

**Ironstone Academy Trust**

# **SELECTION AND MANAGEMENT OF CONTRACTORS GUIDANCE**

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# **Health and Safety Requirements for the Selection and Management of Contractors**

## **1. Introduction**

IAT recognizes its health and safety responsibilities with regard to the selection and monitoring of Contractors, Sub- contractors, Partners, and others not in their employment.

IAT will make all possible efforts to select competent contractors to carry out works on their behalf.

IAT will ensure that all risks to health and safety will be communicated to the Contractor with regard to the work to be carried out.

This policy aims to inform the IAT Premises Managers and Head Teachers of their responsibilities when selecting, appointing and monitoring all contractors and partners involved with the delivery of council services.

## **2. Legislative Requirements**

**The Health and Safety at Work Act 1974** section 3 states that: - Employers, so far as is reasonably practicable, must ensure that persons not in his employ are not exposed to risks to their health and safety.

**Management of Health, Safety and Welfare Regulations 1999**, places a duty on every employer to make a suitable and sufficient assessment of the risks to the health and safety of persons not in his employment arising out of or in connection with his undertaking.

**The Construction (Design & Management) Regulations 2007**, places a duty on Clients to set the tone for the project and have overall control. Their approach is critical to how a project runs in practice. They do not have to manage the project themselves (a CDM coordinator is appointed) but must ensure that there

are clear and appropriate arrangements for managing and co-coordinating the work of all those involved.

The legal requirements for Health and Safety Management during construction are set out in a document which is published by the HSE: <https://www.hse.gov.uk/pubns/priced/l153.pdf> The Trust will be the Client for all construction works and has duties under the CDM Regulations 2015. These are detailed in Table 1 on page 6 of the document.

### **3. Responsibilities**

#### **Trustees**

1. To ensure that the Premises Manager and Head Teacher responsible for the appointment of contractors or procurement of services are aware of the health and safety risks in relation to the service to be tendered for and they thoroughly assess the contractor's arrangements for health and safety of all aspects of the service provision.
2. To ensure a tendering policy is in place.
3. To ensure that procedures are in place to ensure all necessary CRB checks are carried out before the commencement of any contract.
4. To ensure for the duration of the contract, there is co-ordination, cooperation and communication between the council and the contractor, and that all health and safety risks are communicated.
5. To ensure that the contractor is regularly monitored on its day to day operations, systems and processes in line with current health and safety legislation and corporate standards.
6. To ensure measures are in place to ensure that contractors who do not conform to the health and safety standards of the council cease work until all necessary requirements are met.

#### **Head Teachers**

1. To ensure that a full evaluation of the health and safety requirements for the required service have been assessed and that the information provided to the potential contractors clearly indicates the trusts commitment to the health and

safety of its employees, contractors and members of the public, and the expected standard of any contractor to the trust.

2. To follow the Tendering Policy
3. To ensure that all risks relating to the work to be completed under contract are identified and communicated to the potential contractors.

4. To ensure that where necessary the Health and Safety Unit are advised and invited to contribute to the evaluation of any contractor.
5. To ensure that all activities in relation to IAT and contractors undertaking are coordinated and that health and safety risks are communicated.
6. To ensure that regular communication takes places between the IAT and contractor.
7. To implement suitable and sufficient systems to monitor the contractor's health and safety arrangements throughout the duration of the contract.
8. To ensure that the Health and Safety unit and CEO are made aware of any incidents or accidents that occur in connection with the IATs and the contractor's undertaking.

#### **Tender Evaluation Teams (where appointed)**

1. It is the duty of the Premises Manager/Head Teacher responsible for the appointment of a contractor to establish a Tender Evaluation Team who will evaluate the Health and Safety policy and arrangements of the contractors submitting tenders.
2. The tender will be evaluated in line with current legislation and accepted best practice in relation to the nature of the contract.

#### **Health and Safety Team- seeking advice**

1. To assist in assessment of health and safety arrangements of all potential contractors to the IAT in relation to the risks associated with the provision of service required.

2. To ensure the health and safety of all staff, services users, pupils and members of the public who may be affected by the undertakings of the contractor.
3. To monitor the health and safety performance of all contractors, partners and individuals carrying out work on behalf of the Trust if required.
4. Issue Cease Operations Notices to any contractor where there is a risk of imminent danger to themselves, IAT employees, service users, pupils or members of the public, in line with their Delegated Power 123.

#### **4. Factors to be considered when selecting contractors**

It is important to select only competent contractors, for example Gas Safe Registered Gas Contractors and IEE registered electrical contractors. No matter how minor the job or how quickly it needs to be completed health and safety does not start when the contractor arrives on site. The health and safety arrangements of the contractor need to be assessed before any work commences and then monitored whilst the contractor is on site.

The following list should be considered when selecting a contractor: -

- The contractor's previous health and safety performance. If necessary request references from previous employers
- The Contractor's safety policies, risk assessments, training records – request copies for evaluation
- Health and safety should be a condition set down in your contract. When bids are invited for work, check them against the specification to make sure provision has been made for controlling risks.
- How you will communicate with the contractor before and during the work
- Consider whether your contractor is likely to employ a sub-contractor.

Problems can arise when there is a further sub-contracting unless there are good arrangements between all parties. You must specify rules about sub-contracting – you need to be sure that the Contractor has appointed competent sub-contractors who will abide by council standards.

**5. When planning to appoint contractors considerations should be given to the following: -**

***Experience***

- What experience do you have of our type of business/premises?
- How familiar are you with the hazards of our business?
- Have you done this sort of work before?
- Can you provide existing risk assessments/method statements for a similar job?
- Can you supply references?

***Health and Safety Policy and Procedures***

- Do you have a healthy and safety policy?
- Has enforcement action ever been taken against you by either the HSE or a local authority?
- Do you plan to use any sub-contractors?
- Will you provide a safety method statement for the job?
- What safety checks do you make on equipment & materials

***Training and Competence***

- Are you a member of a trade/professional body?
- How do you ensure your sub-contractors are competent
- How do you prepare them for working safely while on site?
- What health and safety training do you provide?
- How is information about health and safety passed onto staff and sub-contractors?
- Can you supply your training programme and records?
- Have they got current certificates of competence and participation in health and safety training?



## ***Supervision***

- How do you plan to supervise this job?
- Who will be responsible for supervision on site?
- How will you liaise with us?
- If you identify a problem what action do you take concerning your staff or sub-contractors?
- How will you report incidents/accidents to us?

**The TFBM has produced a corporate Tender Pack to aid the selection of contractors. The questionnaire includes a health and safety section, which asks questions relating to the above requirements. For further guidance on the tender process and to obtain a tender pack, the Procurement Handbook is available on request.**

## **Monitoring Contractors Health and Safety**

A 'Principal Designer' needs to be appointed for all building works by the School.

They will have due regard for the advice given by the HSE:

<https://www.hse.gov.uk/pubns/priced/l153.pdf>

## **Completion of the Authorisation of Work**

All contractors completing works on council premises, whether appointed by the Council or the individual premise manager or head teacher must complete the Authorisation to Work Form (AW3).

The form is designed to ensure that any risks created by the project are identified and controlled to ensure the health and safety of all persons operating in the area where the work is to be carried out.

Contractors must identify any risks in relation to the work to be carried out including exposure to Asbestos Fibres, the use of access equipment i.e. ladders or scaffolds, the use of Chemicals and compounds (i.e. paints, adhesives, solvents).

The Premise Manager/Head Teacher must ensure that risks are communicated to the Contractor (i.e. children or service users etc), and that they are happy that the contractor has taken these risks into consideration **before the work commences**.

## ***Ensuring Competence***

Staff responsible for the selection and appointment of contractors must satisfy themselves that the contractor is competent (i.e. they have sufficient skills, experience and knowledge) to do the work safely and without risks to health and safety. The degree of competence required will depend on the work to be completed.

Staff responsible for the selection and appointment must ensure that contractors understand what performance is expected. They should explain the Council's Health and Safety arrangements to the contractor and inform them of our Health and Safety Policy and procedure and ensure that they are understood and will be adhered to.

Staff must decide what they need to do to effectively manage and supervise the work of the contractor. Where the contractor is involved with a high-risk activity the greater the management and supervisory responsibility of the Council.

Staff responsible for the selection and appointment need to agree with the contractor how the work will be done and the precautions that will be taken. Again the extent of the Trust's responsibilities will be determined by the impact that the contractor's work could have on anyone likely to be affected.

Over the duration of the contract health and safety performance must be monitored. The level of monitoring depends on the risks – the greater the risks the greater the monitoring.

### ***Low Risk***

- Meetings between contractors representative and Premise manager/Head Teacher and Principal Designer
- Constant Communication
- Site Visits

### ***High Risk***

- Health and Safety Unit to be invited to attend meetings

- Ensure compliance by auditing risk assessments and methods of work against work being carried out
- Site inspections

Where health and safety requirements are not being met, the first step is for the IAT and the contractor to find out why and put matters right. If the health and safety performance is not brought up to the required standard, the Trust will need to stop the contractor until the desired requirements can be met.

### Maintaining Communication

It is essential that any identified risks are communicated to the contractor prior to work commencing and for the duration of the contract. Formal means of communication should be agreed before the contract starts with the Head Teacher and Principal Designer.

All parties need to consider what information should be passed between them and agree appropriate ways to ensure this is done. Clear information should be exchanged with regard to risks arising from their operations, including relevant safety rules and procedures, and emergency actions in the event of an accident or incident. The exchange of information should include details of risk that the contractor could not reasonably be expected to know about.

### **Co-operation and Co-ordination**

In any client/contractor relationship, there must be co-operation and co-ordination between all the parties involved, to ensure the health and safety of both workforces and anyone else likely to be affected.

IAT should take the lead and set up liaison arrangements with all parties. Liaison is particularly important where variations of the work are proposed or where more than one contractor or sub-contractor is engaged.

It may be necessary for both IAT's employees and the contractor's employees to work together or alongside each other. In these cases it is necessary to have agreed working arrangements that incorporate health and safety systems that protect employees of both organizations

These arrangements must be regularly reviewed and audited for compliance with legislation and best practice.

## **6. Reporting Accidents**

If a contractor has an accident on IAT premises it is the Contractors responsibility to report the accident to the Health and Safety Executive. It is not the responsibility of the IAT to report the accident but a record of the accident should be recorded on the council Accident Report Form (**ACC4**) and forwarded to the Health and Safety Unit.

The CEO should be informed.

## **7. Health and Safety Team**

The Health and Safety Unit will advise and support all Managers and Head Teachers in their responsibilities to manage and monitor the Contractors health and safety performance for the duration of the project.

Where required the health and Safety unit will carry out regular auditing of the contractor to ensure maintenance of desired health and safety standards.

## **8. Delegated Power 123**

The Health and Safety Unit have a Delegated Power 123 to enable them to cease the work of any contractors working on IAT premises.

Where there is an imminent risk of injury to the contractor, IAT employee, service user, pupil or member of the public a Cease Operations Notice will be issued and the Contractor will be prohibited from continuing work until measures have been implemented to adequately control the identified risk.

Contractors will be reinstated once all requirements of the notice have been met to the satisfaction of the Health and Safety Officer.

## **9. Relevant Legislation and Additional Guidance**

The Health and Safety at Work Act 1974

The Management of Health and Safety at Work Regulations 1999

Managing Health and Safety in Construction

The Construction (Design and Management) Regulations 2007

HSE Guidance Use of Contractors – a joint responsibility

HSE Books Managing contractors – A guide for Employers