



# GROUP POLICY FOR COMPLYING WITH THE CONSTRUCTION (DESIGN & MANAGEMENT) REGULATIONS 2015

| POLICY IMPLEMENTATION CHECKLIST            |                                       |
|--------------------------------------------|---------------------------------------|
| Policy Guardian:                           | Head of Investment and Sustainability |
| Author:                                    | Development Manager                   |
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# **Policy for Complying with the Construction (Design & Management) Regulations 2015**

## **Introduction**

The Construction (Design & Management) Regulations 2015 came into force on 6 April 2015 and superseded the previous 2007 version.

The main changes are:

- All construction projects, including those for domestic clients (Care & Repair and Factoring), fall under the regulations.
- CDM Co-ordinator is removed.
- Principal Designer is a new role with specific duties.
- All works involving more than one contractor will require the appointment of a Principal Designer and Principal Contractor. For the purposes of this policy when Caledonia or Cordale Housing Association appoint one contractor to carry out construction works the Associations will require confirmation that that one contractor is the only contractor in full control of all workers on that project unless otherwise advised.
- Notification to the Health & Safety Executive is changed to when the duration of the construction work lasts longer than 30 working days AND >20 workers at any time OR >500 person-days.
- All persons with a role under the regulations cannot delegate the responsibility of that role to another person or agency, duties can be assisted but not transferred.

The Group, comprising Caledonia Housing Association and its' constitutional partner Cordale Housing Association, in the furtherance of its business, will have a role as:

- a 'client', in all cases where construction work is instructed
- a 'designer' when the Associations make design decisions such as:
  - specifying work that is to be carried out;
  - preparing and issuing drawings for construction;
  - modifying designs prepared by others.
- a 'principal designer' when there is more than one contractor and the Associations have not appointed another principal designer in writing;
- a 'contractor' when instructing in-house staff to carry out construction work including 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) and ground maintenance;
- a 'principal contractor' by default when, if there is more than one contractor, it they have not appointed a contractor as the principal contractor in writing.

The following policy outlines the roles and responsibilities under the Construction (Design & Management) Regulations 2015 and states how the Group intends to deal with these.

## Policy

It is the Group's Policy to:

- comply, in all aspects, with The Construction (Design & Management) Regulations 2015, (CDM 2015) for all construction work as defined in the regulations.
- ensure that any design for construction work is carried out by designers who have the appropriate skills, knowledge, experience and organisational capability for the project.
- ensure that any construction work is carried out by contractors who have the appropriate skills, knowledge, experience and organisational capability for the project.
- ensure that all designers, principal designers, contractors and principal contractors appointed by the Associations for any relevant design and/or construction work comply with CDM 2015.

## Duty holders

Duty holders under CDM 2015 are:

- **Client** – means anyone for whom construction work is carried out. This would be Caledonia or Cordale Housing Associations in the course of their normal business activities. The Associations would also assume the role of client when instructing works on behalf of Care & Repair clients, Sharing Owners and other Owners for whom factoring services are carried out, with written agreement in accordance with Regulation 4(8).
- **Principal Designer** – means the designer appointed as principal designer in writing by the client, where there is more than one contractor working on a project at any time, to perform specific duties under the regulations.
- **Designer** - means any person (including the Associations in certain circumstances) who in the course or furtherance of a business a) prepares or modifies a design, or b) arranges for, or instructs, any person under their control to do so.
- **Principal Contractor** - means the contractor appointed in writing by the client, where there is more than one contractor working on a project at any time, to perform specific duties under the regulations. The principal contractor is usually the main or managing contractor for the work.
- **Contractor** – means any person (including the Associations in certain circumstances) who in the course or furtherance of a business, carries out, manages or controls construction work.

**General Duties** applicable to the Associations in any role under CDM 2015

- **Skills, Knowledge, Experience and Organisational Capacity**
  - a designer (including a principal designer) or contractor (including a principal contractor), appointed by the Associations to work on a project, must have the skills, knowledge, experience and organisational capability, and, if they are an organisation, the organisational capability, necessary to fulfil the role that they are appointed to undertake, in a manner that secures the health and safety of any person affected by the project.

- a designer or contractor proposed to be appointed by the Associations must not accept an appointment to a project unless they have the skills, knowledge, experience and organisational capability as required above.
- when appointing a designer or contractor to carry out work on a project reasonable steps shall be taken by the Associations to satisfy them that the designer or contractor has the skills, knowledge, experience and organisational capability required.
- the Associations' own in-house designers (including principal designers) and contractors (including principal contractors), will have the skills, knowledge, experience and organisational capability to carry out its duties under these regulations.
- the Associations will ensure it has the organisational capability to fulfil its duties under these regulations.

- **Co-operation**

The Associations will co-operate with any other person working on or in relation to a project, at the same or an adjoining construction site, to the extent necessary to enable any person to fulfil their duty or function under the regulations.

- **Communication**

- The Associations, while working on a project under the control of another, shall report to that person anything they are aware of in relation to the project which is likely to endanger their own health or safety or that of others.
- The Associations shall provide comprehensible information or instruction to others as required by the regulations as soon as is practicable.

## **Client's Duties**

The Associations shall, for all construction works regardless of size:

- make proportionate management arrangements and ongoing monitoring of PD and PC performance for managing the construction project and allocate sufficient time and resources to ensure that:
  - the construction work can be carried out, so far as is reasonably practicable, without risks to the health or safety of any person affected by the project; and
  - suitable welfare facilities are provided in respect of any person carrying out construction work; and
  - that these arrangements are maintained and reviewed throughout the project.
- provide pre-construction information as soon as is practicable to every designer and contractor appointed, or being considered for appointment, to the project.
- ensure that:
  - before the construction phase begins, a construction phase plan is

- drawn up by the contractor if there is only one contractor, or by the principal contractor; and
  - the principal designer prepares a health and safety file for the project as required by the regulations; and
  - the health and safety file is revised from time to time as appropriate to incorporate any relevant new information; and
  - the health and safety file is kept available for inspection by any person who may need it to comply with any relevant legal requirements.
- take reasonable steps to ensure that:
  - the principal designer complies with any other principal designer duties in regulations 11 and 12: and
  - the principal contractor complies with any other principal contractor duties in regulations 12 to 14.
- if the Associations dispose of their interest in the structure, they shall provide the updated health and safety file to the person who acquires their interest in the structure and ensuring that that person is aware of the nature and purpose of the file.
- where there is more than one client in relation to a project, agree in writing that one or more of the clients be treated for the purpose of these Regulations as the only client or clients subject to the duties imposed on the clients by these Regulations.
- where there is more than one contractor, or if it is reasonably foreseeable that more than one contractor will be working on the project at any time, appoint, in writing as soon as is practicable and, in any event, before the construction phase begins;
  - a designer with control over the pre-construction phase as principal designer; and
  - a contractor as principal contractor.

## **Designers' Duties**

The Associations will, in the normal course of their business, prepare or modify a design by specifying materials or works to be carried out by their contractors. By doing so the Associations are deemed to be designers under CDM 2015.

When preparing or modifying a design, the Associations shall take into account the general principles of risk prevention, and will provide any pre-construction information necessary to eliminate, so far as is reasonably practicable, foreseeable risks to the health or safety of any person carrying out or liable to be affected by construction work, including maintenance or cleaning a structure or using the structure as a workplace or ground maintenance. If it is not possible to eliminate the risks the Associations shall take steps to reduce or control the risks throughout the design process, provide information about the risks and ensure that the information is included in the health and safety file.

The Associations will not commence design work in relation to construction work unless it is satisfied that the client, either the Association or other client for whom the Association is acting for, is aware of the duties imposed on the client under these regulations.

The Associations' clients may be:

- Care & Repair customers, or
- Sharing Owners, or
- Factoring clients

### **Principal Designer's Duties**

In the event that the Associations are required to assume the role of principal designer (by default or carrying out design work when there is more than one contractor working on the project), the Associations shall:

- plan, manage and monitor the pre-construction phase and co-ordinate matters relating to health and safety during the pre-construction phase to ensure that, so far as is reasonably practicable, the project is carried out without risks to health or safety.
- ensure all designers working on the project shall comply with their duties under the regulations.
- co-ordinate health and safety matters during the pre-construction phase of the project.
- assist the client in the provision of the pre-construction information and in so far as it is within the Associations' control, provide the pre-construction information promptly and in a convenient form to every designer and contractor appointed or being considered for appointment, to the project.
- liaise with the principal contractor for the duration of the principal designer's appointment and share with the principal contractor information relevant to the planning, management and monitoring of the construction phase and the co-ordination of health and safety matters during the construction phase.
- Ensuring Health and Safety file completion and handover at project end.

### **Contractor's Duties**

The Associations periodically employ their own operatives to carry out construction work such as repairs, maintenance, cleaning, grounds maintenance etc. As such they are obliged to comply with the duties of a contractor under these regulations.

The Associations shall not carry out construction work unless they are satisfied of their duties owed by the client under these regulations.

In the event that the Associations are required to assume the role of contractor, they shall:

- plan manage and monitor construction work carried out either by the Associations or by workers under the Associations' control, to ensure that so far as is reasonably practicable, it is carried out without risks to health and safety.
- comply with the Duties of contractors as per Regulations 15(1)-(11) and Part 4 General Requirements for all Construction Sites Regulations 16 – 35 as is appropriate.

**Principal Contractor's Duties** (when there is more than one contractor working on a project at one time)

It is not envisaged that the Associations shall assume the role of principal contractor on any construction project. However the Associations shall ensure that, where there is more than one contractor working on a project at any time, a contractor shall be appointed in writing as being the principal contractor. Failing to make this appointment will require the Associations to fulfil the duties of the principal contractor.

**Construction Phase Plan and Health and Safety File**

During the pre-construction phase the principal designer must prepare a health and safety file appropriate to the characteristics of the project which must contain information relating to the project which is likely to be needed during any subsequent project to ensure the health and safety of any person.

In the event that the Associations are required to assume the role of principal designer, they shall ensure a health and safety file is prepared, appropriately reviewed, updated and revised from time to time to take account of the work and any changes that have occurred.

The principal contractor shall draw up a construction phase plan setting out the health and safety arrangements for the project during the construction period.

The principal designer must assist the principal contractor in preparing the construction phase plan by providing to the principal contractor all information the principal designer holds that is relevant to the construction phase plan.

The principal contractor shall ensure that the construction phase plan is appropriately reviewed, updated and revised throughout the project.

If the principal designer's appointment concludes before the end of the project, the principal designer shall pass the Health and Safety file to the principal contractor who shall be required to ensure that the Health and Safety file is appropriately reviewed, updated and revised from time to time to take account of the work and any changes that have occurred.

In the event that the Associations are required to assume the role of principal designer, they shall pass the health and safety file to the principal contractor as soon as a principal contractor is appointed in writing.

The format and content of the Health and Safety file prepared for the Associations shall be as per Appendix 1 of this policy.

### **Compliance Statement**

*It is important that all members of staff, in carrying out their duties for the Group, do so in accordance with the Group's policy framework. Our policy framework ensures we comply with laws and regulation, while giving guidance to inform operations and decision-making. Our policies have been designed to be clear and easy to understand, and are available on our website and intranet. If any member of staff is unclear as to their responsibilities under this policy, then they should refer to their line manager and / or the policy author for further guidance. A failure to comply with Group policies can have serious consequences for the Group. Should an employee become concerned about serious non-compliance with the policy, they should speak to their line manager or refer to the guidance set out in the Group Whistleblowing policy.*

## **APPENDIX 1 – FORMAT AND CONTENT OF HEALTH & SAFETY FILE**

### **FORMAT OF HEALTH AND SAFETY FILE AND BUILDING MANUAL**

The Health and Safety File shall be incorporated into the Building Manual to form a comprehensive information source and guide for the Associations and anyone else who needs a complete understanding of the building and its systems, enabling the structure to be operated and maintained efficiently and safely.

The Building Manual incorporating the health and safety file shall, as far as is practicable, consist of the following parts, sub-sectioned as appropriate:

HEALTH AND SAFETY FILE – must be appropriate to the characteristics of the project and contain information relating to the project which is likely to be needed during any subsequent project to ensure the health and safety of any person. The minimum requirements are:

- a) A brief description of the work carried out;
- b) Any residual hazards which remain and how they have been dealt with;
- c) Key structural principles and safe working loads for floors and roofs;
- d) Hazardous materials used;
- e) Information regarding the removal or dismantling of installed plant and equipment;
- 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 equipment; fire-fighting services etc; and
- h) Information and as-built drawings of the structure, its plant and equipment.

The above items can be cross-referenced to items contained in the Building Manual giving additional detail.

BUILDING MANUAL PART 1: GENERAL- can incorporate the Health and Safety File, but must include the following:

- A description of the building;
- Details of all consultants and designers;
- Details of all contractors and sub-contractors;
- Names, addresses, telephone and fax numbers and e-mail addresses of all sub-contractors, suppliers and manufacturers;
- Copies of all consents and approvals obtained; and
- Drawings showing emergency escape routes, location of emergency and firefighting systems, services shut-off valves, switches, etc.

BUILDING MANUAL PART 2: BUILDING FABRIC – must include:

- As-built drawings recording details of construction for all works carried out on the project. As-built drawings must be certified as such on the drawing and dated as per the completion date of the works;
- Schedule of materials/components incorporated in the building which may require periodic maintenance/repair, complete with manufacturer's reference and applied finishes;
- Copies of manufacturers' current literature for all products used in the works, including COSHH data sheets and manufacturers' recommendations for cleaning and maintenance;

- Copies of all guarantees, warranties and maintenance agreements issued by sub-contractors and manufacturers; and
- Copies of all test certificates and reports required in the specification.

#### **BUILDING MANUAL PART 3: BUILDING SERVICES – must include:**

- A full description of each of the systems installed, written to ensure that the Client's staff fully understand the scope and facilities provided;
- A description of the mode of operation of all systems;
- Diagrammatic drawings of each system indicating principal items of plant, equipment, valves etc.;
- A photo-reduction of all record drawings to A3 size, together with an index;
- The name, address and telephone number of the manufacturer of every item of plant and equipment, together with catalogue list numbers;
- Manufacturers' technical literature for all items of plant and equipment assembled specifically for the project, excluding irrelevant matter, and including detailed drawings, electrical circuit details and operating and maintenance instructions;

#### **PRESENTATION OF THE HEALTH AND SAFETY FILE AND BUILDING MANUAL**

The Building Manual incorporating the Health and Safety File is to be issued via a secure digital formats or Common Data Environment (CDE). Each section should be clearly indexed and named correctly including any drawings.