



# Managing Contractors Safely Policy

1. This is the Council's corporate policy on managing contractors. It aims to make sure our contract management arrangements meet legal and best practice standards. The policy sets minimum standards that all stakeholders must meet. This includes:
  - strategic budget planning and funding bodies
  - strategic directors
  - employees responsible for letting or managing contracts
  - trade union health and safety representatives
  - employees.
2. We are committed to meeting our legal obligations for managing contractors safely. We will take all reasonable steps to:
  - make sure our contractors:
    - aren't harmed by Council work activities or premises
    - are competent, work safely and don't endanger others
  - have Best Value contracts that make health and safety a key criterion for selecting and monitoring their performance
  - encourage our contractors and partners to work with us on continuously improving health and safety.
3. All corporate health and safety (H&S) policy and guidance documents are available on:
  - [iDerby](#). To find them from the homepage go to Occupational Health and Safety and then choose an appropriate theme.
  - the [Schools' Information Portal](#), SIP.
4. You can also get copies from the Health and Safety Team, HST. Managers with employees who can't access iDerby or the SIP must set up alternative arrangements to make sure they get appropriate H&S information. This might be by printing information off and circulating it or handing out copies at team meetings.

## Directorate arrangements

5. Directorates are responsible for formally adopting this policy and for devising arrangements to implement it. Their written arrangements must include:
  - details of employees with specific responsibilities for planning, letting and managing contracts
  - systems for providing and evaluating employee training
  - processes for planning, letting and reviewing contracts
  - processes for selecting, managing and monitoring contractors
  - a process for dealing with poor performance or unacceptable practices by contractors
  - processes for communicating and coordinating contract risk assessment and risk control information.

Directorates can adopt higher standards and develop specific guidance to meet their operational needs and arrangements.

6. We are committed to following and promoting best practice when managing contractors. This means that we will:
  - set realistic project objectives and timescales for contracts, so health and safety isn't compromised. We want contracts delivered **safely** on time and within budget
  - design health and safety into **all** phases of contracts from initial planning to service delivery or project completion
  - have clear processes and accountabilities for contract management, particularly for monitoring and enforcing standards
  - consult with our employees and their trade union health and safety representatives about contract planning and management
  - explain our expectations and standards to contractors clearly and fully.

## Defining terms

### Contract

7. A contract is a legally binding agreement for goods or services in return for payment.

### Contractor

8. A contractor is anyone who does paid work for the Council but **isn't** an employee. This could include cleaners, caterers, computer consultants, lift or electrical engineers, builders, care providers, or external trainers. They could be self-employed individuals, or employees of a business, commercial organisation or another local authority.

### **Contract manager**

9. For this policy, the term 'contract manager' means any employee responsible for any part of the contract management process, including specifying, tendering, letting, monitoring, or supervising them.

### **Site contact**

10. Site contact here means the Council employee responsible for contractor liaison and monitoring. They will be the first person called when contractors have any queries or problems. Depending on the contract involved, this could be a clerk of works, unit manager, site supervisor or contract manager.

### **Subcontractor**

11. A subcontractor is anyone who is employed by a contractor, instead of using their own employees. We **won't** allow subcontractors to do work for the Council **unless** the main contractor has:

- given the appropriate contract manager full details of who to expect, when and for what tasks
- vetted them according to Council standards to make sure they're competent for the task
- explained the Council's expectations under this policy, linked procedures and site rules
- discussed and, where necessary, revised contract-specific risk assessments and emergency arrangements
- made adequate arrangements to manage them throughout the job.

12. We will ask for evidence that contractors have met these requirements.

### **On site**

13. Contractors carry out work for the Council in a whole range of places and settings, including:

- in Council buildings
- at service-users' homes
- in schools
- on roads
- in public places.

14. To keep things simple, the policy uses the general phrase 'on site' to mean anywhere contractors do work for us.

15. Similarly, 'site rules' means any specific health and safety conditions that apply where contractors are working. These could include:

- a ban on smoking or using mobile phones
- a requirement to wear eye or head protection
- specific access arrangements
- a ban on certain substances or equipment
- permit to work systems, including for 'hot work'
- waste disposal arrangements.

## Out of hours working

16. For this policy, out of hours working means any time that the site wouldn't normally be open, operational or staffed. This could include evenings, weekends and holiday periods.
17. We won't allow contractors to work on our premises out of normal working hours without:
  - a risk assessment being done. This must include deciding whether contractors can work without direct control, or whether they need to be supervised by an appropriate Council employee
  - preventative measures being implemented. If direct supervision is needed, then this must be arranged and an employee nominated **before** final approval for the work is given. The nominated person must have sufficient knowledge and authority to stop the work and order changes if they have concerns. They must then order appropriate changes or get expert advice before allowing work to continue.

## Volunteer

18. A volunteer is **anyone** who does **unpaid** work for the Council. They include people who help in schools and social care establishments. Employees can also be classed as volunteers if they do work activities other than their contracted duties.
19. We won't use volunteers for **any** tasks without checking that they're competent to do them. We'll apply the same principles to managing volunteers and protecting their well-being as we do for employees. We'll make sure that suitable and sufficient written risk assessments are done to cover any activity involving volunteers **before** they begin work. We expect the person planning any work using volunteers to do these health and safety checks and risk assessments.

## Assuring minimum standards

20. We will base our approach to managing contractors on the requirements of current law and the latest guidance from the Health and Safety Executive, HSE.

## Planning

21. When planning contracts, we will:
  - allow enough time and resources to deal with the process properly
  - consult key stakeholders, including health and safety advisers, trade union health and safety representatives, employees and others affected by the work
  - clearly define the job or service to be done
  - decide how the task can be done safely by identifying hazards, assessing risks and introducing controls and protective measures

- assess the level of public liability insurance cover needed and include this in the contract documents
- get approval for any alterations to Council buildings from the Property Design Maintenance Division and the Fire Service, if necessary
- specify health and safety requirements and conditions in writing
- provide key health and safety information to prospective contractors, including copies of relevant Council policies, procedures and risk assessments
- identify a named site contact for **all** contracts on Council premises.

### **Choosing a contractor**

22. When selecting contractors we will:

- assess their health and safety competence and technical capability **before** giving them work
- ask for up-to-date references and check them out
- evaluate their approach to health and safety. This may be done in a number of ways depending on the circumstances. It may include:
  - assessing key documents, such as health and safety policies, management arrangements and general risk assessments
  - interviewing the contractor
  - visiting the contractor on site.

23. Contractors must only be appointed:

- in writing
- by authorised employees - we'll make sure they have appropriate health and safety training for this
- once all agreed competence checks have been successfully completed.

### **Before contracts begin**

24. Before contracts begin, we will:

- work with the contractor to make sure contract-specific risk assessments and method statements are done
- agree, implement and publicise protective measures
- make sure the contractor has the appropriate level of insurance cover and record their insurers' details
- set up processes for sharing information and coordinating risk control measures between stakeholders
- arrange site-specific inductions with contractors. These must include details of on-site hazards, risk assessments and emergency arrangements
- clearly define contractors' areas of work

- decide what needs to be done to manage and supervise contractors effectively on site and agree who will be responsible for doing this
- agree monitoring arrangements with contractors.

### **During the contract**

25. We will make sure there are regular liaison meetings throughout all contracts. These should promote cooperation and coordination by allowing:
- stakeholders to exchange information
  - proposed work variations to be discussed and risk assessments amended
  - problems to be discussed and resolved informally
  - effective protective measures to be implemented.
26. Contract managers and site contacts must pass the information from these meetings to others who could be affected by the work. This might include employees, contractors, service users, partners and other tenants in shared premises.
27. We'll also make sure that contractors and subcontractors:
- meet our site security arrangements. This could include following signing in and out procedures or wearing identity badges. We need to know who's on site, in our premises, or working on our behalf at all times
  - do regular health and safety checks of their work areas to identify and deal with any problems
  - maintain a good standard of general housekeeping.

### **Checking**

28. Throughout the contract, we will be proactive about health and safety performance. We'll make sure that:
- risk assessments are up to date
  - protective measures are working
  - accidents and work-related ill health cases are investigated and action taken to prevent further problems.
29. We'll check that contractors and subcontractors are:
- working safely
  - following agreed method statements and safe working procedures
  - following health and safety rules.

30. If our checks reveal poor performance or unsafe work practices, we will take **immediate** action to deal with the problem. Depending on the circumstances, this might include:
- stopping the job temporarily while minor problems are put right
  - suspending the contract while major issues are resolved
  - excluding workers who fail to follow our rules and standards
  - removing the contractor from our approved lists.

### **Reviewing and learning**

31. Once the work is complete, we will review the:
- quality of the job done or service provided
  - performance of the contractor and any subcontractors
  - effectiveness of our own contract management arrangements.
32. We'll do this using feedback from the contract manager, the nominated site contact, health and safety specialists, trade union health and safety representatives, employees and the contractor.
33. We'll record the key findings of the review and use the information **constructively** to:
- improve our own practices and procedures
  - help our contractors to improve their health and safety performance.

### **Roles, rights and responsibilities**

#### **Strategic budget planning and funding bodies**

34. Council contracts are financed by a range of funding bodies and budget holders, including:
- management committees
  - school governing bodies
  - employees with delegated budgets.
35. These groups and individuals have a responsibility to make sure contract funding is sufficient to allow safe working.

#### **Strategic directors**

36. Strategic directors and their senior management teams are responsible for making sure their directorate meets the requirements of this policy. This means they must:
- make adequate resources available for health and safety in contract management
  - oversee the development, implementation and monitoring of directorate arrangements for safe contract management

- make sure contracts are only let and managed by nominated, competent employees
- allocate adequate time and funding for developing and maintaining nominated employees' competence.

### **Contract managers**

37. Any employee who lets or manages contracts must:

- be proactive about developing and maintaining the skills and competence needed for their role
- make sure all required checks on contractor competence are complete and satisfactory before contracts are let
- tell their health and safety adviser and trade union health and safety representatives about any significant planned contracts
- make sure all contractors are given a copy of this policy
- pass essential information about the results of risk assessments and emergency procedures to contractors and other stakeholders who could be affected by contract work
- monitor contract work proactively, getting technical or specialist advice where necessary
- manage poor performance quickly and effectively so health and safety isn't compromised
- report problems with contract management procedures or contractor performance. This is so that lessons can be learnt and improvements made.

38. Establishment and unit managers **must** meet these requirements for any contract work they commission directly, without following the Council's normal contracting procedures and services.

### **Employees**

39. Employees must be briefed about planned contract work and any health and safety implications it has for them. This may include the need for additional protective measures while contract work is being done, or changes to work activities and emergency arrangements.

40. Employees have responsibilities as well as rights. This means they must:

- report any hazards, risks or unsafe situations they identify at work. This includes work involving contractors or subcontractors
- be co-operative and proactive in all health and safety issues
- report any problems or shortcomings in the Council's health and safety arrangements. This includes any concerns they have about contractors or contract management procedures.



## Trade union health and safety representatives, HSRs

41. HSRs have legal rights in the workplace. These include the right to:
- inspect and take copies of any documents linked to health and safety in the workplace. This may include method statements, site rules, health and safety plans and risk assessments
  - be consulted about any changes that could affect their members' health and safety, such as planned contract work
  - monitor and review contract management arrangements
  - investigate hazards, accidents and their members' complaints
  - do inspections and investigations.
42. The Health and Safety Representatives' Charter gives more information about HSRs' rights. You can find a copy on [iDerby](#) and [Schools' Information Portal](#).

## Outlining our expectations

43. Contractors **must**:
- comply with health and safety law and Council policy as a condition of working for us
  - cooperate with us to make sure legal requirements are met
  - meet our standards and follow our site rules
  - have valid public liability insurance of at least **£5 million**. Policies must have an indemnity to principles clause to cover third party claims for negligence
  - produce original copies of certificates, licences and accreditations for inspection if asked to do so
  - provide and work to approved method statements and specific risk assessments. The site contact, manager or health and safety adviser must approve any changes **before** work continues
  - provide information about any hazardous substances used during a contract, or brought onto our premises, **before** work begins
  - not enter confined spaces, unless this is part of the contract **and** the site contact has given approval
  - have and maintain effective health and safety management systems that include regular monitoring
  - follow any permit to work procedures appropriate for the work or site. These might be for hot work, entry into confined spaces, or work in areas with hazards, such as asbestos
  - have effective arrangements for consulting their workforce
  - provide adequate training, information and supervision for their employees and subcontractors
  - report accidents, incidents, dangerous occurrences and cases of occupational disease that happen or develop while working for us

- make sure their employees and subcontractors behave acceptably when working for us, and are sensitive to other people in the workplace
- have effective housekeeping arrangements.

### Measuring performance

44. We need to check that the policy is working, and that the minimum standards it sets are being met across the Council. If things aren't going well, we need to know why, so action can be taken. Our aim is for work activities to be as safe and healthy as possible.
45. To do this, we will develop a range of monitoring arrangements and performance indicators, dovetailed into our health and safety management system. They will include actions, such as:
- reviewing policy and guidance
  - making sure minimum standards are applied consistently
  - checking arrangements are effective
  - monitoring the progress of implementation action plans against agreed timescales
  - making sure arrangements, guidance documents and action plans go through the correct consultation processes
  - doing inspections and audits
  - producing monitoring and performance reports.

### Training

46. We will make sure employees involved in any stage of the contract design, planning and management process have the training, information and instruction they need. This includes making sure they:
- know and understand their health and safety responsibilities
  - can identify the hazards and risks linked to contract work they're involved with, and have an appreciation of appropriate preventative measures
  - know what to look for when selecting and monitoring contractors
  - understand what to do if they have concerns about contractors.

### Information and advice

47. You can get advice and information about managing contractors safely from the [Health and Safety Team](#) (HST) by:
- calling 01332 **640748** or
  - emailing [employee.healthandsafety@derby.gov.uk](mailto:employee.healthandsafety@derby.gov.uk).