

Health & Safety Guidance

Children's Services Department

CONTRACTORS/SERVICE

PROVIDERS

| Review Date | Changes Required | Name & Position |
|-------------|------------------|--------------------------------|
| Mar 2022 | None | Tracy Blackwell – Head teacher |
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"All policies and other documentation provided to the client by Derbyshire County Council remain exclusively the property of the Council. The client is entitled to retain and use these items only for so long as its contract with the Council subsists. Upon the contract's termination, all such items shall cease to be used by the client, with immediate effect, and shall be promptly returned to the Council. In the event of breach by the client of this agreement, the Council reserves all legal rights and remedies".

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Contractors

Introduction

With increased delegation of funding to establishments/teams, and with increased ability to employ whoever an establishment/team chooses to carry out a wide variety of work previously carried out directly by the Local Authority (LA), comes increased responsibility to ensure and monitor that these works are carried out directly safely.

Traditionally this use of contractors has been seen to relate to construction type work and associated trades, however establishments/teams are now increasingly employing contractors to deliver work which is for example; part of the curriculum (eg coaches to deliver PE); to work with specific young people at risk of exclusion, groups of young people who may present with behaviour which challenges or to deliver specific activities.

Where an establishment/team is commissioning work of any sort using someone who is not one of their employees then they will be deemed to be the 'client'. Anyone brought in by the establishment, who is not their employee; to carry out work to deliver a service on behalf of an establishment or team, will be classed as a contractor.

Throughout the document the term contractor should be taken to mean anyone providing work or a service on behalf of the establishment/team.

In general, clients and contractors have health and safety responsibilities to protect each other, their workforce and anyone else who may be affected (e.g. pupils, visitors, other contractors) by the work of the contractor.

Work undertaken on behalf of a client by a contractor should be covered by an appropriate contract. The Local Authority would advise that the health and safety requirements relating to the work be included in that contract. Remember that both parties will have duties under health and safety legislation. **These are not delegable and cannot be passed from one party to another through the contract.**

In Community and Voluntary Controlled schools, despite delegated budgets the Local Authority remains the employer and expects these schools to have a system in place following, as a minimum, these guidelines, to ensure any contractors appointed to deliver any work are suitably competent to carry out the work, comply with all relevant health and safety legislation and are fully and properly insured. The Local Authority also requires these schools to have systems in place to monitor the contractors work during the contract and to deal with any unsafe practices immediately.

All other Children's Services staff and teams should follow as a minimum these guidelines.

If having read the following guidance you are unclear on any aspect of your role as a client you should contact the Children's Services Department, Health and Safety Section for further advice.

Covid 19

All Contractors who come into school who have been in contact with anyone who has had a confirmed diagnosis of Covid 19, who is isolating wear a mask if they are symptom free.

Contact with staff will be limited and where ever possible meetings will be held outside. If the contractor is displaying symptoms they will not be allowed into the school.

As a Client What Do I Need to Do?

Identify the Job/ Service

- The establishment/teams need to identify the scope of the work/service they want the contractor to carry out and all the aspects of it including the preparatory works and any works during the completion phase.
- A suitable contractor to carry out the work will need to be selected.
- The level of risk will depend on the nature of the contract and the establishment/teams needs to consider all the health and safety implications of the work/service they want done. The risks associated with the work will then need to be assessed.
- Appropriate information, instruction and, where necessary, training will be required and all parties will need to be aware of these requirements.
- The level of cooperation and coordination between all parties and how this will be achieved will need to be considered.
- Consultation with the workforce will need to be considered.
- The level of management and supervision required will need to be established.

N.B. for schools, for certain construction/demolition contracts specific legislation i.e. the Construction, Design and Management (CDM) Regulations will need to be complied with (search the Extranet for 'Construction work on school sites'). This will not apply to Children's Services teams who should only carry out such work using County Property Division who will take care of all the necessary requirements.

Select a Suitable Contractor

- The establishment/team must satisfy itself that any potential contractor is competent (i.e. they have relevant suitable qualifications/experience, sufficient skills and knowledge) to do the work safely and without risks to health and safety (of themselves, the establishment staff and pupils and visitors).
- The establishment/team must ensure the contractor is aware of their health and safety policy and procedures (including any specific issues such as permits to work) and make sure they understand and will comply with them.
- The establishment/team will need to decide how they will determine any contractor's competence. Below are a series of questions, the answers to which will help them to decide whether or not a contractor is competent and whether they take health and safety seriously.
 - What experience does the contractor have in the type of work/service to be delivered?
 - Is the contractor used to working in/with educational/social care establishments?
 - What qualifications and skills does the contractor (and their staff) have?
 - Does the contractor belong to a professional body and is this relevant to the type of work/service being carried out?
 - Does the contractor have a health and safety policy?

- Does the contractor have risk assessments/method statements relevant to the type of work/service to be delivered?
- What is the contractor's recent safety performance record like (number and type of accidents etc)?
- Does the contractor hold Employee and Public Liability Insurance as appropriate and to what value? (Absolute minimum value of £2M but the norm you should look for is £5M at least). and may need to be more depending on the type or work/service to be offered.
- What health and safety training and supervision does the contractors/service provider have in place?
- What arrangements does the contractors have in place and for consulting with their workforce?
- Do the contractors have any independent assessment of their competence? e.g. external audit/lead body monitoring and accreditation.
- Do the contractors/service providers have any references from previous clients?
- Do they or their employees hold a 'passport' in health and safety or relevant specific Health & Safety Qualification? (This is a growing trend in some industries, e.g., construction).
- Are the contractors/service providers planning to use sub-contractors and what are their selection criteria for appointing these?

The establishment must ask to see appropriate evidence to back up all the answers given.

Selection of Suitable Sub Contractors

A developing feature of contracts is that contractors will often sub contract all or parts of contracts. The establishment should determine before any contract is awarded if sub contractors are to be used and for what parts of the work.

It is advised that the selection of sub contractors should be left to the contractor. The establishment/team management must however satisfy themselves that the contractor has in place a robust and effective procedure for ensuring the competence of any sub contractors they are planning to use. The contractor should be able to demonstrate that they have a selection process that is similar to that which the establishment is using to select the contractor.

Assess the Risk of the Work

- A risk assessment must be done relating to the work/service to be carried out and both the establishment/team and contractor should be party to it.
- The establishment/team should already have in place risk assessments relevant to any significant risks created by its day to day operations. They should also have in place other safety information relating to the building and services (such as asbestos surveys and the associated permit to work systems) and any other potential risks that may for example relate to challenging or vulnerable young people or those with additional needs.

- The contractor must assess the risks for and created by the work/service for which the contract is issued.
- The establishment/team and contractor must then get together to consider those risks from each others work that could affect the safety of employees of either party or others who may be affected, e.g., pupils, young people, parents and visitors to the establishment.
- The establishment and contractor should then agree an appropriate risk assessment for the contracted work/service and the control measures that will be applied to either eliminate the risks or to reduce them to an acceptable level during the duration of the contract.

If sub contractors are to be used than they must be included in the above process.

Provide Information, Instruction and Training

The establishment, the contractor and any sub-contractor must provide their employees with information, instruction and, where necessary training on anything which may affect their health and safety.

All parties need to consider what information needs to be passed between them and agree appropriate ways to make sure this happens.

The checklist at Appendix 1 can be used to aid this process.

The key is to ensure all parties talk to each other.

The information exchanged should be specific to the work/service provided and include clear details about the risks arising from each others operations including relevant safety rules and procedures for dealing with emergencies. It should also include details of any risks that other parties could not reasonably be expected to know about.

The establishment and contractor will also need to consider how any relevant information will be communicated to parents, visitors etc. This could be via letter, signs etc. For certain long term contracts where the risks may change consideration should be given to providing updates on the risks to interested parties e.g. parents staff, pupils, clients.

The information instruction and training provided by the establishment, the contractor and the sub-contractor needs to take account of the risks from their own and each others work.

Cooperation and Coordination

In any establishment/teams/contractor/sub-contractor relationship there must be cooperation and coordination between all the parties. The establishment/teams should set up liaison arrangements with all the parties. This could take the form of a pre-contract meeting followed up by regular scheduled meetings throughout the duration of the contract. There should also be a system set up for communicating issues which need addressing more quickly than the next scheduled meeting.

Appropriate liaison is also vital before any proposed variations to the work takes place.

Consulting the Workforce

Appropriate systems should be put in place to consult with the workforce on health and safety matters relating to the contract. Where there are Trade Union appointed safety representatives then they should be included in the liaison arrangements. Where there is no trade union appointed safety representative alternative arrangements should be made.

Management and Monitoring

The establishment/team will need to decide what action will be needed by them to effectively manage and monitor the work of their contractors. Clearly this will depend on the nature of the contractors work and the duration of the contract. The more impact the contractors work is likely to have on the health and safety of staff, pupils, young people and visitors, the greater the supervisory responsibility of the establishment/teams will be.

The establishment/team, if they know more about the health and safety implications of the contractor's/service providers work than the contractor, will have greater management and monitoring responsibilities. This will be particularly relevant for core lessons/activities involving pupils/young people with challenging behaviour learning difficulties/disabilities/additional needs

In all circumstances, establishments/team will need sufficient knowledge and expertise to manage and monitor the contract appropriately to ensure safe delivery of the work/service. (again, this will depend on the type of contract and the controls that are to be put in place).

It is essential that the nature of any controls to be exercised by the establishment is agreed before work starts. This should include the selection of any contractors/service providers.

The establishment should agree with the contractor how the work will be done and the precautions that will need to be taken to safeguard health and safety. The extent of the establishment/team's responsibilities will be determined by the impact that the contractor's work could have on anyone likely to be affected. Relevant issues include:-

- What equipment should or should not be worked on/used.
- Working procedures, including any permits to work.
- The number of people needed to do the job.
- Reporting of accidents and safekeeping of records and plans.
- Whether work will occur in normal establishment times.
- Safeguarding issues

- Whether or not work will take place in any occupied areas.
- Where core lessons/activities are being delivered on behalf of the establishment/team management and monitoring will also include:-
 - Observations of lesson/activity
 - Review of pupil/young persons progress

- De-brief with contractor staff
- Overview of facilities used

The establishment/team, contractors and sub-contractors should monitor their health and safety performance. This means checking whether the risk assessment is up to date and that control measures are working. The level of monitoring depends on the risks – the greater the risks, the greater the monitoring. Establishment/teams should make periodic checks on the contractor's performance to see if the work is being done as agreed. Contractors and sub-contractors should carry out day to day checks to ensure that what should be done is being done. Some work related accidents, diseases and dangerous occurrences have to be reported to the enforcing authorities. The Children's Services Department guidance on accident reporting gives further details. It is good practice to investigate all injuries, cases of work related ill health and 'near misses' to find out what went wrong and why they were not prevented. Establishment/teams, contractors and sub-contractors should share the lessons learnt from monitoring and investigations with each other and with the workforce.

The checklist at Appendix 2 can be used to aid this process.

Where health and safety requirements are not being met, the first step is for the establishment/team and the contractor/service providers to find out why and put matters right. If health and safety performance is not brought up to requirements, the establishment/team will need to stop the contractor/service provider working on the job until requirements can be met.

Both the establishment/team and the contractor/service provider should review the work after completion to see if performance could be improved in future.

The checklist at Appendix 3 can be used to aid this process.

Construction, Design and Management Regulations 2007

The intention of the Construction (Design & Management) Regulations (CDM) is to focus attention on planning and management throughout construction projects from design concept onwards. The aim is for health and safety considerations to be treated as an essential, but normal part of a project's development – not an afterthought or bolt-on extra.

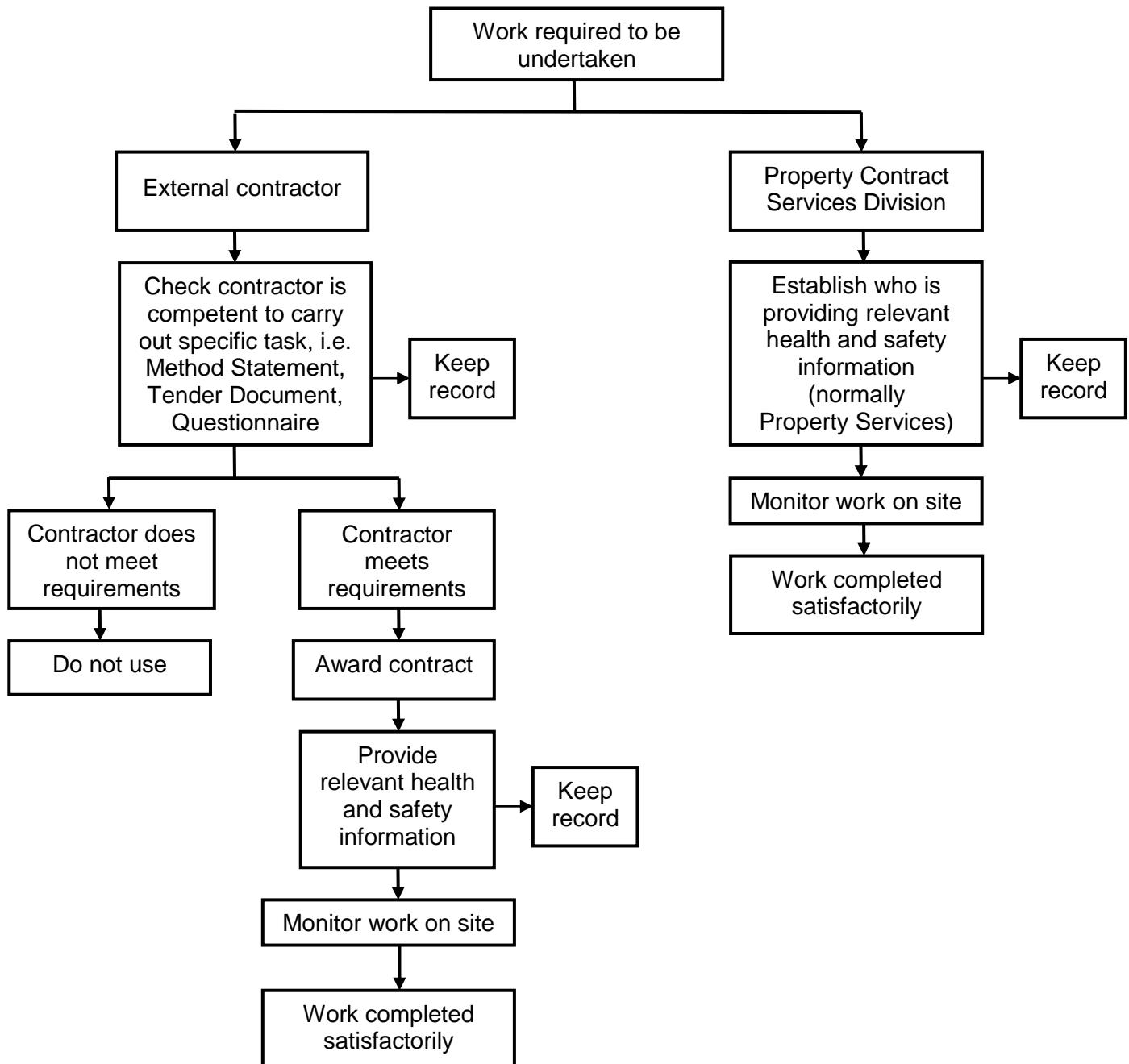
The Regulations apply to all construction and demolition work.

Additional management duties apply to notifiable projects i.e. projects lasting more than 30 days, or involving more than 500 person days of construction work.

Schools are strongly advised to employ the services of Corporate Resources, Property Division when considering undertaking construction work. **Children's Services Teams should only carry out this type of work using Property Division.**

Use of contractors

Basic requirements flowchart



Management of Contractors

| | |
|--------------|------------|
| Job/Service: | Date from: |
| | Date to: |

| | |
|-------------|---------------|
| Contractor: | Contact name: |
| | Tel no: |

| | |
|-----------------|---------------|
| Sub-contractor: | Contact name: |
| | Tel no: |

| | |
|-----------------------|--|
| Job/service Location: | |
| Work to be done: | |

| Documents/details provided by contractor | | | |
|-------------------------------------------------|--|---------------------------------------|-----------------|
| | | <i>Tick-N/A</i> | <i>Tick-N/A</i> |
| Health & Safety Policy | | Evidence of competency/qualifications | |
| Risk assessments | | Method statements/working procedures | |
| COSHH assessments | | Emergency procedures | |
| Employers liability insurance | | Public liability insurance | |

| Documents/details provided by Establishment | | | |
|----------------------------------------------------|--|-------------------------------|-----------------|
| | | <i>Tick-N/A</i> | <i>Tick-N/A</i> |
| Fire & evacuation procedures | | Accident reporting procedures | |
| Site hazards | | Site Induction/rules | |
| Asbestos Permit to Work | | Fire Integrity Permit to Work | |
| Hot Work Permit to Work | | Contact details | |

| Other issues | | <i>Tick-N/A</i> |
|---------------------------------------------------|--|-----------------|
| Access arrangements – during/outside normal hours | | |
| Storage arrangements | | |
| Hygiene arrangements | | |
| Waste storage and disposal arrangements | | |
| On-site monitoring arrangements | | |

| School/Centre Authorisation | Contractor Acceptance |
|------------------------------------|------------------------------|
| Name: | Name: |
| Position: | Position: |
| Signature: | Signature: |

Date: _____

N.B. attach relevant documents

**HEALTH AND SAFETY CHECKLIST
REVIEW OF CONTRACTOR PERFORMANCE**

CHECKLIST COMPLETED BY

| | | |
|--------------|---------------------|--|
| Name: | Contractor: | |
| Position: | Contractor Contact: | |
| Signature: | Job/service period: | |
| Date & Time: | | |

| Issue | Yes | No | Notes |
|------------------------------------------------------------------------------------------------------------------------|-----|----|-------|
| Site Procedures | | | |
| Are sign-in procedures followed? | | | |
| Are contractors aware of site emergency procedures? | | | |
| Where appropriate has the contractor obtained: - Asbestos permit? - Hot work permit? - Fire integrity permit? | | | |
| Is work being carried out in accordance with the permits? | | | |
| Environment | | | |
| Are work areas tidy? | | | |
| Is material being stored appropriately? | | | |
| Is waste being disposed of as agreed? | | | |
| Are work areas cordoned off where appropriate? | | | |
| Are access/egress routes kept clear for all site users? | | | |
| Are vehicles unloaded/parked appropriately? | | | |
| Work Methods | | | |
| Is work being carried out as agreed – in accordance with method statements/risk assessments (detail an example)? | | | |
| Contractor's Monitoring | | | |
| Has the contractor carried out any monitoring since the last check? What issues were raised? | | | |
| Are regular meetings held with the client to discuss job progress & health & safety issues? | | | |
| Accidents/Incidents | | | |
| Have any incidents/accidents occurred since the last monitoring exercise (detail briefly)? | | | |

**HEALTH AND SAFETY CHECKLIST
END OF PROJECT REVIEW**

CHECKLIST COMPLETED BY

| | |
|--------------|---------------------|
| Name: | Contractor: |
| Position: | Contractor Contact: |
| Signature: | Job period: |
| Date: | |
| Job details: | |

| Issue | Yes | No | Notes |
|---------------------------------------------------------------------------------------------------------------------|------------|-----------|--------------|
| Monitoring | | | |
| How many monitoring exercises were carried out? | | | |
| What were the main issues raised/action taken? | | | |
| Environment | | | |
| Were work areas left in a safe & tidy condition? | | | |
| Was all equipment/material/waste removed? | | | |
| Was any damage to fixtures, fittings, floor surfaces etc. made good? | | | |
| Documentation | | | |
| Have relevant documents been provided e.g. electrical test certificates? | | | |
| Where new equipment has been installed, has the Client been instructed in its' safe use/provided with instructions? | | | |
| Have servicing/maintenance requirements been clarified? | | | |
| Additional issues/observations by client | | | |
| Additional issues/observations by contractor | | | |
| Lessons learnt/changes needed for the future | | | |

A recent meeting of the national practitioners' panel was addressed by James Preston-Hood the chair of the Construction Clients Group. This group is concerned with enhancing the role of clients to ensure that construction projects are delivered safely. The Group has produced some very useful material not least guidance for clients engaged in small construction projects but are unfamiliar with the CDM Regulations 2007 and the duties placed upon clients.

I have attached a list of the URLs for the CCG website which you might find interesting and useful. Please pass this information on to those engaged as clients on construction projects. The information may be of particular interest to School governing bodies and head teachers.

Our main web site: <http://www.constructingexcellence.org.uk/sectorforums/constructionclientsgroup/>

Our CDM self assessment tool:

<http://www.constructingexcellence.org.uk/sectorforums/constructionclientsgroup/cdmquestionnaire/>

Our research project on clients views of CDM: http://www.pyetait.com/surveyzone/surveys/CDM-CCG/impact_cdm_regs_07.htm

Our free information sheets:

<http://www.constructingexcellence.org.uk/sectorforums/constructionclientsgroup/publications.jsp>

Client Commitments:

<http://www.constructingexcellence.org.uk/sectorforums/constructionclientsgroup/clientcommitments/default.jsp>