



Torfield and Saxon Mount Academy Trust



Safety Management of Contractors Policy

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Document summary

Any contractor working for the Trust must be effectively managed from a health and safety perspective, for both legal and operational reasons.

The purpose of this Policy is to prevent accidents and ill-health to employees, service users, clients, pupils, visitors or others on the Trust school's premises and sites arising out of the work activities of contractors and consultants.

Safety Management of Contractors Policy

Key Points:

- The content of this Policy applies when using any contractor or consultant to carry out activities on behalf of the Trust on any premises or sites used by the Trust.
- Contractors may include building / highway construction and maintenance workers, caterers, window cleaners, employment agencies, service companies and consultants e.g. designers, systems installers, trainers, project management etc.
- Health and safety requirements relating to use of contractors are separate from any civil (common) law aspects arising from the contract itself
- Compliance with the terms of the contract will not necessarily ensure compliance with health and safety legislation
- Copies of all the Health and Safety related Policies and Risk assessments can be found on the Read only drive at each school within the Trust and the Premises Drive.

1. Introduction

- 1.1. The purpose of this Policy is to prevent accidents and ill health to employees, service users, clients, pupils, or visitors on the Trust **premises and sites** arising out of the work activities of contractors and consultants It is also to ensure the safety of any contractors/consultants so far as reasonably practicable.
- 1.2 **It prescribes how contractors must be managed, for both legal and operational reasons, whilst working on Trust business and/or premises and sites.** It also covers the approval of contractors and provides a reference for assessing the ability of contractors to work safely.
- 1.3 Contractors may include building/highway construction and maintenance workers, caterers, window cleaners, employment agencies, equipment repair and service companies and consultants.
- 1.4 It must be understood that the criminal law – in this context the Health and Safety at Work etc. Act 1974 (HSW Act) and associated Regulations – is separate from any civil (common) law obligations between the parties arising from the contract. **Compliance with the terms of the civil contract will not necessarily ensure compliance with the criminal law.**

2. General

- 2.1 The Trust is committed to a policy which requires that work is managed and undertaken with due regard to health, safety and welfare standards and expects contractors engaged on work for the Trust to apply the standards stipulated within Trust policies.

3. Definitions

- 3.1 A 'Contractor' is any self-employed person, or another employer or business who is undertaking work or providing a service for the Trust. All work carried out by such persons, whether of a minor nature or a large and/or consultant managed contract, constitutes a civil "contract".
- 3.2 The "Contract" is an agreement made between the Trust (the Client) and one or more parties to carry out or provide a service. This can be a formal, written, contract following a rigorous tender process or can even be a telephone call. Once made, the client and contractor both have responsibilities with regard to Health and Safety and neither can discharge this responsibility totally to the other.
- 3.3 The "Client" in terms of contractual and safety law is the organisation, person or persons who initially engages the second party to carry out the works or service and is therefore responsible for managing the health and safety performance of the contractor. This includes the client nominated controller of premises for authorisation and checks required under this policy for contractors to access and progress works at their site. It is the responsibility of the Academy Trust to ensure that there is a nominated lead person whose role is to liaise with the contractor to assess their safety arrangements, establish effective communication and ensure that no obvious breaches of their method statements occur. The Lead Officer could be an externally appointed consultant, Project Manager, Director of Finance and Resources, Assistant Director of Finance and Resources, Site Manager or other senior Leader who commissions work to be carried out.

4. Responsibilities

- 4.1 The Executive Headteacher and Director of Finance and Resources will monitor compliance with this policy and its implementation through regular Health and safety meetings and including arrangements for the approval of contractors, their authority to work on Trust premises and sites and the monitoring of their health and safety performance.
- 4.2 The Site manager will ensure there are suitable and sufficient arrangements for contractors to work safely whilst they are on the premises.
- 4.3 In addition, the Trust, through the SLT or Site Manager, or indirectly through its agents, consultants etc., must provide appropriate information to contractors about safety critical situations or conditions associated with its premises or work activities.

5. Legal Requirements

- 5.1 The HSW Act requires any organisation to take all reasonably practicable precautions to ensure the health and safety of any persons working on its premises.
- 5.2 The Trust has legal obligations to ensure the health and safety of any contractor undertaking work on its behalf. The Trust also has a responsibility to ensure that the

contractors' activities do not harm employees or others, including pupils, parents, visitors and other contractors. This includes harm arising from any substances, equipment or articles used as part of the contract.

- 5.3 Health and safety duties under the criminal law, e.g. the HSW Act and statutory regulations, cannot be passed on from one party to another by a contract; and there will still be duties towards others under section 3 of the HSW Act.**
- 5.4 In addition to the legal duties placed on the client and the contractor to ensure safe systems of working, the Management of Health and Safety at Work Regulations 1999 (MHSW) require that contractors undertake an assessment of the risk that their employees or others may face, and define the appropriate preventative and protective measures to be taken. They also require that where two or more employers (e.g. client/contractor, contractor/contractor) share a workplace they must co-ordinate and co-operate with each other to ensure health and safety at work.
- 5.5 All employees of the Trust and the contractor have a legal duty to take reasonable care for the safety of themselves and others, and to co-operate with their employers.
- 5.6 Regulations 3 and 11 of the MHSW Regulations 1999 give employers and the self-employed obligations in shared premises and workplaces to:
- 5.6.1 assess workplace risks to health and safety
 - 5.6.2 co-operate with each other and take all reasonable steps to co-ordinate measures necessary for each to comply with the relevant statutory provisions
 - 5.6.3 exchange information on risks to health and safety and provide information including common emergency procedures to their employees.
- 3.1 If maintenance, small scale building work or other minor works are carried out in connection to a property, the Trust has legal duties under the Construction (Design & Management) Regulations 2015 (CDM). Compliance with CDM will ensure that legal obligations are met and ensure construction work and repairs are undertaken safely and without risk to health. Further information on CDM can be accessed on the HSE's website: www.hse.gov.uk/construction/cdm/2015/.

6. Assessment and Selection of Contractors

- 6.1 The Trust will approve and commission contractors and works either direct or appoint an external consultant for larger, complex or CIF funded projects. All contractors appointed to undertake works will be compliant with RPA insurance requirements, DBS clearance as applicable, and with reputational and credit checks as deemed necessary by the Trust or external consultants. Once appointed all contractors' H and S and method statements will be assessed as part of the programme of works.

- 6.2 Where a contractor proposes to hire a **sub-contractor(s)** to carry out part of the work, e.g. the erection of scaffolding, the contractor must supply a list of the sub-contractors to be used to the Client commissioning the work and be required to confirm that the sub-contractor(s) have been assessed as to their competency; this includes Disclosure and Barring Service (DBS) checks. The Client will reserve the right to exclude any organisation or individual if there are concerns with regard to their competence or safety record.
- 6.3 It is important that price is not the only deciding factor in awarding a contract, and proper weight should be given to health and safety and other considerations.
- 6.4 The assessment system may be used in a scaled down version for assessment of contractors being selected to carry out **small contracts**.
- 6.5 On projects involving **repeated use of contractors**, after initial health and safety assessment, the frequency of further assessment will be at the discretion of the Trust SLT.
- 6.6 For **small works not subject to a written form of contract** the Site Manager will ensure that key aspects of health and safety associated with the required work have been discussed with the contractor.
- 6.7 On receipt of health and safety information provided by a contractor, the Site Manager will consider this and if any of it is considered doubtful further advice must be sought from the Trusts appointed H and S advisor, currently Judicium.

7. Standard Rules, Conditions and Clauses in Contracts

- 6.1 Where formal contracts exist for major works, **as appropriate to the type of work involved and usually managed by an external consultant**, rules, conditions, clauses or similar, requiring contractors to:
- 6.1.1 “Carry out all work with due regard to the Federations General Health and Safety Policy Statement, the Health & Safety at Work etc. Act 1974, the Management of Health and Safety at Work Regulations 1999, the Construction (Design and Management) Regulations 2007, and all other relevant Health and Safety Regulations, Approved Codes of Practice and HSE Guidance”.
- 6.1.2 “Comply with the principles of safety management embodied in the HSE publication HS(G)65 “Successful Health and Safety Management”.
- 6.1.3 If an external consultant is managing the work this aspect will be included in their formal contract documentation and monitored as the project progresses.

8. Pre-Start Meetings

- 6.1 The Trust lead person or external consultant should facilitate effective communication and arrange for the exchange of information in order that effective health and safety management can be achieved. In addition, the Lead Officer must ensure that specific

information is provided to contractors on site about certain safety critical or high risk activities, e.g. structural alterations, deep excavations, heavy lifting operations hot work, electrical work, work at a height, with fragile materials, and work with mechanical plant, to ensure the safety of those working on them, and for incorporation in any necessary permit to work system. In these circumstances, compliance with requirements of agreed procedures will need to be included as a condition of any contract.

- 6.2 A record of discussions should be made, including safety arrangements generally, identification of particular known hazards, the consideration of method statements, risk assessments, identification of substances hazardous to health and COSHH arrangements, measures to safeguard third parties who may be affected by the work including pupils, service users etc. and arrangements for dealing with hazards representing serious and imminent danger etc.
- 6.3 For day to day and smaller contracts, typically placed locally all aspects of H and S and working times and requirements will be discussed prior to work commencing and planned to accommodate these requirements.
- 6.4 In such cases, the Site Manager, Caretaker, DFR or ADFR will agree with the contractor the arrangements for safe access and a safe place of work on the premises; including the contractor's response to emergency situations (e.g. fire evacuation). This will include their appropriate and safe interaction with staff, pupils, service users, and others on the premises who may be affected by their conduct and work. As a general rule, all contractors will be accompanied by a Trust staff member whilst on site during normal school times.
- 6.5 Where existing Trust health and safety procedures are relevant to a contractor they should be explained and a copy of relevant documents made available, if appropriate; e.g. fire safety procedures, COSHH policy, Asbestos management plan etc.
- 6.6 Where there is sufficient capacity, and subject to local agreement, existing welfare facilities may be made available to a contractor. If existing welfare facilities are not to be made available, it is the responsibility of the Client to ensure that adequate alternative welfare facilities are put in place for the contractor to use **before work commences**.
- 6.7 The contractor must be advised that the federation may undertake suitable checks to confirm compliance with necessary safety standards. Any observed breach of the terms of the contract and/or any other agreed safety arrangements may result in **the work being stopped** immediately, pending an agreed change in practice; and any future contracts or work jeopardised.

9. Safety Method Statements

- 6.1 For certain **safety critical or high risk activities**, such as work with or in the vicinity of asbestos, work at a height, work on or near fragile roofs, major lifting operations and traffic management, the Site Manager will discuss and receive **written safety method**

statements and risk assessments from the contractor and be satisfied to their content of before work commences.

- 6.2 A safety method statement should demonstrate that the contractor has clearly thought through the hazards which could be encountered, assessed the risks to their employees and others, and planned the work properly with the health and safety precautions prescribed **before** work commences. It should therefore detail how the job is to be done safely and without any risk to health. It should include details of the personnel designated to do the work together with their training/experience, a description of each stage of the work, the access and other equipment to be used (including personal protective equipment) and, where appropriate, should include plans and drawings.
- 6.3 Safety method statements which are bland and simply list the tasks to be carried out are unacceptable and of little value in preventing accidents and ill health, and may be indicative of the contractor's lack of competence in such matters.
- 6.4 Where the Site Manager is in doubt as to the adequacy of a particular safety method statement, advice should be sought from the Consultant Director of Finance and Resources or the Scholl Business Manager.
- 6.5 The discussion and receipt of the safety method statement by the Site Manager (and any inspection of it) does not relieve the contractor of his responsibilities whatsoever.
- 6.6 In the event of the need for deviation from the safety method statement, no further work will be done until agreement has been reached and recorded in writing between the client and contractor on the method of work to be followed in the new circumstances.

10. Trust staff management of contractors

- 10.1 Trust staff – usually the Site Manager, DFR or ADFR, are required to control the work of contractors whilst they are on their premises having regard to the way in which their activities may impact on normal activities and service provision. This will generally include agreeing to their commencing work, advising them of any operational or safety restrictions on the scope of their work, ensuring arrangements for their safe access and safe place to work, and advising them of their response to emergency situations (e.g. fire evacuation, first aid). This is particularly important in the context of managing asbestos on the premises, and reference should be made to section the Trust Policy on Asbestos for more details.
- 10.2 Particular account must be taken of the contractor's appropriate and safe interaction with staff, pupils, service users, and others on the premises who may be affected by their conduct and work. Contractors may not necessarily DBS checked but all contractors should be asked for this information prior to commencement on site. Regardless of DBS status all contractors for building and maintenance works and services will be accompanied by a Trust staff member during the normal school day or when pupils are present for after school activities.

- 10.3 Where any order, e.g. for maintenance or repair work, is placed locally, the Site Manager should ensure that the contractor is aware of exactly what work is to be carried out, when it is to be done, and what premises' health and safety risks might be associated with it. If any significant risks are identified, e.g. work on or in the vicinity of fragile surfaces, materials (assumed to be or) containing asbestos, work on a step ladder in a busy corridor area; these risks must be addressed and arrangements made to either remove or effectively control them.
- 10.4 A written risk assessment and safety method statement will almost certainly be needed for anything other than very minor work, as well as formal Permits to Work for high risk activities such as hot work (see the Trust Hot Works permit) as indicated in paragraph 9.1. These are the contractor's responsibility, but the Site Manager should ensure they understand what the work entails and are appraised on any elements likely to impact on the health and safety of everyone else on the premises.
- 10.5 Where, during the course of their normal work, the Site Manager, Consultant DFR or School Business Manager become, or are made, aware of significant hazards created by the contractor, e.g. their use of chemical substances on the premises, disturbing materials which do, or might, contain asbestos, or the proximity of electrical cables to data cables that an ICT Contractor is to install; the controller must ask the contractor to stop work either until further advice is sought or a more appropriate time can be found to undertake such work.

11. Monitoring the Safety Performance of Contractors

- 11.1 Contractors are responsible for their own safe working, including conforming to their method statements and risk assessments; as well as complying with any written contract, relevant legislation and associated HSE publications, and local school instructions.
- 11.2 The Trust or the appointed external consultant, as the Client is also responsible for actively monitoring a contractor's compliance with the terms of the contract, their health and safety performance, as well as the quality of the work, throughout the period of the contract. Procedures for carrying this out may vary between contracts, size etc.
- 11.3 The person carrying out the monitoring must be competent to do so, and be broadly familiar with the type of work and the health and safety aspects, and be aware of the relevant Trust policies and procedures.
- 11.4 The frequency and scale of monitoring must be commensurate with the type, risk(s) and duration of the work, and particularly any safety critical or high risk activities involving significant health and safety hazards. The extent of monitoring may have to be varied dependant on the (on-going) safety performance of the contractor.
- 11.5 Monitoring must address relevant documentation, work activities and conditions on site; with particular emphasis on the (continued) validity of any risk assessments, compliance with method statements, safe working practices, site rules. The safe interaction between

the contractor and Federation staff, pupils, clients and members of the public must also be confirmed.

- 11.6 Investigations may be needed in response to any reported health and safety incidents and visits by the HSE or the Police. The Consultant Director of Resources must be notified of any such reports.
- 11.7 In general terms, if the Site Manager, Caretaker, DFR or ADFR, or other employee observes a contractor working in a manner which he or she suspects may be unsafe, it should be reported to their line manager who should report it to the Site Manager, DFR or ADFR for further advice. Advice may then be sought from the Trusts appointed H and S advisor, currently Judicium.
- 11.8 If the observed unsafe practice is considered likely to cause serious or imminent danger to the contractor or any person affected by the work, the contractor must be instructed to stop that work practice immediately pending a change in practice. The Consultant DFR must be informed immediately.
- 11.9 Documented records of any such monitoring, site meetings, inspections, investigations, reprimands etc. must be kept for the duration of the contract; and taken into account as part of a review at the completion of the contract.

12. Completion of Contract

- 12.1 The Contractor will be expected to leave the worksite clean and tidy, remove all waste, materials, tools and equipment. This should be checked by the Site Manager and/or external consultant and an evaluation carried out as to the Health and Safety performance of the contractor. If the Health and Safety performance was unsatisfactory this will require a review of the continuation of the future use of contractor.
- 12.2 On completion of the work the contractor must be asked to provide any necessary information to update the Health and Safety File where one exists.

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