

**CYNGOR SIR POWYS COUNTY COUNCIL**

**Corporate Health & Safety Unit**

**Corporate Working Arrangements  
for  
Managing Contractors**

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## **1.0 Introduction**

- 1.1 This corporate working arrangement is aimed at situations where service areas, departments, schools and responsible persons engage contractors. It clarifies the general health and safety responsibilities of clients and contractors, in order to protect each other, and any other person that may be affected by their undertakings. These responsibilities, if not properly managed, can lead to events that could prove costly to all parties, as well as the immediate effects, further consequences can arise from delays to the work, claims for damages and possible legal action.
- 1.2 The definition of a contractor is anyone who is called in to carry out work, but is not an employee, of Powys County Council, however for the purposes of this corporate working arrangement, Powys County Council building maintenance services, Information Technology and other internal works services are referred to as internal providers.

## **2.0 Policy Statement**

- 2.1 Powys County Council intends, so far as is reasonably practicable, to protect employees and others from the risks associated with the work undertaken by contractors. This code of practice demonstrates commitment to identify, and control the risks associated when engaging contractors, and the continuing improvement of the health, safety and welfare, of any persons affected by their undertaking.
- 2.2 The overall responsibility for implementing the requirements of the policy and ensuring resources are available, to ensure that the code of practice is followed rests with the Chief Executive.

## **3.0 The Legal Framework**

- 3.1 The County Council has a duty under section 2 of the Health & Safety at Work etc Act 1974, to ensure the health, safety and welfare of its employees and others who may be affected by its working activities.
- 3.2 The Management of Health and Safety at Work Regulations 1999 requires that a health and safety management system is in place in all work places.
- 3.3 The CDM Regulations 2015, this Regulation places legal duties upon persons involved with construction work, this includes clients, designers and contractors (for further information see <http://www.hse.gov.uk/pubns/indg411.pdf> ).

- 3.4 The Workplace Regulations 1992 (Health Safety and Welfare Regulations).
- 3.5 Other Regulations will apply, some of which may be specific to the type of work being undertaken by the contractor, for specific hazards that exist during the work, or the nature of the project, examples of these would be the Control of Asbestos Regulations 2012, Control of Substances Hazardous to Health Regulations 1999, the Control of Lead at Work Regulations 1998 etc.

## 4.0 Responsibilities

4.1 The **Chief Executive and Executive Directors** are responsible for:

- the implementation of this corporate working arrangement and that all employees are familiar with its contents of the code of practice ensuring, insofar as it is relevant to their role and responsibilities.
- the allocation of sufficient resources to effectively manage contractors.

4.2 The **Heads of Service** are responsible for:

- ensuring arrangements to bring this corporate working arrangement and any revisions to the notice of all employees within their Service Areas and others who may be affected.
- ensuring Service Unit Managers and Team Managers receive sufficient training to undertake their role.
- ensure that the resources required to implement this corporate working arrangement are made available, and that financial requirements are included in budget bids.
- ensure that procedures are put in place for the control of contractors.
- ensure that accidents and incidents to or involving contractors/internal providers are reported.
- ensure that a data base of contractors is set up for their service area.

4.3 The **Head teachers, Section Heads, Line Managers & Supervisors** are responsible for:

- identifying employees who may be exposed to risk, during contractors/internal providers work.
- ensuring, in liaison with your health and safety adviser, that all employees receive information, instruction and training on the management of contractors.
- ensure that any information that is applicable to the task, process, contract or project is passed on to the contractors/internal providers,

also that any information is also passed on to the client, from the contractor.

- ensure that work practices are observed by contractors/internal providers including any safe working methods and adherence to the control measures resulting from the risk assessment.
- ensure co-ordination and co-operation between all parties during the engagement of the contractor/s.
- ensure appropriate management and supervision of contractors/internal providers is arranged throughout the task, process, contract or project.
- ensure clear communications are established, and agreed between the client, contractors, sub contractors and premises users.

#### 4.4 All **Other Employees** will:

- comply with the requirements of this code of practice.
- report any concerns to their line manager as soon as possible, including issues of poor working practices, in order that remedial actions can be taken.
- adhere to safe systems of work or training and awareness for the purposes of this code of practice.

#### 4.5 The Corporate **Health & Safety Advisers** will be responsible for:

- providing advice and guidance to managers on the effective control of contractors in the workplace, including the auditing of contractor works.

## 5.0 Arrangements

### 5.1 Selection of Contractors

All contractors that undertake construction work for Powys County Council, must be pre-qualified through the CHAS and Construction Line schemes, and hold current validation. The responsible person /client must also carry out an assessment of competence for the particular type of project/works to undertaken by a contractor, and ensure that appropriate management arrangements are in place.

You need to decide how you will determine a contractor's competence. You could, for example, ask prospective contractors:

- what experience they have in the type of work you want done;
- what their health and safety policies and practices are;
- about their recent health and safety performance (number of accidents etc);
- what qualifications and skills they have;

- their selection procedure for sub-contractors;
- for their safety method statement;
- what health and safety training and supervision they provide;
- their arrangements for consulting their workforce;
- if they have any independent assessment of their competence;
- if they are members of a relevant trade or professional body; or
- whether they or their employees hold a 'passport' in health and safety training. This is a growing trend in some industries.

You can then decide how much evidence (e.g. references) you need to seek in support of what prospective contractors have told you.

Responsible persons must decide what they need to do to effectively manage and supervise the work of contractors. The more impact the contractor's work could have on the health and safety of anyone likely to be affected by their undertaking, the greater the management and supervisory responsibilities of the client.

Responsible persons may need to agree with the contractor how the work will be done and the precautions that need to be taken. Again, the extent of the responsible persons responsibilities will be determined by the impact that the contractor's work, could have on anyone likely to be affected by their undertaking.

Relevant issues include, but are not limited to:

- Working procedures, including permits to work.
- Personal protective equipment to be used, and who will provide it.
- Reporting of accidents and incidents.
- Number of persons that will be on site.
- Welfare facilities.
- Working times, deliveries and work areas.
- Fire Safety including a Fire Risk Assessment.

The selection of any sub-contractors is probably best left to the contractor. Clients must, however, satisfy themselves that a contractor has an effective procedure for appraising the competence of a sub-contractor.

## **5.2 Risk Assessment**

The Management of Health and Safety at Work Regulation 1999 imposes specific duties to:

- Co-operate with others.
- Undertake a risk assessment of work activities, in order to identify protective and preventative measures and record significant findings.

- Implement arrangements for planning, organisation, control, monitoring and review of the preventative and protection measures and record these arrangements.
- Ensure the adequate provision of emergency arrangements, for the duration of any work.

An assessment of risk is no more than a careful examination of what, could cause harm to people, so that precautions can be taken to remove or reduce the risk, in most cases the client and contractor will need to discuss this in detail. Where the risk assessment is not sufficient to explain how the work will be done, a safe system of work and/or method statement will be required, these will be task specific.

### **5.3 Information, Instruction and Training**

The Council will provide instruction, training and awareness sessions to all appropriate parties. Such training will focus on:

#### **Head teachers, Section Heads, Line Managers and Supervisors**

- Should receive appropriate training to enable them to identify risks associated with the appointment of contractors/internal providers, in order to ensure that competent contractors/internal providers are engaged.
- Managers should also be informed of their responsibilities under this code of practice and their role in the effective management of contractors.

#### **Employees**

- Employees should be provided with the relevant information, instruction and training to understand existing hazards, and how to remove or reduce the risk of injury.

### **6.0 Further Information**

Further information can be found in the documentation as listed below:

1. Use of Contractors, HSE Books INDG 368.
2. Management of Health and Safety at Work Regulations 1999, Approved Code of Practice, HSE Books, ISBN 0 7176 2488 9.
3. Five Steps to Risk Assessment, HSE Books INDG 163.
4. Managing Contractors, HSE Books, HSG 159, ISBN 0 7176 1196 5.
5. Working together, HSE Books, INDG 268, ISBN 0 7176 2253 3.
6. Managing Health and Safety in Construction, Construction (design and management) Regulations 2007, ACOP, HSE books, L144, ISBN 0 7176 6223 4.
7. CHAS and Construction line.

Or contact your Health and Safety Advisor.

## **7.0 Review of Corporate Working Arrangement**

In line with recommendations of the Health and Safety Executive, on the Management of Health & Safety, this corporate working arrangement will be subject to review in line with all corporate health and safety working arrangements, or when there is any significant change.