

MANAGEMENT OF CONTRACTORS POLICY



EAST CAMBRIDGESHIRE DISTRICT COUNCIL

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Management of Contractors Policy

1. Scope

East Cambridgeshire District Council (ECDC) owes a duty of care under the Health and Safety at Work etc. Act 1974 to its employees or others who may be put at risk by its premises or activities, including contractors undertaking work on its premises/sites.

This Policy sets out how the Council will manage contractors whilst they are working on its premises/sites.

For the purposes of this Policy, a contractor is defined as any person / company / self-employed person who are not directly employed by ECDC, who are under contract to provide a service or to do a job.

Therefore, this Policy does not just relate to construction activities, but extends to all areas where a contractor is employed to perform a service.

2. Introduction

ECDC acknowledges and accepts its statutory responsibilities to ensure, so far as is reasonably practicable, the health, safety and welfare for all who are employed or contracted to work within any Council premise/site.

There can be a number of different types of contractor:

- short term one off, employed for a particular task
- short term repetitive, employed for a recurring task
- medium term, such as to carry out a small refurbishment or maintenance task
- long term, continuing function.

The following provides examples of the type of work that is covered:

- non-Council employees working on buildings, plant or equipment
- service or maintenance engineers working on Council equipment.
- temporary contracted workers involved with office based/off-site activities.

Apart from the potential financial and legal penalties for failing to plan and manage contractors work, poor management of contractors is likely to expose people and property to unacceptable risks. Almost certainly, poor planning and management will increase costs, cause delays and/or disruption of services as well as increase the likelihood of accidents or ill health.

Contractor's staff carrying out maintenance work can be a significant cause of accidents in the workplace as they are generally less familiar with the workplace and yet often carry out hazardous tasks.

Vetting and Selection of Contractors (including non-construction)

3. Definition of Contractor

According to the HSE publication '*Using Contractors - A Brief Guide*' INDG368, a contractor is anyone you ask to do work for you who is not an employee.

Therefore anyone entering ECDC premises / site for the purpose of carrying out work, or who provides goods or services, specialised or otherwise, for the client, owner or occupier must be regarded as a "contractor" - to whom duties are owed and who, in turn, owes duties in respect of health and safety.

Contractors would therefore include building, construction and maintenance workers, landscape gardening, caterers, window cleaners, agency staff, equipment repairers, service staff. By virtue of the hazardous nature of construction-related contracting compared with general consultancy work, this document tends to concentrate on those higher risk areas, **however many of the principles will still apply to other areas of lower risk.**

4. ECDC Facilities Responsibilities

Facilities are responsible for ensuring ECDC's building estate is managed efficiently, cost-effectively and meets all legislative requirements including under the Construction (Design and Management) Regulations. Responsibilities include procuring and providing advice for the following services:

- Building Design
- Building Maintenance
- Estates Management
- Facilities Management.

5. Employment of Contractors

All Services procuring building/equipment/personnel for projects need to comply with the following requirements.

Services must ensure that their chosen contractor possesses:

- Public Liability Insurance. ECDC requires contractors to hold a minimum indemnity of £5 million for any one event.
- Employers Liability insurance which meets statutory obligations.
- Professional Indemnity insurance, if considered necessary given the nature of the contract. This should be held by contractors at a level which is realistic reflection of the potential value of a claim for financial loss as a result of negligent advice.
- A Tax Exemption certificate (for construction work only)
- Adequate financial credentials for the size of the project
- An appropriate Health and Safety Policy (for those employing 5 people or more).

The assessment form at Appendix 1 is a useful guide for checking the credentials of the contractor and ensuring that they are competent to carry out the works. **Note: in addition to this Policy, projects will need to comply with the requirements of the Council's procurement process.**

6. Constructionline

One way of checking the competence of contractors is the use “Constructionline”. This is a public - private partnership between Capita and the Department for Business Innovation & Skills. This is linked to the Government’s initiative to raising standards of workmanship and health and safety in the construction industry. At the heart of the scheme is the national online database, the UK’s largest register for pre-qualified contractors and consultants.

Guidance for Managers

7. Responsibilities of ECDC Managers

The definition of a manager here is someone who has responsibility for engaging a contractor to undertake work on behalf of ECDC.

In summary, managers’ duties and responsibilities are:

- To ensure the employment of suitable contractors either through a consultant or direct.
- To ensure the completion of risk assessments and safe systems of work as applicable, including those relating to your staff if the service continues to operate.
- To ensure the completion of the control of contractors safe working permit forms, as required, by competent and authorised personnel.
- To ensure that contracted work is conducted in accordance with all agreed safety precautions as far as is reasonably practicable.
- To suspend work if serious breaches in safety requirements occur.
- With respect to any refurbishment / building programme, to determine to what extent the building can remain open. Consideration must be made regarding the safety of the continued provision of service.
- Discharging Client duties as required under CDM Regulations 2015 for works involving construction.

8. Employment of Contractors

Whichever contractor is chosen, they should be able to provide documentation such as a **method statement** or a **risk assessment**, unless the job carries negligible risk.

A **method statement** is required for a project with a number of complex factors, where the health and safety issues across a range of tasks must be managed concurrently.

Examples where method statements are required is projects which contain any or a mix of the following:

- Electrical work involving live conductors
- Gas pipework / fitting / installation
- Roof work / work at height
- Hot work
- Water system changes
- Altering the fabric of the building (where asbestos may be disturbed)
- Underground work (cables or pipes may be disturbed)
- Building extension work
- Replacing flooring
- Tree Surgery

A **Risk Assessment** is legally required and should always be provided. Further guidance on Risk Assessment is available on the Intranet / Health and Safety / Policies / Risk Assessments.

Consider risk assessments for the following examples: (NB not a comprehensive list)

- Decorating, painting, plastering
- Woodwork, eg. putting up shelves
- Plumbing, eg. putting in new sink
- Lift maintenance
- Repairing doors
- Cleaning windows
- Pest control
- Repairing the photocopier
- Changing light bulbs (depot, council chamber etc)
- Moving furniture
- Reorganising work space.

9. Issues for the manager to consider before approaching the Contractor

- a) Do the works include construction as defined in the Construction Design and Management Regulations 2015? Do the requirements of the CDM Regulations 2015 apply?
- b) Do you have sufficient skills, knowledge, training, and experience to deliver the works?
- c) How will the work be supervised, and by whom?
- d) What are the risks likely to be posed by people on your site?
eg. children running into ladders.
- e) What are the likely risks from activities on your site?
eg. staff turning the gas tap back on before gas work is completed.
- f) Will you or the contractor provide welfare facilities?
eg. water, toilets, first aid, refreshment facilities, smoking restrictions.
- g) Can the service continue to be provided safely while the contractor's work is being undertaken?
- h) What areas will the contractor be restricted from entering?
- i) What will the signing in and out, security and locking up arrangements be?
- j) Have you identified **all** the work you want the contractor to do, including preparation and completion activities? E.g. removing unwanted furniture from a hut to be demolished.
- k) Have you identified additional work required as a result of completing your initial project?
E.g. additional paths may require additional lighting to comply with current legislation.
- l) Is there any other Health & Safety information that you need to make available to the contractor?
- m) How will you assess the contractor's competence?

10. Items to look for in the Method Statement or Risk Assessment

The key feature of Method Statements is that they provide an outline and sequence of how the work will be carried out under the control of the contractor. Method Statements usually contain more detail than Risk Assessments. They are activity-specific and site-specific, detailed and contain the sequence in which the work will be done.

Just as you, as a client, have a legal duty to alert the contractor to risks posed by your occupiers, the contractor also has a duty to alert you to the risks to your occupiers from the work being carried out.

Before the contractor starts work, you should study their Method Statement or Risk Assessment to check any impact on your work activities.

The guidance in the “Working with Contractors on Site” section will help you with what to look for. Expect to see that the contractor has considered the following:

Emergency planning	Including fire evacuation arrangements and how these link into the fire safety plan. While job is in progress there may be issues around emergency exits, fire-fighting equipment, missing call points and available assembly areas.
Asbestos	The possibility of asbestos on the premises. You will need to draw to the attention of all contractors the asbestos register, and ask them to sign the asbestos log sheet and safe working permit where appropriate.
Plant & equipment	The plant and equipment they will use. Its storage, security, electrical safety; any hazards from the equipment such as noise, dust and sparks, and how the risks will be controlled.
Safe access & egress	To and from the workplace.
Vehicles	Movement of vehicles and parking on site.
The substances to be brought onto site	Their storage, security; any hazards from the substances such as fumes, oil, vapours, spills and fire, and how these risks will be controlled (COSHH Assessment).
Environment	The environment the contractor will be working in such as a confined space, under high voltage cables, outside or inside, and arrangements for access.
Risk assessments	Completion of specific Risk Assessments for high risk activities as listed in Appendix 3.
Permit to Work/Safe working permit	Whether a permit to work for specific hazardous operations will be needed and how this will be authorised, and managed.
Housekeeping	Housekeeping arrangements such as disposal of waste, keeping work areas separate from occupiers and tidying up at the end of the day.
Accident/Incident procedures	Accident and first-aid arrangements for their staff.
Welfare arrangements	Provision of toilet and washing facilities etc.
Personal Protective Equipment (PPE)	What personal protective equipment they will expect their staff to use, such as hard hats, gloves, safety shoes or goggles.
Sub-contractors	Arrangements for liaison with sub-contractors, if used.
Liaison	Arrangements for liaison with the manager of the premises and other relevant staff, also co-operation and co-ordination with any other employers on the premises.
Segregation	Segregation of the works from members of the public, employees, etc.
Monitoring	Arrangements for monitoring / supervision.
Handing back responsibility	Arrangements for a handing back procedure when the work is finished, so that someone checks that everything is satisfactory before the contractor leaves the site.

NB: Some of the items above may be missing from the contractor's risk assessment or method statement. The level of detail required will depend on the level of risk from the work to be carried out. If you are not sure about the significance of an issue contact the Health & Safety Manager or the Facilities Team in the first instance.

11. Construction Design & Management (CDM) Regulations 2015

The Construction (Design & Management Regulations) (CDM 2015) are the main set of regulations for managing the health, safety and welfare of construction projects.

CDM Applies to **all** building and construction work and includes new build, demolition, refurbishment, extensions, conversions, repair and maintenance.

Advice should be sought from the Facilities Team in the first instance where any of the above type work is planned or is to be undertaken.

Working with Contractors on Site

12. Legal Obligations

Contractors have duties both in Civil and Criminal Law not to expose their own employees or any other person to Health and Safety risks. Where contractors are carrying out building construction or engineering work on Council premises there are many legislative requirements. This may include, for example, The Health and Safety at Work Act 1974, The Management of Health and Safety at Work Regulations 1999, The Construction (Design and Management) Regulations 2015, Control of Substances Hazardous to Health Regulations 2002 as amended (COSHH). Suitable personal protective equipment (PPE) must be worn by all contractors' personnel, etc. The information within these guidance notes is meant to assist in the compliance of such regulations.

13. Pre-requisites to Signing the Contract or Assigning Work

Where appropriate, risk assessments and method statements must be written and agreed. All equipment and materials to be used on site must meet the appropriate health & safety standards including portable electrical equipment which should be maintained and tested as required by the Electricity at Work Regulations 1989.

It is recommended that any portable tools should be 110 V DC with power supplied through a safety transformer, unless powered by a battery pack or petrol engine. All hand tools must be in good working order. Contractors' vehicles must be parked only in authorised places.

14. Commencement of the Contract

A pre-contract meeting must be held before commencement of the contract where Health & Safety must be an agenda item.


15. Risk Assessment

Following a general Risk Assessment, specific Risk Assessments are required for the following:

- Any work where asbestos is present, or suspected.
- Hot work, e.g. soldering, grinding, use of open flames.
- Roof working and working at height.
- Confined spaces.
- Breaking into pipes, e.g. service pipes.
- Excavation.
- High voltage (work on equipment or presence of nearby cables).
- Lift maintenance.
- Gas work.

Following completion of the work the risk assessments should be filed together with other associated documents and retained for 3 years, or longer if deemed necessary.

Appendix 1

	<p>East Cambridgeshire District Council</p> <p>Contractors Health and Safety Assessment Form</p>
<p>You must return this completed form along with the requested information as below. Please email your completed form and attachments to carol.dunn@eastcambbs.co.uk</p> <p>Companies with fewer than five employees or self employed people are not required by law to have a written Health and Safety Policy. However, in order to satisfy the requirements of this assessment some written evidence is necessary.</p>	
<p>Company Name / Address:</p>	
<p>Contact Name (For further information):</p>	
Are you accredited by CONSTRUCTIONLINE	Yes / No* Reg No:
Are you accredited by C.H.A.S.	Yes / No* Reg No:
If YES please provide copies of Certificates	Certificates enclosed: Yes / No*
<p>Please Note If You Hold CHAS Accreditation Complete Sections 5, 6 and 7 Only.</p>	
<p>1. Health and Safety Policy Enclosed:</p> <p>Please supply a copy of your:</p> <ul style="list-style-type: none"> • Current Health and Safety Policy Statement. <input type="checkbox"/> • The organisation for carrying out the policy i.e. allocation of duties, delegation of responsibility, person responsible for health and safety. <input type="checkbox"/> • The arrangements for carrying out the policy i.e. safety procedures, safety manuals etc <input type="checkbox"/> <p>If you do not have a Policy document, you must explain how you comply with the above requirements of a Health and Safety Policy. Note: All contractors have duties under CDM2015.</p>	
<p>2. Health and Safety Services</p> <p>Do you have an internal safety department or safety adviser(s) or use the services of an external safety consultancy? Yes / No*</p> <p>If yes – give names, qualifications, locations or in the case of an external consultancy, give name and address</p>	
<p>3. Risk Assessments / Method Statements</p> <p>Please provide current examples of Risk Assessments and Method Statements (minimum of 2). Yes / No*</p>	

4. Health and Safety Performance

Do you prepare summaries, statistics or reports of all accidents at regular intervals. Yes / No*

Please give an accident summary for the last three years below:

	Year:	Year:	Year:
Fatal Accidents			
Major Injuries			
Over 7 day Accidents			
Dangerous Occurrences			

Has any prohibition, improvement or other enforcement notice / notices been issued against your company within the last five years?

Yes / No*

If so, please give details of any actions taken following the issue of the enforcement notice.

5. Training

Have your Supervisors / Operatives received any formal specific training - i.e. CSCS cards, asbestos awareness, working at height, first aid etc Yes / No*

If yes, please give further details.

6. Sub Contractors Do you engage sub-contractors? Yes / No*

If yes, what procedures are in force to ascertain that all sub-contractors are adequately trained, have an acceptable record and a working policy in all aspects of health and safety?

7. Insurance Information

Please complete the following or enclose details of the following.

Employers Liability Held? Yes / No*

Policy No:		Renewal Date:	
Insurer / Branch:		Level of Cover:	

Public Liability: Held? Yes / No*

Policy No:		Renewal Date:	
Insurer / Branch:		Level of Cover:	

Professional Indemnity Held? Yes / No*

Policy No:		Renewal Date:	
Insurer / Branch:		Level of Cover:	