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## Selecting and Managing Contractors Policy and Guidance

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### INTRODUCTION

This guidance explains responsibilities for health and safety when selecting and employing contractors, and describes good management practices. It is intended to provide guidance and minimum standards for Torbay Council managers having responsibilities for the selection and management of contractors within their premises. The guidance is suitable for a wide range of services but is intended for the less hazardous and less complex activities. In deciding upon the level of complexity, the manager should always assess whether his knowledge and experience is sufficient to adequately manage the works within the requirements of current health and safety legislation and the minimum standard of work required by Torbay Council.

The term 'contractor' includes self employed people, and any person who carries on a trade, business or other undertaking, whether for profit or not. This in effect covers any person or company of any size who provides a service to Torbay Council, from an office cleaner to a major company carrying out road or construction works. Similarly all consultants such as training providers and insurance brokers and the like, are contractors therefore the criteria for selection and management applies to them as well.

It is inevitable that, when offering such generic advice contained within this document, the subject or content, in trying to cover the majority of situations, can be complex. Advice to managers is always readily available from the Health and Safety Team. Whenever a project requires specialist input, managers should seek the appropriate professional advice either to manage the project as a whole or to give advice on certain aspects. At all times the first priority should be to ensure the health, safety and welfare of all those people likely to be affected by the work undertaken.

It is worth noting that, even when projects are being designed and managed by others, the Council and its managers retain overall responsibility for the site and those working on it including any visitors – invited or otherwise. (Occupier's Liability Acts 1957 and 1984.) If at any stage of the project, a manager feels that the works pose unacceptable risks, they must seek to halt the work until the risk has been eliminated or effectively reduced. If, in the manager's opinion, there is imminent and significant danger, they must stop the works themselves and then seek suitable advice. If the hazard is less significant, they should report the matter to the person managing the project on site. If the works are being managed

externally or by private consultants, the manager should report the matter to the company or consultant who should then take the appropriate action.

Principal legislation to be considered includes:

- The Health and Safety at Work etc Act 1974 (HASAWA)
- The Management of Health and Safety at Work Regulations 1999
- The Workplace (Health Safety and Welfare) Regulations 1992
- The Provision and Use of Work Equipment Regulations 1998 (PUWER)
- Lifting Operations and Lifting Equipment Regulations 1998 (LOLER)
- The Construction (Health Safety and Welfare) Regulations 1996
- The Construction (Design and Management) Regulations 1994 (CDM)
- The Manual Handling Operations 1992
- The Noise at Work Regulations 1989
- The Control of Substances Hazardous to Health Regulations 1999 (COSHH)
- The Control of Asbestos at Work Regulations 1987
- The Highly Flammable Liquids and Petroleum Gases Regulations 1972
- The Gas Safety (Installations and Use) Regulations 1998
- The Occupier's Liability Acts 1957 & 1984
- The Fire Precautions Act 1971
- The Fire Precautions (Workplace) Regulations 1999

There are also British Standards, too numerous to mention here which should be referred to, to ascertain the standard and quality of work.

Although this guidance is aimed primarily at managers who employ contractors on site and within Torbay Council premises, the principles contained, can, and must be applied when employing contractors within the community. e.g. If you commission a contractor to provide a service in a member of the public's home, or use agency personnel to cover manpower shortages. Furthermore, the principles also apply to situations where contractors are appointed to do work for the council to aid in service delivery; e.g. residential care placement within a private/voluntary residential care home.

Examples of other non-construction legislation are:

The Registered Homes Act 1984

The Children Act 1989

National Health and Community Care Act 1990

Activity Centres (Young Person's Safety) Act 1995

Additionally, the advice and guidance provided here will assist even where works are designed and managed by others such as the Property Services in the case of building maintenance and capital works projects. The manager must always be aware of all work activities taking place on his premises and must ensure that such works are undertaken safely and without undue risk.

## **Why Manage Contractors?**

Apart from the potential financial and legal penalties for failing to plan and manage contractors work, poor management of contractors is likely to expose people and property to unacceptable risks. Almost certainly, poor planning and management will increase costs, cause delays and/or disruption of services as well as increase the likelihood of accidents or ill health. Contract staff carrying out maintenance work in particular are a principal cause of accidents in the workplace as they are generally less familiar with the workplace and yet often carry out more hazardous tasks.

## **Effective Management of Contractors**

### **Five Steps to the Effective Management of Contractors**

The most likely type of work to be managed by a manager is building or grounds maintenance and possibly some minor improvement works. Section 2 is written with this type of work in mind but the principles hold good for many other activities in which contractors are employed. The steps are:

- Planning and Design
- Selecting the Contractors
- Working with and Co-ordinating Contractors
- Monitoring Contractors
- Project Review

At this stage, the sensible manager should ask himself the question "*am I competent to manage, design, control, and supervise etc., all or part of this project?*" Competence may be described as a combination of appropriate training and experience or knowledge and other qualities to enable a person carry out the duties and functions of the job at hand.

Having answered the question, the manager is in a position to identify which elements of the work for which he requires advice or assistance.

Roles and responsibilities for each step of the way will vary according to the nature and complexity of the work to be undertaken and likewise will vary depending on the nature of the premises and the activities taking place.

### **Step 1 - Planning and Design**

Planning is an important process – The Health and Safety Executive (HSE) considers that careful planning and design could avoid most accidents or incidents. The term design is introduced here as design has an important function, particularly in construction and is an aspect covered within the HASAWA and in other legislation such as the CDM. Duties under CDM are further outlined later in this document.

Depending on the complexity and level of risk posed by the contract work, the following stages need to be considered:

- a. Define the Job. Write down what you want to achieve and what you require the contractor to provide. This basic principle will help promote effective communication between client and contractor and will ensure value for money providing a finished

product fulfilling your requirements. Drawings and or technical specifications, as well as case plans may be appropriate for complex or higher value projects. Where appropriate, identify at this stage, who the person will be managing the project – the manager or his nominated deputy. When detailing the job description or specification, include the following that will become important when working with and monitoring the contractors once work commences:

- Security arrangements and procedures for signing contractors staff in and out
- Identification of the contractors agent on site
- Frequency of progress meetings
- Hours of working
- Restrictions on hours of working

b. Identify the Hazards. Any hazards present or connected with the project should be identified and conveyed to those concerned i.e. designer, contractor, etc. Look for the hazards present within the job or at the site and those posed by the project works. Look also at whom may be harmed should the hazards be realised. Where appropriate, record your findings on the Torbay Risk Assessment forms. Hazards may be chemical, biological, physical, environmental or psychological i.e.:

- Chemical – substances in use on site or being brought onto a site as part of the contact works or service etc.
- Biological – risk of cross-infection, work on drains or areas contaminated by animal's etc.
- Physical – falls from height, contact with vehicles, risk of electric shock, manual handling injuries etc.
- Environmental – extremes in temperature, confined spaces, ventilation etc.
- Psychological – stressful i.e. due to pressure, boredom, complexity etc.

c. Evaluate Hazards and Risks. Risks should ideally be eliminated altogether by design or reduced as far as practicable. Remaining risks have to be controlled and their source or nature conveyed to the contractor so that he may adequately manage them. Risk is the likelihood of harm happening should a particular hazard be realised and should take into account frequency of occurrence, population effected and severity.

d. Specify Health and Safety Rules and Conditions. Ensure that the specification and contract documentation adequately specifies the works and works processes. Ensure that these documents advise potential contractors of the hazards associated with the client's undertakings\* as well as detailing any rules the client wishes to impose such as co-operation with other contractors, other people on the premises, fire drills, first aid arrangements etc.

\*Client's undertakings – are activities or the business and all that goes on within the premises.

e. Provide all Health and Safety Information. Advise the contractor, by means of the written description or technical specification detailed above, of hazardous conditions, materials, processes and vulnerable persons with whom they may come into contact. Managers (or Clients under CDM) must pass on all information that they are aware of or should be aware of i.e. contaminated ground, asbestos register, unstable elements of the buildings affected, etc.

In some situations, it may be appropriate to select a contractor at the design stage i.e. where specialist contractors are involved and the normal methods of obtaining competitive bids are inappropriate. This concept provides an opportunity to make use of the specialist contractors experience and design solutions.

## **Step 2 - Selecting the Contractors**

### **a. Consider the Variables**

Selecting the right contractor(s) IS VERY IMPORTANT. You are always best advised to use contractors who have already been assessed and are on one of Torbay Council's approved contractor lists. This will ensure that a level of checking – financial; quality; basic health and safety competence etc. has been considered. For building works, this type of list is held and maintained by the Property Service Group who may be contacted for advice. Similarly, Social Services and Education Directorates should maintain their own approved lists of specialist contractors/service providers. The following aspects will influence your choice of contractor.

### **b. Nature of the Project**

Each type of project will present different management and health and safety issues requiring unique specialist competencies, i.e.

Cleaning contracts

Small building/maintenance contracts

Larger building contracts with the scope of CDM

Grounds maintenance contracts

Window cleaning contracts

Provision of care contracts/Agency staff

Telecom or IT installations etc.

Similarly, other issues will influence the choice of contractor i.e. the complexity and duration of the project. Potentially hazardous materials or processes employed the type of plant to be used/operated and so on. Likewise, various forms of license may be required i.e. "CORGI" for those working on gas systems and appliances. NICEIC registration for electrical works, or Contractors licensed by the HSE for working with asbestos i.e. repairs to/or removal/encapsulation etc.

### **c. The Level of Contractor Competence**

This may influence certain aspects of your selection and assessment process, as the more complex works will normally require larger or more experienced contractors, i.e.

Sole operator/Single Trader

Contractor employing 5 or less persons

Contractor employing more than 5 or more persons

Contractor capable of co-ordinating the work of others

d. The Nature of the Site or Premises

Each will present potential hazards i.e.:

Occupied or unoccupied - especially schools or residential homes

Single or multi-storey, single or mullet-block

Fragile roof coverings

Buried or overhead pipes and cables

Unstable ground

Presence of asbestos or materials containing asbestos

Difficult access – especially schools or residential homes

Unusual hazards associated with the site or its use

Availability of shared welfare facilities

e. Nature of the Client's Undertakings

Such as Schools; Residential Homes; Factory Units; Special Needs Unit, which require careful consideration of the following:

Security considerations

Confidentiality

Other contractors on the site

Potentially hazardous materials or processes present on the site

The site rules currently in place i.e. no smoking, fire evacuation etc

Multiple occupancy situations – more than one organisation/contractor on site will require formal co-operation between each one.

f. Assessing the Contractor

Even for contractors known to you, a formal assessment and selection process, duly recorded, must be gone through. Known contractors may have a simpler assessment undertaken. However, you are advised to record your assessment findings each time in case you are required to show objectiveness and consistency in the assessment of contractors a selection of forms or questionnaires are appended at the end of guidance, use the most appropriate to the project under consideration.

g. Selecting the Contractor(s)

Bearing in mind all the information covered so far and Torbay Council's requirements for Best Value, more than one contractor should be considered. Traditionally the Council may have considered and selected on cost. However, health and safety legislation requires us to take into account competence and the allocation of resources i.e. competence in the management for health and safety, and the provision of adequate resources (trained workers, serviceable equipment, safety procedures etc.) to undertake works or provide services safely.

Methods of selecting contractors:

From known good performers.

From lists of approved contractors.

From good performers known to other parties (take up references).

From recognised profession or trade bodies i.e. Electrical Contractors Association (ECA); Federation of Master Builders etc.

Through the advertisement and interview process.

Through the advertisement and tendering process.

Select the best candidate following the assessment process.

The following are topics or issues which need to be addressed when assessing the prospective contractor(s) - They may not all be necessary or appropriate for every project therefore the contractor selection process, and information required, can be tailored to suit the project or services required:

- References including examples of work carried out for other clients. Such references should invite comment on the contractors performance in managing health, safety, and welfare.
- Provide a copy of contractors Health and Safety Policy or if the contractor has five or less employees, the questionnaire should ask the applicant to detail his current arrangements for the management of Health and Safety.
- Provide copies of a reasonable selection of current risk assessments for appropriate activities such as manual handling or moving loads; a person working at heights; use of access equipment; use or handling of hazardous substances; bathing a patient or client etc. At least one of the assessments should be non-generic for a recent activity similar to that under consideration i.e. bathing someone in their home.
- Who in the contractors organisation has day-to-day responsibility for risk assessment and the management of health and safety? What are his/her position in the company and what are their qualifications? Vocational and health and safety – submit their current C.V.
- Provide copies of at least one method statement or safe system of work for non-generic activities - these should clearly describe the task, methods of working, processes, plant and equipment, personal protective equipment required, necessary skills of workers and the level of supervision to be applied.
- Detail the provision and training of first aiders.
- How many people are directly employed by the Company – Office/professional staff; manual workers.
- What are the company's emergency procedures for staff working on contracts in other people's premises?
- Details of any health surveillance carried out.
- Details of relevant training and qualifications of employees and the overall company training programme.
- Selection, communication with, and the monitoring of performance of subcontractors.
- Details of formal notices issued or legal proceedings pending or taken against the contractor by the enforcement authorities within the last five years.
- Details of reportable accidents/incidents reported to the enforcement authorities.
- Copies of the last two full pages of the contractors accident report book.
- Details of typical welfare facilities that the contractor would provide for his employees when on site.

- Details of safety training which the contractor would provide to their employees or subcontractors employees for the general type of work being planned.
- How is health and safety information distributed and made available to employees.
- How the contractor intends to monitor and review their health and safety performance.
- Details of any plant and equipment to be used on the project and how compliance with
- PUWER can be demonstrated.
- Detail of how compliance with the Manual Handling operations Regulations 1992 can be demonstrated.
- Details of how compliance with LOLER can be demonstrated.
- The following are not strictly related to health and safety but it would be worth while seeking evidence of current insurance policies for the following:
  - Professional Indemnity Insurance held by professional Health & Safety Advisor
  - Company Public Liability Insurance
  - Employers Liability Insurance
  - Occupiers Liability Insurance
  - Financial/trading History
  - Suitability of directors

**Note:** At this stage, managers should make an assessment of their own knowledge and competence to make judgements on the quality of contractors responses – particularly in the field of health and safety. Assistance on health and safety is available from the health and safety team.

A final assessment of the contractors tender or quotation should be carried out to ensure adequate financial and human resources have been allowed for all necessary health and safety related activities including the overall planning and management for health and safety for the duration of the project.

### **Step 3 - Working With and Co-ordinating Contractors**

Because of the variety and number of contractors supplying services to managers and establishments across the council, some thought should be given as to how their various activities can be controlled and co-ordinated to prevent unacceptable risks to staff and other users, not least the contractors themselves. Much of this information will have already been covered in 1. In 3. the effort expended on planning is realised. This stage demands a significant input from local managers (or whoever they delegate the task to) and involves communication, co-operation and a level of supervision. The local manager or his deputy becomes the contractors main point of contact. The amount of input required would be inversely proportional to that expended in 1.

Prior to commencement of the contract a pre-contract meeting can be held at which all arrangements are finalised and each party given the opportunity to introduce key members of staff. It will be worthwhile to reinforce all the health and safety issues that you have addressed in the earlier stages. Likewise you may find it worthwhile to remind

contractors that plant and equipment (i.e. step ladders, extension leads, compressors etc.) are not provided for the contractors use! If 1. was carefully considered, new issues are less likely to arise at this stage.

Working closely with the contractor will not only ensure the job runs smoothly, it will ensure that you are aware of all activities on the premises. Although contractors are responsible for supervising their own work and for ensuring that they work safely, you too have duties. Under the HASAWA, the Management of Health and Safety Regulations and the Workplace (Health, Safety and Welfare) Regulations you must ensure the health, safety and welfare of all those people who may be on site, including your own employees, contractors, visitors, clients and the public. As well as being aware of hazards, you are required to ensure that risks are adequately managed. To this end, you may have to remind your contractors to meet their duties and work safely. However you cannot watch them all the time, you need to decide how much contact is reasonable bearing in mind the hazards and risks associated with the job (risk assessment). The start and the finish of the day may be important times for checking with the contractor that all is running to plan. In addition to this routine monitoring you should also ensure that contractors report accidents, incidents and near misses to you, however minor, this gives you the opportunity to put matters right before someone is seriously hurt.

#### **Step 4 - Monitoring Contractors**

This step is all about ensuring the contractor provides whatever it is you contracted for in terms of:

- Quality
- Time-scales
- Carrying out the works as agreed i.e. site personnel sticking to the rules
- Above all, **Safely**

Much of the role has already been covered in step 3. Monitoring is not just about observing, it is about supervision to ensure compliance with the standards set out in the contract and health and safety matters. If what is seen is not as planned, appropriate action may have to be taken, (see appendices). In Step 1 Planning and Design and again in Step 2. Selecting Contractors, reference was made to obtaining advice and assistance from professionals i.e. Property Services, Law and Admin or the Health and Safety Team. Even at this stage it is not too late to seek advice. Problems may arise and you may be unsure as to their significance or just what to do about it. Never be afraid to seek or take advice – much of it will be free or relatively inexpensive. Remember if you see something that is wrong or dangerous you have a duty to report the matter, or if the work is likely to cause imminent or serious risk, then stop the work until it can be put right and done safely.

#### **Step 5 - Project Review**

Realistically this stage is seldom completed – most of our efforts go into planning and arranging funding. By the time a project is completed our energies are diverted elsewhere.

However spending a little time to review the project could save time for you and others when the next project develops. Valuable lessons that will improve effectiveness next time around may be learned from the review process.

Project review requires an honest and objective approach. This stage reflects upon each stage including the contractor performance and suitability for this and other projects. Be fair, review your own performance as well and, if you are seeking a full picture, include the contractor in the process.

Things to consider are:

- Effectiveness of planning stages – the design, including your input.
- Contractor performance i.e. time, cost, quality, communication etc.
- Health and safety – accidents? Near misses? Breaches of safety rules? Could these have been foreseen and thus prevented at the planning stage. Don't forget to review the good points as well.
- Did the project turn out as expected? Did you get good value for money?
- Could anyone else learn from this?

If the contractor genuinely performed badly in terms of co-operation and health and safety, it is important that other interested parties are informed. If the project involved building works and was undertaken by a contractor taken from the Council's list of approved contractors, please ensure that Property Services are advised – likewise Client Services if the contract was for catering, cleaning or grounds maintenance. However, if you wish the wish Property or Client Services to investigate the contractor, your details must include written evidence outlining the contractors poor performance – i.e. a letter or warning notice to the contractor outlining the problem and giving a reasonable time for him to improve matters, subsequent letters etc. acknowledging that the problem had not improved. On the positive side, you should also advise your colleagues in the Council of good experiences with contractors so that others may benefit.

### **3. Advice Not Wholly Related to Health and Safety**

#### **3.1 General Management**

Primarily, this document concerns itself with health and safety matters and general good practice when selecting and managing contractors. This tends to cover issues of particular relevance to building maintenance and adaptations but the principles will apply to may other forms of contracting.

Clearly, what is not covered and outside the scope of this guidance, are matters relating to financial control, how to value changes in contract specifications, quality control, forms of contract, handling dispute, planning controls and so on. You cannot ignore these issues so if you are unsure of what to do, consult the appropriate professional within your Directorate, Property Services, Client or Legal Services.

### **3.2 Indicators of Poor Practice**

Experience has shown those managers responsible for the design and management of contractors that there are at least two things that crop up time and again and may indicate poor performance:

- a. Tenders vary significantly – this is nearly always due to either insufficient time allowed to prepare tenders or, inadequate design/specification resulting in the contractor trying to guess your requirements. This is often the case where requirements are not written down and the design or specification conveyed verbally, which has a likelihood of variance each time it is repeated.
- b. Some contractors always want to change the job. If genuine, this can often lead to savings or a better job, however, some contractors are looking to make the job easier and cheaper for themselves – be on your guard.

### **4. Construction (Design and Management) Regulations 1994 (CDM)**

For construction work and activities such as building maintenance and alterations, some or all of the requirements of CDM may apply. These Regulations generally come in to play where any of the following apply:

- The construction activity will require five or more operatives on one site at any one time.
- The construction phase will continue for more than 30 days.
- Demolition work is involved.

Unless the premises manager is by profession, competent to design and manage construction works falling within the scope of these regulations, all projects should be designed and managed by an appropriate professional to do otherwise puts the individual manager and the Council at risk.

#### **4.1 CDM Guidelines**

The CDM Regulations place duties on the following people throughout all stages of the project:

- The Client (or their Agent)
- The Designer
- The Contractors
- The Planning Supervisor

The Client – Is the person or organisation who initiates the project, i.e. Torbay Council.

The Agent – Where appointed, acts on the behalf of the client.

The Designer – Is the individual or organisation who carry out the design of the project. They may include architects, consulting engineers, quantity surveyors, principal contractors and specialist sub-contractors.

The Planning Supervisor – Is the individual or organisation nominated by the client or agent who will give advice to the client when requested, co-ordinate and manage the

health, safety and welfare aspect of the design. The planning supervisor will ensure that a pre-tender stage health and safety plan is prepared and developed throughout the period of "Construction".

Where possible and practicable, the planning supervisor will be a Council employee.

The Contractor/Principal Contractor – Includes sub-contractors and may also be known as works specialist or nominated contractors. Contractors have responsibilities for health and safety of their own employees and others. The Principal Contractor will be selected by the Client as having Overall Responsibility for the management of site operations. This includes the overall co-ordination to the site health and safety management.

#### **4.2 The Stages and Key Responsibilities for Personnel**

The main stages of a project and key responsibilities are as follows:

- . Concept and Feasibility
- . Design and Planning
- . Tender/Selection Stage
- . Construction Phase
- . Commissioning, Hand Over and Project Review

#### **4.3 Concept and Feasibility Stages**

This stage begins when the client first thinks about having a structure built, repaired, refurbished, demolished or maintained. It overlaps with the start of the detailed design work. During this period, important decisions are made on layout and outline, overall scheme and initial design and construction methods.

##### The Client

Determines if the project falls within the scope of the CDM Regulations.

Appoints an agent if appropriate.

Appoints a planning supervisor.

Be reasonably satisfied that the agent, planning supervisor and any designer(s) whom they appoint are competent and have made adequate provision for health and safety.

Provides the agent, the planning supervisor and designer(s) with information relevant to the health and safety of the project.

##### The Planning Supervisor

Notifies the project to the HSE if required.

If requested, gives advice to the client on the designer's competence and adequacy of provision for health and safety.

Co-ordinates health and safety.

Ensures so far as reasonably practicable that designers comply with their duties,

##### The Designer

Makes the client is aware of their duties.

Identifies the significant health and safety hazards and risks of any design work.

Gives adequate regard to the hierarchy of risk control.

Provides adequate information on health and safety to those who need it.

Co-operates with the planning supervisor, and where appropriate, other designers involved in the project.

#### **4.4 The Tender/Selection Stage**

This stage primarily involves the selection of the principal contractor for the construction phase. The final production of tender documents (e.g. bills of quantity etc), and the procedures and processes for the selection of the principal contractors takes place.

##### The Client/Agent

Select and appoint the principal contractor.

##### The Planning Supervisor

Ensures the health and safety plan continues to be developed.

Assists the client to assess tender submissions or prospective principal contractors.

Assists the client to determine competence of contractors.

#### **4.5 The Construction Phase**

This phase covers the period when the principal contractor will plan the programme of construction work start the work and manage it throughout to completion.

##### The Client /Agent

Ensures construction work does not begin until the principal contractor has prepared a suitable health and safety plan.

Complies with health and safety legislation where the client's work activities or undertaking may be affected by the construction work.

Be reasonably satisfied that any contractors who the client arranges to carry out construction work are competent and have made adequate provision for health and safety (e.g. approved contractors).

##### The Planning Supervisor

If requested, advise the client on the principal contractor's health and safety plan.

Ensure designers comply with the duties and co-operate.

Continues to prepare the health and safety file.

##### The Designer

Identifies the significant health and safety hazards and risks of ongoing design work, e.g. temporary works, variations and further elements of detailed design.

Gives adequate regard to the hierarchy of risk control.

Provides adequate information on health and safety to those who need it.

Co-operates with the planning supervisor and, where appropriate, other designers involved in the project.

##### The Principal Contractor

Develops and implements the health and safety plan.

Is reasonably satisfied that when arranging for a sub-contractor to carry out construction work, they are competent and have made adequate provision for health and safety.

Obtains and checks safety method statements from sub-contractors.  
Ensures the co-ordination and co-operation of sub-contractors.  
Ensures training for health and safety is carried out.  
Has appropriate communication arrangements between contractors on site for health and safety.  
Makes arrangements for discussing health and safety matters with people on site.  
Allows only authorised people onto the site.  
Displays the notification of the project details to the HSE.  
Monitors health and safety performance.  
Passes information to the planning supervisor for the health and safety file.  
Ensures compliance of all personnel to site and health and safety rules.

#### The Sub-Contractors

Identifies the hazards of their work, assess the risks arising from these hazards and tells the principal contractor how these risks are to be eliminated or controlled.  
Informs the principal contractors of any death, injury, ill health or dangerous occurrence.  
Provides the principal contractor with information to be included in the health and safety file.  
Co-operates with the principal contractor and other sub-contractors.  
Follows any directions of the principal contractor so that the latter can comply with their duties under CDM.  
Provides information to employees of other sub-contractors.

#### **4.6 Commissioning, Hand-over and Project Review**

This stage includes the activities required to bring plan, equipment, building, management and similar systems into operation and finally, the structure being handed over to the client.

#### The Client/Agent

The client/agent should satisfy themselves that work has been completed in accordance with the design standards.  
Ensures that equipment installed meets all statutory requirements.  
Ensures the client receives and maintains the health and safety file for the life cycle of the construction (Concept to demolition and disposal).  
In the case of new premises registering them with the appropriate authorities.  
Reviews the project.

#### The Planning Supervisor

Ensures the health and safety file is completed and handed to the client or agent.  
Reviews the project.

#### The Designer

Provides planning supervisor with information to complete the health and safety file.  
Reviews the project.

The Principal Contractor

Provides the planning supervisor with the necessary information to complete the health and safety file.

Reviews the Project.

The Sub-Contractors

Provides the principal contractor with the necessary information to complete the health and safety file.

### **Pre-tender Health and Safety Plan**

Possible information for inclusion in the pre-tender stage health and safety plan.

#### 1. Nature of the Project

The Name of the Client

The Location

The nature of the construction work to be carried out

The time-scale for completion of the construction work

#### 2. The Existing Environment

The surrounding land uses, and related restrictions, e.g. premises (schools, shops, residential homes or factories) adjacent to proposed construction site, planning restrictions which might affect health and safety.

Existing services, e.g. underground and overhead lines.

Existing traffic systems and restrictions, e.g. access for fire appliances, time of delivery, ease of delivery and parking.

Existing structures, e.g. special health problems from materials in existing structures which are being demolished or refurbished, any fragile materials which require special safety precautions, or instability problems.

Ground conditions, e.g. contamination, gross instability, possible subsidence, old mine workings, or underground obstructions.

#### 3. Existing Drawings

Available drawings of structure(s) to be demolished or incorporated in the proposed structure(s), this may include a health and safety file prepared previously for the structure(s) and held by the client.

#### 4. The Design

Significant hazards or works sequences identified by designers, which cannot be avoided or designed out.

Where appropriate, a broad indication of the precautions assumed for dealing with the principles of the structural design and any precautions that might be needed.

Sequences of assembly that needs to be followed during construction.

Detailed reference to specific problems where contractors will be required to explain their proposals for managing these problems.

#### 5. Construction Materials

Health hazards arising from construction materials where particular precautions are required, either because of their nature or the manner of their intended use. These will have been identified by designers as hazards, which cannot be avoided or designed out.

They should be specified as far as is necessary to ensure reliable performance by a competent contractor who may be assumed to know the precautionary information that suppliers are, by law, required to provide.

#### 6. Site-wide Elements

Positioning of site access and egress points (e.g. for deliveries and emergencies).

Location of temporary site accommodation.

Location of unloading, layout and storage areas.

Traffic and pedestrian routes.

#### 7. Overlap with Client's Undertaking

Consideration of the health and safety issues, which arise when the project is to be located in premises occupied or partly occupied by the client, e.g. vehicle movements in and around schools or residential homes.

#### 8. Site Rules

Specific requirements of the site health and safety rules which the client or the planning supervisor may wish to lay down as a result of points 2. to 7. Or for other reasons, e.g. specific permit-to-work rules, emergency procedures etc.

#### 9. Continuing Liaison

Procedures for considering the health and safety implications of design elements of the principal contractor's and other contractor's packages.

Procedures for dealing with unforeseen eventualities during project execution resulting in substantial design change and which might affect resources.

## **The Construction Phase Health and Safety Plan**

### **What should the Health and Safety plan start with?**

1. The Health and Safety plan can usually open with:

A description of the project.

A general statement of health and safety principles and objectives for the project.

Information about restrictions which may affect the work (e.g. neighbouring buildings, utility services, vehicular and pedestrian traffic flows and restrictions from the work activities of the client).

### **What arrangements should be set out in the health and safety plan for managing and organising the project?**

2. These can include:

#### Management

The management structure and responsibilities of the various members of the project team, and whether site based or elsewhere.

The arrangements for the principal contractor to give directions and to co-ordinate the other contractors.

#### Setting Standards

The health and safety standards to which the project will be carried out. These may be set in terms of statutory requirements or higher standards which the client may require in particular circumstances.

#### Information for Contractors

Means of informing contractors about risks to their health and safety arising from the environment in which the project is to be carried out and the construction work itself.

#### Selection Procedures

The principal contractor's arrangements for ensuring that all contractors, the self-employed, and designers to be appointed by the principal contractor are competent and will make adequate provision for health and safety.

That suppliers of material to the principal contractor will provide adequate health and safety information to support their products.

Machinery and other plant supplied for common use will be properly selected, used and maintained, and that operator training has been provided.

#### Communications and Co-operation

The means for communicating and passing information to all members of the project team, including the client and any client's representative, designers, the planning supervisor, the principal contractor, other contractors, site workers and others whose health and safety may be affected.

The arrangements for securing co-operation between contractors for health and safety purposes.

The arrangements for management meetings and initiatives by which the health and safety objectives of the project are to be achieved.

The arrangements for dealing with design work carried out during the construction phase, ensuring it complies with CONDAM regulation 13 and resultant information is passed to the appropriate person(s).

#### Activities with Risks to Health and Safety

The arrangements for the identification and effective management of activities with risks to health and safety, by carrying out risk assessments, incorporating those prepared by other contractors, and also safety method statements which result. These activities may be specific to a particular trade (e.g. false work), or to site-wide issues and may include:

The storage and distribution of materials

The movement of vehicles on site, particularly as this affects pedestrian and vehicular safety

The control and disposal of waste

The provision and use of mechanical plant which issued by a number of contractors

The provision and use of temporary services, e.g. electricity

Temporary support structures e.g. false work

The commissioning, including the use of permit-to-work systems

The exclusion of unauthorised people.

Control measures to deal with unauthorised people should be clearly set out, including protection of members of the public.

#### Emergency Procedures

Emergency arrangements for dealing with and minimising the effects of injuries, fire and other dangerous occurrences.

#### Reporting of RIDDOR Information

The arrangements for informing the principal contractor about accidents, ill-health, and dangerous occurrences which need to be notified to the HSE under the regulations.

#### Welfare

The arrangements for the provision and maintenance of welfare facilities.

#### Information and Training of People on Site

The arrangement by which the principal contractor will check that people on site have been provided with, health and safety information

Health and safety training

Information about the project.

#### Consultation with People on Site

Arrangements that have been made for consulting and co-ordination the view of people on site or their representatives.

#### Site Rules

Arrangements for making site rules and for bringing them to the attention of those affected.

The rules should be set out in the health and safety plan. There may be separate rules for contractors, site workers, visitors and other specific groups.

#### Health and Safety File

Arrangements for passing on information for the preparation of the health and safety file.

#### Arrangements for Monitoring

Arrangements should be set out for active and reactive monitoring to achieve compliance with:

#### Legal requirements

The health and safety rules developed by the principal contractor through regular planned checks, and by carrying out investigation of incidents and complaints.

Procedures, e.g. contractor selection and the management of certain trades.

On-site standards actually achieved compared with those set for the project.

#### Project Review

Reviews throughout the project, as different trades complete their work and at its conclusion.

This means that the lessons learned in terms of the standards set and those actually achieved can be taken forward.

**The Health and Safety File**

The Planning Supervisor is responsible for ensuring the Health and Safety File is prepared, the task is a continual process throughout the project.

The file will be handed over to the client on completion of the project.

The contents of the file will vary, depending on the type of structure and the future health and safety risks that will have to be managed.

**The Information Required Includes:**

A record of “as built” drawings and plans used and produced throughout the construction process.

The design criteria.

The general details of construction methods and the materials used.

The details of equipment and maintenance facilities within the structure.

The maintenance procedures and requirements for the structure.

Any manuals produced by specialist contractors and suppliers, which outline operating and maintenance procedures and schedules for plant and equipment installed as part of the structure, e.g. air conditioning equipment or lifts.

Any details of the location and nature of utilities and services, including emergency and fire fighting systems.

The Health and Safety file should be kept available for inspection on the premises to which it relates.

The Health and Safety file should be amended and updated as and when future alteration work is carried out.

If the client sells all or part of the structure, the health and safety file or relevant parts of the Health and Safety file should be passed to the new owner.

To:

Address:

From:

Address:

Ref:

Enquires to:

Telephone no:

Fax:

E-mail:

Date:

### **Selection and Appraisal of Contractors**

Dear Sir,

Torbay Council is currently considering your company for inclusion on its list of approved contractors. In order that we can carry out our assessment and selection would you please complete the following form and return it to the above address.

N.B. Completion of the form does not guarantee that you will be selected for approved contractor status, however failure to complete and return the form does mean that your company may not be considered for any future projects.

Should you have any queries please do not hesitate to contact me at the above address.

Yours sincerely

**Selection and Appraisal of Contractors**

Health and Safety legislation and good management practice requires that the Council shall not appoint or select a contractor unless they are reasonably satisfied that the Contractor has the necessary competence to carry out the work.

This form should be fully completed by prospective Contractors, and returned to:

Name of Contractor .....

Address .....

.....

Post Code .....

Name of Contact .....

Position in company .....

Telephone no. ....

Fax no. ....

Date .....

Please supply the names of at least two previous Company's for whom you have provided a service:

.....

.....

Have you a Company Safety Policy? Yes / No

(If yes please attach a copy)

Have you a Safety Manual within the Company, outlining rules, risk assessments and safe working procedures? Yes / No

Who is the director or person within the Company responsible for Health and Safety?

.....

Who is the Health and Safety professional for the Company?

.....

Provide details of professional indemnity held by the safety professional:

.....

Provide details of the Company's Public Liability Insurance:

Name of Insurance Company

.....

(Seek independent specialist advice as to limits of indemnity)

Provide details of the Company's Employee Liability Insurance:

Name of Insurance Company

.....

Please give details of any accidents or industrial diseases reported to the Enforcement Authorities within the last 3 years:

.....

.....

Please provide details of any health and safety prosecutions made by the Enforcement Authorities within the last 5 years:

.....

.....

Please provide details of any improvement or prohibition notices issued by the Enforcement Authorities within the last 5 years:

.....  
.....

Please provide details of any health and safety prosecutions etc pending:

.....  
.....

Please provide details of accident reporting and investigation procedure:

.....  
.....

Please provide details of supervision provided for your employees:

.....  
.....

Please provide details and a selection of examples of your current risk assessments:

.....  
.....

Please provide details of compliance with the Control of Substances Hazardous to Health Regulations: (attach examples)

.....  
.....

Please provide details of compliance with the Noise at Work Regulations: (attach examples of noise assessments)

.....  
.....

Please provide details of evaluation and assessment of personal protective equipment:

.....  
.....

Please provide details of work activities, which are provided with method statements: (attach samples)

.....  
.....

What procedures have been laid down for emergencies on site? (attach examples)

.....  
.....

What procedures have been laid down for the breakdown of plant or equipment, during the working day and outside of normal working hours?

.....  
.....

How often are electrical equipment and appliances inspected and tested, and by whom?

.....  
.....

How do you ensure that plant and equipment are kept in good condition?

.....  
.....

Please provide details of instruction, training and information provided to users of equipment as required under the Provision and Use of Work Equipment Regulations:

.....  
.....

Please provide details of compliance with the Manual Handling Regulations:

.....  
.....

Please provide details of any permits to work operated within the Company: (attach samples)

.....  
.....

Please provide details of any measures taken to appraise sub-contractors working for the Company: (please attach sample appraisal form)

.....  
.....

Do you provide health and safety training Yes / No  
How frequently is this undertaken and by whom?

.....  
.....

What measures are normally taken by the Company to exclude unauthorised persons from entering the site?

.....  
.....

Give details of the frequency of visits made to be made to the site by a professional health and safety officer:

.....  
.....

Do you wish to add any other details to support your application?

.....  
.....  
.....  
.....

Signed.....

Name (please print).....

Date..... Designation.....

### **An Example of Site Health and Safety Rules**

Through co-operation and by following these basic rules, you will assist in keeping this site a healthy and safe place to work.

The following rules apply to you and anyone employed by you (including all sub-contractors) and it is your responsibility to ensure that they are made aware of these requirements.

#### 1. Movement on site

Vehicle and pedestrian movements and parking of vehicles on site must be in accordance with local traffic rules and restricted to those areas agreed with the Council.

#### 2. Competent Persons

Persons employed by you shall be competent to undertake the work specified and be able to operate any necessary equipment safely and without risk.

#### 3. Risk Assessments

Any of your activities which pose a significant risk to the health and safety of people, property, or plant must be formally assessed, and those most likely to be affected informed of the risks and the safety measures to be taken.

#### 4. Tools and Equipment

All tools and equipment introduced to the site shall be inspected before use as being safe and fit for the intended purpose.

#### 5. Portable Electrical Equipment

All portable electrical equipment shall possess a current test certificate. Voltage requirements should not exceed 110 volts unless protected by a suitable residual circuit breaker.

#### 6. Personal Protective Equipment

For certain tasks in specified areas, the wearing of suitable PPE shall be strictly enforced, PPE will be suitable for the risks, provided and maintained by the Contractor at no cost to the Council.

#### 7. Fire

Notices are displayed throughout the site, and you must be aware of the local fire procedures when you hear the fire alarms or discover a fire.

#### 8. Accidents

In the event of an accident to yourself or to anyone under your control, it must be reported as soon as practicable to a Council representative.

#### 9. Smoking

The Council has a strict No Smoking policy, which must be complied with.

#### 10. Alcohol

The consumption of alcohol or taking of drugs or being unfit for work through consumption of alcohol or taking of drugs on council premises is prohibited.

#### 11. Enforcement of Safety Rules

The senior Company person or Principal contractor will enforce site safety rules for all personnel within their area of work.

Should any person or company fail to comply with the safety rules outlined above they will be either:

1. Warned to improve their health and safety conduct – up to a maximum of three warnings
2. Prohibited from working on this or any other Council premises.

**Health and Safety Warning**

**1 : 2 : 3**

**Name:** .....

**Company**.....

The above named was seen to be in breach of the Statutory or the site Health and Safety rules in that they:

.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....

You are hereby notified that should you breach any further safety rules or fail to improve your safety performance, you will receive further warnings (no more than 3). If your conduct is considered to be likely to cause serious injury to yourself or another person or major loss to the Council, you will be prohibited from working for the period of the project and escorted from the site.

Signed .....

Dated .....

Copies:

- 1. Offending person or company
- 2. Council

To:

Address:

From:

Address:

Ref:

Enquires to:

Telephone no:

Fax:

E-mail:

Date:

Dear Sir / Madam

**Renewal of Insurance Certificates**

Your company is currently working for/included on our list of approved contractors.

According to our records your certificates for the following have expired. In order that we can update our records and to retain your place as an approved contractor for Torbay Council, would you please forward a copy of your current certificate in respect of:

1. Employer's liability stating the indemnity limits.
2. Public Liability stating the indemnity limits.

It is strongly recommended that you seek independent professional advice for the limits of insurance cover required.

Please reply to the above address

Yours sincerely,

## CDM Summary, who does what, when

|                             | Concept and Feasibility Stage  | Design and Planning Stage   | Tender / Selection Stage  | Construction   | Commissioning and Handover                                |
|-----------------------------|--|---|---|--|---|
| <b>Client</b>               | Appoint a Planning Supervisor who is competent and adequately resourced  |   | Appoint Principal Contractor who is competent and adequately resourced                      | Comply with health and safety laws where clients work activities overlap with the construction work. Make sure that the Principal Contractors health and safety plan is suitable.  | Keep the health and safety file available for inspection. |
|                             | Provide the Planning Supervisor with relevant information to identify hazards  |   |   | Ensure when arranging for any Contractors to carry out construction work they are competent and adequately resourced   |   |
|                             | So far as health and safety is concerned, ensure appropriate arrangements are made to manage the project<br>Ensure when arranging for any Designers to prepare a design that they are competent and adequately resourced   |   |   |  |   |
| <b>Planning Supervisor</b>  | Ensure notification is submitted to HSE  |   | Ensure further notification which were not known at the time of appointment are sent to HSE | Be able to advise the client on the suitability of the initial construction stage health and safety plan   | Ensure health and safety file is delivered to the Client  |
|                             |  | Ensure pre-tender health and safety plan is prepared in good time |   |  |   |
|                             |  | Ensure health and safety file is prepared                         |   | Be able to give adequate advice to Client on Contractors competence and provision for health and safety.<br>Be able to give adequate advice to Contractors on Designers competence and provision of health and safety.   |   |
| <b>Designer</b>             | Take reasonable steps to inform the Client of their duties under CDM Regulations   |   |   | Ensure when arranging for any Contractors to carry out construction work they are competent and adequately resourced   |   |
|                             | Give adequate regard to the hierarchy of risk control when carrying out design work<br>Ensure design includes information about health and safety<br>Co-operate with Planning Supervisor and other Designers<br>Ensure when arranging for any Designers to prepare a design that they are competent and adequately resourced |   |   |  |   |
| <b>Principal Contractor</b> |  |   |   | Ensure health and safety plan is prepared for construction work, monitored and kept up to date<br>Take reasonable steps to ensure co-operation between Contractors<br>Ensure compliance with rules if these are made<br>Take reasonable steps to ensure that only authorised people are allowed onto the site<br>Display a copy of the notification form<br>Provide Planning Supervisor with information relevant to health and safety file<br>May give direction to Contractors and should monitor their work<br>May make rules in the health and safety plan<br>Ensure information is provided to Contractors<br>Ensure Contractors provide information, instruction and training to employees<br>Ensure workers can discuss and offer their advice and that there are arrangements to co-ordinate their views<br>Ensure when arranging for any designers to prepare a design that they are competent and adequately resourced<br>Ensure when arranging for any Contractors to carry out construction work they are competent and adequately resourced |   |
| <b>Contractors</b>          |  |   |   | Co-operate with Principal Contractor<br>Pass to Principal Contractor information which will affect health and safety and is relevant to the health and safety file or RIDDOR<br>Comply with directions of Principal Contractor and rules in health and safety plan<br>Provide information and training to employees<br>Ensure when arranging for any designers to prepare a design that they are competent and adequately resourced<br>Ensure when arranging for any Contractors to carry out construction work they are competent and adequately resourced<br>Ensure that projects for domestic clients are notified in good time   |   |