

Control and Management of Contractors Procedure

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1. INTRODUCTION

1.1. The Health & Safety at Work Act etc. 1974 (“Act”) places a duty upon organisations to, so far as is reasonably practicable, ensure the health, safety and welfare of their staff and anyone else who may come into contact with the Trust or its undertakings. This includes contractors or sub-contractors (together “Contractors”).

2. PURPOSE

2.1. The purpose of this procedure is to enable the Trust to meet its obligations regarding work activities involving contractors and applies to the use of all external contractors employed to provide specific services or to undertake specific projects on premises occupied by Tavistock & Portman NHS Foundation Trust.

2.2. The Control of Contractors Procedure has the following objectives:

- To minimise incidents and control contractor activities within the Trust;
- To protect the health, safety and welfare of contractor’s workers, Trust employees, Service Users and members of the public affected by work and/or maintenance activities;
- To improve the co-ordination between Trust employees and contractors who carry out work and activities on premises which are occupied by the Trust;
- To provide a structured approach to health, safety and welfare for duties and activities which are undertaken on premises occupied by the Trust;
- To ensure that before contracts are finalised the competence of contractors is assessed in relation to health and safety matters;
- To ensure that adequate information is provided to all contractors engaged to work on premises occupied by the Trust;
- To ensure that all hazards that could affect contractor’s personnel are clearly defined and controlled;
- To ensure that the interests of staff, Service Users, clients and visitors are protected before and during any work carried out by contractors;
- Fulfil the Trust’s requirements to comply with the Management of Health and Safety at Work Regulations 1999 for the control of contractors.

3. SCOPE

3.1. The Tavistock and Portman NHS Foundation Trust uses Contractors to undertake a wide variety of different tasks. This ranges from support services such as cleaning and catering, through to technical works such as electrical or building repairs and major construction.

3.2. The Procedure will be most applicable for Estates and Facilities staff, however, other departments and individuals will appoint Contractors from time to time and those staff and Contractors will also need to comply with this Procedure.

4. DEFINITIONS

“**Contractor**” means an individual, company or organisation engaged by the Trust (other than an employee) to carry out work for the Trust for gain or reward

“**Sub-contractors**” are individuals, companies or organisations employed to undertake works for the Trust, for gain or reward, by a Contractor

“**Contractors**” are both Contractors and Subcontractors

“**Responsible Person / Competent Person**” are individuals who hold relevant qualifications, experience and training in order to carry out specified tasks

“**Act**” The Health and Safety at Work etc. Act 1974

“**CDM**” Construction, Design and Management Regulations

“**COSHH**” Control of Substances Hazardous to Health

“**DSE**” Display Screen Equipment Regulations

“**HSE**” The Health and Safety Executive

“**PPE**” Personal Protective Equipment

“**RIDDOR**” Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013

“**QP**” Quality Portal allows the electronic recording of incidents within the Trust

5. DUTIES AND RESPONSIBILITIES

The Chief Executive

5.1. The Chief Executive has overall responsibility for ensuring that the Trust meets its statutory obligations and that effective arrangements for the management of health and safety are put in place.

Head of Estates & Facilities

5.2. The Head of Estates & Facilities is responsible for ensuring that systems have been identified for the management of contractors and that they meet the legal and organisational requirements.

Health and Safety Manager

5.3. The Health and Safety Manager will advise on appropriate measures to meet legal and organisational requirements as required.

Department Managers

5.4. Department Managers are responsible for ensuring that all staff that they delegate as ‘Project Managers’ are aware of this policy and understand the requirements.

Authorised Person

5.5. Authorised Persons will use their expertise in a defined area to assess the competence of third parties to carry out work on behalf of the Trust.

Staff Commissioning Work (Project Manager)

5.6. Departmental Managers, Heads of Departments and other staff who originate contract specifications are responsible for ensuring that the necessary health and safety requirements are incorporated within the specification. They will be deemed to be the Project Manager for the work.

5.7. In the role of Project Manager this person will:

- Ensure effective communication (inc. out-of-hours) between relevant stakeholders;
- Make sure that an effective system is used in the contractor selection process to ensure the appointment of competent contractors;
- Ensure that risk assessments are completed, recorded and regularly reviewed for all activities involving contractors and external agencies;
- Ensure that the contractor has Method Statements containing detail of how the work will be performed to maintain the safety of those working and others who could be affected.

All Staff

5.8. In accordance with the Health and Safety at Work Act 1974, all employees are required to:

- Take care of their own health and safety and that of others who may be affected by their acts or omissions at work.
- Correctly use work items provided, including any personal protective equipment;
- Not interfere with or misuse anything provided for their health, safety or welfare;
- Report any suspected hazards associated with a contractor working on site to the appropriate service provider helpdesk or the appropriate site contact without delay;
- Complete a QP incident reporting form for any incident or near miss involving contractors work.

Contractors

5.9. Contractors have a duty to supply a safe place of work to their staff. It is equally the Contractor's responsibility to obtain relevant health & safety related information from the Trust.

5.10. The Contractor must develop safe systems of work relevant to the premises and work activities.

5.11. The Project Manager will ensure that they are aware of the impact of the systems of work on the health & safety and normal systems of work within the area in which work is being carried out.

5.12. Contractors must ensure that work carried out does not compromise the health, safety or welfare of others e.g. staff, patients, students, visitors.

- 5.13. It is the Contractor's responsibility to make their own provisions for first aid. This includes trained / competent first aiders and equipment.

Sub-Contractors

- 5.14. Sub-contractors have the same responsibilities as contractors.

6. PROCEDURES

- 6.1. All Project Managers and Contractors must follow the requirements of this Procedure.

- 6.2. Before Commencement of Works:

- The Project Manager must inform any departments affected by the Contractor's work, in reasonable time, so that any areas affected by the works can plan for the disruption to normal routines.
- The Project Manager will give all contractors a site induction
- Suitable and sufficient risk assessment must be carried out by the Project Manager before contractors begin their work.

- 6.3. Contractors who work on the site should be made aware of hazards identified within the risk assessment. In some cases additional Trust policies and procedures will need to be issued to Contractors. These will cover areas of high risk and might include the following:

- Asbestos
- Electrics
- Working at height
- Confined spaces

- 6.4. Specific works may require a permit to work and activities requiring the permit must be fully risk assessed before the permit is issued. If a permit to work is required, the Contractors will not begin works of any kind without the permit being issued first.

- 6.5. Examples of works requiring permits include but are not limited to:

- Fire Detection Systems
- High Voltage systems
- Heating & Water mains
- Low voltage installations
- CW/HW storage tanks
- Working in confined spaces
- Hot work
- Generators
- Asbestos removal
- Access to roof areas
- Access to IT server rooms
- Works to, or impacting on IT infrastructure.

6.6. Before Contractors are employed, adequate checks must be undertaken to ensure that the Contractors are competent to carry out works or activities in relation to health & safety requirements throughout the Trust.

6.7. Contractors must, if requested, provide the following documentation:

- a) Current Health & Safety Policy
- b) Current Employers, Product & Public Liability insurance certificates (Min £5m)
- c) In case of Planned Preventative Maintenance (“PPM”), generic risk assessments for regularly undertaken planned and reactive maintenance works
- d) Risk Assessment and Method Statement (“RAMS”) prior to commencement of works.
- e) Notification of any HSE prosecutions or improvement notices
- f) Qualification or industry body affiliation certificates
- g) Training records
- h) First aid provisions
- i) Material safety data sheets (MSDS)
- j) Equipment list & PAT testing results
- k) Gas safe Registration
- l) Confirmation of basic Disclosure Barring System (DBS) provided by contractors employer.

6.8. The Project Manager must ensure that the Contractor is given a copy of this Procedure (and any other relevant policies and procedures) before work commences.

Security

6.9. The Project Manager must ensure relevant security procedures / protocols are enforced. This will require informing the Contractors of their access routes throughout the site and information regarding confidentiality and high-risk areas.

Emergency Planning

6.10. The Project Manager must inform the Contractor of the emergency planning arrangements, for example, fire procedures / protocols. This will include the relevant internal phone numbers:

- 3333 for emergency (during working hours, Monday-Friday at Tavistock Centre)
- 0208 938 2217 for Reception / Front of House
- 0845 467 9 380 Fire Callout (maintenance) and 999 for Fire Brigade
- 07974 698490 Emergency number (2nd Trust Keyholding).
- 0844 725 5568 Security and Keyholding Service out of hours Securitas (ADT).

- 6.11. The Project Manager must show the Contractors, on arrival at the work site, the following basic fire safety measures:
- The closest fire escape
 - The location type and method of operation of the nearest fire-fighting appliance.
 - The location of the nearest fire alarm and the method of activation.
 - The tone of the fire alarm and what to do on activation.
- 6.12. Contractors are responsible for the provision of suitable and sufficient firefighting equipment appropriate to the work involved and must obey alarm signals whilst on Trust premises. Smoking is prohibited in all areas (including vaping / electronic cigarettes) of Trust sites and Contractors are required to comply.

Welfare Arrangements

- 6.13. Washrooms may be made available for use by Contractors as defined by The Project manager. The conditions for the use of such facilities are that they are used only during the time specified by the Trust.
- 6.14. The Contractor should be suitably dressed and observe normal standards of hygiene when using restaurant facilities.

Contractors Requirements

- 6.15. Contractors have a duty to work safely and manage the safety of their staff. The work activities must not, so far as is reasonably practicable, affect the health, safety or welfare of anyone who comes into contact with them or their activities.

Suitable Staff Allocation by Contractors

- 6.16. Contractors may only employ persons aged 18 or over.
- 6.17. Due to the nature of the work undertaken at the Trust, all Contractor personnel used on Trust sites must be suitable to work on the site. Contractors are likely to come into contact with patients, students, staff and the general public. Some patients are vulnerable due to physical or mental disability. For this reason, staff used by Contractors on site must have undergone the relevant clearances.
- 6.18. On large contracts it is the responsibility of the Contractor to appoint a supervisor, competent in the field, who must receive direct instruction from the Project Manager.

Accident / Incident Reporting

- 6.19. The Contractor must report all accidents and near misses to the Project Manager or to the Trust's Health and Safety Manager. Contractors will assist in the completion of any relevant incident report forms.
- 6.20. If an incident / accident requires a RIDDOR report and follow up investigation, it is essential that this is carried out by the Contractor in accordance to relevant HSE legislation. This needs to be forwarded to the Project Manager and the Health and Safety Manager for reference.

Occupied premises

6.21. Where the premises are occupied, the Contractor must ensure that all works carried are out in such a manner as to cause minimum disruption to daily activities.

Delivery, Unloading and Hoisting of Materials

6.22. The Contractor is responsible for the delivery, unloading, hoisting and storage of their own materials. At no time should these works impede or make dangerous, normal access to areas outside the immediate vicinity of the works.

Electricity

6.23. All electrical equipment on site is to be used in a safe and approved manner, in accordance with current Electricity at Work Regulations. All portable electric tools shall operate at 110 volt A.C. from a double wound transformer, having a centre-tapped earth on 110 volt winding. All portable appliances brought onto site must have been tested and be within the validity period. The Project Manager may require records of this testing.

Water Supply

6.24. A water supply will generally be made available as designated by the Project Manager or other designated person. Contractors should restrict themselves to this supply and must ensure that the area is kept free of rubbish and the tap is to be kept fully closed after use. The use of fire hoses and / or fire extinguishers, except in emergencies, is prohibited.

Housekeeping

6.25. All Contractors must ensure that rubbish or excess equipment and materials is not allowed to accumulate in the immediate work area and, in no circumstances, is material for disposal to be stored outside the working area unless in the Contractor's own authorised skip. All surplus materials and / or rubbish should be cleared from the site on completion of the contract.

6.26. In addition:

- Burning of rubbish on Trust's sites is prohibited.
- Excessive build-up of dust is to be avoided.
- Suitable dust control mats are to be used where the works area is immediately adjacent to any clinical / therapy room area.
- Good housekeeping is to be maintained at all times.

Control of pollution

6.27. Contractors may not deposit any waste, chemicals or any other substances whatever into drains or waste containers on Trust premises unless express permission has been given by the Head of Estates and Facilities Management or by their delegated representative.

6.28. Arrangements should be made to prevent sand, soil, cement or any other solid materials being washed into drainage or sewage systems. Under no circumstances should hazardous substances be flushed into drainage or sewage systems as a means of disposal.

Mobile Phones

6.29. Mobile phones are to be turned off in areas that display the 'No Mobiles' signs. Within the areas allowed, the volume of the phone should be silenced.

Specific Hazardous Work Activities

6.30. Some Contractors may be employed by the Trust to carry out a specific hazardous activity, some of which are explained below. If the activity in question is not contained within the text of this Procedure the Project Manager will be required to carry out a relevant risk assessment.

Working at Height

6.31. Scaffolding will be erected only by competent persons who will carry out statutory inspections and maintain records of inspections. Contractors must erect suitable scaffolding with guardrails, toe boards and the tower must be fully boarded. Scaffolding must be erected in line with relevant manufacturer standards and HSE legislation. This will include The Construction Design and Management Regulations (CDM).

6.32. Contractors should not carry out roof works without authorisation. Relevant PPE must be worn.

Over Head Works

6.33. No work is permitted to take place over the heads of Trust staff unless this is agreed with the Project Manager and a suitable risk assessment has been carried out.

Road Safety

6.34. All road works throughout the site must be agreed with the Trust. Any excavations, storage and skips must be guarded using appropriate signs, rails, traffic cones and lights etc. All works must consider Local Authority guidelines.

Personal Protective Equipment

6.35. The Contractor is responsible for providing the personal protective equipment for his employees that is necessary for the work in hand. PPE must also comply with the statutory requirements or equivalent guidance appropriate to the circumstances.

Hazardous Substances

6.36. Contractors must not bring hazardous substances (COSHH specific substances) onto the site without the agreement of the Project Manager. The substance may only be utilised once the appropriate documentation, for example, Material Safety Data Sheets (MSDS) and relevant COSHH assessments have been presented.

Hazardous Areas

6.37. Contractors are not permitted to enter specific hazardous areas without the permission from the Project Manager and relevant information, instruction and training has been given.

Confined Spaces

6.38. Contractors may not enter any confined space where there may be dangerous fumes or lack of oxygen, without the express permission of the Project Manager. If permission has been given, work in such places must be carried out in compliance with the Trust's permit to work system, following the methods and taking the precautions detailed in the relevant HSE guidance.

Asbestos

6.39. Work involving asbestos and / or asbestos-bearing materials is strictly controlled by legislation and the Trust's policy and arrangements on the subject. If, during the course of a contract, work is likely to involve disturbing asbestos in such a way as to give rise to dust, the Contractor must cease work, withdraw his employees from the area and report immediately to the Head of Estates and Facilities Management or his delegated representative. Only Contractors that are licensed by the HSE are permitted to work with asbestos.

Portable Tools / Equipment

6.40. All portable tools brought onto the site must be suitable for use on 110vAC supply. The contractor shall also provide a 240/110v transformer for use with the portable tools. Alternatively battery driven tools may be used.

6.41. Evidence that all tools have valid PAT will be required.

6.42. All 240v AC tools are prohibited unless agreed with the Project manager and connected with RCD protection.

Properties managed by other organisations

6.43. The Trust has a number of differing arrangements in relation to the properties that are occupied by their service users and staff, these fall in to two different categories:

a) Properties managed by the Trust

b) Properties managed by other organisations (NHS Organisations, Local Authorities, Private Landlords etc.)

6.44. For properties managed by other organisations all construction works (including small works and repairs and maintenance) are undertaken by the host organisations and as such the control of contractors is also managed by the host organisation.

Contractors Acknowledgement Form

This form must be signed by a senior manager of the contractor organisation prior to undertaking any construction, installation, maintenance or similar work on premises occupied by the Trust. Once signed it should be returned to the Project Manager.

I/we have received a copy of the Tavistock & Portman NHS FT Control and Management of Contractors Procedure

I/we have read and understood this document and have made arrangements for all employees and sub-contractors to be briefed on its contents and requirements

I/we understand the importance of the rules and relevant health & safety legislation and agree to comply with these at all times whilst on Trust sites

I/we understand that any breach of the Trust's rules for contractors or relevant health & safety legislation may result in the termination of any agreements in place, and removal from site.

Signed on behalf of (company name).....

Managers name.....

Job title.....

Signed.....

Date.....

APPENDIX: EQUALITY IMPACT ASSESSMENT

Completed by	Alessandro Ruggeri
Position	Head of Estates and Facilities Management
Date	29 August 2018

The following questions determine whether analysis is needed	Yes	No
Is it likely to affect people with particular protected characteristics differently?		X
Is it a major policy, significantly affecting how Trust services are delivered?		X
Will the policy have a significant effect on how partner organisations operate in terms of equality?		X
Does the policy relate to functions that have been identified through engagement as being important to people with particular protected characteristics?		X
Does the policy relate to an area with known inequalities?		X
Does the policy relate to any equality objectives that have been set by the Trust?		X
Other?		X

If the answer to *all* of these questions was no, then the assessment is complete.

If the answer to *any* of the questions was yes, then undertake the following analysis:

	Yes	No	Comment
Do policy outcomes and service take-up differ between people with different protected characteristics?			
What are the key findings of any engagement you have undertaken?			
If there is a greater effect on one group, is that consistent with the policy aims?			
If the policy has negative effects on people sharing particular characteristics, what steps can be taken to mitigate these effects?			
Will the policy deliver practical benefits for certain groups?			
Does the policy miss opportunities to advance equality of opportunity and foster good relations?			
Do other policies need to change to enable this policy to be effective?			
Additional comments			

If one or more answers are yes, then the policy may be unlawful under the Equality Act 2010 – seek advice from Human Resources (for staff related policies) or the Trust’s Equalities Lead (for all other policies).