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## SCRUTINY COMMITTEE THURSDAY, 28TH MAY, 2015

A MEETING of the SCRUTINY COMMITTEE will be held in the COUNCIL HEADQUARTERS,  
NEWTOWN ST BOSWELLS on THURSDAY, 28TH MAY, 2015 at 10.00 AM.

J. J. WILKINSON,  
Clerk to the Council,

21 May 2015.

BUSINESS		
1.	<b>Apologies for Absence.</b>	
2.	<b>Order of Business.</b>	
3.	<b>Declarations of Interest.</b>	
4.	<b>Minute.</b> (Pages 1 - 4)  Minute of the meeting of 26 March 2015 to be noted and signed by the Chairman. (Copy attached).	2 mins
5.	<b>Procurement - Control of Contractors Policy/Repairs &amp; Maintenance Framework Agreement Procurement Project.</b> (Pages 5 - 18)  Briefing by Procurement & Payment Services Manager. (Copy briefing note and appendix attached.)	30 mins
6.	<b>Notice of Concern Process.</b> (Pages 19 - 22)  Consider report by Director Corporate Transformation and Services. (Copy attached.)	10 mins
7.	<b>Scrutiny Reviews.</b>  Update and discussion on priorities.	10 mins
8.	<b>Date of Next Meeting.</b>  Thursday, 11 June 2015.	
9.	<b>Any other Items Previously Circulated.</b>	
10.	<b>Any Other Items which the Chairman Decides are Urgent.</b>	

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## NOTES

1. **Timings given above are only indicative and not intended to inhibit Members' discussions.**
2. **Members are reminded that, if they have a pecuniary or non-pecuniary interest in any item of business coming before the meeting, that interest should be declared prior to commencement of discussion on that item. Such declaration will be recorded in the Minute of the meeting.**

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**Membership of Committee:-** Councillors G Logan (Chairman), W Archibald, K Cockburn, A Cranston, I Gillespie, S Mountford, A J Nicol, R Stewart and J Torrance.

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Please direct any enquiries to Pauline Bolson, 01835 826503  
pbolson@scotborders.gov.uk

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**SCOTTISH BORDERS COUNCIL**  
**SCRUTINY COMMITTEE**

MINUTE of MEETING of the SCRUTINY COMMITTEE held in the Council Chamber, Council Headquarters, Newtown St. Boswells on 26 March 2015 at 10.00 a.m.

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Present: - Councillors G. Logan (Chairman), W. Archibald, A. Cranston, K. Cockburn, I. Gillespie, A. Nicol, R. Stewart, J. Torrance.  
Apology: - Councillor S. Mountford.  
Also Present: - Councillor G. Turnbull.  
In Attendance:- Service Director Neighbourhood Services, Neighbourhood Area Manager (Eildon), Strategic Community Engagement Officer, Funding and Project Officer, Clerk to the Council, Democratic Services Officer (P. Bolson).

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**MINUTE**

1. There had been circulated copies of the Minute of Meeting of 26 February 2015.

**DECISION**

**APPROVED for signature by the Chairman.**

**FUNDING AVAILABLE TO COMMUNITY COUNCILS**

2. With reference to paragraph 6(b)(iii) of the Minute of 29 January 2015, there had been circulated copies of a report by the Service Director Strategy and Policy presenting information on the funding which was accessed by, and available to, Community Councils. Miss Malster, Strategic Community Engagement Officer, presented details of the internal funding available to Community Councils from Scottish Borders Council. There were 69 community council areas in the Scottish Borders, all of which had an operational Community Council. Community Councils had access to a range of funding both from and external to Scottish Borders Council. Direct funding sources from Scottish Borders Council which were detailed in the report included annual core grant, hall hire reimbursement, Community Grant Scheme, SBC Landfill Communities Fund, Common Good Fund (where available), Local Community Path Maintenance Grant, Environmental enhancement, Small Schemes, and Quality of Life Funding. Indirect funding sources from Scottish Borders Council included Data Protection Act registration and Insurance. The funding available from Scottish Borders Council was summarised in Table 1 in Appendix 1 to the report. Also detailed in the report were external funding sources including Windfarm Grant Schemes, Awards for All, and Trusts and Foundations. Mrs Jean Robertson, the Council's Funding and Projects Officer, advised Members that for external funding applications a Community Council firstly had to have a project which required funding. Where possible, Mrs Robertson directed applicants to external funding sources first as this would be money coming in to the Borders from outside the area, and local funding was scarce. Windfarm funding could also be used as leverage for further external funding. Some Members expressed concern that some Community Councils seemed to be unaware of the various sources of funding available. Miss Malster advised that each year a letter was sent out to every Community Council about its core grant, and details of the Funding and Projects Office could be attached to this. Elected Members could also inform Community Councils of the service through a briefing paper and Miss Malster undertook to draft a briefing paper and bring this back for consideration by Scrutiny Committee.

**DECISION**

**NOTED the information on Community Council funding and that the Strategic Community Engagement Officer would bring a briefing paper on funding for**

## **Community Councils back to Scrutiny Committee prior to issue to Community Councils.**

### **USE OF SMALL SCHEMES AND QUALITY OF LIFE FUNDING BY AREA FORA**

3. With reference to paragraph 6(b)(ii) of the Minute of 29 January 2015, there had been circulated copies of a report by the Service Director Neighbourhood Services on the Use of Small Scheme and Quality of Life Funding by Area Forums. The Chairman welcomed Councillor Turnbull to the meeting and advised that all the Area Fora Chairmen had been invited to attend Scrutiny Committee that day. The report explained that Small Schemes budget (Berwickshire - £48,200; Cheviot - £34,702; Eildon - £48,200; Teviot & Liddesdale - £34,702; Tweeddale - £34,702) had been available for locally identified projects since 2004. Elected Members, Community Councils and members of the public could request financial support to enable delivery of local improvement projects and initiatives from this budget. The total allocated budget across the 5 Area Fora for 2014/15 was £200,506. The Quality of Life funding (£20,000 for each Area Forum) had been available since April 2014 and was also open to Elected Members, Community Councils and members of the public to request financial support for local projects. For the two different funding schemes, some of the Area Fora had agreed, either formally or informally, to split the budgets between wards. Any projects seeking financial support were initially forwarded to the relevant Neighbourhood Area Manager, who would check whether the proposal was appropriate for funding, and if so, would price the project and bring it to Members for consideration and decision. Details of the projects funded through both schemes were given in the two appendices to the report.
4. In response to an enquiry about Small Schemes, Mr Craig Blackie, confirmed that the allocation of funding for each area had been based on road length and not population. Eildon and Berwickshire had the greatest lengths of road, hence the largest budgets. Members commented on the costs of materials and the use of local tradesmen where possible. The Service Director Neighbourhood Services confirmed that she would investigate with Procurement standards and costs of materials and whether these could be sourced/made locally. With regard to the use of Criminal Justice teams, the Area Neighbourhood Manager (Eildon) confirmed that this was always a first preference as there were no labour costs, but the availability of Criminal Justice resources within certain timeframes often could not be guaranteed. Members were further advised that where possible jobs were priced together and that towards the end of the financial year, if no specific projects were underway, the Area Neighbourhood Managers often bought in material e.g. planters, and stored these for use the following financial year, so that budget was not lost at year end. Between the two schemes, any projects which were roads or environmentally related tended to be steered towards Small Schemes Funding on an initial basis. One idea was for community groups to take on the maintenance of old flowerbeds once these had been brought up to standard with new shrubs, etc. and the schemes could be used to fund this work. The Service Director Neighbourhood Services indicated she would speak with the Registered Social Landlords about planted areas they owned to see if an agreement could be brokered.

### **DECISION NOTED.**

### **SCRUTINY REVIEWS AND NOTICES OF CONCERN**

5. With reference to paragraphs 3 and 4 of the Minute of 26 February 2015, regarding Scrutiny Reviews, the Clerk to the Council advised Members that she and the Service Director Strategy and Policy had met with the Chairman of Scrutiny the previous week to discuss Scrutiny reviews and a framework for Notices of Concern. With regard to Scrutiny reviews, emails had now been sent out in the name of the Chairman to all Elected Members, Community Councils, and other Community Groups, requesting the submission of topics for review for Scrutiny to consider. Information had also been placed on the Council's website explaining how members of the public could also request subjects for review. Unlike before, no end date had been placed on submitting topics for review so a rolling programme of review could be brought forward. So far, the Clerk had received one topic for consideration – Religious Observance

Policy – and this would be considered along with others received. Members then debated what other subjects they would like to bring forward for review in future.

6. The Clerk then asked Members to consider the value of having a “Notice of Concern” process and whether this could instead be dealt with simply by reviewing a particular area. However, Members were keen to retain some form of “marking” an Executive Committee decision for future review, even if this did not happen very often, and the Clerk undertook to look at a framework for a process.

#### **DECISION**

##### **AGREED:**

- (a) **the following areas be considered for future review by Scrutiny:**
- (i) **Religious Observance Policy;**
  - (ii) **Faith Schools;**
  - (iii) **Enforcement of Planning Conditions and Building Regulations;**
  - (iv) **Attainment levels in schools in deprived areas;**
  - (v) **Use of Enforcement Notices on owners of dangerous buildings/structures;**
  - (vi) **Home Schooling and Non-Schooling;**
  - (vii) **Procurement Framework Agreement and the use of a Third Party to support this with contractors having to pay for this service;**
  - (viii) **Building inspection regime while property is being constructed; and**
  - (ix) **Mainstream schools and children with severe learning difficulties;**
- (b) **that the Clerk to the Council contact the relevant Service Directors to arrange for a briefing for Scrutiny Members on each of the above subjects prior to Scrutiny deciding whether to take the subjects forward for review; and**
- (c) **that the Clerk to the Council draft a framework for a “Notice of Concern” and bring this back to Scrutiny for further consideration.**

#### **DATE OF NEXT MEETING**

7. The next meeting of the Scrutiny Committee was scheduled to be held on 30 April 2015.

#### **DECISION**

##### **NOTED.**

*The meeting concluded at 11.15 a.m.*

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## **Control of Contractors Policy/Repairs & Maintenance Framework Agreement Procurement Project**

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### **BACKGROUND**

- The Council adopted the Control of Contractors Policy during May 2014. The policy requires that SBC will only employ contractors who are fully accredited SSIP (Safety Schemes in Procurement) members of Constructionline (see further information page 3) and have green status. The full policy is attached to this briefing note as Appendix 1.
- The adoption of the requirement for Constructionline accreditation supports the streamlined tendering process of the Councils new higher thresholds for Construction Works by minimising bureaucracy, and for the lower value reactive and planned maintenance works, ensures all trades working for the Council are compliant with Health and Safety requirements.
- The Authorities Benchmarking Committee (across 11 local authorities) considers the Control of Contractors Policy to be an essential policy for a Local Authority to be deemed compliant with regards to Health and Safety management.

### **CONTROL OF CONTRACTORS POLICY**

- The policy commitment is to achieve a culture that ensures compliance with all current Health & Safety legislation and in doing so endeavours to ensure safe places and safe systems of work. This principal extends to those employed to do contracted works on behalf of the Council.
- Implementation of the policy provides the Council with an assurance that all contractors used by the Council have a recognised and recorded health and safety performance which has been monitored by an accredited body.
- Constructionline is the UK's leading procurement and supply chain management service that collects, assesses and monitors standard company information through a question set that is aligned to the standardised pre-qualification questionnaire developed by to reduce duplication within the construction industry.
- The aim is to provide efficiency savings to public and private sector buyers and the construction industry as a whole by streamlining procurement procedures and improving the supply chain management processes by reducing risk, creating cost efficiencies and helping buyers engage with new suppliers, including SMEs and local companies.
- Fees relating to this accreditation are scaled based on turnover and business size. Membership offers additional benefit to micro and SME businesses through being pre-qualified for other contract opportunities with an associated reduction in time and cost of filling out paperwork.

## REPAIR & MAINTENANCE FRAMEWORK AGREEMENT

- The framework agreement for reactive and planned maintenance covers 11 trade services including joiners, glaziers, plumbers, electricians, builders and roofers.
- The budget for these works is £1.8m.
- The volume of activity is circa 10,000 orders per annum.
- Management of this volume of activity does not allow for direct supervision of each job, therefore external verification of each contractor's compliance with appropriate legislation and is crucial to minimise risk to both the Council and the contractors themselves.
- All work allocated after 20<sup>th</sup> July will require green status to have been achieved.

## PROCUREMENT ACTIVITY

- The Procurement team applies all Council policy to any relevant tender exercise. This may include Health and Safety, Data Protection, Environmental matters, Equality, and such like.
- In order to support and facilitate contractors with the tender process a series of 5 workshops were held in Peebles, Chirnside, Hawick, Galashiels and Hawick before the tender was formally launched. Representatives from the Procurement and Property Management teams, as well as Constructionline were in attendance.
- The tender document for the Repairs & Maintenance Framework Agreement included clear guidance and noted the requirement for any potential contractor to be willing to undertake Constructionline registration before being fully admitted to the participation list.
- The information provided with the tender document allowed sufficient time for those admitted to the Framework Agreement to complete their registration with Constructionline and SSIP accreditation – this timescale has now been extended to 20<sup>th</sup> July 2015.

## CURRENT SITUATION

- A significant communication plan being developed to share these requirements with the local supply base and colleagues across the organisation.
- While there have been isolated pockets of resistance, work is in hand to support any contractor who requires additional support.
- A recent Constructionline update is very positive with 48 contractors registered, 60 in progress with their application. A further 45 are in the process of being reminded of a forthcoming deadline of the 20<sup>th</sup> July for registration.

### Author(s)

Name	Designation and Contact Number
Graham Cresswell	Senior Wellbeing and Safety Adviser. x 6627
Stuart Mawson	Property Manager x 6550
Kathryn Dickson	Procurement & Payment Services Manager x 6646



## FURTHER INFORMATION

### Constructionline Registration Fees

Yearly Turnover	Fee (excluding Vat)	Cost Payable
£0-£99,999	£90	£108.00
£100,000 – £249,000	£95	£114.00
£250,000 – £999,000	£250	£300.00
£1,000,000 to £1,999,999	£435	£522.00
£2,000,000 to £4,999,999	£490	£588.00
£5,000,000 to £19,999,999	£735	£882.00
£20,000,000 to £49,999,999	£1,075	£1,290.00
£50,000,000 and above	£1,565	£1,878.00

### What is SSIP (Safety Schemes in Procurement)?

A huge problem for contractors is the need to be assessed by multiple health & safety schemes. By becoming health & safety assessed with an SSIP scheme, contractors satisfy the criteria for all other SSIP members' schemes - saving them from having to pay multiple assessment fees.

Constructionline accepts all valid SSIP member certificates as evidence of competence in health and safety management.

The key facts about SSIP

- SSIP is not an assessment scheme, it is a membership or umbrella body for assessment schemes with the common aim of reducing both duplication and costs for both buyers and suppliers.
- Suppliers do not join or become members of SSIP. It is the assessment schemes who are registered members of SSIP.
- If contractors have a construction health and safety certificate from a member scheme, the SSIP logo is on the certificate and details on the scheme's website.
- If contractors have a certificate from one member scheme and an organisations asks them to join a second member scheme, they benefit from the mutual recognition by being offered a 'deem to satisfy' certificate without having to go through another assessment process, at a much lower fee Those schemes who go beyond the Core Criteria will ask additional questions.

Reducing duplication in construction health and safety

SSIP now has over thirty members – both assessment schemes and UKAS accredited certification bodies who offer OHSAS 18001 certification in construction.

All member assessment schemes undergo an annual audit to ensure that they meet the SSIP standards required for mutual recognition and as an assurance of consistent standards for both buyers and suppliers.

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# Control of Contractors Policy (Design, Construction, Maintenance and Repair).

**Document reference number.**

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Document Title.	Control of Contractors Policy (design, construction, maintenance and repair)	Issue No.	3	Date of Issue.	8 <sup>th</sup> May 2014
Issued by.	Jonathan Cowan	Review date.	7 <sup>th</sup> May 2015		
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**Wellbeing and Safety Management System.  
Control of Contractors Policy (design, construction,  
maintenance and repair)  
Document reference number. COR POL O 015**



Issue No.	Document changes history.	Current status
1	Initial release	Obsolete
2	Changes to accommodate 'Constructionline' and separation of guidance into separate document.	Obsolete
3	Inclusion of ' plus sites on which the Council may be working' in para 3.1 ; Add 'Constructionline' in definitions para 4.5; para 6.5.1.7 include ' as defined in the accompanying guidance documents' ; para 6.9.4 Note added; para 7.1 revised with para 7.2 deleted. and para 8.4 inclusion of link to Constructionline.	Live

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**Wellbeing and Safety Management System.  
Control of Contractors Policy (design, construction,  
maintenance and repair)  
Document reference number. COR POL O 015**



**POLICY STATEMENT**

**1. Statement**

- 1.1.** Scottish Borders Council is committed to achieving a culture that ensures it complies with all current Health and Safety legislation and in so doing endeavours to provide safe places and safe systems of work. This principal extends to all employees including those employed to do contracted works for and on behalf of Scottish Borders Council by ensuring they are provided with all necessary information and instruction.

The Council will discharge its duties with all due care and diligence so far as is reasonably practicable and promote Health and Safety as a main consideration.

**INTRODUCTION**

**2. Introduction**

- 2.1.** The Health and Safety at Work etc. Act 1974 requires safe places and safe systems of work with minimised risks to employees or others affected by the organisations undertakings. This policy does not exempt from nor alter the duties of the organisation and contractors under this legislation and associated legislation.
- 2.2.** In general contractors are less familiar with the workplace than staff based at that workplace or visiting and yet they are often carrying out tasks more hazardous than those normally occurring there.
- 2.3.** This policy is aimed at defining how the organisation will uphold its responsibilities, how these responsibilities will be carried out, who has responsibility and to provide guidance to those persons.

**SCOPE**

**3. Scope**

- 3.1.** This policy covers all premises, sites owned or leased by Scottish Borders Council plus sites on which the Council may be working and covers matters of Health and Safety and good working practices in relation to contracted employees.
- 3.2.** It is the intention of this policy to provide control which will ensure the Health and Safety of all persons on SBC premises where a contractor is employed and the contractor themselves.
- 3.3.** Areas where outside services are likely to be contracted for include:
- 3.3.1. Building and construction
  - 3.3.2. Civil Engineering

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- 3.3.3. Demolition
- 3.3.4. Maintenance work
- 3.3.5. Boiler work and other pressurised containers
- 3.3.6. Electrical installation
- 3.3.7. Servicing/ maintaining electrical equipment and fire detection and prevention systems
- 3.3.8. Asbestos removal

**NB This list is not exhaustive**

**DEFINITIONS**

**4. Definitions**

- 4.1.** For the purpose of this policy the term ‘Contractor’ shall cover any company, organisation, person or persons appointed to carry out work concerning Design, Construction, Maintenance and Repair for or on behalf of SBC.
- 4.2.** ‘Council’ shall mean Scottish Borders Council (SBC)
- 4.3.** ‘Responsible person’ shall mean person responsible for the engagement of contractor and / or management thereof (e.g. Property services, SBC Contacts and Design Services management, Budget Holder responsible for employment of contractors, most senior line manager in property concerned.)
- 4.4.** ‘PQQ’ refers to the Pre-Qualification Questionnaire that is completed during the Procurement process for any goods, services or works that meets the appropriate cost threshold
- 4.5.** Constructionline – government owned and maintained database of contractors, consultants and material suppliers that have completed a pre-qualification criterion. This has been developed with government and industry bodies including the Health and Safety Executive and Constructing Excellence. For contractors to be eligible for works within SBC they shall additionally be required to be fully accredited in terms of a Safety Schemes in Procurement (SSIP).

**LEGAL AND OTHER ASPECTS**

**5. Legal and Other Aspects**

- 5.1.** The relevant legislation applicable to this document include:
  - 5.1.1. Health and Safety at Work etc Act 1974
  - 5.1.2. Management of Health and Safety at Work Regulations 1999
  - 5.1.3. Construction (Design Management Regulations) 2007 (CDM)
  - 5.1.4. Control of Substances Hazardous to Health Regulations 2002 (as amended) Nov 2013 (COSHH)

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- 5.1.5. Work at Height Regulations 2005
  - 5.1.6. Control of Asbestos Regulations 2012
  - 5.1.7. RIDDOR – Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013
  - 5.1.8. Provision and Use of Work Equipment Regulations (PUWER) 1998
  - 5.1.9. Lifting Operations and Lifting Equipment Regulations (LOLER) 1998
  - 5.1.10. Control of Noise at Work Regulations 2005
  - 5.1.11. Control of Vibration at Work Regulations 2005
  - 5.1.12. Electricity at Work Regulations 1989
  - 5.1.13. Pressure Systems Safety Regulations 2000
  - 5.1.14. Confined Spaces Regulations 1997
  - 5.1.15. Manual Handling Operations Regulations (MHOR) 1992
  - 5.1.16. Personal Protective Equipment at Work Regulations (PPE) 1992
  - 5.1.17. Health and Safety (First Aid) Regulations 1981 (Oct 2013 reprint)
  - 5.1.18. Health and Safety Consultation with Employees Regulations 1996
- 5.2.** This policy should be read in conjunction with the following SBC policies:
- 5.2.1. Corporate Wellbeing and Safety Policy
  - 5.2.2. General Health and Safety Risk Assessment Policy
  - 5.2.3. Accident Incident Reporting Policy
  - 5.2.4. Fire Safety Policy
  - 5.2.5. First Aid Policy
  - 5.2.6. Unacceptable Behaviour Policy
  - 5.2.7. Manual Handling Policy
  - 5.2.8. COSHH Policy
  - 5.2.9. Scottish Borders Council Document for the Management of Asbestos in Buildings

**ROLES AND RESPONSIBILITIES**

**6. Roles and Responsibilities**

**6.1. Chief Executive**

6.1.1. The Chief Executive is responsible for ensuring the implementation of suitable arrangements to ensure the effective control of contractors in terms of Health and Safety within SBC and ensuring that adequate resources are available to effectively implement this policy.

**6.2. Depute Chief Executives**

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- 6.2.1. Depute Chief Executives carry the prime responsibility for health, safety and welfare for the Services within their area of responsibility and ensure that the control of contractor policy is applied within their service area.

**6.3. Service Directors/ Heads of Service**

- 6.3.1. Service Directors/ Heads of Service have responsibility for the co-ordination and compliant delivery of the control of contractors policy within their service area they will:
  - 6.3.1.1. Ensure that this policy is enforced within their Service
  - 6.3.1.2. Provide adequate resources to ensure effective Control of Contractors within their Service.
  - 6.3.1.3. Ensure that controls are in place to ensure competent contractors are selected
  - 6.3.1.4. Ensure statutory Health and Safety requirements are met particularly the requirement of Risk Assessment by SBC, contractors and any Sub contractors

**6.4. Responsible Persons**

- 6.4.1. Responsible persons have responsibility for the co-ordination and compliant delivery of the Control of Contractors Policy within their service/ location area they will:
  - 6.4.1.1. Ensure that this policy is enforced
  - 6.4.1.2. Ensure that contractors who are employed are trained and competent for the tasks for which they will be undertaking.
  - 6.4.1.3. Ensure statutory Health and Safety requirements are met particularly the requirement for suitable and sufficient Risk Assessments and safe systems of work by contractors and / or their Sub contractors
  - 6.4.1.4. All employees under their control are consulted and are made fully aware of the relevant risk assessments and control measures in place for their safety.
  - 6.4.1.5. Report any concerns involving bad or unsafe practice of a contractor (to Property Services, Design Services or SBC Contracts) or incident involving a contractor to the Wellbeing and Safety department (see Accident Incident Reporting Policy)
  - 6.4.1.6. Where the employment of a contractor involves working with members of the public (e.g. pupils, service users, etc) any concerns with contractors undertaking or performance must be reported to senior management immediately

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- 6.4.1.7. Ensure where applicable that contractors working in a building or site for which they have control that they are made aware of any localised risks and have signed in / out using local arrangements for this
- 6.4.1.8. Ensure where applicable i.e. they are the responsible person for building/ property or employment of the contractor, that contractor has read, understood and signed the building Asbestos register, Fire Safety Arrangements and are aware of any other significant safety risks etc.

**6.5. Environment and Infrastructure Management, Design Services Management and Property Services Management**

- 6.5.1. Additionally to the responsibilities listed above for the responsible person
  - 6.5.1.1. Ensure that when engaging the services of a contractor for Construction, Civil Engineering or Maintenance and Repair works that those contractors employed are trained and competent for the works and tasks to be undertaken and are approved SBC contractors
  - 6.5.1.2. Review risk assessments provided by contractors to ensure they are 'suitable and sufficient' concerning high risk or specialist type undertakings and that method statements and safe systems of work are in place.
  - 6.5.1.3. Ensure contractors are provided with contact details of the relevant persons to consult with prior to, during and upon completion of contracted works including any emergency situations
  - 6.5.1.4. Provide advice or assistance to the responsible persons where queries or concerns are raised regarding Contractors Health and Safety Performance. Should issues arise regarding the performance of contractors it must be reported to Wellbeing and Safety section
  - 6.5.1.5. Ensure that contractors are made familiar with all known or foreseeable site based or premises based risks prior to the start of any works
  - 6.5.1.6. Request and record information to document that contractors plant and equipment complies with minimum legal standards or better as required
  - 6.5.1.7. Inform Wellbeing and Safety of any high risk activities, as defined in accompanying guidance documents, which are being undertaken in Council premises, or sites on which the Council is working.

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**6.6. Wellbeing and Safety Section**

- 6.6.1. Provide advice, guidance and assistance to any parties involved in the employment of contractors or those affected by a contractors undertakings
- 6.6.2. Have an active involvement in the PQQ process for areas, sections or services employing goods, services or works where Health and Safety is of paramount concern where the known risks of the activities/ works to be undertaken or environmental risks are high
- 6.6.3. Carry out site and or works audits either scheduled or ad-hoc
- 6.6.4. Record, monitor and review incidents that are reported concerning contractors and report them under RIDDOR if required

**6.7. Employees**

- 6.7.1. Scottish Borders Council employees are expected to report unsafe practices or conditions (within their capabilities to recognise unsafe practice) to their line manager who will ensure an Accident / Incident report form is completed. If a concern is recognised with working practice of a contractor the contractor should be asked, by management, to cease work with immediate effect.

**6.8. Contractors**

- 6.8.1. Contractors shall be responsible to the relevant parties engaging them in their undertakings on behalf of the Council
- 6.8.2. Contractors shall comply with current safety legislation, best practice, industry standards, contractual terms and conditions and the Council's policies and management procedures.

**6.9. The role of contractor will include:**

- 6.9.1. Not undertaking any works within SBC properties or sites without the express authority of relevant responsible person
- 6.9.2. Providing appropriate risk assessments and method statements prior to undertaking work to the respective responsible person
- 6.9.3. Co-operate and communicate with the responsible person in planning and managing the works undertaken, including reasonable instruction, induction and site rules
- 6.9.4. Providing details of any other contractor who is engaged on their behalf in the undertaking of contracted works and ensure that they too conduct their work safely.

Note: 'SBc Contracts' may employ subcontractors who, if not registered with Constructionline' must then adopt and work within the scope of SBC policies and procedures managed by SBc Contracts management, as required.

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- 6.9.5. Ensure all employees are familiar with local arrangements in aspects concerning Health and Safety (such as Fire Safety, First Aid, Asbestos, Local Security Arrangements etc.)
- 6.9.6. Bring to the attention of the responsible person any safety issues relating to the works
- 6.9.7. Bring to the attention of the responsible person all injuries and incidents including near misses, reportable accidents, diseases and dangerous occurrences.
- 6.9.8. Sign in and out of site in conjunction with local arrangements for doing so and remain in regular contact throughout works with the duty holder.

**PROCUREMENT OF CONTRACTORS**

**7. Procurement and Appointment of a Competent Contractor**

- 7.1. SBC will only employ contractors who are fully accredited SSIP members of Constructionline and have green status**
- 7.2. The service will carry out checks to ensure that the contractor has relevant experience in the field of work for which they applying.
- 7.3. Contractors Health and Safety performance within the Council will be checked via SBC systems to ascertain that they are currently of a standard to allow employment within SBC premises / sites.
- 7.4. The involvement of Corporate Procurement Department in the procurement process will be dependant on value of contracted works or service and /or the level of known / foreseeable risk involved in works.

**Note: It is recognised that a situation may occur where specialist contractors will be required to undertake reactive works in unplanned or unforeseen circumstances. If a scenario arises that contractors with the required specialism are not available through Constructionline then the service responsible for the works may employ from out with the Constructionline system. It is envisaged that such a scenario will only occur in an emergency or a one off circumstance. The service responsible for employment will take all reasonable steps to be satisfied that the contractor is sufficiently skilled, experienced and competent to carry out works prior to employment there of and ensure SBC policy and guidance is followed and enforced.**

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**FURTHER INFORMATION**

**8. Further Information**

- 8.1. Further information available from HSE's Approved Codes of Practice (ACOPs) or guidance books e.g. HSG 159 (10/11) Managing Contractors  
<http://www.hse.gov.uk/pubns/books/hsg159.htm>
- 8.2. Wellbeing and Safety guidance documents for Control of Contractors
- 8.3. PAS91:2013  
<http://www.nfbtraining.co.uk/resources/nfb/000/323/902/PAS91-2013.pdf>
- 8.4. <http://www.constructionline.co.uk/>

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## **NOTICE OF CONCERN PROCESS**

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### **Report by Director Corporate Transformation and Services**

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## **SCRUTINY COMMITTEE**

**28 May 2015**

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### **1 PURPOSE AND SUMMARY**

- 1.1 This report seeks approval for a suggested Notice of Concern process.**
- 1.2 Within the Scheme of Administration, the Scrutiny Committee has in its remit, the “management of the ‘Call in’ procedure for the examination of decisions of the Executive.” In previous iterations of Scrutiny, a further process was introduced whereby Scrutiny members issued a ‘Notice of Concern’ to the Executive giving notice of the fact that it proposed to revisit a decision of the Executive at a future date to satisfy itself that the decision had been put into effect, or that the intended outcomes of the decision had been achieved.
- 1.3 Scrutiny’s role in holding the Executive Committee to account goes wider than the “call-in” procedure and there may be occasions where Scrutiny would not investigate a decision itself of the Executive Committee, but verify subsequently whether the decision had in fact been fully implemented or whether the intended outcomes from such an action had been achieved. This latter process would mean that the decision itself was not challenged, but that it needed to be re-visited at a future time. A formal process whereby Scrutiny could notify the Executive Committee of a matter of concern which it proposed to revisit at a future time would help expedite this process. It is suggested that this is achieved by means of a Scrutiny decision which would be a “Notice of Concern”.
- 1.5 Since a ‘Notice of Concern’ would not defer implementation of a decision by the Executive Committee, Scrutiny would only be putting down a marker for further future monitoring of the outcome of a particular decision.

### **2 RECOMMENDATIONS**

- 2.1 I recommend that the Scrutiny Committee approves the proposed Notice of Concern process as detailed in Section 4 of this report.**

### **3 BACKGROUND**

- 3.1 At its meeting on 20 November 2014, Council approved a new Scheme of Administration which reintroduced a Scrutiny Committee to the Council's formal decision making structure.
- 3.2 Within the Scheme of Administration, the Scrutiny Committee has in its remit, the "management of the 'Call in' procedure for the examination of decisions of the Executive." The procedure for 'call-in' is also detailed in Section I of the Scheme of Administration.
- 3.3 In previous iterations of Scrutiny, a further process was introduced whereby Scrutiny members issued a 'Notice of Concern' to the Executive giving notice of the fact that it proposed to revisit a decision of the Executive at a future date to satisfy itself that the decision had been put into effect, or that the intended outcomes of the decision had been achieved.

### **4 NOTICE OF CONCERN**

- 4.1 Call-in is appropriate where it is felt that a decision of the Executive Committee needs to be re-examined at the time it is taken. However, a complementary process to this could also be helpful. Scrutiny's role in holding the Executive Committee to account may alternatively require Scrutiny not to investigate the decision itself of the Executive Committee, but to verify subsequently whether the decision had in fact been fully implemented or whether the intended outcomes from such an action had been achieved. This latter process would mean that the decision itself was not challenged, but that it needed to be re-visited at a future time. A formal process whereby Scrutiny could notify the Executive Committee of a matter of concern which it proposed to revisit at a future time would help expedite this process. It is suggested that this is achieved by means of a Scrutiny decision which would be a "Notice of Concern".
- 4.2 In essence, a 'Notice of Concern' would record the fact that, in relation to a specific decision of the Executive Committee, Scrutiny did not wish to call-in the decision itself, but that Scrutiny wished to give notice of the fact that it would propose to revisit the matter at a subsequent time. It is further suggested that any 'Notice of Concern' would also have to record the reasons for Scrutiny wanting to revisit the matter, and the anticipated time at which Scrutiny would revisit the matter.
- 4.3 When the time came to revisit the matter, this would be carried out in a similar way to a Scrutiny Review hearing. Depending on the decision for review, invitations would be made to officers, portfolio holders and other relevant representatives to attend a meeting and present information. It would be helpful if members of Scrutiny submitted any questions in advance which they wished answered, as this would inform any evidence to be produced. At the relevant Scrutiny meeting, these pre-submitted questions would be supplemented by others, to allow Scrutiny members to delve deeper into the particular subject matter. Based on the evidence presented, the Scrutiny Committee would then decide its findings and whether it needed to make any recommendations to the Executive Committee.
- 4.4 Since a 'Notice of Concern' would not defer implementation of a decision by the Executive Committee, Scrutiny would only be putting down a marker for further future monitoring of the outcome of a particular decision.



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Contact us at Jenny Wilkinson, Democratic Services, Council Headquarters, Newtown St Boswells, Melrose, TD6 0SA Tel: 01835 825004 Email: [jjwilkinson@scotborders.gov.uk](mailto:jjwilkinson@scotborders.gov.uk)