

Health and Safety Responsibilities for Self-Builders

Self-building a new home or extension can be an exciting and rewarding process. It gives a self-builder the opportunity to create a customised space from start to finish. Self-build homes can be environmentally friendly, often have innovative designs and may cost less than standard housing.

However, construction is one of the most dangerous sectors in the United Kingdom, and it poses a number of risks for self-builders—including serious injuries. Based on your knowledge and skill level in construction work, you need to decide whether you are going to self-build as a do-it-yourself project or hire workers, contractors and subcontractors to help. In addition, you may need to follow certain health and safety regulations—factors such as directly employing workers, managing the project yourself and intending to sell the property at completion will determine whether the regulations will apply to you.

What are the Health and Safety Laws?

Two of the most important health and safety laws for construction are the Health and Safety at Work etc Act 1974 and the Construction (Design and Management) Regulations 2007 (CDM Regulations).

The Health and Safety at Work etc Act 1974

This Act lays out general workplace health and safety principles for employers, employees and the self-employed. It places a duty on employers to assess and reduce the severity of risks in the workplace as much as is reasonable and practical. Employers must abide by all relevant health and safety regulations, including the following:

- The Management of Health and Safety at Work Regulations 1999
- The Work at Height Regulations 2005
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995
- The Health and Safety (First Aid) Regulations 1981

Whether health and safety legislation applies to your self-build or not, it is important to make sure you eliminate or reduce health and safety risks on your site.

The Health and Safety at Work etc Act 1974 will apply to self-builders who directly employ workers. As employers, self-builders must ensure the health and safety of their employees. The Act will also apply to self-builders who are considered to be self-employed—this could be the case if the self-builder intends to sell the property once it is complete.

The CDM Regulations

The CDM Regulations place duties on everyone involved in the construction process to properly plan, design and carry out the project, including specific duties for clients, contractors and designers. Duties include appointing coordinators, preparing health and safety plans and notifying the HSE for certain types of builds. However, client duties under the CDM Regulations do not apply to domestic clients, or clients

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who have work done to their home that does not relate to a trade or business. Even if client duties do not apply, Part 4 of the CDM Regulations applies to anyone who controls the way in which any construction work is carried out. This means self-builders must ensure that the work areas and methods they have asserted control over are reasonably safe.

Most self-builders will fall into the domestic client category, so client duties from the CDM Regulations will likely not apply. But if you assert control over an aspect of the project, such as insisting on a certain means of access or deciding how a job will be done, then you will have duties under Part 4 of the CDM Regulations, regardless of whether you are a domestic client or not. Contractors, designers and other workers hired by the self-builder (client) will still have duties under the CDM Regulations for both domestic and commercial projects.

Common Self-Build Methods

The following are examples of common self-build methods and how health and safety laws may apply. If you are unsure about whether health and safety laws apply to your specific situation, consult with the HSE.

- **Principle contractors.** If you hire or appoint a principle contractor to oversee, manage and complete all of the work, then you probably will not have any duties under the Health and Safety at Work etc Act 1974. However, you may have duties under Part 4 the CDM Regulations if you assert control over any aspect of the construction work. Regardless of whether you have duties or not, you should ask your contractors about their health and safety procedures and safety records.
- **Self-managed projects.** If as a self-builder you manage the overall project and supplement do-it-yourself labour by hiring contractors, subcontractors or workers to complete specific tasks, Part 4 of the CDM Regulations will likely apply because you are exercising control and managing the construction work. Under the regulations, you have a duty to make sure that the work under your control is being carried out safely,

hired contractors are competent, on-site risks are properly controlled and everyone on-site cooperates with one another. If you employ workers, you will also need to comply with the Health and Safety at Work etc Act 1974 and other relevant employer health and safety legislation.

- **Do-it-yourself.** If you decide to do all of the work yourself, health and safety legislation will typically not apply. Even though there are no formal health and safety requirements for self-builders, it is still best to follow HSE recommendations and guidelines to ensure that your self-build project is a safe and successful endeavour. Be sure to follow relevant legislation for construction work in different areas of the self-build. For example, in order to work on domestic gas fittings, you must be certified and registered on the Gas Safe Register.

Additional Guidance

Whether health and safety legislation applies to your self-build project or not, it is important to make sure you eliminate or reduce the risks on your site. The HSE provides 'The Absolutely Essential Health and Safety Toolkit' at www.hse.gov.uk/pubns/indg344.pdf for smaller construction contractors that can help provide you with best practices guidance. More information on health and safety in the construction industry can be found in the construction section on the HSE site at www.hse.gov.uk/construction.

Contact Crendon Insurance Brokers Ltd today for more information about self-build projects and how to make sure your project is properly protected.