

CL:AIRE Definition of Waste Code of Practice (DoW CoP): 2023 Auditing Summary

1. Introduction

CL:AIRE performed the DoW CoP audits following the procedures published on its website¹, including Ongoing, Whistleblower and Qualified Person Audits.

This report summarises audit activities conducted by CL:AIRE in 2023. It provides general feedback on how well the industry met the requirements of the DoW CoP, highlights areas of weakness, and recommends potential improvement measures based on the audit findings.

Please note that this report does not include the detailed audit grading (i.e. Good / Improvement Possible / Non-Conformant).

2. Ongoing Audits

45 projects were randomly selected for audit in line with the published procedures. Therefore, 45 audit requests were sent to the project Qualified Persons. 43 (96%) responses were received and CL:AIRE decided not to act on the requests where no response was received.

As a result, full desktop audits were conducted on 43 projects. The breakdown of the number of projects against the project scenarios, the conformance rate and the number of CL:AIRE internal QA/QC are summarised in Table 1.

Table 1: Ongoing audit results with project scenarios, and CL:AIRE internal QA/QC breakdown.

Scenarios	Number of Projects	Conformance Rate ²	Internal QA/QC ³
Site of Origin	16	94%	2
Direct Transfer	24	75%	8
Cluster	1	100%	/
Combination of any of the above	2	100%	2

¹<https://claire.co.uk/projects-and-initiatives/dow-cop/28-framework-and-guidance/1593-dow-cop-auditing-procedures>

² Conformance Rate in this report refers to the % of the projects which were graded as either “Good” or “Improvement possible”. To learn more about the CL:AIRE Ongoing Audits grading system, please visit the CL:AIRE website – [Ongoing Audits Procedure](#).

³ CL:AIRE Internal QA/QC review is set at 30% of the annual audit number—see the [Ongoing Audits Procedure](#).

Analysis of the type of activities and their conformance rate are presented in Table 2.

Table 2: Ongoing audit results with activity types breakdown.

Type of Activity⁴	Number of Projects	Conformance Rate
Remediation	6	83%
Land development	24	75%
Public infrastructure	9	100%
Combination of any of the above	4	100%

An external auditor conducted “blind audits⁵” of two⁶ projects and confirmed CL:AIRE’s findings. The results are presented in Table 3.

Table 3: External QA/QC of the ongoing audits.

DoW CoP Project	CL:AIRE’s grading	External grading
Project 1	Conformant	Conformant
Project 2	Non-conformant	Non-conformant

Key insights from the 2023 Ongoing Audits are summarised below:

Positive findings:

- The DoW CoP was used by various land development activities and organisations.
- The overall conformance rate is encouraging.
- The project team’s willingness to comply with DoW CoP is high, based on the observations below.
 - A quick response time to audit document requests.
 - The project team effectively addressing the challenges raised by the auditors and expressions of a commitment to the improvement measures in the future.
- The quality of Planning-related documentation, including Risk Assessment and Remediation Strategy, is frequently rated as good.

⁴ Land development refers to small and large house development projects; Public infrastructure refers to national projects, i.e., Highways, Nuclear, Schools, Flood defence schemes, etc.

⁵ Blind audits: The external auditor was provided with no notes or observations from the initial audit.

⁶ This number represents 5% of annual Audit works in 2023.

Non-conformant issues related to:

- Qualified Person's independence.
- DoW CoP requirements, including the FAQs.
 - Failure to adhere to the scope and restrictions of the DoW CoP, i.e., the type of material(s) is not covered by the applied scenario.
 - Poor tracking and record keeping leading to non-conformant Verification Reports.
 - Retrospective Declaration post-material(s) excavation / on-site stockpiling, without relevant evidence in the MMP to support the intention of reuse.

Weakness in the MMP documentation portfolio and verification:

- Verification Plans for the material reuse activity are often brief and not in a standalone document.
- Tracking and record keeping:
 - Tracking systems are often brief and do not meet all requirements presented in paragraph 3.12 of the DoW CoP.
 - After the commencement of the work, the designed tracking system is often not fully applied by the project team, leading to poor record keeping.
- Design Statement includes limited evidence of inspection / acceptance procedures.
- Final Verification Report often:
 - misses the details as to how the material(s) is reused either via the DoW CoP, Exemption and/or Exclusion.
 - does not link well with the initial Verification Plan and the reused volume specified in the Declaration(s).

3. Whistleblower Audits

CL:AIRE completed 7 Whistleblower Audits in 2023. Concerns were raised by either the regulator or a third party. Audit results are summarised in Table 4.

Table 4: Whistleblower audit results.

Whistleblowers	Number of Project	Conformance Rate
Regulators ⁷	5	43% overall
Third Parties	2	

The following actions were taken by CL:AIRE:

- Warning letters were issued to the project team and / or Qualified Person (when relevant) of the non-conformant projects.
- CL:AIRE suspended the use of DoW CoP from a development organisation due to the non-conformant activity and the unwillingness to comply with DoW CoP.

⁷ Regulators includes Local Authority, Environment Agency / Natural Resources Wales.

The following actions were taken by DoW CoP users:

- Expressed a willingness to comply with the requirements of DoW CoP.
- Coordinated a site visit for CL:AIRE and received direct feedback.
- Implemented a Digital Tracking System as part of the company’s internal requirements.

4. Qualified Person Audits

CL:AIRE conducted an audit of 21 active Qualified Persons. This is equivalent to 10% of the active Qualified Persons in 2023. Audit results are summarised in Table 5.

Table 5: Qualified Persons audit results.

Audited Items	Document screening : Conformance rate Before / After chasing	CPD Requirements: Conformance rate
Qualified Persons Continuing Professional Development (CPD) submission	76% / 100%	/
Valid Chartership evidence	90% / 100%	/
Qualified Persons CPD minimum requirement	/	100%

The following observations were made:

- Qualified Persons sometimes overlook the CPD and valid Chartership upload requirements and miss the deadline to send the relevant evidence.
- CPD logs were found, on occasion, to be over-simplified and focus on only one category of activities, e.g. On-the-job.

5. Recommendations

Following the audits, CL:AIRE has made the following recommendations to DoW CoP users, including project teams and Qualified Persons:

- Adopt and implement a Digital Tracking System.
- Conduct periodic internal audit checks and / or use Interim Verification Reports to keep project records up to date, particularly for long-running and large-size projects.
- Keep the knowledge up to date by regularly checking the CL:AIRE and Qualified Person eAlerts and CL:AIRE's LinkedIn page.
- Attend CL:AIRE training and other events to raise awareness of the DoW CoP and sustainable material reuse.
- Consider CL:AIRE Insight Services for tailored support during the planning of large, complex, or phased projects and post-Declaration follow-up, to ensure ongoing compliance throughout the project's lifespan.
- Ensure clear and regular communications with CL:AIRE. This can include communications pertaining to the project MMP updates, Verification Report, and audit documentation.
- Improve Qualified Persons CPD logs by diversifying the category of CPD activities, e.g., increasing hours logged for formal learning, self-directed study, and contribution to knowledge.