

CAERPHILLY COUNTY BOROUGH COUNCIL

DRAFT HEALTH AND SAFETY POLICY FOR THE SELECTION, MONITORING AND MANAGEMENT OF CONTRACTORS

* Please note this policy applies to all contracts and contractors.

July 2005

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NOTE

Wherever the designation Manager is used throughout this policy, it is taken to mean Head of Service, Head Teacher, Line Manager, Supervisor, and Officer in Charge or anyone who has a responsibility for employees through their work.

1. INTRODUCTION

- 1.1 This policy sets out the arrangements and responsibilities for the selection, monitoring and management of contractors engaged by Caerphilly County Borough Council.

2. POLICY STATEMENT

- 2.1 The Authority recognises that its employees are its most valuable resource in delivering high quality services to the community and will take all practical steps to ensure the safety of Authority employees, contractors, visitors to and users of council premises.
- 2.2 The effective control of these risks will be delivered through the effective selection, monitoring and management of contractors as set out in this policy. To be effective this policy requires the full co-operation of management and employees at all levels.
- 2.3 The Authority accepts it has specific duties under the various pieces of legislation (as described in Section 5) enforced by the Health and Safety Executive.
- 2.4 This Policy must be cross-referenced with the following policies of the Council:
- Corporate Health and Safety Policy Statement
 - Asbestos Management Policy
 - Code of Conduct Policy

3. SCOPE

- 3.1 This policy has been agreed with the Trade Unions and applies to all employees except; initially school based staff, though the Council would recommend that School Governing Bodies adopt the policy.
- 3.2 This policy will be reviewed at least annually to ensure it is in line with current legislation.
- 3.3 The effective date of the policy is:

4. DEFINITIONS

- 4.1 A Contractor is defined as any person or persons who are not employees of the Authority who are authorised by the Authority to carry out work on behalf of the Authority. The HSE defines a contractor as, 'anyone you get in to work for you who is not an employee.' This definition is taken to include anyone who is doing work on behalf of the Authority regardless of where that work is being carried out, this could include work being carried out in council premises, persons who carry out work in their own premises or in people's homes. The activities of contractors are diverse and might include activities such as construction work, surveying, maintenance, catering, window cleaning and social care services including children's residential services and transport services etc.
- 4.2 The client is the officer or directorate or service area who authorises work by a contractor.
- 4.3 The competent officer is taken to mean the officer who has the necessary training, expertise, qualifications and experience to do the job safely.
- 4.4 The competent officer who commissions the work may be:
- An Officer where work is commissioned directly on behalf of the client.

- Procurement Services where the client engages the expertise of Procurement Services to commission the work.
- Property Services / Housing Technical where the client engages the expertise of these services to commission the work.

4.5 The competent officer who manages and supervises the work may be:

- An Officer who manages the work directly on behalf of the client.
- Property Services / Housing Technical where the client engages the expertise of these groups to manage the work
- Any other competent person engaged by the client to act as client agent under the Construction, Design and Management Regulations 1994.

4.6 The competent officer who reviews the contract will be the competent officer who managed and supervised the work.

5. LEGISLATION

5.1 There are a number of legal requirements relating to the engagement of contractors, depending on the nature of the contractual work, and include but are not limited to:

5.2 The Health and Safety at Work etc. Act, 1974:

5.2.1 This Act applies to all work activities and requires the Council and contractors to ensure so far as is reasonably practicable, the health, safety and welfare of:

- council employees
- other people at work (including contractors)
- members of the public who may be affected by activities of the council.

5.3 The Management of Health and Safety at Work Regulations 1999:

5.3.1 These Regulations place a number of duties on employers and the self-employed. In respect of the management of contractors there are legal requirements for both the Council and the contractors in respect of:

- risk assessments
- health and safety arrangements for effective planning, organisation, control, monitoring and review of preventative and protective measures
- health surveillance
- health and safety assistance by competent persons
- procedures for serious and imminent danger and for danger areas
- contacts with external services e.g. regarding rescue work
- provision of information to employees
- co-operation and co-ordination where employers share a workplace
- provision of information to employers working in host employers undertakings
- capability, training and competence of employees

5.4 Construction (Design and Management) Regulations 1994:

5.4.1 These Regulations (with the exception of Regulation 13 – duties of designers) apply to construction work that is notifiable (i.e. the project lasts more than 30 working days or will involve more than 500 person days of construction work), any project where five or more people are engaged in the carrying out of construction work at any one time or any work involving demolition.

The regulations do not apply to work carried out on behalf of a domestic client (subject to the definition of domestic client in the regulation). Please seek advice from your Directorate Health and Safety Officer for advice on the application of the regulations in this instance.

The Regulations place duties on five parties involved in construction work namely:-

- The client,
- The designer,
- The planning supervisor,
- The principal contractor,
- Other contractors.

See Appendix 2 for further information on requirements of Construction, Design and Management Regulations 1994.

5.5 Occupiers Liability Act 1957 and 1984:

5.5.1 The 1957 Act imposes a duty on occupiers of premises to take reasonable care in all circumstances to ensure that visitors to the premises will be reasonably safe in using the premises for the purpose for which they were invited, or permitted to be there. The 1984 Act extends this duty to cover people who may not have lawful authority to be on the premises i.e. trespassers. Special care must be taken if the trespassers are likely to be children.

6. RESPONSIBILITIES

NB: Please note that all employees have a legal responsibility to comply with health and safety law and the provisions of this policy. Failure to do so could result in personal and / or Corporate liability.

6.1 **The Chief Executive Officer will:**

- Be ultimately responsible for ensuring compliance with this policy within Caerphilly County Borough Council

6.2 **Directors will:**

- Be responsible for ensuring the effective implementation of corporate and associated directorate arrangements within their service areas.
- Ensure that appropriate resources are made available for the effective operation of the policy, including training where appropriate.

6.3 **Selection of Contractors.**

The competent officer who commissions the work will:

- Ensure that only contractors who can demonstrate their health and safety competence are engaged to undertake activities on behalf of the Authority. See appendix 1 for further guidance on selection of contractors (this applies to the selection of all contractors and not only contractors engaged in construction based activities.) Construction contractors can be selected from the Constructionline (in certain cases dependant on the size of the contract, contractors must be selected from Constructionline – consult Property Services for further information).

- Consider any work where contractors may come into contact with children or vulnerable adults. Ensure the necessary checks have been carried out and carry out a risk assessment as to the suitability of the contractor working where they may come into contact with children or vulnerable adults where necessary.
- Ensure contractors are provided with a copy of this policy

6.4 **Management and Supervision of Contractors.**

The competent officer who manages and supervises the work will:

- Obtain and evaluate risk assessments and method statements and agree with the contractor how the work is to be carried out and the necessary precautions to be taken.
- Ensure that adequate time is allowed for the work to be carried out in a safe manner.
- Ensure the contractor is aware of their responsibilities under this policy.
- Ensure any health and safety information likely to affect the health and safety arrangements for the contract or information on any inherent health and safety risks that may affect their work activity or the health and safety of their personnel are provided to the contractor in writing. This should be given in sufficient time to allow the contractor to formulate method statements, risk assessments, safe systems of work and if necessary health and safety plans to address the issues.
- Ensure that all appropriate health and safety documentation e.g. risk assessments, care plans, method statements and health and safety plans are received and approved prior to work commencing.
- Pass details of any health and safety risks and control measures notified to them by the contractor to the Line-Manager of any Authority employee who may be affected by the risks.
- Ensure there are appropriate liaison arrangements in place to allow co-operation between all parties involved and to allow clarification and confirmation of health and safety arrangements. This may take the form of regular meetings or briefings. Records of all health and safety information exchanged between the competent officer and contractor in relation to each contract must be kept for legislative, contractual and quality reasons.
- Notify the relevant Directorate Health and Safety Officers of certain works (to be defined by the Corporate Health and Safety Unit) to enable the Directorate Officers to carry out audits on contractor's health and safety performance.
- Arrange for reasonable supervision of the work and take appropriate action if hazards or unsafe practises arise from the contractors work activities.
- Bring any breaches of health and safety law or agreed safe working practise to the attention of the contractor and the client and liaise with the contractor as required to resolve the issues.
- Stop the contractors working immediately where they witness activities that pose a serious and imminent danger to the health and safety of the contractor's employees or others.

6.5 **Reviewing the Contract.**

The competent person responsible for managing and supervising the contract will also, on completion of the works:

- Review the planning, choice of contractor and health and safety management of the contract.
- Ensure a written record of this review is maintained.
- Ensure all relevant documentation is provided by the contractor e.g. electrical test certificates, gas safety inspection reports, health and safety file.

6.6 **The Client will:**

- Ensure they clearly identify all aspects of the work they want the contractor to do.
- Consider the health and safety implications of the work they want done and provide a risk assessment to the contractor for their own work activities where this is relevant to the contract.
- Ensure they have in place a suitable arrangement to select, manage, supervise and review the contract in accordance with the provisions of this policy.
- Where the contractor is selected, managed, supervised and reviewed by a competent officer employed directly by the client, ensure the competent officer receives adequate training and has sufficient knowledge and expertise to do this.

6.7 **The Directorate Health and Safety Officer will:**

- Carry out spot-checks on a percentage of contracts to ensure compliance with regulations, method statements, health and safety plans etc.
- Provide advice on health and safety as required to any competent person within their directorate who selects the contractor/manages the contract/monitors the contract.

6.8 **The Corporate Health and Safety Unit will:**

- Ensure that policy is reviewed at least annually to ensure it is line with current legislation.
- Provide advice and information on legislation or guidance relating to contractor selection, monitoring and management.
- Audit compliance with this policy

6.9 **The Contractor will:**

- Ensure that all work is carried out safely and in accordance with agreed risk assessments and in compliance with all applicable health and safety legislation.
- Liaise with the competent officer managing the work and notify them of any changes to health and safety plans, method statements etc.
- Carry out day-to-day checks on performance to ensure they are working in accordance with agreed risk assessments.

- Not sub-contract works unless this is agreed with the competent officer and the sub-contractor is subject to the same selection, management and monitoring procedure as the main contractor.
- On completion of the works provide to the competent person responsible for managing the work all documentation relevant to the project e.g. electrical test certificates, gas safety inspection reports, health and safety file.

7. ARRANGEMENTS

7.1 Legal Position:

- 7.1.1. Where the Local Authority engages a contractor to carry out work on its behalf both the Local Authority and the contractor have legal responsibilities.
- 7.1.2. Health and Safety responsibilities are defined by the criminal law and cannot be passed on from one party to another by a contract.

7.2 Identification of the Work:

- 7.2.1. Before the work commences and a contractor is engaged the client (or a competent person acting on behalf of the client) needs to identify all aspects of the jobs that they require the contractor to complete.

7.3 Selection of a Suitable Contractor:

- 7.3.1 The competent officer who commissions the work must ensure that the contractor selected is competent, with the relevant expertise and skills to do the job safely. An example of a pre-selection procedure is included in appendix 1.

7.4 Assessment of Risks:

- 7.4.1. The client must have in place a risk assessment for their work activities where this is relevant to the contract which should be made available to the contractor.
- 7.4.2. The contractors must assess the risks associated with the contracted works.
- 7.4.3. Where sub-contractors are involved in the work they should be involved in any assessment of risks.

7.5 Provision of Information, Instruction and Training:

- 7.5.1. There must be adequate arrangements for sharing information between the client, the contractor and any sub-contractors.
- 7.5.2. Information to be provided to the contractor prior to work commencing would include:
 - Copy of the risk assessments by the client in respect of the work to be carried out by the contractor including steps to be taken by the client and contractor to eliminate/reduce risks.
 - Name and telephone number of the competent officer responsible for managing and supervising the contract.
 - Name, location and telephone number of the competent officer with whom the contractor will need to liaise with on the contract.

- Emergency arrangements and procedures for the site.
- Any site specific health and safety arrangement, which may impact on the work of the contractor.
- Any applicable policies and procedures e.g. no smoking policy.
- Arrangements for ensuring effective communication on health and safety matters.

7.6 **Co-operation and co-ordination:**

- 7.6.1. There must be suitable arrangements in place to ensure co-operation and co-ordination between all parties involved in the contract e.g. contract progress meetings.
- 7.6.2. Once the contractor has been appointed the competent officer responsible for managing and supervising the contract and contractor should meet to clarify and confirm health and safety arrangements and exchange any necessary information. This should include deciding how the work will be done and what precautions will be taken to ensure safety.
- 7.6.3. Further meetings may be necessary particularly if there are any changes that may affect the health and safety arrangements for the contract.
- 7.6.4. Any changes that affect health and safety should be agreed between both parties and reflected in health and safety documents e.g. risk assessments, method statements and where applicable the health and safety plan for the work.
- 7.6.5. The competent officer responsible for managing and supervising the contract should ensure that a note of any meeting is made and circulated to all those party to the contract.

7.7 **Management and Supervision:**

- 7.7.1. A competent officer must take responsibility for managing and supervising the contract on behalf of the client.
- 7.7.2. The level of management and supervision necessary will depend on the hazards and risks associated with the work and needs to be decided at the start of the contract.
- 7.7.3. The competent officer responsible for managing and supervising the contract must make periodic checks on the contractor's performance to ensure the work is being done as agreed and in accordance with documentation.
- 7.7.4. Where the competent officer responsible for managing and supervising the contract carries out a site visit as part of their supervisory role a record of his/her observation and recommendations must be kept.
- 7.7.5. The contractor (and any sub-contractors if applicable) should carry out checks on their own performance to ensure that work is being carried out in accordance with the agreed risk assessments, method statements and health and safety plans where applicable.

7.8 Reviewing the Work:

- 7.8.1. On completion of the contract all parties should be involved in reviewing performance. The results of the review should be recorded and considered when letting further contracts.
- 7.8.2. For contracts that run over a number of years health and safety performance must be reviewed on a regular basis. The results of the review should be recorded and considered when letting further contracts.
- 7.8.3. On completion of the contract the contractor must provide the client with all relevant documentation in relation to the work being undertaken e.g. electrical test certificates, commissioning certificates and a check as appropriate that working areas have been left in a safe condition.

7.9 Contractors working with or in close proximity to children or vulnerable adults

- 7.9.1. Contractors will be required to evidence that all the necessary checks e.g. Criminal Records Bureau checks (where appropriate) have been successfully carried out prior to any member of staff engaged by the Contractor being deployed into any Council establishment where they may come into contact with children or vulnerable adults.
- 7.9.2. Where a CRB check has been undertaken which identifies that there has been a criminal conviction, the contractor will be expected to share this information (subject to relevant legislation) with the appropriate manager who will then be required to undertake a risk assessment in order to determine their suitability for the work/role in question. The Authority reserves the right to refuse deployment of any individual used by the contractor who does not meet this criteria.

8. SUPPORTING DOCUMENTS

- 8.1 Managing Contractors – A Guide for Employers ISBN: 0717611965
- 8.2 Use of Contractors – A Joint Responsibility INDG368

APPENDIX 1 – SELECTION OF CONTRACTORS

Please note this questionnaire should be used for all contracts let on behalf of Caerphilly County Borough Council.

CAERPHILLY COUNTY BOROUGH COUNCIL

CONTRACT TITLE:

PROPOSED START DATE:

CONTRACT REF:

HEALTH & SAFETY INFORMATION

CONTRACTOR EVALUATION FORM

1.0 HEALTH & SAFETY POLICY. Please enclose your company's Health & Safety policy as follows:	Required Yes	Document Enclosed	Checked by Company	Approved by Council
1.1 Policy statement (signed and dated)	b			
1.2 Safety organisation and responsibilities. Also who will be responsible for site safety, and will this person be on site.	b			
1.3 Safe working arrangements, which should include site working arrangements.	b			
1.4 Relevant Method Statements	b			

2.0 RESPONSIBILITIES & TRAINING. PLEASE PROVIDE EVIDENCE/CERTIFICATION	Required Yes	Document Enclosed	Checked By	Approved By
2.1 Confirm that all staff will be competent to undertake the works. Please provide examples of training/certification, include manual handling.	b			
2.2 Confirm that all plant and equipment will be operated by competent personnel. Please provide certificates for relevant staff carrying out the works.	b			

3.0 RISK ASSESSMENTS. Include relevant project specific assessments.	Required Yes	Document Enclosed	Checked By	Approved By
3.1 Please provide examples of relevant COSHH assessments. (Not data safety sheets)	b			
3.2 Please provide examples of relevant risk assessments. Include examples of site based risk assessments.	b			
3.3 Please provide examples of relevant manual handling assessments. Include examples of site-specific assessments.	b			

4.0 EQUIPMENT.	Required Yes	Document Enclosed	Checked By	Approved By
4.1 Please provide your procedures for ensuring that equipment used is regularly checked and maintained in a safe condition.	b			

5.0 ACCIDENT REPORTING.	Required Yes	Document Enclosed	Checked By	Approved By
5.1 Please provide your accident statistics for the past 3 years e.g. fatalities, major accidents and over 3 days injuries.	b			
5.2 Please provide a copy of your RIDDOR procedure.	b			

6.0 INSURANCE DETAILS.

**Please provide copies of your Employers & Public Liability Insurance Certificates.
CAERPHILLY COUNTY BOROUGH COUNCIL ACCEPTS NO LESS THAN A MINIMUM
£5,000,000.00 COVER FOR EMPLOYERS LIABILITY AND PUBLIC LIABILITY INSURANCE.**

6.1 Employers Liability Insurance

Company Name:

Policy Number:

Expiry Date:

Extent of Cover:

6.2 Public Liability Insurance

Company Name:

Policy Number:

Expiry Date:

Extent of Cover:

7.0 FURTHER INFORMATION.

PLEASE PROVIDE FURTHER HEALTH & SAFETY INFORMATION IN SUPPORT OF YOUR APPLICATION.

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8.0 PLEASE PROVIDE THE FOLLOWING INFORMATION.	NAME
8.1 Name of safety director responsible for the Health & Safety policy.
8.2 Name of competent safety advisor within your organisation.
8.3 Name of person responsible for investigating and reporting accidents.

9.0 DECLARATION.

I certify that the details given in this form are correct and accurate.

Signed: Print Name:

Position: On behalf of:

Date:

10.0 CAERPHILLY COUNTY BOROUGH COUNCIL VERIFICATION.

Any further information/action required Yes / No

Approved: Yes / No

Details checked by:..... Signed:

Print Name: Date:

Position: Directorate:

If you require any further information please contact the person named above

Contractors when working on site can and will be inspected by any of the Councils' Health and Safety Officers, or other designated Officers at any time during the period of the contract.

APPENDIX 2 – CONSTRUCTION, DESIGN AND MANAGEMENT (CDM) GUIDANCE

This guidance is based on the Construction, Design and Management Regulations 1994 and applies to certain construction-based contracts only. Please seek further advice from your Directorate Health and Safety Officer if necessary.

- Construction work poses serious hazards, for example from asbestos, manual handling, falls, transport and collapses. Each year many people die in accidents and even more suffer ill health. The risk to health and safety from these hazards must be properly controlled. This is particularly challenging because of the number of organisations who need to work together in the rapidly changing environment of a construction project.
- CDM is intended to protect the health and safety of people working in construction and others who may be affected by the activities. The regulations require the systematic management of projects from concept to completion: hazards must be identified and eliminated where possible, and the remaining risks reduced and controlled. This approach reduces risks during construction work and throughout the life cycle of a structure (including eventual demolition).
- CDM is intended to encourage the integration of health and safety into project management. The purpose of the regulations is to target the areas where it will bring health and safety benefits.

CDM requires:

- A realistic project programme with adequate time allowed for planning, preparation and the work itself.
- Early appointment of key people. (As defined in 5.4.1.)
- Competent duty holders with sufficient resources to meet legal duties.
- Early identification and reduction of risks.
- Provision of health and safety information from the start of the design phase, through construction and maintenance to eventual demolition, so that everyone can discharge their duties effectively.
- A Safety Plan at the tender stage.
- A Safety File which is the record of the structure during usage, maintenance, repair, renovation and finally demolition of the structure.
- Co-operation between duty holders.
- Effort and resources (proportionate to the risk and complexity of the project) to be applied to managing health and safety issues.

CDM DUTY HOLDERS – KEY PEOPLE

As defined in previous section 5.4.1. the following duties apply to key people involved in the construction process.

1. The Client

- 1.1 Must select and appoint a Planning Supervisor and a Principal Contractor.
- 1.2 Be satisfied that the Planning Supervisor and Principal Contractor are competent and will allocate resources to health and safety.
- 1.3 Be satisfied that Designers and Contractors are also competent and will allocate adequate resources when making arrangements for them to work on the project.
- 1.4 Provide the Planning Supervisor with information relevant to health and safety on the project.
- 1.5 Ensure construction work does not start until the Principal contractor has prepared a satisfactory Health and Safety Plan.
- 1.6 Ensure the Health and Safety File is available for inspection after the project is complete.

2. Planning Supervisors

- 2.1 To co-ordinate the health and safety aspects of project design and the initial planning to ensure so far as is reasonably practical:
 - 2.2.1. Designers comply with their duties, in particular in relation to the avoidance of risk.
 - 2.2.2. Designers co-operate with each other for the purpose of health and safety.
 - 2.2.3. The Safety Plan is prepared before arrangements are made and before the Principal Contractor is appointed.
 - 2.2.4. Give advice, if requested, to the client on the competence of Designers and Contractors and on the allocation of resources.
 - 2.2.4 To advise the Client on the Safety Plan before the construction phase starts.
 - 2.2.5. Notify the Health and Safety Executive.

3. Designers Duties

- 3.1 The Designers should ensure that the health and safety of all those constructing, maintaining, or repairing a structure, is considered in the design process. The Designer must, as far as is reasonably practicable:-
 - 3.1.1 Alert Clients to their duties.
 - 3.1.2 Consider, during the development of the designs, the hazards and risks which may arise to those constructing and maintaining the structure.
 - 3.1.3 Design to avoid risk to health and safety.
 - 3.1.4 Reduce risk at source if avoidance is not possible.

- 3.1.5 Consider measures which will protect all workers if neither avoidance nor reduction to a safe level is possible.
- 3.1.6. Ensure the design includes adequate information on health and safety.
- 3.1.7 Pass this information to the Planning Supervisor so that it can be included in the Safety Plan and ensure that it is included on drawings and in specifications.
- 3.1.8 Co-operate with the Planning Supervisor, and other designers involved in the project.

4. Principal Contractors Duties

- 4.1 The Principal Contractor should take over the Safety Plan, develop it and implement it and thereby:
 - 4.1.1. Arrange for competent and adequately resourced Contractors to carry out the work where it is sub- contracted.
 - 4.1.2. Ensure the co-ordination and co-operation of Contractors.
 - 4.1.3 Obtain from Contractors the main findings of their risk assessments and details of how they intend to carry out high risk operations.
 - 4.1.4 Ensure that contractors have information about risk on site.
 - 4.1.5 Ensure that workers on site have been given adequate training.
 - 4.1.6 Ensure that Contractors and workers comply with any health and safety rules set out in the plan.
 - 4.1.7 Monitor health and safety performance.
 - 4.1.8 Ensure all workers are properly informed and consulted.
 - 4.1.9 Ensure that only authorised people are allowed on site.
- 4.2 Display the notification of the project as sent to the Health and Safety Executive.
- 4.3 Pass information to the Planning Supervisor for the Safety File.

CDM Documentation

5. Safety Plan

- 5.1 The Safety Plan is used at the tender stage and contains:
 - 5.1.1 A general description of the work.
 - 5.1.2 Timings for the project.
 - 5.1.3 Details of any risks to workers known to the Planning Supervisor or reasonably foreseeable at this stage.
 - 5.1.4 Give information on welfare arrangements.

Note: The Planning Supervisor should also be included in any design or redesign during construction.

6. Safety File

6.1 The Safety File is a record for the Client and/ or users of the structure, which sets out the risks that have to be managed during usage, maintenance, repair, renovation, or demolition of the structure and should contain the following information:-

6.1.1 A brief description of the work carried out.

6.1.2 Residual hazards and how they have been dealt with (for example surveys or other information concerning asbestos, contaminated land, water bearing strata, buried services).

6.1.3 Key structural principals incorporated in the design of the structure (e.g. bracing, sources of substantial stored energy – including pre or post – tensioned members) and safe working loads for floors and roofs, particularly where these may preclude scaffolding or heavy machinery.

6.1.4 Any hazards associated with the materials used (for example hazardous substances, lead paint, special coatings which should not be burnt off).

6.1.5 Information regarding the removal or dismantling of installed plant and equipment (for example lifting arrangements).

6.1.6 Health and Safety information about equipment provided for cleaning or maintaining the structure.

DOES CDM APPLY?

