinators for Construction stage
- Organise coordination of and cooperation between Contractors and organise provision of information
- Coordinate the checking of safe working procedures
- Monitor the compliance of Contractors and others and take corrective action where necessary
- Appoint a safety adviser where there are more than 100 on site
- Coordinate the reporting of dangerous occurrences to the Authority
- Coordinate the reporting of accidents to the Authority
- Coordinate the appointment of a Site Safety Representative where there are more than 20 persons on site
- Provide information to the Site Safety Representative
- Provide all necessary Safety File information to the PSDP
- Consider issuing directions to Designers or Contractors
- Notify the HSA and the Client of non-compliance with any written directions issued

SECTION 5 CHECKLISTS

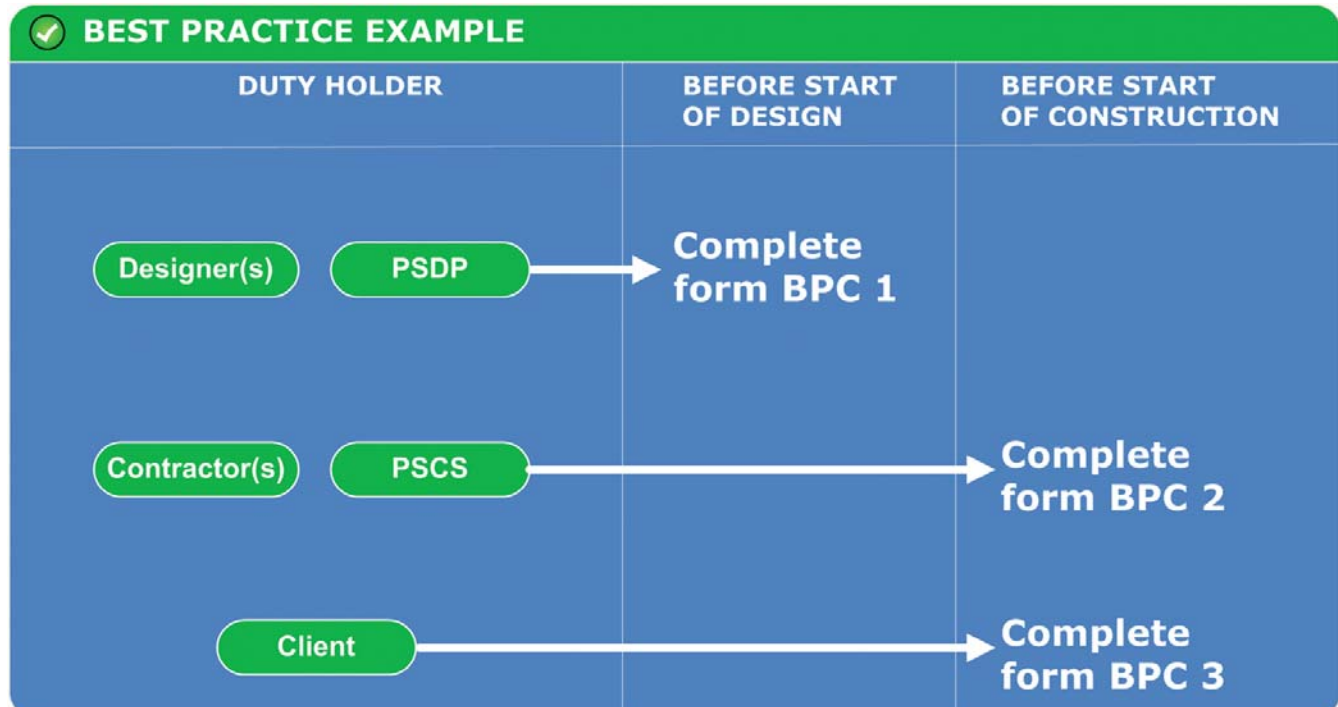
5.1 CLIENT CHECKLIST AND COMPETENCY QUESTIONNAIRES

The Clients in Construction competency questionnaires and checklist have been prepared to assist Clients in the assessment of their duty holders for their projects. The competency questionnaires and checklist are non-exhaustive and Clients can add their own requirements or update the checklists as they need to. Clients are required to keep records of the assessment.

Checklist BPC3 is used as an overview of what Safety and Health requirements the Client needs to consider for their project (non-exhaustive list). This checklist is not issued to a duty holder and is intended to assist the Client in meeting their requirements.

Competency questionnaire BPC1 can be copied and issued to the potential Designer and where it is a requirement, a copy is also issued to the Project Supervisor Design Process.

Competency questionnaire BPC2 can be copied and issued to the potential Contractor and where there is a requirement, a copy is issued to the Project Supervisor Construction Stage.



Prior to issuing the competency questionnaire, the Client completes the top section of the form and issues it to the Designer, Contractor or Project Supervisor.

Upon receipt of the completed competency questionnaire and relevant information from the Designer, Contractor or Project Supervisor, the client ticks the boxes if the responses are adequate.

Appointment is only undertaken after the Client has satisfied themselves that the Designer, Contractor or Project Supervisor meets their requirements. Clients should refer to Sections 3 and 4 of this guidance document for further information on the various duties.

BPC 1 Competency Assessment for PSDP/Designer



Client to assess competency, based on information submitted by the PSDP/Designer

Designer:

Project:

Tick duties being assessed: PSDP and Designer PSDP only Designer only

Where details or evidence is specifically requested, these must be attached to this questionnaire and submitted to the client. Questions marked "*" relate specifically to PSDP. All remaining questions must be answered by the Designer and PSDP.

Section 1:

Client ticks if response is adequate

If you answer "yes", proceed to Section 2. If you answer "no", respond to the remaining questions first.

1.1 Do you have a third-party accredited Safety Management System (e.g. OHSAS 18001)?

Yes No → 1.2 Provide an outline of your Safety Statement (e.g. table of contents)

1.3 Provide evidence of how you manage health & safety on your projects

1.4 Provide an example of how risk assessments are undertaken at design

1.5 Detail how you take account of the General Principles of Prevention

1.6 Provide an example of how you have designed out hazards

1.7 Detail how you assess competency for persons engaged in a project

1.8 Detail how you assess the health and safety resources required

1.9 Detail how you assess time required for completion of a project*

1.10 Detail how you take corrective action and issue directions*

Section 2:

Answer all questions.

2.1 Provide details of similar projects previously completed

2.2 Provide details of previous PSDP* and/or Designer appointments

2.3 Provide details of experience of the staff you propose for this project

2.4 Provide evidence of relevant qualifications and/or relevant safety training for staff

2.5 Provide evidence of membership of professional bodies (e.g. RIAI, EI, ACEI)

2.6 Detail how design safety is communicated and coordinated*

2.7 Provide an example of a previous Preliminary Safety and Health Plan*

2.8 Describe your processes for preparing a Safety File*

2.9 Detail any accidents/incidents associated with your projects

2.10 Detail any previous convictions/enforcement action by the Health and Safety Authority

In accordance with the Statutory Declarations Act 1938, I/we attest to the completeness, accuracy and truthfulness of the statements I/we have made in completing this form and to any information I/we have attached.

Signed by Designer/PSDP:

Date:

Submission approved, signed by Client:

Date approved by Client:

BPC 2 Competency Assessment for PSCS/Contractor



Client to assess competency, based on information submitted by the PSCS/Contractor

Contractor: Project:

Tick duties being assessed: PSCS and Contractor PSCS only Contractor only

Where details or evidence is specifically requested, these must be attached to this questionnaire and submitted to the client. Questions marked "*" relate specifically to PSCS. All remaining questions must be answered by the Contractor and PSCS.

Client ticks if response is adequate

Section 1:

If you answer "yes", proceed to Section 2. If you answer "no", respond to the remaining questions first.

1.1 Do you have a third-party accredited Safety Management System (e.g. Safe-T-Cert)?

Yes No →

1.2 Provide an outline of your Safety Statement (e.g. table of contents)

1.3 Provide evidence of how you manage health & safety on your projects

1.4 Provide an example of how you assess risks for construction activities

1.5 Detail how you take account of the General Principles of Prevention

1.6 Provide an example of how you managed hazards for a similar project

1.7 Detail how you assess competency for persons engaged in a project

1.8 Detail how you assess the health and safety resources required

1.9 Detail how you implement and manage time constraints for a project*

1.10 Detail how you take corrective action and issue directions*

Section 2:

Answer all questions.

2.1 Provide details of similar projects previously completed

2.2 Provide details of previous PSCS* and/or Contractor appointments

2.3 Provide details of experience for the staff you propose for this project

2.4 Provide evidence of relevant qualifications and/or relevant safety training for staff

2.5 Provide evidence of membership of trade associations (e.g. CIF, CIOB)

2.6 Detail how safety is communicated and coordinated*

2.7 Provide an example of a previous Safety and Health Plan*

2.8 Describe how you coordinate the implementation of safe working procedures*

2.9 Detail any accidents/incidents associated with your projects

2.10 Detail any previous convictions/enforcement action by the Health and Safety Authority

In accordance with the Statutory Declarations Act 1938, I/we attest to the completeness, accuracy and truthfulness of the statements I/we have made in completing this form and to any information I/we have attached.

Signed by Contractor/PSCS:

Date:

Submission approved, signed by Client:

Date approved by Client:

BPC 3 Client Checklist

Client can use this checklist to track progress and health and safety compliance



Client:

Project:

Tick the appropriate box as tasks are completed. Note you may need to discuss some of these tasks with the PSDP and/or PSCS.

Client ticks if task is completed

Section 1:

This section relates to procurement of the design team and PSDP.

- 1.1 Have you assessed the health and safety competencies and resources of each Designer?
- 1.2 Have you appointed each Designer in writing?
- 1.3 Have you assessed the health and safety competency and resources of the PSDP?
- 1.4 Have you appointed the PSDP in writing?
- 1.5 Has the PSDP confirmed acceptance of the PSDP role in writing?
- 1.6 Does the project need to be notified to the Health and Safety Authority?
- 1.7 Have you completed AF1 form and issued this to the Health and Safety Authority?

Section 2:

This section relates to the design process.

- 2.1 Have you issued the existing Safety File (if it exists) to the design team and PSDP?
- 2.2 Have you issued all relevant information to the design team and PSDP?
- 2.3 Have the design team and PSDP identified and assessed particular risks?
- 2.4 Has the PSDP prepared the preliminary Safety and Health Plan?

Section 3:

This section relates to procurement of the contractor and PSCS.

- 3.1 Has the preliminary Safety and Health Plan been issued to the tenderers?
- 3.2 Have you assessed the health and safety competencies and resources of the Contractor?
- 3.3 Have you appointed the Contractor in writing?
- 3.4 Have you assessed the health and safety competency and resources of the PSCS?
- 3.5 Have you appointed the PSCS in writing?
- 3.6 Has the PSCS confirmed acceptance of the PSCS role in writing?
- 3.7 Has the PSCS completed AF2 form and issued this to the Health and Safety Authority?

Section 4:

This section relates to the construction stage.

- 4.1 Has the PSCS developed the Safety & Health Plan?
- 4.2 Is health and safety managed on site and discussed at site meetings?
- 4.3 Is there checking and corrective action taken on site?
- 4.4 Has the format for the Safety File been agreed with the PSDP?

SECTION 6 NOTIFICATIONS

6.1 HSA APPROVED FORM AF1

Under the Safety, Health and Welfare at Work (Construction) Regulations 2006, a Client is required to notify the Health and Safety Authority at the start of the Design process, using the AF1 form, which can be downloaded from the Health and Safety Authority's web site (www.hsa.ie).

The Client must promptly notify the Health and Safety Authority on the approved notification form (AF1 form), once the Client has assessed and appointed a Project Supervisor for Design Process. If at the time of the notification the Client knows the particulars for the Project Supervisor Construction Stage, then these can be included on the AF1 form.

Generally, where construction work on a project is planned to last longer than 30 working days or exceed 500 person-days, the project should be notified. The Client should refer to the flow chart in Section 2.9 for further guidance.

The Client is required to include the following general information on the AF1 form:

- The Clients details;
- The construction project details;
- The details of the Project Supervisor Design Process;
- The details of the Project Supervisor Construction Stage, where this is known.

This notification should be made at the earliest possible point after the assessment and the appointment of the PSDP.

Where a Client's representative submits an AF1 form, they do so, on the Client's behalf. The Client must be aware of the representatives undertaking. The Client should also ensure they are satisfied that the representative has the required competencies to fulfil the role on behalf of the Client. The role of the representative should be clearly defined in writing.

The notification should be sent by registered post to the Authority or as may be directed by the Authority.

Clients must ensure the AF1 Form is submitted by registered post to:

**The Health and Safety Authority,
Metropolitan Building,
James Joyce Street,
Dublin 1**

Clients are required to keep copies of the issued AF1 form and may be required to issue copies to the PSDP and PSCS.

Where there are changes to the appointments during the Design Process or Construction Stage, the Client should resubmit the updated AF1 Form to the Authority by registered post.

Clients should be aware that the Project Supervisor Construction Stage is also required to notify the Authority of a construction project. This is undertaken on a separate notification form called the AF2 form and is completed and submitted by the PSCS, prior to construction work beginning on site. The AF2 form is posted in a visible location on site.



Safety, Health and Welfare at Work (Construction) Regulations, 2006

Approved Form (AF 1)

Regulation 10

Particulars to be notified by the Client to the Health and Safety Authority before the design process begins

NOTE:

This form is to be used to notify of any project covered by the Safety, Health and Welfare (Construction) Regulations 2006, which will last longer than 30 days or 500 person days. It can also be used to provide changes in appointments since initial notification of projects.

Any day on which construction work is carried out (including holidays and weekends) should be counted, even if the work on that day is of short duration. A person day is one individual, including supervisors and specialists, carrying out construction work for one normal working shift.

This Notification is to be made by Registered Post to HSA, Metropolitan Building, James Joyce Street, Dublin 1; or as may be directed by the Authority.

1 Client: Provide name, full address, telephone number and e-mail address for the Client. If more than one Client, please attach details of all Clients on a separate sheet.

Name:

Address:

Telephone: E-Mail:

2 Project Supervisor Design Process and Health & Safety Coordinator: Provide name, full address, telephone number and e-mail address for the PSDP and Health & Safety Coordinator for the Design Process.

PSDP Name: H&S C. Name:

Address: Address:

Telephone: Telephone:

E-Mail: E-Mail:

3 Project Supervisor Construction Stage and Health & Safety Coordinator, if known: Provide name, full address, telephone number and e-mail address for the PSCS and Health & Safety Coordinator for the Construction Stage.

PSCS Name: H&S C. Name:

Address: Address:

Telephone: Telephone:

E-Mail: E-Mail:

4 Information on Construction Work: Please provide your details of the following.

Description of Project:

Exact Address of Construction Site:

Signed: by or on behalf of the Client

Position: Date:

SECTION 7 COMMON ISSUES FOR CLIENTS

7.1 WHEN DO THE CONSTRUCTION REGULATIONS APPLY?

At the start of the project the Client should decide the extent to which the duties under the Safety, Health and Welfare at Work (Construction) Regulations, 2006 apply. Refer to the chart on page 9 of this document.

Different Clients will take different approaches according to the needs of their business, availability of staff, competency of staff and other issues such as insurances. Irrespective of the approach taken, the Client is required to appoint competent persons.

The Safety, Health and Welfare at Work (Construction) Regulations, 2006 apply to all 'Projects' included or intended to include 'Construction Work' in respect of any 'Structure'; then it can reasonably be seen that the Regulations shall apply to the majority of construction projects carried out in Ireland today and thus the definition of Client exists within most Projects. Whilst major projects are easily identifiable under the definitions of project, construction and structure, for smaller projects where a client still feels there is ambiguity and uncertainty, they should review the Safety, Health and Welfare at Work (Construction) Regulations 2006 and consult with a competent person.

Local authorities, housing associations or landlords who own a number of domestic premises, however will still be bound by the Regulations as Client when building, modifying or maintaining them.

Further Information

As stated in Section 2, a Homeowner who is building or extending a house for their own private use is not subject to the 2005 Act or the 2006 Construction Regulations. This exclusion does not lessen the responsibilities of any Designer or Contractor to comply with the Act or Regulations.

It is important that you review the definitions in the *Guidelines on the Procurement, Design and Management Requirements of the Safety Health and Welfare at Work (Construction) Regulations 2006*. In particular the following:

- Client;
- Project;
- Structure;
- Construction Work;
- Particular Risk.

7.2 MORE THAN ONE CLIENT

When more than one organisation or party is involved it is not always apparent who holds the Client responsibilities. The duties of the Client need to be clarified and agreed in

writing at the inception of the project.

Where there is more than one client there must be a written agreement before the start of the project as to which Client will discharge the duties.

Once this agreement is in place with the other Clients, they are exempt from further ongoing duties, except the duty of Clients to keep available the Safety File and any information in relation to the Safety File (Regulation 8).

7.3 CLIENT ASSESSMENT AND APPOINTMENT SCENARIOS

The various options for the clients for compliance are as follows:

- Choosing a competent PSDP to perform the role and providing them with the information necessary to perform it properly;
- Choosing a competent PSCS to perform the role and providing them with the information necessary to perform it properly;
- Choose one person (or company) to perform both roles - PSDP and PSCS;
- The Client to act as PSDP themselves;
- The Client to act as PSCS themselves;
- The Client to perform all functions.

Further Information

When Clients assess the competency of the persons being considered as Project Supervisors under Regulation 6(1) of the 2006 Construction Regulations, they also discharge their duties under Section 17(1) of the 2005 Act.

In cases where the Client lacks expertise to assess the competency of the Project Supervisor Construction Stage and/or other Contractors, he may seek the assistance of the Project Supervisor Design Process to complete this duty.

7.3.1 CLIENT APPOINTING THEMSELVES AS PROJECT SUPERVISOR

If the Client proposes to undertake the role of Project Supervisor for either the Design Process or the Construction Stage under Regulation 6(2), the duties of the PSDP and the PSCS will remain the same:

- Ensuring that the named individual or organisation is competent to perform the role;
- Ensuring that the named individual or organisation has the available time and resources to allow them to perform the role;
- Appointing the PSDP and PSCS in writing and obtaining a written agreement;
- Monitoring and changing the appointments in writing if the situation should change during the course of the project and to appoint someone else.

It is not uncommon for a Client to be competent to fulfil both the role of PSDP and PSCS on small, low risk or routine projects but may need to outsource the functions on larger and more complex construction work.

Further Information

A Client appointed neither a PSDP or a PSCS. The Client arranged for a section of roof sheeting to be replaced as it was leaking. The Client did not inform the Contractor that the adjacent section of roof contained fragile roof-lights. A roofer stepped onto the adjacent roof and fell to his death.

Further Information

It is not uncommon for Local Authorities to perform the roles of Client, PSDP and PSCS on any given project: for example in the execution of annual term contracts, such as road and street furniture maintenance contracts. This will be acceptable under the Regulations as long as the competency to perform each role has been established.

BEST PRACTICE EXAMPLE

A Client has been rebuilding their glass furnaces every 7 years. They appoint themselves as PSDP and PSCS each time they have to repeat the process. In each case they make sure that their previously nominated Health and Safety Coordinators for PSDP and PSCS from the previous rebuild are actively involved in the safety management of the new build. This ensures:



A continuity of knowledge and experience in the management of safety on the project.

The additional benefit of reducing the cycle time of the rebuild.

7.3.2 USE OF APPROVED SUPPLIERS

It is common for Clients to operate an approved supplier list for suppliers and vendors, especially when the works are recurring on a frequent basis. In such situations a number of companies who have undergone the competency assessment process will populate such a list. When considering competence the client should take into account previous work undertaken for the Client; safety questionnaires; and audits conducted by the Client. The works are then carried out by these companies on a call-off basis depending on their particular expertise.

Advantages

Approved supplier lists have many benefits for Clients:

- Their use avoids a repeated and complicated assessment process each time a supplier is to be engaged.
- The quality of service from the supplier is a known factor.
- The supplier will develop an understanding of the Client's needs and procedures.
- Annual review of approved suppliers list allows the Client to monitor supplier performance.

7.3.3 PARTNERSHIP AGREEMENTS

A step further than the use of approved supplier's lists is the use of long-term agreements between the Client and their suppliers. Such arrangements have a variety of different names, Framework Agreements, Strategic Alliances and Alliance Agreements are some of these. These relationships are often a partnership of sorts as far as safety is concerned. Both parties enter into a relationship where they take equal responsibility for the creation of a safe working environment.

In all cases the agreements are designed to improve the safety on construction projects involving the two parties. In order for such agreements to work a number of factors need to be in place:

- A clear vision and commitment to safety on the part of the Client;
- The realisation that the greatest benefits to safety can be realised by having the Contractors, Designers, PSDP and PSCS as partners in this safety vision;
- A willingness to put safe working practices at the centre of the way the construction project is managed;
- A willingness of the behalf of the PSDP, Designers, PSCS and Contractors to play a full part in the safety programmes. This feature can be built into the tenders and used as a criterion for assessment.

Although this approach can be used on individual projects (if large enough to warrant it). It is more frequently used where there is an ongoing relationship covering several contracts. This allows the putting in place of long-term safety strategies with specific safety targets being set on an annual basis.

Such long-term arrangements have proved to be very successful in reducing accidents. They have the added benefit of preserving the 'lessons learnt' during the design and construction of projects. It may be possible to achieve high levels of safety performance in manufacturing environments, due to the regularity of the work and the stability of the workplace. This has allowed the identification of incident trends and the focusing of efforts to eliminate them.

BEST PRACTICE EXAMPLE

A Local Authority owns and is responsible for the upkeep and maintenance of a number of domestic dwellings. To carry out these maintenance projects, the Local Authority has a full-time crew of maintenance operatives. The tasks performed by the maintenance crew include: roof repairs, window repairs, painting and electrical maintenance.

Since a number of these tasks involve the potential for work at height, the maintenance crew's activities would fall within the ambit of the 2006 Construction Regulations. However, it would be excessively onerous for a PSDP and PSCS to be appointed for each individual maintenance project.



The Local Authority can appoint itself as PSDP and PSCS for these maintenance projects for a fixed period of time: for example, a calendar year.

7.3.4 MULTI-SITE AND MULTI-CONTRACTOR PROJECTS

On certain projects the legislative boundaries are extended. This may be because there is more than one site. Alternatively, it may be geographically the same site, but with completely separate construction works proceeding with separate Contractors and Designers. This can create administrative problems for safety management such as:

- Interface difficulties between different Contractors, for example deliveries or moving plant and equipment at the same time;
- Safety problems with personnel where the safety procedures vary between different groups of workers on the site who are working in close proximity to each other;

- Administrative problems with different parties responsible for housekeeping, security and exclusion zones;
- Impacts to public safety from the various construction projects.

BEST PRACTICE EXAMPLE

A Client recognised that a traffic safety management plan had to be implemented from the outset because of the existence of two separate and ongoing construction projects in the one area of the same site.



The Client informed both PSDPs of this need; they devised an access and exit layout for the site that would minimize interaction between each project.

This layout plan was included in both Preliminary Safety and Health Plans and provided with the tender documents.

Clients need to be aware of possible problems arising from such situations. In these circumstances the Client should appoint an overall Project Supervisor Design Process. The PSDP in turn can appoint multiple Health & Safety Coordinators Design Process to coordinate the design activity on each project. Similarly the Client should appoint an overall Project Supervisor Construction Stage. The PSCS can then appoint multiple Health & Safety Coordinators Construction Stage to coordinate the construction activity between each site.

Alternatively the Client can seek to have a Safety Management System set up to assist in the coordination of the design and construction activities. The Safety Management System should include the coordination of the different PSDP's and PSCS's appointed for the various projects. The process should allow for regular communication and coordination of different design and construction teams. The Client needs be kept informed throughout this process.

BEST PRACTICE EXAMPLE

A Client wished to appoint a Design and Build Contractor for a project. To prepare for this, the Client appointed a competent PSDP and a Designer. The PSDP prepared the preliminary Safety and Health Plan, which was issued to all those invited to tender for the position of PSCS.



The tender documents also stated that the successful candidate would take over the role of PSDP, and instructed tenderers to submit evidence of their competence for both roles with their tender.

BEST PRACTICE EXAMPLE

A Client has established a long-term relationship with his Contractors. All parties are signed up to a long-term safety scheme. All parties sit equally on the committee which runs the scheme and establishes annual targets and plans to improve safety.



The end result has been that the paving and infrastructure departments of this Client have not had a notifiable incident or accident since 1997.

SECTION 8 CLIENT'S POSITIVE INFLUENCE ON SAFETY

8.1 INFLUENCING SAFETY – THE CLIENT

By correctly fulfilling their duties under the Safety, Health and Welfare at Work (Construction) Regulations, 2006 the Client has already taken the first vital steps in ensuring a safer workplace.

There are a number of ways in which a Client can have a positive effect on the safety performance of a project over and above the legal obligations. It is recognised that not all Clients are in a position to devote the time and resources to safety or have an in-depth understanding of technical construction methods or safe working procedures. In some cases they will not have the experience or resources to devote to improving safety. In others the scale of the project may not seem to warrant any great outlay of time and resources. In all cases however the Client can have a positive effect on safety, particularly in reviewing the appointment of the PSDP and PSCS.

The Health and Safety Authority receives complaints from the general public in relation to unsafe practices witnessed on construction sites. For the most part the public are not trained health and safety professionals; however they can appreciate when work is being done in an unsafe manner. In the same way the once-off Client will from time to time be present on site during the construction stage and should apply the same common sense in monitoring the management of health and safety. In monitoring the management of health and safety, the Client can also review the performance of the PSDP and PSCS and take the suitable corrective action, if necessary.

8.2 MONITORING OF HEALTH AND SAFETY DURING THE PROJECT

One of the most effective ways that a Client can influence the health and safety culture on their projects is to show consistent interest in it. Legally there are no specific requirements for the Client to play a part in the monitoring of health and safety through the course of a project. Most clients wish to be assured they are getting value for money.

It will help if Clients observe what is going on during site visits and ask questions in relation to safety measures and the safety plan. This will help establish the importance of safety to the PSCS.

This may also include the review of the assessment questionnaire which had been completed by the duty holders (PSDP or PSCS) to determine if the duty holders are complying with what they had intended, before starting the project.

 **Clients Monitoring**

- Requesting copies of all safety meetings
- Performing their own on-site safety audits
- Taking part in site safety meetings
- Requesting notification of all reportable incidents
- Taking an active part in the setting of safety goals and targets
- Taking an active part in Incident Investigations

8.3 SAFETY AWARD SCHEMES

Safety Award schemes are incentives to encourage safe practice on a project. They may, however, prove useful for when the Client is prepared to devote resources to ensure a compliant safety performance.

There are a number of ways in which Clients can seek to positively influence the safety culture of a construction site by means of safety award schemes. These can be factored into the financial planning from the outset of a project, so that their Contractors know what types of resources and expenditure they will have to devote from the start.

There are two main ways in which award schemes can be used to reward or penalise companies and individuals for their safety performance.

8.3.1 CONTRACTOR BASED SAFETY AWARDS

There are schemes, which focus on the overall performance of a Contractor. These are usually laid out in the original contract documentation. Often these schemes are tied into other types of performance bonuses so that a percentage of such a bonus is tied directly to safety targets. Some of the performance indicators used are:

- Submission of completed site specific Safety Statement/Safety and Health plan;
- Completion of safety training targets for employees;
- Completion of safety induction courses;
- Results from weekly or monthly safety audits;
- Meeting targets for lack of accidents and incidents on site.

Conversely there are contracts, which state specific financial penalties for the failure to meet the specific safety targets.

✓ Advantages

The Contractors have clear guidelines as to their expected safety performance and standards.

Contractors are drawn into the standard of safety culture being advocated by the Client and can play a much more proactive role.

Safety is placed in the main line of business and is not considered an optional extra.

✗ Disadvantages

The cost of applying them, especially on small scale projects.

The time and effort that needs to be spent monitoring performance.

8.3.2 INDIVIDUAL SAFETY AWARD SCHEMES

Some Clients use a Safety Award scheme based on the performance of individuals or small groups. This type of scheme can be combined with the award schemes for Contractors or operated as a stand-alone.

Clients most likely to use such a scheme tend to already have their own functioning safety management systems where their employees already receive safety awards.

In such cases the Client already has the monitoring system and the resources in place to effectively operate the scheme. Various types of awards can be handed out for good performance; these may range from safety equipment, vouchers to meals in restaurants or even an award of their own product when correct.

✔ Advantages

It utilises pre-existing resources and systems.

It involves small Contractors.

Small-scale construction projects can receive a better level of safety monitoring.

There can be more buy-in to safety on behalf of the workforce.

✘ Disadvantages

Costs.

The possibility of incidents and near misses going unrecorded to avoid missing an award.

The Client having to devote resources to monitoring and carrying out the award scheme.

SECTION 9 FURTHER INFORMATION

9.1 PUBLIC SAFETY

9.1.1 WHAT OTHER CONCERNS SHOULD THE CLIENT TAKE ACCOUNT OF?

Legally the Client is required to take account of the safety of all people who may be affected by a construction project. In the Safety, Health and Welfare at Work Act 2005 all employers have a duty of care to non-employees. During the construction phase the responsibility for ensuring the safety of non-employees and the general public will lie with the appointed Contractors performing the actual work and the appointed PSCS for coordinating the works of the Contractors.

This should be taken account of from the early stages of the development and control measures “built in” to the design stage and then the Preliminary Safety and Health plan.

The Client however, may have an interest in making sure, that this duty of care to the public is being performed diligently. As well as legal compliance, there may well be other reasons to make sure that the general public is not put at risk or inconvenienced by an ongoing construction project. These could range from a desire for good public relations to seeking to avoid litigation.

The Client should be aware that they are part of a wider community; public good will is harder to gain than to lose. Good public relations from the outset of a project with local consultation can go a long way towards establishing this relationship. Conversely an accident or incident involving a Contractor and a member of the public will be remembered afterwards as related to the Client whose facility or project it is.

It should be noted that even on the smaller sites this aspect of public safety must be taken into account. Larger sites often have security guards and fencing, smaller sites may also present risks, but may be more accessible to the public. These risks may be magnified, if a site is left unguarded and unlit at nights and at weekends. Regardless of the size of the site, the legal obligation lies with the PSCS to ensure that only Authorised Persons are permitted onto site, thus protecting the general public from possible hazards.

Sites will have impacts to Public safety which need to be controlled and managed. Activities such as road-works, connections to services for the site, existing public footpaths and roads which surround the site, areas of congregation such as schools and shops would need to be considered at the start of a design process.

9.1.2 LEGAL REQUIREMENTS FOR PUBLIC SAFETY

i Further Information

The legal requirements to protect members of the public are contained in Sections 12 and 15 of the Safety, Health and Welfare at Work Act 2005:

Section 12

Duties of employers and the self-employed (Section 7) owed 'so far as is reasonably practicable' to those who are not their employees but who may be exposed to risks to their health or safety at the place of work while work is being carried on.

Section 15

Where a person controls, to any extent, a non-domestic place of work where persons, other than his or her employees are working, the person in control must ensure, so far as reasonably practicable, that the means of access to and egress from that place of work, or any article or substance provided for use at that place of work, are safe and without risk to health.

9.2 SAFETY FILE

9.2.1 THE SAFETY FILE – WHAT IS IT?

The Safety and Health File is something that every Client needs to be familiar with. After the completion of the project, it will be handed over to the Client, who will act as a custodian until it is needed for maintenance, alteration or demolition after project completion.

The overall content of the file is made up of information, which will contribute to the safety and health of anyone who is involved in subsequent construction work or maintenance on the structure and its associated services. This information is detailed below.

The Client has a duty to keep the Health and Safety File and to pass it on to the new owner in the event of selling the structure. In the interim it can be made available, as necessary, to anyone who needs it for the purposes of building an extension, refurbishment or performing maintenance. For example an existing Safety File should be given to the Designers and Contractors. Upon completion of this work the Safety File must be updated to incorporate the changes made to the premises. The Project Supervisor Design Process is required to prepare the Safety File and upon completion of the project deliver this file to the Client before the completion of a project.

9.2.2 CONTENTS OF THE SAFETY FILE

The specific requirements for the Safety File should be established as early as possible. An example of the contents of a Safety File is provided overleaf.

(Non-exhaustive list)

Safety File Contents

- Construction drawings, specifications and bills of quantities used and produced throughout the construction process.
- The general design criteria/plans and specific design criteria/plans such as design loading of roofs, floors, cranes, hoists, etc.
- Details of the equipment and maintenance facilities within the structure.
- Maintenance procedures and needs for the structure.
- Manuals and, where required, certificates produced by specialist Contractors.
- Details of the location and nature of utilities and services, including emergency and fire fighting systems.
- Details of materials used.
- Details of maintenance such as painting of exposed steelwork, access to and cleaning of gutters and other features.
- Details of fragile materials and any incorporated facility to protect those working in close proximity, such as anchor points.
- Details of residual risks from the project.

BEST PRACTICE EXAMPLE

The requirements for information to be contained in the Safety File were included in the Preliminary Safety and Health Plan as part of the tender documentation. The Safety File was also included in the contract retention fees for the contract completion.



This established the minimum criteria which the Client was willing to accept from a Safety File.

SECTION 10 GLOSSARY

10.1 DEFINITIONS

The following definitions are applicable.

10.2 KEY PEOPLE

“**Client**” means a person for whom a project is carried out, in the course or furtherance of a trade, business or undertaking, or who undertakes a project directly in the course or furtherance of such trade, business or undertaking.

“**Competent Person**” means a person where, having regard to the job he is needed to perform, and taking account of the size or hazards (or both of them) of the undertaking or establishment in which he does work, he possesses sufficient training, experience and knowledge suitable to the nature of the work to be completed.

“**Contractor**” means a contractor or an employer whose employees do, carry out or manage construction work, or any person who carries out or manages construction work for a fixed or other sum and who supplies the materials and labour (whether his own labour or that of another) to carry out such work or who supplies the labour only;

“**Designer**” means a company or person engaged in whole or in part in the design.

“**Project Supervisor Construction Stage (PSCS)**” means a competent person or organisation appointed by the Client and responsible for carrying out the duties under Regulation 6 (1) the Safety, Health and Welfare at Work (Construction) Regulations, 2006 and allowing the client to meet the requirements of section 17(1) of the Safety, Health and Welfare at Work Act 2005.

“**Project Supervisor Design Process (PSDP)**” means a competent person or organisation appointed by the Client and responsible for carrying out the duties under Regulation 6 (1) the Safety, Health and Welfare at Work (Construction) Regulations, 2006 and allowing the client to meet the requirements of section 17(1) of the Safety, Health and Welfare at Work Act 2005.

10.3 KEY TERMS

“**Construction Stage**” means the period of time starting when preparation of the construction site begins and ending when construction work on the project is completed.

“**Construction Work**” means the carrying out of any building, civil engineering or engineering work, other than drilling and extraction in the extractive industries, and includes but is not limited to each of the following:

- (a) the doing of one or more of the following with respect to a structure:
- (i) construction;
 - (ii) alteration;
 - (iii) conversion;
 - (iv) fitting out;
 - (v) commissioning;
 - (vi) renovation;
 - (vii) repair;
 - (viii) upkeep;
 - (ix) redecoration or other maintenance (including cleaning which involves the use of water or an abrasive at high pressure or the use of substances or preparations classified as corrosive or toxic for the purposes of Regulation 8 of the European Communities (Classification, Packaging, Labelling and Notification of Dangerous Substances) Regulations 2003 and 2006 (S.I. 116 of 2003 and S.I. 25 of 2006) and Regulation 5 of the European Communities (Classification, Packaging, Labelling and Notification of Dangerous Preparations) Regulations 2004 (S.I. No. 62 of 2004));
 - (x) de-commissioning, demolition or dismantling;
- (b) the preparation for an intended structure, including but not limited to site clearance, exploration, investigation (but not site survey) and excavation, and the laying or installing of the foundations of an intended structure;
- (c) the assembly of prefabricated elements to form a structure, or the disassembly of prefabricated elements which, immediately before such disassembly, formed a structure;
- (d) the removal of a structure or part of a structure or of any product or waste resulting from demolition or dismantling of a structure or disassembly of prefabricated elements which, immediately before such disassembly, formed a structure;
- (e) the installation, commissioning, maintenance, repair or removal of mechanical, electrical, gas, compressed air, hydraulic, telecommunication and computer systems, or similar services which are normally fixed within or to a structure.

“Design” means the preparation of drawings, particulars, specifications, calculations, the preambles and preliminaries of bills of quantities in so far as they contain specifications or other expressions of purpose, according to which a project, or any part or component of a project, is to be executed.

“Design Process” means the process for preparing and designing a project, including alterations to the design and the design of temporary works to facilitate construction of the project.

“Design Risk Assessment” means a written method by which a designer (Permanent Works Designer, Precast Concrete Designer or Temporary Works Designer) takes account

of the General Principles of Prevention as specified in the Safety, Health and Welfare at Work (General Application) Regulations, 2007.

“**Project**” means any development, which includes or is intended to include construction work.

“**Structure**” means:

- (a) any building, railway line or siding, tramway line, dock, harbour, inland navigation systems, tunnel, bridge, viaduct, waterworks, reservoir, pipe-line (whatever it contains or is intended to contain), underground or overground cables, aqueduct, sewer, sewage works, gasholder, road, airfield, sea defence works, river works, drainage works, earthworks, lagoon, dam, wall, caisson, mast, tower, pylon, underground tank, earth retaining element or assembly of elements, or element or assembly of elements designed to preserve or alter any natural feature, and any other structure similar to the foregoing,
- (b) any formwork, falsework, scaffold or other element or assembly of elements designed or used to provide support or means of access during construction work, or
- (c) any fixed plant in respect of work which is installation, commissioning, de-commissioning or dismantling.

10.4 PARTICULAR RISKS

“**Particular Risks**” is a non-exhaustive list of particular risks is given in Schedule 1 to the Safety, Health and Welfare at Work (Construction) Regulations 2006.

10.5 SCHEDULE 1, SAFETY, HEALTH AND WELFARE AT WORK CONSTRUCTION REGULATIONS 2006

Non-exhaustive List of Work Involving Particular Risks to the Safety, Health and Welfare of Persons at Work

1. Work which puts persons at work at risk of:
 - (a) falling from a height;
 - (b) burial under earthfalls; or
 - (c) engulfment in swampland.
2. Where the risk is particularly aggravated by the nature of the work or processes used or by the environment at the place of work or construction site.
3. While work at height is not in itself a particular risk, if it is aggravated by other

circumstances then it must be regarded as a particular risk.

4. Work which puts persons at work at risk from chemical or biological substances constituting a particular danger to the safety and health of such persons or involving a statutory requirement for health monitoring.
5. Work with ionising radiation requiring the designation of controlled or supervised areas as defined in Article 20 of Directive 80/836/Euratom.
6. Work near high-voltage power lines.
7. Work exposing persons at work to the risk of drowning.
8. Work on wells, underground earthworks, and tunnels.
9. Work carried out by divers at work having a system of air supply.
10. Work carried out in a caisson with a compressed-air atmosphere.
11. Work involving the use of explosives.
12. Work involving the assembly or dismantling of heavy prefabricated components.

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