



Health and Safety

Managing Construction Work
- Designer

Minimum Standard

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1 Aims and Principles

This Minimum Standard applies to all construction work, irrespective of the size of the project or duration and must be read in conjunction with the Control of Contractors - Minimum Standard and other Minimum Standards referred to.

This Minimum Standard is intended to cover only the duties of the Designer under the Management in Construction (Jersey) Regulations, 2016. The duties of other key parties under the Regulations are set out in the following Managing Construction Work- Minimum Standards:-

- Client
- Health and Safety Project Coordinator
- Principal Contractor
- Contractor

The aim of this Government of Jersey (GoJ) Minimum Standard is to provide guidance to designers on the steps which should be taken by any department which provides design services in connection with construction projects or which engage designers to provide-design services.

Departments must develop their own procedures which detail the specific arrangements to be implemented to ensure these requirements are met. The procedures must include the standards set out in this document or be of an equivalent or higher standard.

2 Legislation and Guidance

Health and Safety at Work (Jersey) Law, 1989

Management in Construction (Jersey) Regulations, 2016
("Construction Regulations")

3 Definitions

See Appendix A for definitions under the Construction Regulations.

4 Who this Minimum Standard Applies to

- Government of Jersey (GoJ) and States' employees
- Voluntary staff or those on honorary contracts where there is no implied contract of

employment

Where those persons:

- Provide services as a designer in relation to construction work; or
- Engage companies / individuals / other GoJ Departments to provide design services in connection with construction projects.

5 Links to other GoJ Policies, Minimum Standards and Guidance

a) Policies

Government of Jersey - Health and Safety Policy

b) Minimum Standards

Managing Contractors

Managing Construction Work – Client

Managing Construction Work – Health and Safety Project Coordinator

Managing Construction Work – Principal Contractor

Managing Construction Work – Contractor

c) Other Internal Guidance

Further guidance may be available from other departments who are involved with construction work.

For assistance with preparing departmental procedures, contact should be made with your department Health and Safety Manager/Adviser “Professional”.

6 Overview

A designer is any party involved in the preparation of designs and specifications for construction work and extends to anyone making changes to the design, working methods or materials. As well as easily recognizable designers, this could also include clients, surveyors, contractors and other officers of the GoJ.

It should be recognised that design is a function, not necessarily an appointment. Anyone who makes decisions that result in design changes, which extends to include the specification of working methods and materials, is classified as a designer in respect of the specific matters to which they have influence. As a result there will often be multiple

designers and changes of designers on construction projects.

Designers' earliest decisions can fundamentally affect the health and safety of construction work. These decisions may influence later design choices and considerable work may be required if it is necessary to unravel earlier poor decisions. It is therefore vital to address health and safety from the outset.

Designers are in the most unique position to be able to reduce the risks that could arise during the entire lifecycle of a structure by considering how its construction, maintenance and demolition can be carried out safely and factoring this into the overall design.

7 Role and Responsibilities

The role and responsibilities of Designers are clearly set out under the Construction Regulations.

For **ALL types of construction projects**, the Designer must:

- Ensure the Client has been made aware of the Client's duties under the Construction Regulations
- Before the start of construction work:
 - (i) identify, so far as is reasonably practicable, the hazards and risks that may arise from the design and the work required to give effect to it
 - (ii) take all reasonable steps to eliminate the hazards and control the risks
- Provide information to the contractors about the remaining risks

For **minor construction projects**, the Designer must also:

- Ensure a Principal Contractor has been appointed by the Client

For **major construction projects**, the Designer must also:

- Ensure a Health and Safety Project Coordinator has been appointed by the Client
- Ensure that any information in the designer's possession that is needed for the health and safety file is included in that file

Where a department assumes the role of Designer under the Construction Regulations, the department's procedures must clearly set out the roles and responsibilities of all those individuals involved with the work.

8 Check Client Awareness of Duties

All designers are required to check that the Client is aware of their duties under the Construction Regulations.

As the Client will be another department of the GoJ, it is reasonable to assume that they are fully aware of their responsibilities under the Construction Regulations and therefore no specific action is required to be taken in respect of this.

9 Check Client Appointment of Principal Contractor

On minor construction projects which involve 2 or more contractors, all Designers are required to check that the Client has appointed a Principal Contractor.

As the Client will be another department of the GoJ, it is reasonable to assume that they are fully aware of the requirement to appoint a Principal Contractor which is detailed in the GoJ Minimum Standard, Managing Construction Work – Client, and therefore no action is required to be taken in respect of this.

10 Check Client Appointment of Health and Safety Project Coordinator

On major construction projects, all Designers are required to check that the Client has appointed a Health and Safety Project Coordinator.

As the Client will be another department of the GoJ, it is reasonable to assume that they are fully aware of the requirement to appoint a Health and Safety Project Coordinator on major construction projects and therefore no action is required to be taken in respect of this.

11 Acquiring Pre-Construction Information

The client is required to provide designers with any information which may be relevant to the preparation of designs and ensuring health and safety is considered during this.

If no Pre-Construction Information has been provided by the Client, then this should be requested. If the work is a major construction project, then this should be requested from the Health and Safety Project Coordinator who will be assisting the Client with the preparation of this information.

12 Preparing Designs

Designers are required to prepare designs within many regulatory and statutory requirements, as well as considering cost, fitness for purpose, aesthetics, build ability,

maintainability and environmental impact. Designers are also required to, 'so far as reasonably practicable', avoid foreseeable risks arising during the construction, use, maintenance and demolition of the structure

Designers should critically assess their design proposals at both an early stage and throughout the design process, to ensure that health and safety issues are identified, integrated into the overall design process and addressed as they go along.

It may be beneficial for the designer to seek input from the Client, HSPC or others in the design team.

13 Design Risk Assessment

One of the main functions of the Designer is to identify, assess and where reasonably practicable, to eliminate the risks to health and safety at all stages of the design process.

Design risk assessment shall be carried out on the project designs and specific risk assessments should be prepared for those activities that indicate potential risks to health and safety.

Where reasonably practicable, hazards should be designed out e.g. locate air-conditioning units at ground level rather than on the roof. Where this cannot be achieved, reasonably practicable steps should be taken to reduce the risks or control them through the design process e.g. locate the air-conditioning units within a building on the roof or within fixed barriers so maintenance workers have a safe means of access and working place.

Where risk remains after the risk reduction measures have been fully applied, the designer must provide sufficient information about the remaining significant risks to other relevant duty holders to enable these to be properly managed.

Where practicable, information relating to the construction risks shall be incorporated onto the relevant drawings. If this is not possible, the information must be forwarded to the Principal Contractor via the HSPC (major projects only) or Client for inclusion in the Construction Phase Health and Safety Plan, risk assessments and/ or method statements as appropriate.

Insignificant risks, or those arising from routine construction activities which the relevant contractor should be well aware of do not need to be highlighted. Risks which require highlighting are those that are unusual or difficult to manage, or risks that may not be obvious from the drawings or a site visit, and which even a competent contractor may overlook when considering the work.

Information relating to risks associated with the maintenance of the structure or future modification, demolition etc. of the plant, must be submitted to the HSPC for incorporation into the Health and Safety File.

14 Sub-contracted Design Work

Sub-contractors required to carry out design work must be assessed prior to appointment and they should be required to provide details of their competence, resources and design management arrangements.

For further information on assessment of competence, see the following Minimum Standards:

- Managing Construction – Client
- Control of Contractors

15 Design Coordination

The overall design for the project can be coordinated by means of regular design review meetings which will involve designers, the principal (or relevant) contractor, HSPC and other contractors. Representatives of each discipline involved should attend these, as well as design subcontractors.

APPENDIX A

For a complete set of definitions and full text descriptions refer to the Management in Construction (Jersey) Regulations 2016

Construction Work	<p>Any work of construction, alteration, conversion, fitting out, commissioning, repair, maintenance, de commissioning, and demolition or dismantling of any structure.</p> <p>This includes assembling pre-fabricated parts of a structure, any work on any service, any excavation or site preparation.</p>
Contractor	<p>An external company or internal group which carries out, manages or controls construction work</p>
Construction Phase Plan	<p>Document prepared by the Principal Contractor which records the health and safety arrangements, site rules and any special measures for the construction work</p>
Commercial Client (Client)	<p>For the purposes of this Minimum Standard, the Commercial Client is the States' Employment Board.</p> <p>However executive responsibility for HS&W and therefore the duties of the Client contained in the Construction Regulations are delegated to department Chief Executives or Tiers 1 and 2 management who can delegate the duties to the appropriate competent person(s) within their department.</p>
Designer	<p>An individual or group, external or internal to the GoJ, involved in the preparation of designs and specifications for construction work.</p> <p>This extends to anyone making changes to the design, working methods or materials and could include clients, surveyors, contractors and other officers of the GoJ</p>
Health and Safety Project Coordinator (HSPC)	<p>Can be an individual or group, external or internal to the GoJ, appointed by the client department to coordinate health and safety during the pre-construction and construction phases of the project.</p> <p>The person/organisation must have a sound knowledge of H&S in construction, a thorough</p>

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	knowledge of the design process and relevant experience in the site processes likely to be involved in the project, including future maintenance, refurbishment and demolition.
Health and Safety File	<p>Contains information arising from a construction project which is likely to be needed to ensure the safe use, maintenance and demolition of the structure.</p> <p>The file is prepared/updated by the Principal Contractor on Minor Construction Projects or the HSPC on Major Construction Projects.</p> <p>If required, the Client should update the H&S File on Single Contractor Project/Works of less than 30 days/500 man days using information provided by the contractor.</p>
Major Construction Project	Construction work of more than 30 working days or involving more than 500 person days of construction work
Minor Construction Project	Construction work in which more than one contractor is involved
Pre-Construction Information	Information in the Client's possession or easily obtainable which is relevant to the construction work
Principal Contractor	An individual or group, external or internal to the GoJ appointed by the Client to plan, manage and co-ordinate construction work in order that risks are properly controlled
Relevant Contractor	This is the principal contractor or the contractor who has control of the construction work where there is none i.e. sole contractor