

---

## **CONTROL OF CONTRACTORS POLICY**

**Report by Service Director Regulatory Services**

---

### **EXECUTIVE COMMITTEE**

**16 April 2019**

---

#### **1 PURPOSE AND SUMMARY**

- 1.1 This report sets out proposals to update the Control of Contractors Policy (Construction, Maintenance & Repair) to move to the in-house approval of Contractors using SHE ASSURE (Lexi) instead of external approval by ConstructionLine.**
- 1.2 The policy defines how the Council will uphold its Health and Safety responsibilities by ensuring a standard of safety from those employed to undertake contracted works for and on behalf of the Council.
- 1.3 The Policy is managed by the Health and Safety Team and contains a requirement that Scottish Borders Council (SBC) only employs contractors who are fully accredited SSIP (Safety Schemes in Procurement) members.
- 1.4 It removes the additional requirement to be a member of ConstructionLine but retains the requirement to provide SSIP Assessment Certification, Public Liability Insurance, etc. which will now be recorded and managed on the SHE ASSURE (LEXI) platform.
- 1.5 Safety Schemes in Procurement (SSIP) is the mutual recognition scheme for occupational health and safety standards particularly within construction. The 2007 Construction (Design & Management) Regulations introduced the Stage 1 Core Criteria for assessing health and safety competence of contractors and consultants working in the construction industry. SSIP assessments are all judged on these core criteria which describe what it means for a construction business to comply with basic health and safety law.
- 1.6 The revised policy also introduces the "Alternative works" category which is for Construction, Repair or Maintenance works not involving SBC owned or occupied buildings or sites or any fixed plant, equipment, fixtures or fittings therein. This requires contractors involved in these works to provide suitable information to allow the Health and Safety Team to assess their suitability. These works hadn't previously been suitably covered by the policy.

## **2 RECOMMENDATIONS**

**2.1 It is recommended that the Executive Committee:**

- (a) Approves the updated requirement for approval using SHE ASSURE instead of ConstructionLine as part of the Control of Contractors Policy (Construction, Maintenance & Repair), and**
- (b) Approves the new mechanism for approval of Contractors involved in "Alternative Works".**

### **3.0 BACKGROUND**

- 2.1 SBC 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 principle extends both to all Council employees and those employed to do contracted works for and on behalf of the Council by ensuring they are provided with all necessary information and instruction. The Council discharges its duties with all due care and diligence so far as is reasonably practicable and promotes Health and Safety as a main consideration.
- 2.2 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 organisation's undertakings.
- 2.3 In general contractors are less familiar with the workplace than staff based at or visiting that workplace and yet they are often carrying out tasks more hazardous than those normally occurring there.
- 2.4 The Construction (Design and Management) Regulations 2015 requires that anyone appointing a contractor to work on a project must take reasonable steps to satisfy themselves that those who will carry out the work have the skills, knowledge, experience, and, where they are an organisation, the organisational capability to carry out the work in a way that secures health and safety.
- 2.5 British Standards Institute developed a standardised Pre-Qualification Questionnaire for assessing Contractors to assist with meeting the requirements of the CDM Regulations which is used by all SSIP Scheme Members and has been built into Lexi by SHE and SBC's Health and Safety Team.
- 2.6 The policy is aimed at defining how SBC will uphold its responsibilities, how these responsibilities will be carried out, who has responsibility and to provide guidance to those persons.

### **3 CONTROL OF CONTRACTORS POLICY**

- 3.1 The Council adopted the Control of Contractors Policy in May 2014. The policy required that SBC would only employ contractors who had an in date certificate of assessment provided by a SSIP Member (Safety Schemes in Procurement) and be approved members of ConstructionLine.
- 3.2 The Policy was revised during 2018 and the opportunity has been identified to replace the use of ConstructionLine with the use of the new Corporate System for Health and Safety Management, Lexi (SHE ASSURE) whilst retaining the requirement for accreditation with an SSIP Scheme Member.
- 3.3 The reliance on a 3<sup>rd</sup> party to undertake background checks created a potential risk for the Council if the third party failed to ensure suitable background checks had been carried out. Using SHE ASSURE will allow this to be managed in-house and remove this risk.

- 3.4 The previous version of the policy had no suitable mechanism for approval of local and specialist contractors carrying out Construction, Repair or Maintenance works not involving SBC owned or occupied buildings or sites or any fixed plant, equipment, fixtures or fittings therein - "Alternative Works". As such the policy required them to pay the ConstructionLine joining fee (£75), an annual membership fee of (£150 where they have a turnover up to £75,000) as well as get an SSIP Assessment Certificate (currently Acclaim offer this at £175 for those with turnover up to £75,000). This is a total of £400. This causes difficulties in finding contractors willing to undertake some specialist and small scale works.
- 3.5 The additional policy requirement applies only to those Contractors carrying out Alternative Works as defined. The revised policy will still require them to be able to prove their Health and Safety Management and processes are suitable and sufficient and meet the requirements in the HSE's Core Criteria, but the assessment will be carried out by the Council's Health and Safety Team.
- 3.6 The revised policy also reduces the financial burden on all other contractors to between £175 and £675 (for and SSIP Assessment Certificate) by removal of the costs associated with the additional requirement for ConstructionLine approval instead of £400 or more.
- 3.7 The work involved in assessing the low numbers of approvals of contractors for the exceptional works (20 over 3 years) can be absorbed by the Health and Safety Team.
- 3.8 The SHE ASSURE Contractors module has been set up to manage the monitoring of Insurances and SSIP Accreditations. It monitors date of approval and automatically notifies relevant persons where these are pending review, due review or overdue. The system will automatically set any contractor where any of the dates for Insurance, SSIP Accreditation or Approval have lapsed to "Unsatisfactory" status. This will be reflected in the Contractors Approval report which will be available on the Lexi Portal to all officers of the Council (this is updated by the system in real time).
- 3.9 Implementation will follow approval, with training in the use of the new system which is currently scheduled for the end of March. Contractors can then be transferred to the new system as required.

## **4 IMPLICATIONS**

### **5.1 Financial**

There are no costs attached to any of the recommendations contained in this report.

### **5.2 Risk and Mitigations**

- (a) The Control of Contractors Policy supports the legal duty to provide a safe working environment and so mitigates any risk to the Council of not doing so.
- (b) Taking the control of the approval process in-house reduces the risk of using contractors who have not completed the accreditation process or any who's insurances or other certification has lapsed.

- (c) Reduction of potential risk of enforcement action against SBC as the Client by the HSE following adverse incidents involving unassessed contractors by creating a mechanism for their approval. SBC will now be able to demonstrate it has taken reasonable steps to check on their safety and fulfil its client obligations.

**5.3 Equalities**

There are no equalities implications from the revised policy.

**5.4 Acting Sustainably**

There are no sustainability implications from the revised policy.

**5.5 Carbon Management**

There are no Carbon Management implications from the revised policy.

**5.6 Rural Proofing**

Not applicable

**5.7 Changes to Scheme of Administration or Scheme of Delegation**

No changes required

**5 CONSULTATION**

- 6.1 The Chief Financial Officer, the Monitoring Officer, the Chief Legal Officer, the Chief Officer Audit and Risk, the Service Director HR, Communications and the Clerk to the Council are being consulted and any comments received will be incorporated into the final report.
- 6.2 The Members of the Health and Safety Committee, the Architectural Manager, the Engineering Design Manager, the Lead Officer – Access & Transport, Flood & Coastal Management Team Leader, the Contracts Manager (SBc Contracts), the Procurement Officer, the Property Services Manager, the Engineering Design Manager and the Health and Safety Advisory Team have also been consulted and any comments received have been incorporated into the final report.

**Approved by**

**Brian Frater**

**Service Director Regulatory Services Signature .....**

**Author(s)**

Name	Designation and Contact Number
Stuart Ford	Health and Safety Team Leader x 6553

**Background Papers:**

**Previous Minute Reference:** Executive Committee, 18<sup>th</sup> August 2015

**Note** – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Stuart Ford can also give information on other language translations as well as providing additional copies.

Contact us at Stuart Ford, Council Headquarters, Bowden Road, Newtown St Boswells, Melrose. TD6 0SA. Tel: 01835 626553. E-mail: [sford@scotborders.gov.uk](mailto:sford@scotborders.gov.uk)