

**Construction Design Management Policy**

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# **Policy statement**

The Construction (Design and Management) Regulations 2015 (CDM) came into force on 6 April 2015 and applies to all construction projects that fall within the interpretation of construction work, from conception to completion. CDM applies to all building and construction work and includes new build, demolition, refurbishment, extensions, conversions, repair and maintenance. There is a requirement to provide pre-construction information and notify all relevant authorities of projects.

Derby City Council (DCC) is committed to the aims of the Construction (Design and Management) Regulations 2015, ensuring better integration and coordination of health and safety during the design, pre- construction, construction, occupation and deconstruction phases.

Duty holders include Clients, Principal Designers, Designers, Principal Contractors, Contractors, Workers and Health and Safety professionals. All have a vital role to play in ensuring health and safety risks are managed effectively in the preparation of and during construction phases.

# **Scope**

This overarching policy applies to all council services including Regeneration, Property Projects Technical Services (PPTS), Facilities Management (FM), Highways, Landscape Design, Schools and any other party conducting CDM activities on behalf of the Council who are committed to providing a safe and healthy working environment for all service users. This includes occupiers of the buildings, premises and sites DCC manage, further encompassing the wellbeing of our employees and visitors.

All construction work undertaken within the scope of this policy for or on behalf of the council is subject to these Regulations. This overarching policy document must be read and understood by all within the council engaged in the commission of work falling within the scope afforded by the CDM regulations, and prior to undertaking any CDM activities.

# **Purpose**

* To ensure that the council complies with the Construction (Design and Management) Regulations 2015 and integrating health and safety into the design and management of construction projects.
* To encourage liaison and communication between parties, ensuring thorough planning and management of projects from conception to completion.
* Managing all foreseeable risks by applying the general principles of prevention as outlined in the Councils Health and Safety Policy.

# **Equality and Diversity**

The council is an equal opportunities employer and as such requires all Contractors we engage to comply with our Equality, Dignity and Respect Policy when carrying out the work on our behalf. DCC can provide training materials for colleagues in other formats who have English as a second language, including British Sign Language.

# **Definitions**

## **Construction work**

The carrying out of any building, civil engineering or engineering construction work and includes:

1. The construction, alteration, conversion, fitting out, commissioning, renovation, repair, upkeep, redecoration or other maintenance (including cleaning which involves the use of water or an abrasive at high pressure, or the use of corrosive or toxic substances), de-commissioning, demolition or dismantling of a structure.
2. The preparation for an intended structure, including site clearance, exploration, investigation (but not site survey) and excavation (but not pre-construction archaeological investigations), and the clearance or preparation of the site or structure for use or occupation at its conclusion.
3. The assembly on site of prefabricated elements to form a structure or the disassembly on site of the prefabricated elements which, immediately before such disassembly, formed a structure.
4. The removal of a structure, or of any product or waste resulting from demolition or dismantling of a structure, or from disassembly of prefabricated elements which immediately before such disassembly formed such a structure.
5. The installation, commissioning, maintenance, repair or removal of mechanical, electrical, gas, compressed air, hydraulic, telecommunications, computer or similar services which are normally fixed within or to a structure.

## **Notifiable Projects**

A project is notifiable to the Health and Safety Executive (HSE) if the construction work on a construction site is scheduled to last longer than 30 working days and have more than 20 workers working simultaneously at any point in the project; or exceeds 500 person days.

## **Duty Holders**

Under CDM these are, The Client, Principal Designer, Designers, Principal Contractor, Contractors and Workers. Appointments made to Principal duty holders will be made in writing by Derby City Council unless otherwise stated (refer to the summary of roles and main duties – Appendix 1.)

## **Corporate Landlord (Property Services)**

* Ensure adequate resources are provided to enable compliance with CDM Regulations 2015, for example joint or shared welfare facilities
* Appoint competent persons to undertake specific roles and main duties -Appendix 1
* Must be informed of any alteration, installation, construction or temporary works to DCC premises for authorisation prior to the work commencing.

## **All Heads of Service will:**

* Inform PPTS of any alteration, installation, construction or temporary works to DCC premises for authorisation prior to the work commencing
* Ensure all consultants and contractors appointed by Services involved in construction work comply with the requirements set out in [CDM 2015](https://www.hse.gov.uk/pubns/priced/l153.pdf)
* Maintain a list of authorised contractors who have been assessed as competent to carry out “construction works” within the requirements set out in CDM 2015. Competency may be validated by membership of a recognised scheme such as The Contractors Health and Safety assessment Scheme (CHAS) or Safer Contractor. This should be controlled and reviewed annually or more frequently for other reasons such as serious incidents.
* Ensure Principal Designer, Designers and Principal Contractor and Contractors are appointed at the right time in writing.
* Ensure that appropriate audits and inspection programs are in place and undertaken to monitor the work within the scope of the policy.

## **Services that fall outside the scope of PPTS**

* Where services fall outside the control of PPTS, but within the council (for example non-package schools and Highways) they are to adhere to the regulations as outlined in CDM 2015 in conjunction with this policy.
* They must inform PPTS of any alteration, installation, construction or temporary works to DCC premises for authorisation prior to the work commencing.
* They must seek to make the appropriate appointments and confirm duty holders have undertaken the due diligence to check the competencies of those they appoint.

## **The Client**

When fulfilling the role of Client, The Council recognises its responsibilities under other health and safety legislation, including but not limited to:

* Control of Asbestos Regulations (2012)
* Construction (Design and Management) Regulations (2015)
* Health & Safety at Work Act etc. (1974)
* Management of Health and Safety at Work Regulations (1999) Rev
* The Equality Act (2010)
* Regulatory Reform (Fire Safety) Order (2005)
* Workplace (Health, Safety and Welfare) Regulations (1992)
* Working at Height Regulations (2005)

# **Guidance for services undertaking construction work**

All Services undertaking construction work must:

* Inform PPTS of any alteration, installation, construction or temporary works to DCC premises for authorisation prior to the work commencing.
* Ensure the core requirements of the CDM regulations and other relevant legislation are met, by providing appropriate support to all parties, to ensure the highest standards of health and safety are achieved. The same commitment is expected from all parties, consultants and contractors, involved in every aspect of Council initiated construction projects.
* Appoint the right people and organisations at the right time. As a client, we will appoint Principal Designers and Principal Contractors as soon as practicable and before the start of the construction phase, to ensure there is enough time to plan and manage the pre-construction and construction phases respectively. Competency is determined through the vetting/onboarding process.
* Ensure that where we act as a Client under CDM 2015 we discharge our duties accordingly. This includes involving the service lead who will advise on risks associated with service delivery.
* Ensure that all risks are managed by applying the general principles of prevention.
* Ensure that risk assessments are in place for all construction work. Where generic risk assessments are used, their use should be restricted to routine maintenance tasks or where sanction has been obtained from a suitably informed DCC representative. Generic risk assessments will be subjected to annual review or as dictated by legislative change.
* Provide relevant information for duty holders to carry out their jobs in a way that secures health and safety and those effective arrangements to receive, collate, and disseminate health and safety information are in place.
* Cooperate and communicate with duty holders and all relevant parties.
* Ensure that all directly appointed duty holders have suitable qualifications, competencies and adequate training to enable them to carry out their duties under the Regulations.
* Ensure that all colleagues are aware of their responsibilities in respect of health and safety and properly trained to be able to fulfill these responsibilities.
* Devise procedures, forms and checklists (CDM manuals) to meet the requirements of CDM 2015 and this policy.
* Where a project is notifiable, notify the HSE as soon as is practicable before the construction phase begins (unless this duty is transferred to an appointed Principal Designer who will undertake this duty).
* Ensure that enough time is allocated to ensure that safe working practices can be developed.
* Ensure the health, safety and welfare of all staff, contractors and persons who may be affected by the undertaking.
* Ensure that minor works are completed in conjunction with the requirements imposed under CDM.
* Ensure during large construction projects, where areas are released on a phased basis and where there may be impact on activities carried out in parallel with construction activity in adjacent areas or floors, that hazards are identified, and risks eliminated, reduced and/or controlled to an acceptable level. Areas will be suitably and securely protected for the duration of the works and these arrangements clearly communicated to all parties.
* Ensure where construction work is occurring adjacent to or alongside normal activities DCC must coordinate work to reduce hazards and communicate controls required to those affected by the work. Work areas will be suitable secured and/or cordoned off.
* Ensure, where planned construction works will impede normal emergency procedures and routes, that they communicate and implement temporary emergency procedures and plans to reflect the changes.
* Collate and store all project specific Health and Safety files and O&M manuals into service specific archives, (for example PPTS use ‘sam.net’ electronic archive) for future reference. This duty will be the responsibility of all appointed project managers. Individual Services will make electronic archives accessible to all appointed duty holders as and when required.
* Ensure a timeframe for the resolution of defects is agreed at progress meetings so that ‘snagging’ can be managed effectively.
* Ensure that appropriate monitoring, audits and inspection programs are undertaken to assess the level of compliance.
* Inform Corporate Health and Safety Team of notifiable projects and/or high-risk activities taking place within their Services.

# **Corporate Health and Safety Team (CHST)**

Corporate Health and Safety Team (CHST) will:

* Provide competent technical and advisory assistance to all services and managers, to promote and maintain effective safety, health and welfare.
* Carry out audits and inspections to monitor compliance with this policy and to give recommendations as required.
* Ensure appropriate training related to CDM duties is in place as per the Corporate Health and Safety Training Policy.
* Maintain Corporate oversight of the Contractor Module within the Councils H&S Management systems.
* Work in partnership with linked professionals and persons appointed under CDM.
* Provide input where required on assessing work methods.
* Receive and analyse incident reports to reveal incident trends.
* Investigate or assist in the investigation of all incidents and near misses.

## **Enforcement Action**

Corporate H&S Advisers and PPTS Officers have the powers to:

* Stop any unsafe system of work or poor working practice.
* Issue internal safety notices.
* Recommend the suspension of contractors from the work activity or the project and/or the removal from the approved contractor list following the outcome of an investigation.

# **Post Project Management Review**

Reviews form part of continuous improvement and improves the quality of projects and process used to support their development.

Project management reviews must be undertaken between different phases of a project.

A post project management review must be undertaken to examine, evaluate and audit all aspects of the project before closure. These should identify if the project objectives have been met, if any issues have been encountered and how effective the solutions were in addressing these issues. This will aid both existing projects and future projects, will improve organisational learning and reduce inefficiencies within DCC.

# **Domestic Clients**

A Domestic Client is defined by the regulations as ‘*a client for whom a project is being carried out which is not in the course or furtherance of a business’*

The regulations apply to domestic clients where works are to be carried out on private dwellings. CDM 2015 provides for domestic clients’ duties to be passed on to contractors or designers. Derby City Council will, where there is one contractor on a project, assume the domestic clients’ duties and similarly where there are two or more contractors unless otherwise agreed.

The client can appoint a principal contractor who will inherit the clients’ duties. The client can also appoint and delegate their duties to a principal designer, but the designer must agree in writing. If, however they do not make this appointment, the first designer appointed during the pre-construction phase is the Principal Designer for the project.

Derby City Council appointed contractors will only undertake work in domestic premises within the scope of work provided by the City Council.

# **Policy Enforcement**

The effectiveness of this policy will be monitored by:

* Periodic reviews of risk assessments, conducting sample audits and inspections, and reviewing feedback from progress meetings.
* Carrying out active monitoring as a formal check that all aspects of safety performance are at an acceptable level.
* Reviewing the policy as part of the annual health and safety management review process by management, to ensure that it remains appropriate and aligned with the activities, objectives and strategy of the council.
* Ensuring the policy and any associated procedures are implemented and adhered to in accordance with other related council policies and procedures.

**If in doubt speak to Property Projects and Technical Services or the Corporate Health and Safety team.**

# **Related Documentation**

Derby City Council [Health and Safety Policy](https://iderby.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/HS-SOI-May-19-final%20colour.pdf)

Derby City Council [Managing Contractors Safely Policy](https://iderby.derby.gov.uk/media/intranet/documents/healthandsafety/buildingmanagement/Contractors-Policy-Sept-15-v2.pdf)

Derby City Council [Equality and Diversity Policy](https://iderby.derby.gov.uk/governance/equality-diversity/)

# **CDM Manual**

Departments should devise procedures and forms (manuals) to meet the requirement of this policy. These should include:

## **Pre-Construction Information**

Pre-Construction Information (PCI) provides the health and safety information required by Designers and Contractors who are bidding for, or who have been appointed to work on a project. It is used when planning, managing, monitoring and coordinating the work. The PCI provides a basis for the preparation of the Construction Phase Plan (CPP) with material relevant to the preparation of the Health and Safety File (HSF). PCI is information about the project that is already in the Client’s possession, or which is reasonably obtainable by or on behalf of the Client. The information must:

* Be relevant to the project.
* Have an appropriate level of detail.
* Be proportionate given the health or safety risks involved.

Examples of PCI include: the existing health and safety hazards present on the Clients site, asbestos surveys, utility information or relevant information in an existing Health and Safety File.

## **Construction Phase Plan**

The Construction Phase Plan (CPP) is produced by the Principal Contractor or Contractor and must set out the arrangements for securing health and safety for the construction phase. For projects involving more than one Contractor, the Principal Contractor must ensure the CPP is drawn up and for single contractor projects it is the responsibility of the Contractor to ensure the CPP is drawn up. In either case this must be done during the pre-construction phase **before** the construction site is set up. The CPP must take into account the information the Principal Designer holds such as the PCI and any information obtained from Designers. During the construction phase, the Principal Contractor must ensure that the plan is appropriately reviewed, updated and revised so that it remains effective.

## **Construction Phase Plan information check sheet**

The CPP check sheet acts as a prompt or ready reckoner and is not to be considered as definitive, but a guide to prepare a construction phase plan.

## **Health and Safety File**

The HSF must contain relevant information about the project which must be taken into account when any future construction work is carried out on the building after the current project has finished. The HSF is only required for projects involving more than one contractor.

The Principal Designer has primary responsibility for preparing the HSF, and reviewing, updating and revising it as the project progresses. If their appointment continues to the end of the project, they must also pass the completed file to the Client for retention.

If the Principal Designer’s appointment finishes before the end of the project, the file must be passed to the Principal Contractor for the remainder of the project. The Principal Contractor must then take on the responsibility for reviewing, updating and revising it and passing it to the client when the project finishes.

## **Assessment of Organisational Capability**

This is required for all contractors engaged to undertake CDM work on behalf of the Council to ensure they have the correct competencies to undertake the work for which they are engaged. All other parties that engage contractors, are required to ensure that those they engage or appoint are competent.

## **Assessment of the skills, knowledge and experience of the individuals**

This information is used to demonstrate that those engaged in CDM work have the necessary competences to conduct the work for which they have been engaged, for example asbestos awareness. These checks and balances form part of the on boarding process and are reviewed annually or more frequently for other reasons such as serious incidents.

# **Appendix 1 - A summary of roles and main duties under CDM 2015**

L153 - Managing H&S in construction, guidance to CDM 2015 provides additional guidance

|  |  |
| --- | --- |
| **CDM duty holder\*: Who are they?** | **Summary of role/main duties** |
| **Clients** are organizations or individuals for whom a construction project is carried out. | Clients are organizations or individuals for whom a construction project is carried out. Make suitable arrangements for managing a project. This includes making sure: * Other duty holders are appointed.
* Sufficient time and resources are allocated.

Make sure: * Relevant information is prepared and provided to other duty holders.
* The principal designer and principal contractor carry out their duties.
* Welfare facilities are provided.
 |
| **Domestic clients** are people who have construction work carried out on their own home, or the home of a family member that is **not** done as part of a business, whether for profit or not | Domestic clients are in scope of CDM 2015, but their duties as a client are normally transferred to: * The contractor, on a single contractor project.

or * The principal contractor, on a project involving more than one contractor.

However, the domestic client can choose to have a written agreement with the principal designer to carry out the client duties. See L153 paragraphs 53–56 for more guidance. |
| **Designers** are those, who as part of a business, prepare or modify designs for a building, product or system relating to construction work | When preparing or modifying designs, to eliminate, reduce or control foreseeable risks that may arise during: * Construction; and
* The maintenance and use of a building once it is built.

Provide information to other members of the project team to help them fulfil their duties.  |
| **Principal designers**\*\* are designers appointed by the client in projects involving more than one contractor. They can be an organisation or an individual with sufficient knowledge, experience and ability to carry out the role. | Plan, manage, monitor and coordinate health and safety in the pre-construction phase of a project. This includes: * Identifying, eliminating or controlling foreseeable risks.
* Ensuring designers carry out their duties.

Prepare and provide relevant information to other duty holders.Provide relevant information to the principal contractor to help them plan, manage, monitor and coordinate health and safety in the construction phase.  |
| **Principal contractors** are contractors appointed by the client to coordinate the construction phase of a project where it involves more than one contractor | Plan, manage, monitor and coordinate health and safety in the construction phase of a project. This includes: * Liaising with the client and principal designer.
* Preparing the construction phase plan.
* Organizing cooperation between contractors and coordinating their work.

Ensure: * Suitable site inductions are provided.
* Reasonable steps are taken to prevent unauthorized access.
* Workers are consulted and engaged in securing their health and safety; and
* Welfare facilities are provided.
 |
| **Contractors** are those who do the actual construction work and can be either an individual or a company. | Plan, manage and monitor construction work under their control so that it is carried out without risks to health and safety. For projects involving more than one contractor, coordinate their activities with others in the project team – in particular, comply with directions given to them by the principal designer or principal contractor. For single-contractor projects, prepare a construction phase plan.  |
| **Workers** are the people who work for or under the control of contractors on a construction site. | They must: * Be consulted about matters which affect their health, safety and welfare.
* Take care of their own health and safety and others who may be affected by their actions.
* Report anything they see which is likely to endanger either their own or others’ health and safety.
* Co-operate with their employer, fellow workers, contractors and other duty holders.
 |

\*Organisations or individuals can carry out the role of more than one duty holder, provided they have the skills, knowledge, experience and (if an organisation) the organisational capability to carry out those roles in a way that secures health and safety.

\*\* Principal Designers are not a direct replacement for CDM coordinators. The range of duties they carry out is different to those undertaken by CDM coordinators under CDM 2007