

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

Document reference number.

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<u>This is an electronically retained document. All printed copies are uncontrolled.</u>				Page number 1 of 10	

**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.	Obsolete
4	Annual review changes: Para 4.5 Delete "government owned and maintained"; para 4.6 new Constructionline definitions added; para 5.1.3 update CDM from 2007 to 2015 and para 7.4 add "or in circumstances where the council may fail to deliver its obligatory service commitments." Change green to white throughout document in reference to satisfactory status for Constructionline. New para 7.6 added re monitoring of exceptional use.	Live

CONTENTS

Section	Title	Page
1.	Statement.....	3
2.	Introduction	3
3.	Scope	3
4.	Definitions	4
5.	Legal and Other Aspects	4
6.	Roles and Responsibilities.....	6
7.	Procurement and Appointment of a Competent Contractor	9
8	Further information.....	10

Document Title.	Control of Contractors Policy (design, construction, maintenance and repair)	Issue No.	4	Date of Issue.	22 nd April 2015
Issued by.	Jonathan Cowan	Review date.			21 st April 2016
Equality and Diversity Impact Assessment date.		Assessed by.			
<u>This is an electronically retained document. All printed copies are uncontrolled.</u>				Page number 2 of 10	

**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
 - 3.3.3. Demolition
 - 3.3.4. Maintenance work

Document Title.	Control of Contractors Policy (design, construction, maintenance and repair)	Issue No.	4	Date of Issue.	22 nd April 2015
Issued by.	Jonathan Cowan	Review date.			21 st April 2016
Equality and Diversity Impact Assessment date.		Assessed by.			
<u>This is an electronically retained document. All printed copies are uncontrolled.</u>				Page number 3 of 10	

**Wellbeing and Safety Management System.
Control of Contractors Policy (design, construction,
maintenance and repair)**



Document reference number. COR POL O 015

- 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 –is a 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).
- 4.6. Constructionline status –

White (may show as grey colour on data base) status on the Constructionline data base represents that the contractor is registered and has the essential **safety documentation**; policies; insurances etc. in place and these are in date.

Amber status shows that Constructionline have some concerns relating to this contractors performance rating. **SBC should not use this contractor.**

Red status indicates **Constructionline accreditation is unsatisfactory and the contractor must not be used.**

LEGAL AND OTHER ASPECTS

5. Legal and Other Aspects

5.1. The relevant legislation applicable to this document include:

Document Title.	Control of Contractors Policy (design, construction, maintenance and repair)	Issue No.	4	Date of Issue.	22 nd April 2015
Issued by.	Jonathan Cowan	Review date.			21 st April 2016
Equality and Diversity Impact Assessment date.		Assessed by.			
This is an electronically retained document. All printed copies are uncontrolled.					Page number 4 of 10

**Wellbeing and Safety Management System.
Control of Contractors Policy (design, construction,
maintenance and repair)**



Document reference number. COR POL O 015

- 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) 2015 (CDM)
 - 5.1.4. Control of Substances Hazardous to Health Regulations 2002 (as amended) Nov 2013 (COSHH)
 - 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

Document Title.	Control of Contractors Policy (design, construction, maintenance and repair)	Issue No.	4	Date of Issue.	22 nd April 2015
Issued by.	Jonathan Cowan	Review date.			21 st April 2016
Equality and Diversity Impact Assessment date.		Assessed by.			
<u>This is an electronically retained document. All printed copies are uncontrolled.</u>				Page number 5 of 10	

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



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

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

6.3.1. Service Directors 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

Document Title.	Control of Contractors Policy (design, construction, maintenance and repair)	Issue No.	4	Date of Issue.	22 nd April 2015
Issued by.	Jonathan Cowan	Review date.			21 st April 2016
Equality and Diversity Impact Assessment date.		Assessed by.			
This is an electronically retained document. All printed copies are uncontrolled.					Page number 6 of 10

**Wellbeing and Safety Management System.
Control of Contractors Policy (design, construction,
maintenance and repair)**



Document reference number. COR POL O 015

- 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
- 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. Place 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

Document Title.	Control of Contractors Policy (design, construction, maintenance and repair)	Issue No.	4	Date of Issue.	22 nd April 2015
Issued by.	Jonathan Cowan	Review date.			21 st April 2016
Equality and Diversity Impact Assessment date.		Assessed by.			
This is an electronically retained document. All printed copies are uncontrolled.					Page number 7 of 10

**Wellbeing and Safety Management System.
Control of Contractors Policy (design, construction,
maintenance and repair)**



Document reference number. COR POL O 015

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.

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

Document Title.	Control of Contractors Policy (design, construction, maintenance and repair)	Issue No.	4	Date of Issue.	22 nd April 2015
Issued by.	Jonathan Cowan	Review date.			21 st April 2016
Equality and Diversity Impact Assessment date.		Assessed by.			
<u>This is an electronically retained document. All printed copies are uncontrolled.</u>					Page number 8 of 10

**Wellbeing and Safety Management System.
Control of Contractors Policy (design, construction,
maintenance and repair)**



Document reference number. COR POL O 015

- 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.

- 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 white status. (See para 4.6 above).**
- 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. (See 7.1 above).
- 7.4. During the transition period contractors who do not hold Constructionline registration and accredited SSIP membership can be awarded work up until 20th July 2015. On or after 20th July 2015 work can only be awarded to framework contractors who hold Constructionline registration and accredited SSIP membership with white status. Where contractors currently on the SBC framework do not achieve Constructionline registration and accredited SSIP**

Document Title.	Control of Contractors Policy (design, construction, maintenance and repair)	Issue No.	4	Date of Issue.	22 nd April 2015
Issued by.	Jonathan Cowan	Review date.			21 st April 2016
Equality and Diversity Impact Assessment date.		Assessed by.			
<u>This is an electronically retained document. All printed copies are uncontrolled.</u>					Page number 9 of 10

**Wellbeing and Safety Management System.
Control of Contractors Policy (design, construction,
maintenance and repair)**



Document reference number. COR POL O 015

membership by 1st September 2015 they will be removed from the Framework and therefore not qualify to be awarded work from SBC.

- 7.5. 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, one off circumstance or in circumstance where the Council may fail to deliver its obligatory service commitments. 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.

- 7.6 Where the above emergency / one off circumstance occurs the use of this contractor must be advised to Wellbeing and Safety Section by the service appointing the contractor in order that close monitoring of the use of this process is monitored and the policy is being applied as intended.

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/>

Document Title.	Control of Contractors Policy (design, construction, maintenance and repair)	Issue No.	4	Date of Issue.	22 nd April 2015
Issued by.	Jonathan Cowan	Review date.			21 st April 2016
Equality and Diversity Impact Assessment date.		Assessed by.			
This is an electronically retained document. All printed copies are uncontrolled.				Page number 10 of 10	