



## **Contract Management**

Author	HBC
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Version	4

## Contract Services - Schools Health and Safety Policy



<b>Date Created:</b> June 2012	<b>Date of Amendment:</b> February 2020	<b>Date of Next Review:</b> When required
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<b>Author</b>	Tony Dean	
<b>Responsible Directorate/Division</b>	Enterprises, Community & Resources, Risk and Emergency Planning	
<b>References &amp; Legislation</b>	The Health and Safety at Work Act etc 1974 Management of Health and Safety at Work Regulations 1999 HSG368, Construction (Design and Management) Regulations 2015	
<b>Consultation</b>	Schools H&S meeting 21/11/2012	
<b>Audience</b>	Staff Intranet, Schools H & S Website	
<b>Managers checklist</b>	1. Ensure that arrangements are in place to deliver the requirements of the three stages of the procurement process (see appendix 'B')	
<b>Expiry date of Policy</b>	Not Applicable	

## Introduction

Head teachers who employ contracted services will become clients and will enter into partnerships with contractors.

This means that by merely stipulating the health and safety requirements does not discharge the clients of their legal responsibilities and it is important to engage and actively work with the contractor in delivering these responsibilities throughout every stage of the management of the contract.

## Scope

Clients are required to ensure that the systems they specify and the tenders received make suitable provision for the health, safety and welfare of all parties including HBC employees, contractor's employees and members of the public.

The Policy establishes how HBC as a client to contracted services can discharge their health and safety responsibilities and considers the three stages of the procurement process namely:

1. Pre Tender Stage – mandatory at different levels of requirements subject to type of services being procured – use of a check list
2. Evaluation Stage to Award – assessing the mandatory requirements, ensuring service provider is competent and has ability to undertake health and safety functions to the required standard
3. Post Award to Contract Monitoring – in line with specification and monitoring arrangements what is checked and how often; roles and responsibilities

however, it does not cover other areas within contract management or procurement.

## Legal Duties

The main duties can found under the Health and Safety at Work etc Act 1974 (HASWA). By virtue of section 2 and there is a requirement to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all its employees.

The contractor providing the service will be responsible for the day-to-day operational health and safety of the service delivery and the Management of Health and Safety at Work Regulations 1999 requires employers to:

- undertake suitable and sufficient risk assessments;
- make suitable health and safety arrangements;
- provide information to employees and, where an external service provider has been appointed, to each other where appropriate; and
- Co-operate and coordinate with the client.

The client's legal duty can be found under section 3 (HASWA) and is to ensure that the activities of the contractor do not adversely affect the health or safety of people who may be affected by those activities.

## 1. Appointment Stage

At the pre-tender stage the client is accountable for the impact their approach has on health and safety.

Health and safety cannot exist in a vacuum and it is important to strike the right balance in terms of sensible risk management versus other considerations. The client should aim to select the best variables wherever possible and mitigate the residual effects to provide optimal solutions.

Therefore Head teachers need to;

- ✓ Ensure that they have the competence to assess the health and safety provisions;
- ✓ Ensure that the tender evaluation procedures and contract award criteria describes the principle features of, and the health and safety performance standards for the overall design of the services required; and
- ✓ Require as part of the Selection Questionnaire (SQ), a safe operating procedure statement and other relevant documents will need to be submitted with tenders. This will include Health and Safety policies, risk assessments, statements of safe working practice/operational instructions that should include;
  - Details of relevant health surveillance/monitoring regimes
  - Clearly defined information, instruction and training
  - Supervision and monitoring regimes and performance measures
  - Arrangements for consultation with and involvement of the work force
  - Roles and accountabilities of management and supervision
  - Details of contacts, managers, competent health and safety advisors

Please see the Contractors Checklist (appendix 'A') that can be used as an SQ when directly employing contractors, if not using the Council's Property Services SLA.

## 2. Evaluation Stage to Award

The key to all-round success is effective communication, co-ordination and genuine co-operation developed through partnership arrangements. At this stage services will be required to;

- ✓ Evaluate the tenders and relative weight will be applied to health and safety considerations;
- ✓ Evaluation and scoring will be based on the risks specified within services around elements including,
  - Competence to manage and deliver health and safety requirements
  - Understanding of the hazards involved
  - Systems of work that adequately control the risks
  - Maintenance regimes
  - Procedures for monitoring and reviewing health and safety performance
  - Sufficient resources to run the contract efficiently
  - Management that actively promotes a positive approach to health and safety in their proposed service delivery arrangements
- ✓ Especially for tenders involving higher risks, further competent advice and assistance should be sought by the Health and Safety team;
- ✓ Once awarded, any contract must identify a robust framework for monitoring and reviewing the health and safety service;

- ✓ Monitoring should be proportionate to the risks and reflect the key health and safety performance indicators detailed in the contract. They are intended to ensure that the contractors are working to prescribed methods and to review the suitability of the working methods. It will involve:
  - devising an on-the-ground monitoring regime, either independently or in conjunction with the appointed contractor; and
  - recognising additional resources may be required by the service providers during mobilisation to ensure that dynamic risks are addressed
- ✓ As part of the monitoring, consideration should be given to agreeing on performance measures and milestones and auditing health and safety performance. The performance measures may be simple objective measures such as the number of accidents per month, the number of days lost or vehicle collisions, and they might usefully include measures of management performance such as inspections carried out and actions taken, staff training (at all levels), tool box talks delivered etc.;
- ✓ Contracts should take account of any technological and market place developments, changes in legislation or recognised good practice, and experience elsewhere and contracts should incorporate practicable and non-punitive arrangements for both parties and agree variations within its lifetime; and
- ✓ Contracts should include termination and contingency arrangements, especially if corrective measures are not actioned or in the event of any substantial health and safety breaches.

### **Management of Contract Stage**

- ✓ It is during this stage that the agreed monitoring will take place and records maintained throughout the lifetime of the contract as per CDM Regulations 2015.
- ✓ This is a real opportunity to inform and benefit future contracts. At least 6 months prior to renewal of the contract (based on the length) there will be an appraisal by both the client and contractor of the health and safety performance.

### **Review and Evaluation**

In order to ensure that this policy continues to be effective and applicable to the Council, the program will be reviewed biennially by Risk and Emergency Planning and relevant stakeholders. Conditions which might warrant a review of the policy on a more frequent basis would include:

- Changes to legislation;
- Injury trends;
- Employee concern.

Following completion of any review, the program will be revised and/or updated in order to correct any deficiencies. Any changes to the program will be consulted through the relevant stakeholders.

### **Version Control and Change History**

<b>Version Control</b>	<b>Date Released</b>	<b>Date Effective</b>	<b>Amendment</b>
1	Jan 2013	Jan 2013	Document prepared - TD
2	June 2015	June 2015	Included the Contractors checklist and changed date of review - TD

3	Feb 2020	Feb 2020	Document reviewed. Custodian details and Directorate title amended. Pre-Qualification Questionnaire changed to Selection Questionnaire. Small contractors changed from four employees to five as per H & S legislation. Under section 2, Financial Information now includes 'At the schools discretion a financial check may be undertaken i.e. Equifax, Company House etc'. Section 5 reviewed to reflect CDM Regulations 2015 and reference also included on page 1 under references and legislation. Section 7 now includes 'Head teacher must request risk assessments for the specific project etc'. Section 4, Insurance, now includes 'where schools purchase the Council's Insurance SLA'. LPR
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Appendix 'A'

### CONTRACTORS WITH FIVE OR LESS EMPLOYEES (SMALL CONTRACTORS)

The above Checklist represents the minimum checks that should be carried out for any 'non-select list' contractor being considered. **If the school employs more than one contractor for a project, then this form is insufficient and specialist advice is required.**

For smaller contractors, some of the below requirements do not have to be documented under health and safety legislation and, therefore, evidence of competence and safety will be more difficult to determine. Nevertheless schools should still ask the same questions and expect answers commensurate with the level of risk involved.

Note: the requirements relating to Insurance apply irrespective of the size of the company subject to the caveats set out in the advice above.

The below is to be completed by the Contactor and then signed by the Head teacher as being accurate.

#### 1. Insert your details as contractor under assessment and nature of the type of work the assessment applies to.

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#### 2. Enter the relevant financial Information (At the schools discretion a financial check may be undertaken i.e. Equifax, Company House etc.)

• Company name	
• Registered address	
• Company registration number (if applicable)	
• VAT registration number (if applicable)	

### 3. Is the work CDM notifiable?

CDM refers to the Construction (Design and Management) Regulations 2015 and applies **to all** building, demolition, maintenance or refurbishment work, there are some exceptions, but these are very minor.

Any project that involves more than one contractor to be present on site requires the client to appoint, in writing, a Principal Designer & Principal Contractor who are required to carry out certain functions relating to health, safety and wellbeing of anyone on site.

In addition to the above, any project likely to take longer than 30 days & have more than 20 persons on site or take the equivalent of more than 500 person days, **must be notified** to the Health & Safety Executive using an F10 Form **signed by the Head teacher**.

**See below.**

**YES – HSE notified**

**NO – Not required**

**Details:-**

In such cases, **the appointed CDM Co-ordinator will subsequently be responsible for advising on the competence of contractors involved** and this checklist need not necessarily be used by the school.

Schools should refer to the School Managed Projects Guidance Notes **before embarking upon any notifiable project** and for advice on the selection of a competent CDM Co-ordinator.

### 4. Do you have the correct insurance/s?

It is very important that the correct types and levels of insurance are held by the contractor. Checking the contractor's insurance validity and level is a mandatory part of the contractor selection process. The three types of common insurance that a contractor may require are Employers Liability Insurance, Public Liability Insurance and Professional Indemnity Insurance.

Where insurance levels do not meet minimum levels, then you may carry out a suitable and sufficient risk assessment in order to try and demonstrate that the work is of a very low risk and that as such, a lesser level of insurance may be adequate. Advice can be sought from the school's own insurer or from the Council's Insurance Manager, where schools purchase the Council's Insurance SLA, who *may* consider that a lesser insurance is acceptable and approve a determined lesser level of insurance.

#### - Employers Liability Insurance

Do you have a current and valid certificate of insurance that insures the company against claims from employees for damage or injury? The school needs to see the certificate and could contact the issuing insurance company. The level of insurance provided should be appropriate to the complexity and size of the project, and the school should document in the form of a risk assessment the justification of level accepted. Advice should be sought from the school's own insurer or from the Council's Insurance Manager.

**YES**

**NO –Inadequate**

**Details: -**

#### - Public Liability Insurance

Do you have a current and valid certificate of insurance that insures the company against third party claims for damage or injury? The school needs to see the certificate and could contact the issuing insurance company. The level of insurance provided should be appropriate to the complexity and size of the project, and the school should document in the form of a risk assessment the justification of level accepted. Advice should be sought from the school's own insurer or from the Council's Insurance Manager.

**YES**

**NO –Inadequate**

**Details: -**

#### - Professional Indemnity Insurance

If you provide professional consultancy or advice, for example as an architect, you need to ensure that they are insured in case their

advice or direction leads to injury or damage. The school needs to see the certificate and could contact the issuing insurance company. The level of insurance provided should be appropriate to the complexity and size of the project, and the school should document in the form of a risk assessment the justification of level accepted. Advice should be sought from the school's own insurer or from the Council's Insurance Manager.

<b>YES – Checked and Adequate</b>	<b>Not Applicable or Required</b>	<b>NO – Inadequate</b>
<b>Details: -</b>		

**5. Do you have a health & safety policy?**

You should have a comprehensive policy that addresses all the health and safety responsibilities and arrangements required to work safely. The policy should have been reviewed periodically, ideally within the last year, and should be signed, dated and belong to the contractor who has offered it to you.

<b>YES</b>	<b>NO –None or Inadequate</b>
<b>Details: -</b>	

**6. Do you have access to adequate safety advice?**

You should have access to competent technical safety advice. The provider whether the contractor's own employee or an external source should hold either a Diploma or Certificate in Safety accredited by NEBOSH, or be a chartered member of IOSH or hold some other similar qualification. In some instances, suitable safety expertise may come from membership of a Trade Association or from specialised training from CITB or similar. Be wary of relying *solely* on claims of experience – legislation, best practice and technology have advanced significantly in recent times.

<b>YES</b>	<b>NO – None or Inadequate</b>
<b>Details: -</b>	

**7. Do you have suitable risk assessments?**

You should have carried out suitable and sufficient risk assessments for all aspects of the work where **significant risks** may exist. For example – working at height, working around children, working with hot tools or substances, vehicles on site, noisy or dust-creating tools and so on. These risk assessments should accurately quantify the extent of any risk; identify those who may be exposed to the risk; and most importantly, set out the effective control measures which remove or adequately reduce the risk to an acceptable level. These risk assessments should have been signed, dated and, if necessary, reviewed within the last year. Head teachers must request risk assessments for the specific project to be submitted and signed off before the work commences in addition to those received as examples for the tender process.

<b>YES</b>	<b>NO – None or Inadequate</b>
<b>Details: -</b>	

**8. Do you have a written method statement?**

You should have has produced, or able to produce, a written safe system of work based on the risk assessments and may refer to it as a Method Statement. This document should identify the safe way in which the contractor intends to carry out the work and should include the control measures that have been identified in the related risk assessments. The method statement should take account of any local issues so beware of generic models.

<b>YES</b>	<b>NO – None or Inadequate</b>
<b>Details: -</b>	



<b>Details: -</b>	
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<b>9. Appropriate Equipment Selection – are you using equipment suitable for the work?</b>	
Is the equipment suitable and safe for the work to be carried out?	
<b>YES</b>	<b>NO – Not Known or Unsuitable</b>
<b>Details: -</b>	

<b>10. Do you have suitable maintenance records?</b>	
Do you have appropriate maintenance records for the equipment proposed for use during the work. These records may include recent test records, inspection certificates or a record of completed maintenance such as an equipment log book.	
<b>YES</b>	<b>NO – None or Out of Date</b>
<b>Details: -</b>	

<b>11. Do you have suitable evidence of training?</b>	
You should maintain adequate training certificates for all employees involved in the work. Training certification may be in the form of course attendance certificates, operating identity cards, safe operating certificates or other suitable evidence of competence to carry out the work.	
<b>YES</b>	<b>NO – None or not Valid</b>
<b>Details: -</b>	

<b>12. Do you have previous convictions/notices?</b>	
Have you ever had any Health & Safety previous convictions for breaches of safety legislation, has a case going through the courts, or has received any Improvement or Prohibition Notices.	
<b>NO – Checked Clear of Prosecutions/Notices</b>	<b>Yes – Prosecutions or Notices Identified</b>
<b>School to check the following:</b>  <b>Check HSE database for enforcement notices at:</b> <a href="http://www.hse.gov.uk/notices/">http://www.hse.gov.uk/notices/</a>  <b>Check HSE database for prosecutions and breaches at:</b> <a href="http://www.hse.gov.uk/prosecutions/">http://www.hse.gov.uk/prosecutions/</a>	<b>Details: -</b>

<b>13. Accident record or history</b>
Produce accidents records within the last 3 years. A complete absence of any history may be an indication that safety is not afforded any profile or a poor understanding of the importance of accident investigation rather than a sign of a totally safe operation and environment.

Schools will look for evidence that accidents are investigated and lessons learned. On its own, any omission should not prevent the school from using you but may assist in an overall assessment of your competence and safety attitude.

<b>YES</b>	<b>NO – None or Inadequate</b>
<b>Details: -</b>	

**14. Do you understand his/her role in CDM compliance?**

CDM refers to the Construction (Design and Management) Regulations 2007. The requirements of this legislation apply **to any** building, demolition, maintenance or refurbishment work. Where any such work is likely to exceed 30 days or the equivalent of more than 500 person days, a specific role of a CDM Co-ordinator must be appointed and this person is responsible for advising on the competence of selected contractors.

Schools will use this form only to assess a contractor working on a non-notifiable CDM project. The school will also check for an awareness and understanding of the CDM principles of co-operation and co-ordination with other parties on-site.

The CDM-C may use this form to assess Contractors on notifiable projects.

<b>CDM Notifiable project – Completed by CDM-C</b>	<b>YES</b>	<b>NO – Unaware or Inadequate</b>
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**15. Suitable arrangements agreed to monitor contractors during the work?**

Schools are required to provide adequate supervision and monitoring of contractors to ensure:

- Adherence to method statements and agreed safe working practices;
- Identification and management of any unforeseen risks which become apparent during the work.
- Discuss, agree and document the supervision and monitoring procedure that are to be in place.

<b>YES – Suitable arrangements</b>	<b>NO – Arrangements unsuitable</b>
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**16. TO BE SIGNED BY THE HEAD TEACHER**

I confirm that I have made the relevant checks as above:	Signed:
	Dated:

**HEALTH & SAFETY GUIDANCE & SUPPORT**

For advice and guidance contact the Health and Safety team on 0151 511 7967 or by email: [healthandsafety@halton.gov.uk](mailto:healthandsafety@halton.gov.uk)

