

## East Devon District Council

### Construction (Design and Management) Regulations 2015 Policy

Issue details	
<b>Title:</b>	<b>Construction (Design and Management) Regulations 2015 Policy</b>
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<b>Officer responsible:</b>	<b>Service Lead Environmental Health and Car Parks</b>
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<b>Review date:</b>	<b>July 2022</b>

#### History of most recent Policy Changes

Date	Page	Change	Origin of change (eg change in legislation)

#### 1 Previous Procedure

This topic has only been produced previously as a guidance note

#### 2 Why has the council introduced this procedure?

East Devon District Council undertakes construction work of all levels, from routine maintenance to full scale construction projects which require notification to the Health and Safety Executive.

The Council understands its responsibility to protect all its employees and people who could be effected by work they carry out or contract, (e.g. staff, tenants, contractors and members of the public) by compliance with The Construction (Design and Management) Regulations 2015.

#### 3 What is the council's procedure?

This procedure provides guidance on the Construction (Design and Management) Regulations 2015 (CDM 2015) for staff working for East Devon District Council, or managing contractors working for East Devon.

#### 4 Equality impact considerations – Low

## **5 Appendices and other relevant information**

N/A

## **6 Links related Policies/Strategies, Procedures and Legislation**

The Management of Contractors Policy. References throughout to the Construction Industry Training Board (CITB) website resources

## **7 Scope within the Council**

Council Services who need to consider CDM procedures for works they carry out or commission, this includes (but may not be limited to) works by the following Council teams:

- Property Services
- Engineering
- Housing
- Street Scene Operations
- Countryside
- Supported Housing
- Private Sector Housing
- Regeneration
- Waste and Recycling
- Car Parks

## **8 Introduction**

CDM regulations were originally introduced in 1994 to lower construction deaths, with updates in 2007. The most recent version of the regulations came into effect on 6 April 2015. There are significant acts and responsibilities required by these regulations, which operate alongside other health and safety legislation.

The key aim of CDM 2015 is to integrate health and safety into the management of the project and to encourage all parties involved to work together to:

- sensibly plan the work so the risks involved are managed from start to finish
- have the right people for the right job at the right time
- cooperate and coordinate your work with others
- have the right information about the risks and how they are being managed
- communicate this information effectively to those who need to know
- consult and engage with workers about the risks and how they are being managed

The Regulations are intended to focus attention on planning and management throughout construction projects, from design concept onwards. The aim is for health and safety considerations to be treated as an essential but normal part of a project's development - not an afterthought or bolt-on extra.

There is no approved code of practice for CDM 2015, however industry guidance has been produced in conjunction with industry and published by [CITB](#).

## **9 Construction work**

“Construction work” is defined in the regulations to include:

- (a) 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), decommissioning, demolition or dismantling of a structure;

- (b) The preparation for an intended structure, including site clearance, exploration, investigation, excavation, and the clearance or preparation of the site or structure for use or occupation at its conclusion; this also applies to the entertainment industry.

A few activities are excluded from the definition as construction work, including surveying, maintenance of fixed plant as part of a maintenance programme and erection and removal of marquees.

CDM 2015 is applicable to almost all maintenance work.

## 10 Responsibilities

CDM 2015 places clear responsibility on Clients, Designers, Principal Designers, Principal Contractors and Contractors.

### 10.1 Client

The Council will always be a client for works they require, and on occasion the Council will carry out works for other clients.

The client is responsible to make suitable arrangements for managing a project. This includes making sure that:

- other duty holders are appointed
- sufficient time and resources are allocated
- relevant information is prepared and provided to other duty holders
- the principal designer and principal contractor carry out their duties
- welfare facilities are provided

(Detailed information available from [CITB on Client role](#))

### 10.2 Principal Designer

Council staff may be acting as the Designer or Principal Designer when defining works.

A principle designer must be appointed by the client for all **projects with more than one contractor**. It can be an organisation or an individual with sufficient knowledge, experience and ability to carry out the role.

Responsible for planning, managing, monitoring and coordinating 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.
- preparing and providing relevant information to other dutyholders.
- liaising with the principal contractor to help in the planning, management and monitoring of the health and safety in the construction phase.

(Detailed information available from [CITB on Principal Designer role](#))

### 10.3 Designer

Someone who as part of a business, prepares or modifies designs for a building, product or system relating to construction work.

The designer's role when preparing or modifying designs is to eliminate, reduce or control foreseeable risks that may happen during construction or maintenance and use of a building after it's been built, and provides information to other members of the project team to help them fulfil their duties.

The design process should now consider the 'whole life' and the purpose of a building and designers are required to design risk out as far as practicable during the design phase.

Anyone at East Devon who makes a decision, or instructs a course of action in relation to the design of a construction project is a designer under the regulations.

(Detailed information available from [CITB on Designer role](#))

### 10.4 Principal Contractor

Council staff may be acting as the Contractor or Principal Contractor when carrying out works with staff employed directly by the Council.

Appointed by the client to plan, manage, monitor and co-ordinate health and safety during the construction phase of a project **when there's more than one contractor involved.**

The principal contractor's duty is to:

- plan, manage, monitor and coordinate health and safety in the construction phase of a project
- liaise with the client and principal designer
- prepare the construction phase plan
- organise cooperation between contractors and coordinate their work.

(Detailed information available from [CITB on Principal Contractor role](#))

### 10.5 Contractor

The individual or organisation doing the actual construction work.

Anyone who directly engages construction workers or manages construction work is a contractor.

This includes companies that use their own workforce to do the work on their premises and duties apply to all workers be they employees, self-employed or agency workers.

The contractor's duty is to:

- 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, co-ordinate 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.

(Detailed information available from [CITB on Contractor role](#))

## 10.6 Workers

The individual working for or under the control of contractors on a construction site.

The Project, Design & Property teams normally act on behalf of the Council in relation to Council owned buildings.

Members of the Housing Service normally act on behalf of the Council in relation to Council owned housing stock.

(Detailed information available from [CITB on Workers role](#))

## 11 Application of CDM 2015 at East Devon

The application of CDM 2015 at East Devon aims to comply with regulations in a way that is proportionate to the risk.

When undertaking any construction works, employees at East Devon should consider first and foremost the the aims of the legislation which are to:

- sensibly plan the work so the risks involved are managed from start to finish
- have the right people for the right job at the right time
- cooperate and coordinate your work with others
- have the right information about the risks and how they are being managed
- communicate this information effectively to those who need to know
- consult and engage with workers about the risks and how they are being managed

### 11.1 Project inception

The Project Manager or officer undertaking the project is responsible for reviewing the scope of the project or construction works to be undertaken, and ascertaining the category of the project.

Where they are unsure or unfamiliar with the nature of the works, they should seek advice from the appropriate teams within the Council before proceeding.

The Project Manager will be the Client, and may also be the Designer or Principal Designer. If works are being carried out by Council employees the Project Manager may also be the Principal Contractor or Contractor

### 11.2 Project start up

When considering the project the size, duration, and significant risks inherent in the project must be considered. See **APPENDIX A** for a list of risks to be specifically considered.

Small projects – work of short duration **and** with no significant risks **and** covered by existing methods statements and/or work instructions/procedures that have been risk assessed.

There is no requirement to formally record duty holders. The officer managing the project or works should evidence they are suitably competent to manage the works – qualification/previous experience/competent advisor or supervisor etc.

Medium projects – work over more than one day, work involving one or two significant risks

Create a short record of who the duty holders are within the organisation. Complete the pre-construction information basic form noting the management requirements and hazards. Consider if a Health and Safety File for the work will be needed on completion.

Large or High Risk projects – notifiable work, work with three or more significant risks  
Obtain detailed advice from the relevant Council Team. Will require a more formally documented project plan with full Pre Construction Information, Construction Phase Plan, evidence of suitably competent contractors and the creation on completion of a Health and Safety File

### **11.3 Construction Management**

The Project Manager as the Client is responsible overall for the project. They are able to rely on the advice of the competent people they appoint but remain liable for all arrangements relating to the project. If needed the Project Manager must consult one of the appropriate team in the Council to define what evidence is required to show competence

Principal Designers must be competent advisor for health & safety to clients as defined in CDM2015, and Project Managers must account for that responsibility. Additional health and safety advice can be sought from the Corporate Safety Team.

The Principal Contractor becomes responsible for site safety for the period of the construction phase.

### **11.4 Project notification**

All construction projects must be notified to the Health & Safety Executive where construction work is expected to:

- (a) last more than 30 working days and have more than 20 workers working simultaneously at any point in the project; or
- (b) involve more than 500 person days (for example 50 people working for over 10 days)

Where a project is complex or high risk notification should be made even if the work is outside of the above parameters. Consult your Service Teams procedure under this Policy for further guidance.

The Project Manager is responsible as the Client for ensure notification is made.

The Project Manager must take advice on projects that may comprise of a number of individual jobs in premises but the programme as a whole could fall in to the category of notifiable work – for example bathroom or kitchen refurbishment programmes across a estate.

It is better to complete a notification if unsure than to fail to notify.

Notification is [made electronically](https://extranet.hse.gov.uk/lfservlet/external/f10) at <https://extranet.hse.gov.uk/lfservlet/external/f10>. Guidance on completion of the form is at <https://www.hse.gov.uk/forms/notification/f10-step-by-step-guide-to-fill-in-eform.pdf>

The details required for the form are:-

1. The address of the construction site or precise description of its location.
2. The name of the local authority where the construction site is located.
3. A brief description of the project and the construction work that it entails.

4. Details of the client: name, address, telephone number and email address.
5. Details of the principal designer: name, address, telephone number and email address.
6. Details of the principal contractor: name, address, telephone number and email address.
7. The date planned for the start of the construction phase.
8. The time allocated by the client for the construction work.
9. The planned duration of the construction phase.
10. The estimated maximum number of people at work on the construction site.
11. The planned number of contractors on the construction site.
12. The name and address of any contractor already appointed.
13. The name and address of any designer already appointed.
14. A declaration signed by or on behalf of the client that the client is aware of their duties.

Notification should be made as early as possible in the planning stage. The form requires detail on the contractor to be used, and will not permit completion without this, so should be completed as soon as this is known.

The Project Manager should update the form as things progress through the project.

## **11.5 Project record keeping**

### **11.5.1 Pre-construction Phase**

The Principal Designer is required to provide Pre-construction Information to the contractor.

For medium projects the Project Manager must ensure that they, or the Principal Designer, have completed **APPENDIX B – Basic Pre Construction Information** and provided this to the Principal Contractor or Contractor.

For large or high risk projects the appropriate advice must be sought from the relevant Council Team or Corporate Safety Team.

### **11.5.2 Construction Phase**

The Principal Contractor is responsible for site safety during this phase; however the Client remains responsible overall. The Principal Designer will advise the Client to ensure their responsibilities are properly discharged.

### **11.5.3 Post Construction**

The Principal Designer is responsible for updating or compiling the Health & Safety Files as appropriate, and passing the file to the client at project handover or when they cease to be part of the project.

## **12 Health and Safety File**

The Health & Safety File is defined as the file containing health and safety information to be taken into account during any subsequent project on the building. The file should be relevant and not include information which is of no help in planning future construction work.

There is no mandatory format for a health & safety file however the contents must include specific information required by the CDM2015 Regulations. A template for Health & Safety Files is available in **(APPENDIX C)**

### **13 Individual Service Procedures**

Services that routinely carry out works to which CDM 15 apply (Housing, Property Services, StreetScene etc) will create their own procedures documents under this policy. These will detail work procedures/method statements for minor works and specific works they plan, organise, arrange or carry out. They will identify which job roles will have an advisory capacity for officers taking on the role of Project Manager.

### **14 Performance Monitoring**

This will be developed as part of each Service procedure, and once agreed will be subject to periodic audit by the Corporate H&S Team.

### **15 Policy Consultation**

This policy was produced in consultation with the Housing Repairs, Property Services and StreetScene Engineering Teams, using the national codes of practice from HSE and guidelines from the Construction Industry Training Board website.

### **16 Policy Review**

The Policy will be reviewed in February 2022.



**Significant risks that need to be considered in assessing whether small, medium or large project.**

Issues that could increase health and safety risks from:-

1. delivery and removal of materials (including waste) and work equipment from the site – for example proximity to school/community area, narrow roadways etc.
2. utilities, impact on gas, water, power of communication lines – for example overhead power lines, provision of temporary utilities etc.
3. adjacent land use
4. stability of the structure while carrying out work, including temporary and adjacent structures
5. work at height
6. work with or near fragile materials
7. work with heavy prefabricated components
8. work near high voltage cables
9. work with poor ground conditions
10. excavations
11. underground work
12. work near water
13. work in confined spaces
14. work close to vehicle movement
15. work with hazardous materials
16. site security, or lack of it
17. increased fire risk
18. work with asbestos materials

**PRE-CONSTRUCTION INFORMATION — BASIC FORM**

<b>Project Details</b>	
Project	<input type="text"/>
Client	<input type="text"/>
Principal designer	<input type="text"/>
Designer(s)	<input type="text"/>
Site location	<input type="text"/>
Description of works	<input type="text"/>
Key dates, including start and completion of construction phase	<input type="text"/>
Minimum time allowed between appointment of principal contractor and start of construction phase	<input type="text"/>
Will the structure be used as a workplace?	<input type="text"/>
Extent and location of existing records and plans	<input type="text"/>
<b>Client's considerations and management requirements</b>	
Arrangements for:	
• Planning and management	<input type="text"/>
• Communications between client and others	<input type="text"/>
• Security	<input type="text"/>
• Welfare provision	<input type="text"/>
Requirements relating to the health and safety of the client's employees and others:	
• Site fencing	<input type="text"/>
• Site transport, including vehicle restrictions	<input type="text"/>
• Client permit-to-work systems	<input type="text"/>
• Fire precautions	<input type="text"/>
• Emergency procedures	<input type="text"/>
• No-go areas	<input type="text"/>
• Confined spaces (as designated by the client)	<input type="text"/>
• Smoking and parking restrictions	<input type="text"/>

**Health and safety hazards of the site**

Safety hazards, including:

- Boundaries and access, including temporary access
- Restrictions on deliveries or waste collection or storage
- Adjacent land use
- Existing storage of hazardous materials
- Location of existing services, particularly concealed services
- Ground conditions, underground structures or water courses
- Information about existing structures, ie stability, or those containing fragile or hazardous materials
- Previous structural modifications
- Fire damage, ground shrinkage
- Difficulties relating to plant and equipment, eg overhead gantries whose height restricts access
- Health and safety information contained in earlier design and construction information


Health hazards, including:

- Asbestos, including results of surveys, etc.
- Existing storage of hazardous materials
- Contaminated land, including surveys
- Existing structures containing hazardous materials
- Health risks arising from the client's activities


Design assumptions, suggested work methods, sequences, etc.

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Arrangements for co-ordination of on-going design work and handling design changes

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Risks identified during design

--

Materials requiring particular precautions

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**The Health and safety file**

Description of its format and any conditions relating to its content

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## The Health and Safety File

CDM 2015, requires a Health & Safety File to be compiled or updated if one is in existence.

The Principal Contractor is responsible for collecting the information to compile the Health & Safety file, and should be doing so throughout the project. When the project is practically complete they deliver it to the Principal Designer in draft format.

The information is checked by the Principal Designer and verified as accurate before Practical Completion so it can be included in the Health and Safety file.

It is a legal duty to have the Health & Safety file available at Practical Completion or as soon as possible after completion.

### The contents of the Health & Safety File

<b>Section 1</b>	<b>Introduction</b>
1.1	Brief description of the works
1.2	Project team contacts
1.3	Contractors contacts
1.4	Project particulars
<b>Section 2</b>	<b>Design Criteria</b>
2.1	Architectural design concept
2.2	Structural design concept
2.3	Mechanical design concept
2.4	Electrical design concept
2.5	Fire strategy
<b>Section 3</b>	<b>Construction Methods and Materials Used</b>
3.1	Construction method
3.2	List of materials used
3.3	List of manufacturers
<b>Section 4</b>	<b>Maintenance Requirements</b>
4.1	List of equipment/materials to be maintained
4.2	Maintenance procedures
<b>Section 5</b>	<b>Certificates and Warranties</b>
5.1	Planning consent
5.2	Building regulations approval
5.3	Test certificates
5.4	Commissioning certificates

<b>Section 6</b>	<b>Operation and Maintenance</b>
6.1	Mechanical
6.2	Electrical
6.3	Others
<b>Section 7</b>	<b>Drawings</b>
7.1	“As built” drawings
7.2	Incoming services
7.3	Residual Risk Register