

Health and Safety Files

1. The Construction Design & Management Regulations - Regulation 24

The health and safety file should contain the information needed to allow future construction work, including cleaning, maintenance, alterations, refurbishment and demolition to be carried out safely. Information in the file should alert those carrying out such work to risks, and should help them to decide how to work safely. The file should be useful to:

- (a) Clients, who have a duty to provide information about their premises to those who carry out work there;
- (b) Designers during the development of further designs or alterations;
- (c) CDM co-ordinators preparing for construction work;
- (d) Principal contractors and contractors preparing to carry out or manage such work.

The file should form a key part of the information that the Client, or the Client's successor, is required to provide for future construction projects under regulation 10. The file should therefore be kept up to date after any relevant work or surveys.

The scope, structure and format for the file should be agreed between the Client and CDM co-ordinator at the start of a project. There can be a separate file for each structure, one for an entire project or site, or one for a group of related structures. The file may be combined with the Building Regulations Log Book, or a maintenance manual providing that this does not result in the health and safety information being lost or buried. What matters is that people can find the information they need easily and that any differences between similar structures are clearly shown.

2. What you must do Regulations 17, 20(l) (c) and (2)(e)

Clients, Designers, Principal Contractors, other contractors and CDM co-ordinators all have legal duties in respect of the health and safety file:

- (a) CDM co-ordinators must prepare, review, amend or add to the file as the project progresses, and give it to the Client at the end of project;
- (b) Clients, Designers, Principal Contractors and other Contractors must supply the information necessary for compiling or updating the file;
- (c) Clients must keep the file to assist with future construction work; and
- (d) Everyone providing information should make sure that it is accurate, and provided promptly.

A file must be produced or updated (if one already exists) as part of all notifiable projects. For some projects, for example redecoration using non-toxic materials, there may be nothing of substance to record. Only information likely to be significant for health and safety in future work need be included. The NHBC Purchaser Manual provides suitable information for developers to give to householders. You do not have to produce a file on the whole structure if a project only involves a small amount of construction work on part of the structure.

The Client should make sure that the CDM co-ordinator compiles the file. In some cases, for example design and build contracts, it is more practical for the Principal Contractor to obtain the information needed for the file from the specialist Contractors. In these circumstances the Principal Contractor can assemble the information and give it to the CDM co-ordinator as the work is completed.

It can be difficult to obtain information for the file after Designers or Contractors have completed their work. What is needed should be agreed in advance to ensure that the information is prepared and handed over in the required form and at the right time.

3. The contents of the health and safety file

When putting together the health and safety file, you should consider including information about each of the following where they are relevant to the health and safety of any future construction work. The level of detail should allow the likely risks to be identified and addressed by those carrying out the work:

- (a) a brief description of the work carried out;
- (b) any residual hazards which remain and how they have been dealt with (for example surveys or other information concerning asbestos; contaminated land; water bearing strata; buried services etc);
- (c) key structural principles (for example, bracing, sources of substantial stored energy - including pre- or post-tensioned members) and safe working loads for floors and roofs, particularly where these may preclude placing scaffolding or heavy machinery there;
- (d) hazardous materials used (for example lead paint; pesticides; special coatings which should not be burnt off etc);
- (e) information regarding the removal or dismantling of installed plant and equipment (for example any special arrangements for lifting, order or other special instructions for dismantling etc);
- (f) health and safety information about equipment provided for cleaning or maintaining the structure;
- (g) the nature, location and markings of significant services, including underground cables; gas supply equipment; fire-fighting services etc;
- (h) information and as-built drawings of the structure, its plant and equipment (for example, the means of safe access to and from service voids, fire doors and compartmentalisation etc).

The file does not need to include things that will be of no help when planning future construction work, for example:

- (a) the pre-construction information, or construction phase plan;
- (b) construction phase risk assessments, written systems of work and COSHH assessments;
- (c) details about the normal operation of the completed structure;
- (d) construction phase accident statistics;
- (e) details of all the Contractors and Designers involved in the project (though it may be useful to include details of the Principal Contractor and CDM co-ordinator);
- (f) contractual documents, F10 etc;
- (g) information about structures, or parts of structures, that have been demolished - unless there are any implications for remaining or future structures, for example voids;
- (h) information contained in other documents, but relevant cross-references should be included.

Some of these items may be useful to the Client, or may be needed for purposes other than complying with the CDM Regulations, but the Regulations themselves do not require them to be included in the file. Including too much material may hide crucial information about risks.

4. Storing the file after the work is complete

To be useful the file needs to be kept up to date, and retained for as long as it is relevant - normally the lifetime of the structure. It may be kept electronically (with suitable backup arrangements), on paper, on film, or any other durable form. Where Clients dispose of their entire interest in a structure, they should pass the file to the new owners and ensure that they are aware of the nature and purpose of the file. Where they sell part of a structure, any relevant information in the file should be passed or copied to the new owner.

4.1 Example

A Client included the preparation of the health and safety file in the CDM co-ordinator's contract. The CDM co-ordinator received information from the Principal Contractor and Designers for inclusion within the health and safety file. The CDM co-ordinator reviewed all the information provided and extracted what was needed for inclusion within the health and safety file. One Contractor had provided his risk assessments. The CDM co-ordinator did not include these because they were not relevant to future construction or cleaning work.

If the Client leases out all or part of the structure, arrangements need to be made for the health and safety file to be made available to Leaseholders. In some cases, the Client might transfer the file to the Leaseholder during the lease period. In other cases, it may be better for the Client to keep the file, but tell Leaseholders that it is available. If the Leaseholder acts as a Client for future construction projects, the Leaseholder and the original Client will need to make arrangements for the file to be made available to the new CDM co-ordinator.

In multi-occupancy situations, for example where a Housing Association owns a block of flats, the owner should keep and maintain the file, but ensure that individual flat occupiers are supplied with health and safety information concerning their home.

A development may include roads and sewers that will be adopted by the local authority or Water Company. It is generally best to prepare separate files covering each Client's interests.

5. The Client's duty in relation to the health and safety file - Regulation 17

- (1) The Client shall ensure that the CDM co-ordinator is provided with all the health and safety information in the Client's possession (or which is reasonably obtainable) relating to the project which is likely to be needed for inclusion in the health and safety file, including information specified in regulation 4(9)(c) of the Control of Asbestos Regulations 2006(a).
- (2) Where a single health and safety file relates to more than one project, site or structure, or where it includes other related information, the Client shall ensure that the information relating to each site or structure can be easily identified.
- (3) The Client shall take reasonable steps to ensure that after the construction phase the information in the health and safety file—
 - (a) is kept available for inspection by any person who may need it to comply with the relevant statutory provisions; and
 - (b) is revised as often as may be appropriate to incorporate any relevant new information.
- (4) It shall be sufficient compliance with paragraph (3)(a) by a Client who disposes of his entire interest in the structure if he delivers the health and safety file to the person who acquires his interest in it and ensures that he is aware of the nature and purpose of the file.