



Ref: PP05

Control of Contractors Policy

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Introduction

1. Policy Statement

The Velindre University NHS Trust Board recognises its health and safety responsibilities both as an employer and as a service provider. Velindre University NHS Trust (the 'Trust') is committed to creating, as far as reasonably practicable, a safe environment for contractors to provide their services whilst not putting at risk patients, donors, staff, visitors, Trust property and equipment, and the contractor's own employees.

2. Purpose

To ensure that Contractors undertaking services on Trust premises do so in a safe and controlled manner.

3. Scope

The Control of Contractors Policy covers all areas where services are provided by an external contractor. A contractor is defined as;

"A contractor is anyone you ask to do work for you who is not an employee" as defined in HSE Managing Contractors HSG159.

This excludes temporary or agency staff.

The policy applies to work undertaken by contractors at Velindre University NHS Trust, Divisions or Hosted Organisations". Contractors may be engaged by Estates, IT, Operational Services, Departments etc.

Responsible Manager is defined a manager who has arranged the work, engaged the contractor and is responsible for the control of contractor arrangements for the work carried out. All work carried out by contractors must have an identified Responsible Manager.

Additional procedures apply to contractors who are procured in accordance with the Construction (Design and Management) Regulations 2015 (CDM 2015) for schemes notifiable to the Health and Safety Executive. Non-notifiable construction schemes will need to address the requirements within the Construction (Design and Management) Regulations 2015 (CDM 2015) and this policy.

4. Aims and Objectives

The aims and objectives of this policy are to establish the steps to be taken by Velindre University NHS Trust to assess the competence and resources of contractors and to manage the health, safety and environmental element of their service provision to the Trust.

This policy is overarching, all Divisions and Hosted Organisations will implement procedures to support this policy. The policy sets minimum requirements for the control of contractors.

To fulfil the Board's legal duty of care to all its employees, patients, donors and others to provide a safe working environment.

5. Roles and Responsibilities

5.1 Executive Lead

The Chief Executive has overall responsibility and is accountable to the Trust Board for the management of Contractors within the organisation.

5.2 Director of Planning, Performance, Estates and Capital

The Director of Planning, Performance, Estates and Capital is responsible as part of their Board responsibility for health and safety for ensuring that management systems are in place for the implementation, communication, monitoring of this policy.

5.3 Deputy Director of Planning, Performance, Estates and Capital

The Deputy Director of Planning, Performance, Estates and Capital is responsible for the operational implementation, communication, monitoring and review of this Policy.

5.4 Directors of Divisions and Hosted Organisations

Directors of Divisions and Hosted Organisations are responsible for ensuring that the policy is implemented, communicated and monitored within their Division/Hosted Organisation and suitable procedures are in place to enable its implementation, communication and monitoring.

5.5 Heads of Department

Heads of Department are responsible for ensuring that this policy and local procedures for control of contractors are followed and that a Responsible Manager is appointed for all work undertaken by contractors. Heads of Department must also ensure liaison with key stockholders e.g. with Estates, Operational Services to ensure communication and coordination of any work undertaken.

5.6 Responsible Managers

Responsible Managers are responsible for the operational management of contractors and for following the requirements of this policy and local procedures.

The Responsible Manager must plan any necessary communications about the work and any liaison with key stakeholders e.g. Estates or Operational Services.

5.7 The Estates Department

The Estates Department is responsible for managing Asbestos on Trust premises and for the provision of the Permits to Work specified in this policy. The Estates Department may in some instances have a role with regard to coordination of work of contractors on site and for providing additional information and support.

5.8 All Staff

All staff must adhere to this policy and any associated Divisional/Hosted Organisation operational procedures. Staff must report any incidences of concern in relation to contractors working on Trust premises and must not to put themselves or others at risk whilst carrying out their duties

6 Management of Contractors

The following areas must be addressed by all Divisional control of contractors' procedures;

6.1 Selection of Contractors

The Employing Division/Hosted Organisation must satisfy itself that it holds suitable and sufficient information regarding the competency and health and safety performance of any contractor it may employ.

Contractors invited to work at the Trust must be made fully aware of the standards of health and safety to which the Trust operates and expects. Only competent contractors are to be employed on Trust premises. Competency is defined as;

- with relevant related professional qualifications, and or relevant related accreditation;
- sufficient experience of the tasks to be undertaken and awareness of the risks involved;
- experience to carry out duties in relation to the work, to recognise limitations and take appropriate action to prevent harm to those carrying out the work and affected by the work;
- in possession of relevant insurance cover for the works being completed.

An assessment of competence should be carried out prior to a contractor being appointed and should be documented.

Works must not be sub-contracted without prior written agreement from the Responsible Manager. Sub-contractors will need to comply with the same criteria as above for "*Selection of Contractors*".

6.2. Information for Contractors

Contractors must be briefed on the works required and the risks associated with works on Trust premises. Information should be provided such as, but not limited to;

- detailed description of what work is required
- location of the works to be completed (precise location), along with a description of the functionality of the space and adjacencies to it
- standards/legislative compliance that the works will be expected to be completed to (if applicable)
- available working hours i.e. during normal working day 9:00 until 17:00 or to reflect the working arrangements at the site.
- where work is undertaken on the fabric of the building which may disturb asbestos information about asbestos contained in the Asbestos Register together with a copy of the Trust Asbestos Management Plan. (if applicable). Any work on the fabric of the building which may disturb asbestos must be referred to the Estates department for authorisation prior to work commencing.
- presence of radiation in building (if applicable)
- any other information that will enable the contractor to understand the risks associated with undertaking works on Trust premises

6.3 Permits to Work

Advice must be sought from the Estates Team at least 10 days before any of the following work commences, as Permit to Works will be required.

- confined space (work undertaken by external contractors)
- electrical work on fixed installations where physical isolations are required
- excavation
- work on mains gas supplies
- hot work
- work on roofs, erection/striking of scaffolding
- Work on the fabric of the building which may disturb asbestos.

Other work on-site may require additional Permits to Work from other Departments, this must be identified and documented in the local control of contractors' procedures.

6.4 Actions prior to commencement of Service/Works

Prior to any work commencing on site the contractor must provide a suitable and sufficient risk assessment and method statement/work instruction at least 10 days before planned work commences. The risk assessment and method statement should be checked for suitability by the responsible manager prior to work starting and a record kept.

The Responsible Manager must plan any necessary communications about the work and any liaison with key stakeholders e.g. Estates or Operational Services.

Contractors must not deviate from the agreed risk assessment and method statement without prior agreement from the Responsible Manager and the risk assessment and method statement being amended accordingly.

Contractors are responsible for ensuring that all their employees working on site are aware of the contents of the risk assessment and method statements.

All risk assessments and method statements/work instructions must be signed by, dated and agreed by, contractor's staff carrying out the works.

The method statements should address any specific Personal Emergency Evacuation Plans (PEEP's) and specific requirement needs for the contractor's workforce.

Contractors must provide evidence of relevant licensing and qualifications for their staff that will be working on site. They must also provide evidence of compliance with legal requirements for equipment used on-site for e.g. calibration records, LOLER certification.

If the service/work provision is subcontracted to a third party/supplier, the Responsible Manager should ensure that the persons actually conducting the work have either;

- Produced their own relevant risk assessment and method statement which must be submitted to the Trust at least 10 days before work commences for checking.
- Or
- Formally agreed to, signed and dated, the previously submitted risk assessment and method statements and comply with as their method for completing the works/services

6.5 Arrival on-site and Induction

All contractors must sign in when arriving at site and must be provided with contact details for a Trust site contact for the duration of their works.

All contractors' employees must receive a Trust Health, Safety and Environment induction appropriate to the site operations. The frequency of inductions must be risk assessed in accordance with site operations, but the minimum refresher induction should be every year. If a contractor has not been to site for three months, they must receive a repeat induction. Inductions must be repeated more frequently if there is a significant change or addition to the information provided.

The contractor is responsible for ensuring that if additional staff start work on-site during the works, they also receive an induction. Relevant qualification and training details must be provided for any additional staff. They must also be made aware of and sign the risk assessments and method statements.

A signed and dated record of inductions is to be kept for future auditing purposes.

6.6 Monitoring and Review of Contractors

During the period of work, the Responsible Manager or their nominated deputy shall monitor the performance and controls exercised by the contractor. The frequency of these checks should be in proportion to the associated risks, and as a guide should be conducted at least once per day for low-risk activities, e.g. grass cutting/gardening, or basic building maintenance/decorating. Where works are of higher risk, e.g. hot works, confined spaces, working at height etc. the frequency should be increased, but as a minimum must be at least once per day. A record must be kept of all monitoring undertaken.

Suggested activities and compliance to monitor should include but not be limited to:

- all required PPE being worn
- work being conducted in line with agreed methods
- compliance with site/location safety rules and safe working conditions
- safety devices/barriers/screens etc in place
- relevant Permits to Work in place, being adhered to and understood
- all the work party signed in and received induction
- any impact on others or the surrounding area
- housekeeping under control and acceptable
- anything changed since the last monitoring visit e.g. has the job content changed, have the hazards or environmental impacts changed

If any significant non-compliance issues are identified, the works must be stopped and made safe and the contractor brought in to discuss the future service/works delivery.

Once the works have been completed, or annually for long term routine contractor works, a review should be conducted, considering as a minimum:

- compliance with safety rules and safe working conditions
- compliance with statutory regulations for all equipment/plant used.
- compliance with agreed method statement(s) including Permit to Work systems.
- compliance with the scope of work, quality of workmanship, materials and finished work.
- overall safety and environmental performance and responses to rectify non-compliances.

- records on the above shall be recorded and forwarded to the Divisional representative responsible for contractors who will use this information as part of the contract review/ tender list process.

7 Arrangements for planned work undertaken out of usual working hours or in response to an emergency.

Arrangements for planned work that is undertaken outside normal working hours must ensure that the requirements of this policy and of Divisional/Hosted Organisations Control of Contractors procedures are followed. Arrangements must be in place for the supervision and monitoring of the work carried out.

The risk assessments for the work must reflect the work undertaken and must identify and mitigate any additional risks caused by the work being carried out outside usual working hours. Consideration should also be given to the contractors' familiarity with the site

Key Stakeholders must be identified and informed that the contractors are on site.

The Responsible Manager remains responsible for the work and must ensure that the contractors have the appropriate contact details and that suitable arrangements are in place to supervise and monitor the contractor and to manage emergency situations.

If an unplanned event results in the need for a contractor to carry out work on an emergency basis, the Estates or other (depending on local arrangements) on-call manager must be contacted in first instance. It is the responsibility of the on-call manager to determine the action to be taken and to escalate any issues/actions as appropriate. Where there is an approved list of contractors specifically for out of hours and emergency work, this should be consulted.

The Estates or other (depending on local arrangements) on-call manager may ask an Estates Technician or other (depending on local arrangements) to attend site to assess the problem and provide information for the on-call Manager. Local lone working procedures must be in place for technicians attending site out of hours. The on-call manager must decide if the technician should stay on-site to supervise the contractors. If additional support is required, the on-call manager should attend site or make additional arrangements. The contractors attending site must have contact details of who they should contact if they require additional support.

Where possible unplanned work on the fabric on the building should be avoided. However, if it is unavoidable the on-call manager must ensure that for sites where asbestos is present, the Asbestos Register is interrogated and that documented information including the Asbestos Management Plan is shared with the contractor undertaking the work. Local procedures should be in place to facilitate this.

8 Equality

- 8.1 The Trust is committed to ensuring that, as far as is reasonably practicable, the way it provides services to the public and the way it treats its Employees reflects their individual needs and does not discriminate against individuals or groups.
- 8.2 The Trust has undertaken an Equality Impact Assessment and received feedback on this policy and the way it operates. The Trust wanted to know of any possible or actual impact that this procedure may have on any groups in respect of gender (including maternity and pregnancy as well as marriage or civil partnership issues) race, disability, sexual orientation, Welsh language, religion or belief, transgender, age or other protected characteristics.
- 8.3 The assessment found that there was no impact to the equality groups mentioned. Where appropriate the Trust will make plans for the necessary actions required to minimise any stated impact to ensure that it meets its responsibilities under the equalities and human rights legislation

9 Training

- 9.1. Managers will be provided with information and training on this Policy.

9 Implementation

- 9.1 This Policy will be maintained by the Planning, Performance, Estates and Capital Department
- 9.2 Please refer to the responsibilities section for further information in relation to the responsibilities in connection with this policy.

10 Audit and Monitoring

- 10.1 The Planning, Performance and Estates Department will review the operation of the policy as necessary and at least every 3 years.

11 Policy Conformance / Non-Compliance

- 11.1 If any Trust employee fails to comply with this policy, the matter may be dealt with in accordance with the Trust's Disciplinary Policy. The action taken will depend on the individual circumstances and will be in accordance with the appropriate disciplinary procedures. Under some circumstances failure to follow this policy could be considered to be gross misconduct.

12 Distribution

- 12.1 The policy will be available via the Trust Intranet Site. Where staff do not have access to the intranet their line manager must ensure that they have access to a copy of this policy.

13 Review

- 13.1 The Assistant Director of Estates, Environment and Capital Development will review the operation of the policy as necessary and at least every 3 years.

14 Further Information

- 14.1 Further information and support is available from the Assistant Director of Estates, Environment and Capital Development

15 References

- 15.1 HSE Managing Contractors HSG159

16 Documentation

This policy should be read in conjunction with the following documentation which is available on the Estates Intranet page.

The following documentation is available to managers managing projects where a principal designer and principal contractor is appointed. The arrangements for this process are set out in the Estates CDM Handbook.

- Estates CDM Handbook
- Capability Assessment Form Principal Designer
- Principal Designer Appointment Letter
- Letter for Designer – Principal Designer Capability Assessment
- Principal Designer Appointment Letter
- Principal Contractor Appointment Letter
- Pre-Construction Information
- Pre-Construction Information Concise
- Letter for Principal Contractor – Contractor Capability Assessment
- Principal Designer Audit
- Principal Contractor Appointment Letter
- Principal Contractor Capability assessment form
- Construction Phase Plan Review
- CDM Compliance Audit

The following documents are available which managers may use when managing contractors but where a principal designer and principal contractor have **not** been appointed.

Arrangements for the management of contractors are outline in the Control of Contractors Policy.

- Contractors Prequalification Questionnaire
- Health and Safety Prestart Information for Contractors
- Guidance on Reviewing Risk Assessments and Method Statements (RAMS)
- Contractors Prestart Meeting Agenda
- Estates Contractors Induction Booklet
- Contractors Prestart Checklist
- Contractors Monitoring Record
- Post Contract Health and Safety Review
- Contractors Site Rules Handbook