

CAERPHILLY COUNTY BOROUGH COUNCIL

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

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

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Mae'r cyhoeddiad hwn ar gael yn Gymraeg ac mewn ieithiodd neu fformatau eriall ar gais.

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. Caerphilly County Borough Council contracts out work to individuals and other bodies and as a result the effective health and safety management of contractors is a key consideration for the Authority.
- 1.2. This policy sets out the Authority's commitment to managing contracts and contractors and the responsibilities of those involved in contractor management.

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 and services.
- 2.2. The Authority recognises the risks associated with contract work and recognises the need to plan, select, co-ordinate, manage and monitor the activities of contractors and contract work.
- 2.3. The Authority will take all reasonable steps as set out in this policy and associated procedures to assess, eliminate where possible and control the risks associated with such work activities.
- 2.4. 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.
- 2.5. This Policy must be cross-referenced with the following policies of the Council:
 - Corporate Health and Safety Policy Statement
 - Asbestos Management Plan
 - Asbestos Management Policy
 - Code of Conduct Policy
 - Corporate Contractor Management Arrangements and Guidance
- 2.6 To be effective this policy requires the full co-operation of management and employees at all levels.

3. SCOPE

- 3.1. This policy has been agreed with the Trade Unions and applies to all employees.
- 3.2. This policy will be reviewed at least every 2 years to ensure it is in line with current legislation and is working effectively.
- 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. Examples of contracted services could include work being carried out in council premises e.g. maintenance/repairs, persons who carry out work in people's homes e.g. carers or the provision of transport services. 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. For the purposes of this policy, the client is the Authority, for whom contracted services are carried out.
- 4.3. The 'internal client' is the officer, directorate or service area which authorises work by a contractor on behalf of the Authority.
- 4.4. The client as defined under the Construction, Design and Management Regulations 2007
- 4.5. The competent officer is taken to mean the officer who has the necessary training, expertise, qualifications and experience to safely select, monitor and manage the contract.
- 4.6. The competent officer who commissions the work may be:
- The internal client
 - An officer/officers from another Directorate where work is commissioned directly on behalf of the client.
 - Procurement Services where the client engages the expertise of Procurement Services to procure the work.
 - Building Consultancy /Housing Technical/Engineering/Highways etc where the client engages the expertise of these services to commission the work. (Please note this list is not exhaustive).
- 4.7. The competent officer who manages and supervises the work may be:
- The internal client
 - Building Maintenance /Housing Technical/Engineer / Highways etc. where the client engages the expertise of these groups to manage the work
- 4.8. 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, which include but are not limited to:

- The Health and Safety at Work etc. Act, 1974
- The Management of Health and Safety at Work Regulations 1999
- Construction (Design and Management) Regulations 2007 (CDM)
- Occupiers Liability Act 1957 and 1984

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. The **Internal Client** will:

- Ensure they clearly identify all aspects of the activities they want the contractor to do.
- Consider the health and safety implications of the activities they want undertaken at tender stage, provide a risk assessment to the contractor for their own work activities where this is relevant to the contract and ensure that safety information e.g. BS standards are contained within the tender specification.
- Ensure they have in place a suitable arrangement to select, manage, supervise and review the contract in accordance with the provisions of this policy.

- Ensure that the 'competent officer' employed directly by the client who is responsible for selecting, managing, supervising and reviewing the contract, has received adequate training and sufficient knowledge and is allowed sufficient time to undertake this function.
- Ensure that any information requested from the competent officer acting on their behalf is provided in a timely manner.

The Internal Client has additional responsibilities for construction projects and in all cases must:

- Check the competence and resources of the appointees;
- Ensure there are suitable management resources for the project including welfare facilities;
- Allow sufficient time and resources for all stages;
- Provide pre-construction information to contractors and designers.

In addition, for projects notifiable under the CDM Regulations, Internal Clients must:

- Appoint a CDM co-ordinator.
- Appoint a principal contractor.
- Make sure the construction phase does not start unless there are suitable welfare facilities (where required), and a construction phase health and safety plan is in place.
- Provide information relating to the health and safety file to the CDM Co-ordinator.
- Retain and provide access to the H&S File to those involved in future construction work, including cleaning, maintenance, alteration, refurbishment and demolition.

Building Consultancy can assist the internal client in ensuring they have effectively discharged their duties, and it is strongly recommended that the internal client seeks assistance from Building Consultancy in discharging their duties particularly where the work being carried out comes within the scope of the Construction (Design and Management) Regulations 2007. Please see Corporate Management Arrangements for further details.

6.4. 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 Corporate Management Arrangements on Health and Safety Requirements for the Selection and Management of Contractors for Provision of Goods and Services and Health and Safety Requirement for the Selection and Management of Construction Contractors for further information on the selection of contractors.
- Ensure that the contract specification makes reference to relevant health and safety legislation and/or standards to which the work must be undertaken/equipment supplied.
- Ensure that appropriate information on any health and safety risks is provided to the contractor.
- 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.
- Ensure contractors are provided with a copy of this policy and the relevant procedure/guidance.
- Ensure that copies of all documentation acquired during the selection process are kept on file and copies provided to the internal client and competent person responsible for the management and supervision of the contract. It is recognised that this may not always be possible for emergency, reactive maintenance however sufficient information must be provided to allow the risks to be controlled.

6.5. Management and Supervision of Contractors.

The competent officer who manages and/or 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 the Client/Building Manager is provided with copies of risk assessments and method statements for the work being undertaken. For emergency, reactive maintenance the risk assessments may be generic although consideration must be given to any job/site specific risks.

- Ensure that the overall project objectives are realistic and that sufficient budget and time is allowed for the work to be undertaken 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. It is recognised that it is not possible in all cases e.g. reactive maintenance to provide hard copies of all documentation however suitable and sufficient information must be provided to allow the risks to be controlled.
- Ensure that all appropriate health and safety documentation e.g. risk assessments, care plans, method statements and health and safety plans are received and agreed 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 spot checks 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 practice to the attention of the contractor and the client and take immediate steps 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.

6.6. Reviewing the Contract.

The competent person responsible for managing and/or 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 and provided to the commissioning competent officer for information purposes.
- Ensure all relevant documentation is provided by the contractor e.g. electrical test certificates, gas safety inspection reports, health and safety file (as required by CDM).
- Open-ended/fixed term contracts must also be reviewed periodically, and as a minimum annually, to consider the health and safety performance of the contractor.

6.7. The Directorate Health and Safety Officer will:

- Carry out spot-checks, with permission from the contractor, 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 this policy is reviewed at least every two years to ensure it is in 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 Building Manager/Person in control of the premise will:

- Ensure there are clear booking in/out arrangements to enable control of who is on site at any time.
- Ensure the activities of any contractor working on site do not impact on the health and safety of employees/service users/members of the public using the premises.

- Report any perceived breaches of health and safety to the contractor, client and Directorate Health and Safety Officer. In serious cases works may need to be stopped until the situation is resolved.

6.10. The Contractor will:

- Ensure that all work is carried out safely and in accordance with agreed method statement and risk assessments and in compliance with all applicable health and safety legislation.
- Liaise with the client and competent officer managing the work and notify them of any changes to health and safety plans, method statements etc.
- Carry out regular checks on performance to ensure they are working in accordance with agreed risk assessments and method statements.
- 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.
- Ensure that where work is sub-contracted the sub-contractors provide risk assessments and method statements, and that the sub-contractors performance is monitored. This information should be provided to the contractor and must be available for checking.
- 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.

6.11. In addition to the above responsibilities for construction projects the Construction (Design and Management) Regulations 2007 place specific responsibilities on CDM Co-ordinators, Designers, Contractors and Principal Contractors. These responsibilities are set out in the Corporate Management Arrangements and guidance documents.

7. ARRANGEMENTS

The arrangements for Contractor Management can be found in the Corporate Management Arrangements:

- Selection and Management of Contractors for Provision of Goods and Services
- Selection and Management of Construction Contractors
- Contractor Pre-selection questionnaire