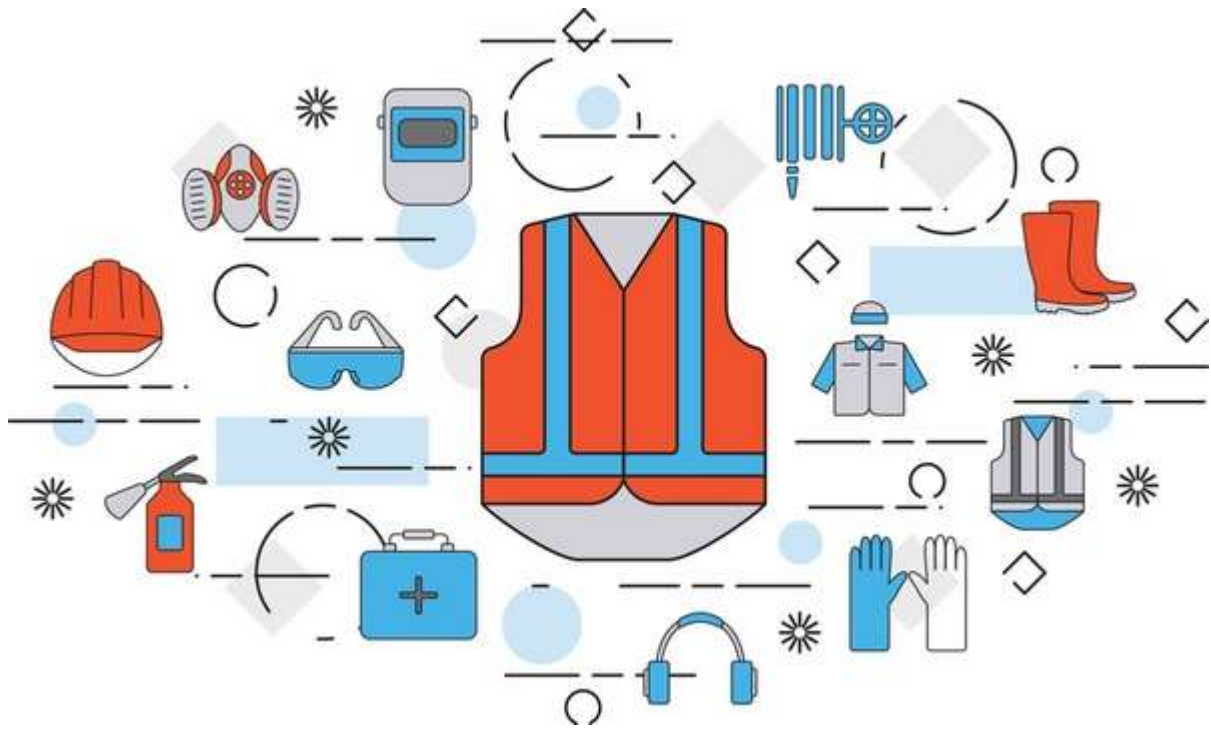


CONTRACTOR SAFETY

GUIDANCE FOR SCHOOLS



LEGISLATION

- Health and Safety at Work etc. Act 1974
- Management of Health and Safety at Work Regulations 1999
- Construction (Design and Management) Regulations 2015
- Occupiers Liability Acts 1957/1984

WHAT YOU NEED TO DO

- Identify all aspects of the work that the contractor will be required to do
- Identify any risks associated with the work
- Determine if the Construction (Design and Management) Regulations apply
- Undertake checks on contractors competence in terms of health and safety
- Provide any necessary health and safety related information to the contractor
- Ensure that appropriate risk assessments and method statements are prepared by the contractor
- Ensure that sufficient rules and control measures are in place when the work is undertaken
- Ensure that contractors are monitored when on-site
- Ensure that the contract is reviewed once the work is completed

INTRODUCTION

Contractors may come onto sites to clean windows, test electrical equipment, service lifts, repair vehicles, or carry out construction work and so on. They can be on-site permanently (e.g. catering), occasionally (e.g. service engineers) or as a one-off project (e.g. construction workers).

Work undertaken for an establishment by a contractor is usually covered by a civil contract. Traditionally contractors may be selected on cost. However, health and safety legislation requires us to take into account competence and the allocation of resources to undertake works in a safe manner. It is good practice for health and safety requirements to be written into such a contract.

In any client/contractor relationship, both parties will have duties under health and safety law. Establishments need to consider the health and safety implications of the job they want done by a contractor and need to satisfy themselves that contractors are competent to undertake the work.

Health and safety is not the only aspect of procurement to be addressed. Those procuring contractors will need to verify the financial status of companies including other aspects such as insurance cover, waste disposal/carriers licences etc.

MANAGING THE CONTRACT WORK

It is important that an appropriate individual is nominated to manage any contract work that is to be undertaken.

Headteachers or Business Managers need to be aware that there are considerable and quite onerous duties in the safe procurement of goods and services.

They should assess whether they or the person nominated have the time and are suitably equipped to effectively manage the selection process or whether professional expertise should be sought to assist with all or part of the process.

In the first instance, particularly when considering building projects, works on building services installations or high risk activities, advice should be sought from the local authority.

IDENTIFY THE WORK

Establishments need to clearly identify all aspects of the work they want the contractor to do. Establishments need to consider the health and safety implications of the job they want done.

Each type of project will present different management and health and safety issues. Once it is known what the job is, the risks can be assessed.

This may be through a separate risk assessment relating specifically to the work of the contractor or could be included in a system for general risk assessment (e.g. for regular maintenance work).

CONSTRUCTION (DESIGN AND MANAGEMENT) REGULATIONS 2015

The Construction (Design and Management) Regulations must be applied where 'construction work' is undertaken. The definition of such work includes 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.

It also includes 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.

The Construction (Design and Management) Regulations 2015 places legal duties on virtually everyone involved in construction work including the client.

The definition of a client is a person 'who in the course or furtherance of a business seeks or accepts the services of another which may be used in the carrying out of a project for him or carries out a project himself'.

This definition can include Governing Bodies who will then be responsible for meeting the legal obligations of the regulations.

Where the project falls within the remit of the CDM Regulations, establishments should refer to the specific guidance on construction work.

SELECTING CONTRACTORS

Selecting the right contractor for the right job is very important. How this is achieved will very much depend upon the type of work to be undertaken.

There are many ways to source an appropriate contractor, this could be through recommendation from another establishment, through professional trade associations, via the local authority etc.

Whatever method is chosen, it is important that appropriate checks are made on the contractors being considered, including checks on their competency to undertake the work in a safe manner.

CONTRACTOR COMPETENCE

Headteachers or those nominated by them, must ensure that contractors under their control do not compromise or present new or significantly increased risks to workplace health and safety.

When procuring services as part of an on-going contract (such as catering, cleaning, maintenance), the competence of contractors should be determined by schools as part of the overall procurement procedure. The same is for one-off contracts.

However, where contractors are used for one-off projects and have already been assessed for competency from previous projects, it is not necessary to determine competency again, provided it is for the same type of work.

Where this is the case, other arrangements such as ensuring risk assessments are completed should still be undertaken.

When assessing contractor competence, establishments will need to take into account the size and complexity of the project, and the nature of the risks which will be associated with it.

Assessing competence is far from easy. Most of the time the assessor has to make judgements based on information provided in the form of a contractor's response, for example, from a questionnaire.

The following are examples of checks that could be made:

- Experience of the type of work required to be done
- Health and safety policies and practices are
- Recent health and safety performance (accidents and/or prosecutions)
- Health and safety or job specific qualifications and skills
- Selection procedures for sub-contractors
- Health and safety training and supervision provided
- Any independent assessment of their competence (e.g. CHAS)
- Membership of a relevant trade or professional body (e.g. Gas Safe or NICEIC)

- Possession of a 'passport' in health and safety/specific work activities

Establishments can also request at least one reference with the telephone numbers/address of contacts who can verify that work was carried out with due regard to health and safety.

When considering engaging a contractor to carry out work, it is very important that the correct types and levels of insurance are held by the contractor.

- **Employers Liability:** If the contractor has employees, check that there is a current and valid certificate of insurance that insures the company against claims from employees for damage or injury.
- **Public Liability:** Check that the contractor has a current and valid certificate of insurance that insures their company against third party claims for damage or injury.
- **Professional Indemnity:** If the contractor is to provide professional consultancy or advice, ensure that they are insured in case their advice or direction leads to injury or damage.

PROVISION OF INFORMATION TO THE CONTRACTOR

Any hazards present or connected with the project should be identified and conveyed to those concerned i.e. designer, contractor, etc.

Establishments need to advise the contractor, by means of records, drawings and other information, relevant details of hazardous conditions, hazardous materials and processes, and identify vulnerable persons with whom they may come in to contact.

They will also need to provide additional information that may be specific to the particular work to be undertaken. In general terms, information required may include the following:

- Existing plans or records relating to the building (such as Health Safety Files)
- Location of services (gas, water, electric, telecommunications)
- Location of hazardous materials inside premises or that contaminate land (e.g. asbestos)
- Information in relation to the existing structure via a structural survey (e.g. fragile surfaces)
- Underground structures, ground conditions or neighbouring buildings that could create risks

PRE-WORKS MEETING

Prior to the commencement of work, a 'pre-contract' meeting should be held at which, all arrangements are finalised and each party given the opportunity raise any last minute queries and to introduce key members of staff.

It may be worthwhile to reinforce all the health and safety issues, including site rules that have been addressed in the earlier stages. Such a meeting may provide an

opportunity to review the method statements and risk assessments prepared for the project in hand.

CONTRACTORS RISK ASSESSMENTS AND METHOD STATEMENTS

Contractors have responsibilities for preparing a risk assessment. Their risk assessment should fit in with that of the establishments and provide the necessary information as to the hazards and risk control measures to be utilized.

A Method Statement is a document detailing how a particular task or activity will be carried out. It should detail the possible dangers/risks associated with your particular part of the project and the methods of control to be established, to show how the work will be managed safely.

The method statement may also incorporate information and specific requirements laid down by clients, manufacturers and suppliers of plant, equipment and substances and health and safety specialists.

ON-SITE MANAGEMENT

When contractors are working on-site, there are a number of practical arrangements that may have to be given due consideration. This may include:

- The use of Permit-to-Work systems (hot work, electrical work etc)
- Site rules that are required to be adhered to (e.g. identification, sign-in etc)
- Site access and security (including vehicle movement and parking)
- Material/equipment storage (including waste materials)
- Emergency procedures including evacuation and first aid arrangements
- Where necessary CRB checks

The contractor should have a named contact and one or more named alternatives in case the particular individual is not available or the contractor arrives outside 'normal' working hours. All of these named individuals must have up to date information regarding the job to be done, the hazards and risks on site, and the necessary health and safety controls.

MONITORING AND REVIEW

Monitoring is not just about observing it includes checks to verify compliance with the previously established standards of performance. Adverse performance and non-compliance can be by flagged up and corrective action instigated.

Similarly, if unsafe acts or omissions are observed, they should be brought to the attention of the contractor or his representative on site. In exceptional circumstances, it may be necessary work to be suspended until corrective action can be taken.

The following should also be taken into consideration:

- Encourage contractors to report accidents, incidents and near misses

- If there are any changes in workers (i.e. new people that haven't been on site before) they need to be provided with appropriate information.
- Check whether any special arrangements are needed e.g. due to changes in timing, out of hours work etc?
- Ensure that those monitoring the work of contractors know how to report their performance to those managing the contract.

The extent of the review will depend on the nature and duration of the contract. Consider a number of general points: how effective was the planning? how did the contractor perform? what lessons, if any, can be learnt?