

Contractors – Selection and Control.

Schools Safety Guide

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1. Introduction

The purpose of this school safety guide is to ensure that the activities of contractors who work on school premises are effectively managed to reduce the risk of harm to employees, pupils, themselves and the environment. This procedure provides guidance to Head Teachers who are involved in the appointment of contractors and for contractors working on site as part of service and maintenance services provided by the council. These guidelines outline in broad terms the responsibilities when selecting and using contractors.

2. Contractors role

Contractors are engaged to carry out a work activity. The activities they will carry out include:

- construction and demolition work
- installation of equipment or machinery or its maintenance, including maintenance to buildings and its infrastructure
- cleaning and decorating
- moving, dismantling and assembly
- inspecting, testing and servicing
- provision of a service

The list of activities that contractor will undertake is not exhaustive. Contractors will include sub-contractors, any individual, sole trader or self-employed worker.

3. The Law

The use of contractors is subject to health & safety law, when selecting and managing contractors the main points of legislation are:

- Health & Safety at Work Act - requires the school to ensure, so far as is reasonably practicable, the health and safety of our employees; and other people at work, including contractors;
- Management of Health & Safety at Work Regulations – It is a requirement of the regulations that employers carry out a risk assessment of the risk to employees and anyone who might be affected by our work activities, including contractors. We should also cooperate with other employers using our premises and share relevant health & safety information with them.
- Construction (Design and Management) Regulations (CDM 2015) – all construction activities are subject to these regulations, which place legal duties on everyone involved in construction work. The “client”, has very specific duties under the regulations.

4. Work specification

All aspects of the work that the contractor carry's out should be identified in detail. Consider the health & safety implications of the work. Remember, the level of risk will depend on the nature and complexity of the work. You should provide potential contractors with this information and make sure they know and understand the performance you expect of them. You should include this information in the work specification.

5. Contractor selection

A contractor should be selected early enough to allow them sufficient time to plan the work and identify any health and safety risks. The Head Teacher needs to be satisfied that the contractor selected can do the job safely and without risks to health. This means making enquiries about the competence of the contractor – do they have the right combination of skills, experience and knowledge? The degree of competence required will depend on the work. Similarly, the level of enquiries you make should be determined by the level of risks and the complexity of the job.

Examples of questions you could ask potential contractors include:

- What arrangements will you have for managing the work? For example, who will be responsible, how will the work be supervised, etc?
- Will you be using subcontractors and if so how will you check they are competent; and how will you ensure that relevant information is shared with them?
- What is your recent health & safety performance? For example, how many accidents have you had, has HSE taken any action taken against you?
- Do you have a written health & safety policy? (Only a requirement if five or more people are employed.)
- Can you provide existing risk assessments done for similar jobs?

Written risk assessments are only required by law if five or more people are employed.

- What qualifications, skills and experience do you have in this type of work?
- What health & safety information and training do you provide for your workers?
- If required, do you have Employers' Liability Compulsory Insurance and, if providing services, professional indemnity insurance?

These questions will help you find out whether the contractor is complying with their duties under health & safety law. You can then decide how much evidence is needed to support what you have been told.

Other questions you can ask which may help you to decide which contractor to choose include:

- Do they have any independent assessment of their competence e.g. BS OHSAS 18001 or 45001 Health and Safety Management Standard
- Are they members of a trade association or professional body e.g. National Inspection Council for Electrical Installation Contracting (NICEIC), Gas Safe registered, etc
- Will they be producing a safety method statement for the job?

A safety method statement is not required by law. It does however describe in a logical sequence exactly how a job is to be carried out in a safe manner and without risks to health. It includes all the risks identified in the risk assessment and the measures needed to control those risks. This allows the job to be properly planned and resourced.

Assess the risks of the work

Both you and the contractor need to think about the planned work:

- What can harm people?
- Who might be harmed and how?
- How will you control the risks?

You should already have a risk assessment for the work you do. Make sure the assessment covers risk to contractors (e.g. asbestos, on-site vehicles). The contractor must assess the risks for the contracted work and then both of you must get together to consider any risks from each other's work that could affect the health & safety of the workforce or anyone else.

You need to think about any risks to your staff, pupils and visitors, because you have contractors on site. Also, make sure you agree the measures needed to control risk with the contractor before work starts.

Provide information, instruction and training

The Head Teacher and the contractor need to communicate with each other throughout the process. Make sure that the contractor and their employees have information on:

- health & safety risks;
- measures in place to deal with those risks;
- emergency procedures

Cooperate and coordinate with the contractor

The Head Teacher and the contractor must work together and coordinate the activities, to make sure the work can be done safely and without risks to health. One way of doing this is to have regular site meetings. The level of cooperation and coordination needed will depend on:

- the job to be done;
- the number of contractors (or subcontractors) involved;
- the risks involved.

6. Management and Supervision of the Contractor

Decide what you need to do to manage contractors' work. The measures put in place should be consistent with the risk, i.e. the greater the risk, the more you need to do.

Consider:

- Who will be responsible for the work and what do you expect them to do?
- Who will supervise the work and how?
- How will the work be done and what precautions will be taken?
- What equipment should or should not be worked on/used?
- What personal protective equipment is to be used and who will provide it?
- What are the working procedures, including any permits-to-work?
- What are the arrangements for stopping the work, if there are serious health & safety concerns?

When the work has started, make sure you keep a check on how the work is going against what has been agreed. You monitor this by:

- regular checks – ask yourself 'are the control measures working?'
- investigating if things go wrong, e.g. near misses, accidents, ill health.

7. Notice to cease work

Work carried out by contractors under your control has the potential to cause an injury or health risk to any persons or to property, this could be because;

- the contractor working is not in accordance with the agreed safety method statement and risk assessment
- there has been a near miss with high risk potential
- an unsafe condition has arisen which is a breach of the Health and Safety at Work Act 1974

Where there has been a potential or an incident has occurred, you will need to act, stopping the work by issuing a prohibition notice to a contractor where there has been a contravention.

A contractor [Prohibition Notice Form](#) should be completed and issued to the contractor.

Permission to recommence work should only be granted when satisfied that the necessary action has been taken. Failure to comply with this Notice may result in the withdrawal of the order or contract in line with the agreed terms.

8. Incident reporting

All accidents and incidents (including environmental incidents) involving a contractor should be reported by means of the contractor's own arrangements. Where accidents/incidents occur on school premises or affect employees, pupils and visitors

these must also be reported to the Head Teacher via the school's accident and incident reporting system

After the job is finished, there will be benefits in reviewing and learning from any accidents.

9. Contractor's engaged through third party organisations

Where schools commission construction and maintenance work through a third-party organisation (e.g. Local Authority Property Services), Schools need to discuss their role with the organisation to clarify their input as part of the commissioning process and ensure clear responsibilities are understood for the selection and control of contractors.

Where the work is minor and straightforward, the Head Teacher/School is likely to take the lead with the contractor, informing them of any risk, carry out site inductions (showing them the asbestos register if appropriate), check their work regularly, and feedback to the contractor (and third-party organisation and health & safety unit as appropriate) on any problems

For large scale or more complex work, third party involvement will be more hands-on and may include organising and leading on pre-site meetings, regular monitoring, and signing off the work once completed.

10. CDM: Construction (Design & Management) Regulations

CDM Regulations apply to all building and construction work and includes; new build, demolition, refurbishment, extensions, conversions and repairs.

All building projects needs to comply with the CDM Regulations, but not all projects are notifiable. Head Teachers must be familiar with CDM Regulations. Where a project is notifiable the client must notify the Health and Safety Executive of the project.

If you are contracting out construction work you have duties as a client, in some circumstances, we may have additional duties under CDM e.g. you may have a designer role.

Client officers without expertise in construction must appoint professional advice e.g. Local Authority Property Services. People providing this professional advice are CDM consultants. They are advisors only and are not duty holders under the regulations

11. Construction and Maintenance – Additional Controls

Where the contractor is involved in construction or maintenance activities, the following controls may also be appropriate:

- A Contractor Work Registration [Form](#) describing the work; materials, equipment and services to be used; hazardous operations involved; hazards

on site; and general arrangements should be completed for all but minor works.

- High risk activities (e.g. sources of ignition e.g. flames, sparks etc) will be subject to a permit to work procedure, see [Hot Work Permit](#) Form
- Contractors will be shown the Asbestos Register, if appropriate

12. Resources

The health and safety executive website has [more information](#) around managing [contractors](#) and [CDM](#) should you require it.

If you require further information please contact one of the health & safety team:
health_safety@sandwell.gov.uk

Appendix 1- CDM Roles and Definitions

Client: means a person for whom a project is carried out and who has overall responsibility for health and safety.

Client brief: explains what the client wants. Sets out the main functions of the finished project

Construction phase: the period when construction work commences and finishes when the project is completed.

Design: includes drawings, design details, specifications and bills of quantity calculations.

Designer: any person (including a client), contractor or other person who prepares or modifies a design or instructs any person under their control to do so relating to a structure, mechanical or electrical system.

Duty Holder: means any person who has a legal responsibility.

Notifiable work: Construction work that will last longer than 30 days, has more than 20 workers on site at any one time or will exceed more than 500 working days.

F10 form: is an online form to notify the Health and Safety Executive (HSE) about the commencement of a project involving construction work. It is the responsibility of the client to ensure the [F10 form](#) is completed.

Pre-construction information: means information in the client's possession that a client would reasonably be expected to be aware of which they would pass to the principle designer for inclusion into any pre-tender information and the preconstruction plan.

Pre-construction plan: drawn up by the principle designer and passed to the principle contractor who uses information to prepare their construction phase plan.

Construction plan: describes how health and safety is to be managed during the construction phase prepared by the principal contractor.

Health and Safety file: contains relevant health and safety information for the maintenance, cleaning, refurbishment or demolition of a structure etc prepared by the principle designer. Only required where there is only one contractor appointed

Principal contractor: the contractor appointed by the client who has total overall site control.

Principal designer: Manages health and safety in the pre-construction phase of the project. Is the lead designer appointed by the client who has overall control of other designers within the project, prepares the pre-construction plan.

Project: includes planning, design, management of the project until the end of the construction phase.

Welfare facilities: includes; toilets, rest facilities, washing facilities, drinking water, changing rooms and lockers where required.

Site induction: covers health and safety risks on site and controls to workers. Carried out by principal contractor/contractor.