

SAFE WORKING PROCEDURE

Control of Contractors – Construction and Building Maintenance

CORPORATE HEALTH & SAFETY SERVICE | VERSION 2.00 | June 2023

STATEMENT

In order to comply with legislation and fulfil statutory responsibility, the Council must make sure that:

- All consultants and contractors engaged by the Council are competent to carry out work safely in compliance with health and safety legislation and relevant Southampton City Council procedures and protocols.
- Sufficient resources and time are made available to fulfil the contract requirements.

SCOPE

This Safe Working Procedure (SWP) applies to:

- All Managers including Head Teachers (referred to as managers herein), who are responsible for engaging contractors.
- All employees of Southampton City Council.
- All contractors working on behalf of the Council.

Content;

DEFINITIONS

CONTROL OF CONTRACTORS - CONSTRUCTION AND BUILDING MAINTENANCE WORKS

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* **Please note:** With limited exceptions construction works to school property must be progressed via the Corporate Estates and Assets Division.

DEFINITIONS A - Z

<i>"Asbestos Register"</i>	The council's online database, created from a management survey which has been undertaken in order to produce a register which details where asbestos is located within a property or where there is likely to be asbestos. Details can be viewed online using the following link: asbestos management database or cutting and pasting this line into your intranet browser
<i>"Authorisation to Work"</i>	Means a safe system for which an approved person i.e. Senior Manager, Manager, Project Officer, utilises to authorise any person including a contractor to carryout works, and undertakes responsibility that checks have been made in relation to health and safety matters.
<i>"CDM Regulations 2015"</i>	The Construction (Design and Management) Regulations 2015 are regulations made under Health & Safety Law which apply to all construction works (as defined below). These regulations require <u>all</u> parties in a construction project to take responsibility for health and safety standards.
<i>"Client"</i>	A client is anyone for whom construction or building maintenance work is carried out. Under The Construction (Design and Management) Regulations 2015 Clients must carry out certain duties and must make suitable arrangements for managing their project to enable those carrying it out to manage health and safety risks in a proportionate way. A summary of these duties is outlined in Appendix 1 of this document.
<i>"Client Service"</i>	The Council directorate, business unit, service area or school who issues an instruction, contract, or order for work
<i>"Contractor"</i>	External; Anyone who is commissioned to undertake work for the Council but is not a Council employee. Contractors include: a) Those working as a separate business under a contract for services. b) Temporary workers supplied by an agency. c) Self-employed people working under a contract, including consultants.
	Internal; An internal Council service area commissioned to undertake construction work by a separate service area undertaking Client duties.

	Principal contractors – Contractors appointed by the client to coordinate the construction phase of a project where it involves more than one contractor.
“Construction Phase”	Means the period of time beginning when construction work in a project starts and ending when this work is completed.
“Construction Phase Plan (CPP)”	Document produced by the Principal Contractor (where appointed) or by the sole contractor which contains all the key information on how health and safety will be managed on the site during the construction phase.
“Construction Project”	Means a project which includes or is intended to include construction work and includes all planning, design, management, or other work involved in a project until the end of the construction phase
“Construction work”	<p>Defined in the CDM Regulations 2015 as ‘the carrying out of any building, civil engineering or engineering construction work’ and includes:</p> <p>(a) the construction, alteration, conversion, fitting out, commissioning, renovation, repair, upkeep, redecoration, or other maintenance (including cleaning which involves the use of water or an abrasive at high pressure, or the use of corrosive or toxic substances), de-commissioning, demolition or dismantling of a structure;</p> <p>(b) the preparation for an intended structure, including site clearance, exploration, investigation (but not site survey) and excavation (but not pre-construction archaeological investigations), and the clearance or preparation of the site or structure for use or occupation at its conclusion;</p> <p>(c) the assembly on site of prefabricated elements to form a structure or the disassembly on site of the prefabricated elements which, immediately before such disassembly, formed a structure;</p> <p>(d) the removal of a structure, or of any product or waste resulting from demolition or dismantling of a structure, or from disassembly of prefabricated elements which immediately before such disassembly formed such a structure;</p> <p>(e) the installation, commissioning, maintenance, repair, or removal of mechanical, electrical, gas, compressed air, hydraulic, telecommunications, computer or similar services which are normally fixed within or to a structure.</p>
“Design”	Includes drawings, design details, specifications, and bills of quantities (including specification of articles or substances) relating to a structure, and calculations prepared for the purpose of a design.
“Designer”	<p>Means any person (including a client, contractor or other person referred to in this procedure) who in the course or furtherance of a business —</p> <p>(a) prepares or modifies a design; or</p> <p>(b) arranges for, or instructs, any person under their control to do so,</p>
	Principal designers - Designers appointed by the client in projects involving more than one contractor.
“Health & Safety file”	Prepared by the Principal Designer the Health & Safety file is a record of the information needed to allow future construction work, including cleaning, maintenance, alterations, refurbishment, and demolition to be carried out safely
“Health & Safety Management System”	Is the management data base and online reporting system which the council uses to record and monitor accidents, incidents, and any associated investigations in relation to its business for all staff and others. Records of these incidents are kept in accordance with the UK General Data Protection Regulations (UK GDPR).
“Notifiable Project”	If a construction phase is likely to either involve more than 30 working days and have more than 20 workers working simultaneously at any point in the

	project or to involve 500 person days of construction work, it is classed as a 'notifiable' project. The Health and Safety Executive (HSE) must be informed of all notifiable projects.
<i>"Permit to Work"</i>	Means a safe system for which an approved person i.e. Senior Manager, Manager, Project Officer, utilises to authorise any person including contractor or other person to carryout hazardous works such as hot works, working at height, confined space work and the like to prevent any major incidents and undertakes responsibility that checks have been made in relation to health and safety matters.
<i>"Pre-construction information"</i>	Means information in the client's possession or which is reasonably obtainable which is relevant to the construction work and is of an appropriate level of detail and proportionate to the risks involved, including— (a) information about— (i) the project; (ii) planning and management of the project; (iii) health and safety hazards, including design and construction hazards and how they will be addressed; and (b) information in any existing health and safety file;
<i>"Premises"</i>	Premises where Council staff, service users or the public are present and/or are using the facilities.
<i>"Pre-Qualification Questionnaire"</i>	PQQs enables SCC to assess a contractor's health & safety standards and competencies to determine whether they meet the minimum criteria required for the contract.
<i>"Refurbishment and Demolition Survey"</i>	Whenever refurbishment, demolition or intrusive works are required in any building where there is a likelihood of disturbance of asbestos materials, a refurbishment and demolition survey must be carried out prior to commencement of the work. This is an intrusive survey carried out by a specialist and is likely to disturb the fabric of the building.
<i>"SCC Contract/Project Officer"</i>	The member of staff who is held responsible, on behalf of the SCC service, for a contract or order for work. There must be a Contract/Project Officer nominated for every Council contract.
<i>"Structure"</i>	Includes (but is not limited to) — (a) any building, timber, masonry, metal or reinforced concrete structure, tunnel, pipe or pipeline, cable, sewer, sewage works, drainage works, earthworks, wall, mast, tower, underground tank, earth retaining structure or structure designed to preserve or alter any natural feature and fixed plant; (b) any structure similar to anything specified above (c) any formwork, falsework, scaffold, or other structure designed or used to provide support or means of access during construction work,
<i>"Suitable and Sufficient"</i>	Suitable means level and complexity, for a complex project one would require more in-depth monitoring, checks, more frequent inspections etc. of the task, project, job, organisation, contractor. Sufficient; the identification of as many of the known hazards and risks as possible. Have appropriate measures, checks, inspections been identified, and controls implemented.

CONTROL OF CONTRACTORS - CONSTRUCTION AND BUILDING MAINTENANCE WORKS

Please note: With limited exceptions, works to property must be progressed via the Corporate Estates and Assets Division, whose officers will ensure all necessary and appropriate standards and regulations are applied including The Construction (Design and Management) Regulations 2015. (Please refer to the Corporate Estates and Assets Division for further information on this if required).

Schools are strongly recommended to arrange all construction works (as defined) through the Corporate Estates and Assets Division to ensure compliance with these standards and regulations. The Head teacher/ Governing Body in a SCC maintained school who procure 'construction work' without commissioning the Corporate Estates and Assets Division must apply and comply with The Construction (Design and Management) Regulations 2015, all other applicable statutory regulations, and the contents of this SWP. They must ensure that the statutory duties of the 'Client' under The Construction (Design and Management) Regulations 2015 are complied with (refer to [Appendix 1](#) for a summary of these duties)

In the case of PPP (Public Private Partnership), PFI (Private Finance Initiative) or similar partnership arrangements and where internal providers are used, the relevant Senior Manager is responsible for applying, and complying with The Construction (Design and Management) Regulations 2015, all other applicable statutory regulations, and this SWP. Clarification is required in writing at the earliest possible stage of who the 'Client' is in terms of the duty holder roles under The Construction (Design and Management) Regulations 2015.

Schools must ensure that Landlord's Consent is sought where required prior to undertaking works. Please refer to [SWP Property Management and Compliance](#) (Section 13) for further information and guidance on this.

1. Responsibilities

Senior Managers / Head Teachers are responsible for compliance with this SWP and must:

- 1.1. Ensure all contracts are commissioned in accordance with Southampton City Council procedures, protocols, and safe working guidance documents.
- 1.2. Ensure that if the Corporate Estates and Assets Division is not commissioned staff are competent to carry out the required duty holder role/s in accordance with The Construction (Design and Management) Regulations 2015. Competence is defined as a combination of experience, knowledge, skill, sufficient understanding of the work and other qualities to enable effective implementation. Training must be undertaken if sufficient competence cannot be demonstrated.

If the Corporate Estates and Assets Division is not commissioned, the commissioning Manager is responsible for ensuring compliance with the SWP and must:

- 1.3. Commission all contracts in accordance with Council procedures and protocols
- 1.4. Ensure a contract containing the full scope of works and specifications is produced.
- 1.5. Ensure sufficient time and resources are allowed for each stage of the project
- 1.6. Ensure all construction works (as defined) are carried out in compliance with The Construction (Design and Management) Regulations 2015, and other applicable Regulations.
- 1.7. Seek professional health and safety advice where required.
- 1.8. Ensure designers and contractors are provided with sufficient information as to the existing hazards and risks associated with the design and construction work.
- 1.9. Ensure all necessary surveys are carried out in advance so that appointees are given the information that allows them to anticipate and plan for all significant risks, or ensure that provision has been made within the contract documentation to commission such surveys as part of the project.
- 1.10. Ensure contractors see the Asbestos Register for the area they are working in and are aware of the local procedures for reporting concerns in case of deficiencies. Ensure a Refurbishment & Demolition survey is conducted prior to the commencement of work if required.
- 1.11. Appoint a competent designer for all building works.
- 1.12. Appoint a competent contractor for all building works. Obtain proof of the contractor's competence, insurances, health and safety policies and procedures and ensure these are suitable and sufficient. (Refer [section 2](#) for further information)
- 1.13. Ensure DBS checks have been conducted where required.

- 1.14. Appoint a Principal Designer and Principal Contractor for all construction projects where there is more than one contractor. (A client who does not appoint a Principal Designer or Principal Contractor must carry out these duties themselves)
- 1.15. Where a Principal Contractor is required, they should be appointed in writing.
- 1.16. Ensure an F10 form has been submitted to the Health and Safety Executive for any notifiable projects.
- 1.17. Ensure a construction phase plan is completed by the Principal contractor (or the sole contractor as applicable) prior to the commencement of work.
- 1.18. Ensure any equipment/products specified are appropriate to British Standards, legislation, and the relevant industry guidance
- 1.19. Where written permission has been provided for Contractors to use Council's equipment, such equipment must be in sound condition, appropriate for the proposed use and properly maintained. It must be inspected when returned to ensure sound condition.
- 1.20. Co-ordinate the activities of those involved or associated with the works.
- 1.21. Ensure the health, safety, and welfare of their employees/service users/pupils/any other person(s) who use/visit the premises throughout the contractor's operations or delivery of service. The requirements must be carefully considered in terms of access and egress, facilities, and general service arrangements (e.g. deliveries). Further information on the Protection of the Public can be found on the [Control of Contractors microsite](#)
- 1.22. Ensure suitable procedures are in place for contractors working in occupied premises (refer to [Section 5](#) for more information).
- 1.23. Ensure fire evacuation procedures are reviewed and revised if the construction work impedes or disrupts the existing procedures in any way.
- 1.24. Provide information to the contractor on fire procedures and any known hazards their work activities may affect.
- 1.25. Ensure contractors have adequate welfare facilities in place for the duration of the project (in compliance with [The Construction \(Design and Management\) Regulations 2015](#)).
- 1.26. Ensure all contractors are authorised to proceed with the work and comply with local arrangements for signing on and off the site. A typical Authorisation to Work form is available on the [Forms Library](#) for use if required. A contractor's complete management pack for school minor building maintenance and construction work can also be located in the [Forms Library](#).
- 1.27. Ensure the Contractors have a procedure for 24hr emergency contact, including their name and telephone numbers adequately displayed.
- 1.28. Ensure that suitable arrangements are made to manage the project safety.
- 1.29. Monitor and review the contractors Health and Safety management arrangements for the duration of the works.
- 1.30. Have procedures for notifying the Contractor (and Corporate Estates and Assets Division if required) of any shortcomings in health and safety management.
- 1.31. Ensure procedures are put in place for the formal escalation of actions in response to serious or repeated breaches of health & safety standards.
- 1.32. In the case of PPP or PFI or similar partnerships arrangements, the relevant Partnership manager must be informed of any shortcomings in health and safety management
- 1.33. Where in force, and if applicable, complete and manage 'Permits to Work' for hazardous activities (See [SWP Permit to Work](#)).
- 1.34. Report any incidents/accidents in compliance with the contract and [SWP Accident/Incident Reporting and Investigation](#) and notify the Corporate Health and Safety Service.
- 1.35. Comply and assist in accident/incident investigations.
- 1.36. Obtain relevant documents from the contractor at the end of the work i.e. operating instructions, maintenance requirements and test certificates.
- 1.37. Ensure the sites "Responsible Person" is aware of any additional testing & inspections which the works may have created.
- 1.38. Ensure maintenance arrangements are in place which are compliant with SCC requirements.
- 1.39. Ensure they receive from the contractor both an electronic and hard copy of the 'as built' drawings, details of construction materials, installed fitting, fixtures, plant and equipment, including all necessary certification. Pass a duplicate set (electronic) to the Corporate Estates and Assets Division.

- 1.40. Retain the health and safety file at the end of the project for future occupiers or owners of the building, copies must be forwarded to the Corporate Estates and Assets Division in an electronic format.
- 1.41. Review, revise, and update as necessary all applicable risk assessment requirements, e.g. fire risk assessment, and where applicable ensure these changes / amendments are passed to Corporate Estates and Assets Division.
- 1.42. Ensure details of any asbestos removed / covered / sealed has been provided to the Corporate Estates and Assets Division and entered on to the Asbestos Database. Please refer to the [SCC Control of Asbestos policy](#) for further information.
- 1.43. Ensure that all contractor's equipment and material has been removed and that working areas have been left in a safe condition. Any damage to fixtures, fittings, floor surfaces etc. should be made good.
- 1.44. Ensure that all access routes, rooms' external grounds etc. affected by the works have been cleared of any debris, potential hazards etc. all smoke detectors covered or deactivated for the works have been re-commissioned following clean down by contractor.

Employees must:

- 1.45. Report any concerns and contraventions in health and safety practice to their supervisor or line manager.
- 1.46. Comply and cooperate with any health and safety arrangements that have been implemented

Contractors must:

- 1.47. Comply with all health and safety legislation and relevant industry guidance.
- 1.48. Ensure that they have insurance cover in place relevant to the type and nature of the works to be undertaken and in accordance with the minimum requirements mandated by the Council.
- 1.49. Ensure that all requirements of the duty holder role applicable to them under The Construction (Design and Management) Regulations 2015 are adhered to.
- 1.50. Prepare a Construction Phase Plan for all construction work being carried out
- 1.51. Ensure equipment or products used comply with British Standards, legislation, and industry guidance.
- 1.52. Comply with local procedures and safe systems of work.
- 1.53. Ensure all appointees, workers, and sub-contractors are competent - to include training to the necessary standards. Provide evidence of competency if required.
- 1.54. Be authorised to carry out the work and comply with local arrangements for signing on and off the site.
- 1.55. Provide information to their workers on hazards present i.e. Asbestos, lifting operations, vehicle access routes etc.
- 1.56. Provide copies of all relevant certification for works carried out.
- 1.57. Report incidents/accidents/near misses in accordance with the contract, local procedures and [SWP Accident/Incident Reporting and Investigation](#) .
- 1.58. Comply and assist in accident/incident investigations.

2. Contractor Selection

- 2.1. Where appointed, with limited exceptions, the Corporate Estates and Assets Division in conjunction with procurement are responsible for managing the contractor selection process for property related contracts. This includes (but is not limited to) a suitable and sufficient evaluation of the contractor's compliance with health and safety law, and their ability to manage health, safety, and welfare. Once selected, a contractual agreement is made between the Council and the contractor, which must include the Council's specific requirements for health and safety. The Contractor's insurances must be suitable and sufficient for the type and nature of the work being conducted. **Schools are strongly recommended to arrange all construction works (as defined) through the Corporate Estates and Assets Division to ensure the competence of appointed contractors.**
- 2.2. Where the Corporate Estates and Assets Division are not commissioned, and in the case of PPP (Public Private Partnership), PFI (Private Finance Initiative) or similar partnership arrangements and where internal providers are used, the relevant Senior Manager is responsible for the appointment of a competent contractor to carry out the work. **It must be ensured that the relevant manager has sufficient knowledge and competence to carry this out or that professional health and safety**

advice is sought prior to contractor appointment. Contractors should be assessed for their compliance and awareness of health and safety law during the pre-qualification stage and for task-specific competence at the tender stage. Contract-specific paperwork, e.g. risk assessments, method statements etc, must be provided and assessed for adequacy prior to work commencing. Specialist questions may need to be asked at any stage at the discretion of the senior manager or the Corporate Health and Safety Service. The Contractor's insurance must be suitable and sufficient for the work being conducted.

- 2.3. **Schools must be aware that minor building maintenance works such as small repairs and redecoration are included within the scope of construction works and effective evaluation of contractors must also be carried out for these works.** Refer to the definition provided in this SWP for clarification of what is included within the scope of construction works. Contractors must be able to demonstrate a suitable and sufficient level of Health & Safety competency relative to the task they are to carry out. A complete school's contractor management pack for minor building maintenance and construction works can be located in the [Forms Library](#). A guide to contractor insurance for small scale, low risk works can be found in [Appendix 2](#).

3. Contract Liability

- 3.1. Where appointed, with limited exceptions, Corporate Estates and Assets Division in conjunction with procurement are responsible for managing the tender process for property related contracts.
- 3.2. It is required that the provisions of this SWP will be applied to arrangements made with other third parties such as voluntary groups, parents, volunteers, etc.
- 3.3. Managers must be aware a simple verbal request to a third party or any written instruction – email, letter may create a contract. Council employees who arrange for works to be undertaken by a third party as part of joint service agreement must ensure they meet the requirements of this SWP. Relying on informal arrangements to ensure that the works are carried out could expose them and the council to the risk of prosecution and must not be undertaken. The Contract Procedure Rules require that all transactions regardless of value must use a model form of conditions of contract approved by the Service Director of Legal and Business Operations.

4. Construction Contracts

All contracts should be commissioned in accordance with Council procedures and protocols. Suitable and sufficient Health and safety checks and controls must be employed for construction contracts. The below detail is not comprehensive and where further actions are required; they must be implemented. Where SCC Corporate Estates and Assets Division are commissioned, it can be assumed all such checks have been taken. Where managers have formal approval to not use these standard methods the appropriate checks must be carried out. Contractors should be rejected if their health and safety management systems are assessed as inadequate - please seek advice from a Health & Safety professional if required.

Note: If a Council Directorate or Business Unit or maintained school other than the Corporate Estates and Assets Division undertakes construction work involving SCC maintained premises, they should notify the Corporate Estates and Assets Division of their intentions. Schools must ensure that Landlord's Consent is sought where required prior to undertaking works. Please refer to [SWP Property Management and Compliance](#) (Section 13) for further information and guidance on this.

Council Directorates/Service and Business Units or maintained school, as client, have specific duties under the CDM Regulations 2015 (see Appendix 3). The Contract/Project Officer, representing the Council in its role as client must comply with these duties.

Schools are strongly recommended to arrange all construction works (as defined) through the Corporate Estates and Assets Division to ensure compliance with the applicable standards and regulations.

Contractual Agreement

The Contract/Project Officer, any partners, third parties or commissioning departments, where commissioning on behalf of SCC, must ensure:

- (a) that health and safety clauses are included in the contract;
- (b) that before entering into or agreeing to a contract for the works, any health and safety matters relating to local conditions, called Pre- construction Information, is given to the (appointed) Designer(s) and potential contractors, including:
 - a. any information about or affecting the site or construction work, e.g. the Asbestos Register extract, restrictive work practices or special conditions;
 - b. any information concerning the proposed use of the structure as a workplace, e.g. the characteristics of the intended service user;
 - c. the minimum amount of time, before the construction phase, being allowed to the appointed contractor by the client for planning/preparation of the work;
 - d. any existing Health & Safety File;
- (c) that contractors', using the Pre-construction Information, submit written risk assessments and health and safety method statements to explain how the risks will be managed.
- (d) that where the contractor hires extra or replacement staff, such as agency staff or labour-only sub-contractors, the hired staff have the same training, qualifications and experience regarding health and safety required of the contractor's employees. The contractor must also ensure sub-contractors follow this requirement.

Note: If legislation changes between tendering and contract award, the Contract/Project Officer must get further information to ensure the contractor's risk assessments or health and safety method statements comply with the law.

Co-ordination

The Contract/Project Officer, any partners, third parties or commissioning departments, where commissioning on behalf of SCC, must ensure:

- (a) Where the contract work takes place on occupied premises, that the Building Manager/Head of Service is informed of the contract arrangements (refer to Appendix 2 for further information on working in occupied premises).
- (b) The contractor is given written details of any asbestos procedures, lockout systems, permit-to-work systems (including confined space, hot works, excavation/trench permits) and checking procedures that are required.
- (c) That contract progress meetings include health and safety matters; if Council Corporate Health & Safety Officers visit the site during the construction phase, their report(s) must be included for consideration during subsequent meetings.
- (d) The contractor/Principal designer provides relevant information for addition to a building's Health & Safety File, to the Contract/Project Officer, as client, on completion of the construction work.
- (e) Where the contract has been arranged by a Council Directorate/Service, Business Unit or maintained school other than the Corporate Estates and Assets Division, he/she forwards a copy of that information for the Health & Safety File to the Corporate Estates and Assets Division who in turn must make it available for any future design, modification, maintenance, or demolition of the structure.
- (f) That the works do not begin until a suitable Construction Phase Plan has been sufficiently developed by the appointed Principal Contractor and received by the Council's client service (i.e. the client).
- (g) Before the start of the works, that a meeting is arranged involving the senior site manager of the contractor, representatives from sub- contractors (if appointed and required for the initial phase of the work), and other relevant parties where appropriate. This meeting is to review health, safety, welfare and environmental (e.g. site waste management plan) requirements of the works and how they will be co-ordinated.

The Building Manager/Head of Service, any partners, third parties or commissioning departments, when commissioning on behalf of SCC, must:

- (a) Arrange appropriate induction training where the contract work or service takes place on occupied Council premises.
- (b) Ensure occupants of the premises affected by the work are kept informed.

Both the Contract/Project Officer, any partners, third parties or commissioning departments, where commissioning on behalf of SCC and the Building Manager/Head of Service must, where possible for health and safety reasons, ensure the contractor's work is segregated from other users of the premises or site; this can be achieved in several ways, such as physical barriers or out-of-hours working.

Monitoring and Review

The Contract/Project Officer, any partners, third parties or commissioning departments, where commissioning on behalf of SCC, is expected to review the health and safety management arrangements of the appointed contractors for the duration of the project as per CDM Regulations:

- (a) For short-term contracts (i.e. up to 1-week duration), where practicable, the works should be visited to review the health and safety management practices of the contractor.
- (b) For longer-term contracts (i.e. those in excess of 1 week), the works must be visited on a regular basis, the number of visits should be determined by the type and level of the risks involved in the project.

The Building Manager/Head of Service, any partners, third parties or commissioning departments, where commissioning on behalf of SCC, must, if that work area is on occupied premises, periodically visit a contractor's work area to observe basic Health & Safety practices and seek assurance on these from the contractor if required. Observed shortcomings must be notified as soon as possible to the Contract/Project Officer; he/she must contact Corporate Health and Safety Service for advice on serious shortcomings.

Both the Contract/Project Officer and the Building Manager/Head of Service, any partners, third parties or commissioning departments, where commissioning on behalf of SCC, must keep records of monitoring.

H&S Controls

- (a) Initial Check of documents and relevant H&S qualifications/certifications.
- (b) Monthly updates from contractor on issues/progress relating to contract including an escalation procedure for serious health & safety issues.
- (c) Quarterly meetings with contractor during the life of the contract.
- (d) Health and Safety clauses to be built into the contract reflecting the nature of the work being carried out.

5. Control of contractors working on occupied premises

When contractors come onto occupied Council premises, they must be given appropriate health, safety, and welfare information. The Building Manager/Head of Service must ensure that this is undertaken. Similarly, this occasion should be used to re-affirm with the contractors, information about how their work may affect other building or premises users' health, safety, and welfare.

Signing in and out

All contractors must sign in and out each day that they attend. This ensures that the Building Manager/Head of Service knows who is on the premises for security purposes or if an emergency evacuation is needed. Signing in/out may be either by use of a book or by using bespoke or proprietary registers. The following minimum information is required:

- (a) Contractor's name.
- (b) Company represented.
- (c) Person being visited (host) – if applicable.

- (d) Vehicle registration number
- (e) Time of visit.
- (f) Reason for visit
- (g) Time of leaving.

Signing in and out is required in addition to any other paperwork required for their attendance, e.g. Works Authorisation etc. Where contractors have a defined site for the duration of the project, as described in the regulations, then they are responsible for this.

Induction training

The Building Manager/Head of Service must provide the contractor with induction training. Additionally the following local information must be given to the contractor;

- (a) Parking arrangements.
- (b) Arrangements for daily signing in and out of the premises.
- (c) Emergency arrangements (e.g. fire, first aid etc).
- (d) Welfare arrangements.
- (e) Permitted smoking areas.
- (f) Accident and ill-health reporting arrangements (Events that are under the direct control or influence of the Council are to be reported to the Building Manager / Head of Service who should then report this to the Corporate Health & Safety Service)
- (g) SCC or other contractor activities that may affect their health, safety, or welfare.
- (h) Any factors relevant to their work, e.g. Asbestos Register, isolation points for electrical/mechanical system supplies.
- (i) Any other local site rules.

Note: Contractors who are likely to disturb the fabric of the building, access areas where asbestos is either known to be or is suspected of being, or who will come into contact with asbestos must be shown the relevant entries in the asbestos register extract for that building.

Regular contractors

If the same contractor is coming onto the premises for several days in succession or they are regular visitors, for example periodic maintenance contractors, then there is no need to repeat induction training unless something has changed that will affect their work.

Some regular contractors can have high staff turnovers, in this case it would be wise to give induction training to the company's manager/supervisor and permit them to pass this to their staff as required.

Information required from the contractor

Most of the planning of the contractor's work and the effect it will have on a building and its users should have taken place before the workmen arrive on site. However, the Building Manager/Head of Service must be satisfied that the way the work will be conducted will not adversely affect the health, safety, or welfare of anyone using the building or premises.

The Building Manager/Head of Service should ask the contractor for information about the work that is to be undertaken and if he/she is in any way concerned then, in the first instance, contact the Contract/Project Officer or, if still not satisfied, Corporate Health and Safety Service.

High-risk work

High-risk work, such as entry into a confined space or hot work, must only be undertaken using a Permit-to-Work system with the permission of the Building Manager/Head of Service. For information about Permits-to-Work, the Building Manager/Head of Service should contact Corporate Health and Safety Service.

Restrictions on contractor's movements

Except when entering or leaving, contractors should be requested to remain in the areas of their work or welfare facilities at all times whilst on the premises.

Leaving the premises

The Building Manager/Head of Service must ensure that contractors leave the areas where they have worked in a safe condition for re-occupation or re-use before they leave. If this is not possible the areas must be suitably fenced off, warning signs posted, and affected people informed.

FURTHER INFORMATION

Policies relevant to this document

[SCC Health and Safety Policy](#)

[Control of Asbestos Policy](#)

Safe Working Procedures Relevant to This Document

Working Safely at Height

Accident/Incident Reporting and Investigation

Permit to Work

Risk Assessment

Note: Other safe working procedures may apply, and the assessor should consult the SWPs. An A-Z is available on the Council's [Health and Safety Intranet](#).

Forms

The following forms are available in the [Health & Safety Forms Library](#)

- Pre-Construction Proforma
- Site Safety Inspection Form
- Site Safety Evaluation Form
- Authorisation to Work
- Schools Contractor Management Pack – Minor Building Maintenance and Construction Works

Main Legislation Relevant to This Document

[Health and Safety at Work etc Act 1974](#)

[The Management of Health and Safety at Work Regulations 1999](#)

[The Construction \(Design and Management\) Regulations 2015](#)

[The Work at Height Regulations 2005](#)

[The Control of Substances Hazardous to Health Regulations 2002](#)

[The Provision and Use of Work Equipment Regulations 1998](#)

[The Lifting Operations and Lifting Equipment Regulations 1998](#)

Contact Addresses and Guidance Links

Health and Safety Executive (HSE)

www.hse.gov.uk

[HSE CDM 2015 Guidance](#)

[L153 – Managing Health and Safety in Construction](#)

[HSG151 – Protecting the public](#)

Construction Skills

www.cskills.org/

Procurement Services

[Procurement Services Intranet](#)

Corporate Estates and Assets Division

[Corporate Estates and Assets Division Intranet](#)

Corporate Health and Safety Service

[Health and Safety Intranet](#)

[Control of Contractors and Service Providers microsite](#).

For full contact address visit the health and safety intranet [Useful Contacts](#).

APPENDIX 1 – SUMMARY of DUTIES CDM 2015

It is permissible for the Council or any of the appointees to act in any duty holder's role, so long as they are competent to do so and at the earliest practical point.

This is a summary of duties - for the list of duties in its entirety please refer to The Construction (Design and Management) Regulations 2015

CDM Duty Holder	Main Duties
Client – Organisations or individual for whom a construction project is carried out.	<p>For all projects Clients must;</p> <ul style="list-style-type: none"> ▪ make suitable arrangements for managing their project, enabling those carrying it out to manage health and safety risks in a proportionate way. This includes: <ul style="list-style-type: none"> ▪ appointing the contractors and designers to the project in writing (including the principal designer and principal contractor on projects involving more than one contractor) while making sure they have the skills, knowledge, experience, and organisational capability ▪ allowing sufficient time and resources for each stage of the project ▪ making sure that any principal designer and principal contractor appointed carry out their duties in managing the project ▪ making sure suitable welfare facilities are provided for the duration of the construction work ▪ maintain and review the management arrangements for the duration of the project ▪ provide pre-construction information to every designer and contractor either bidding for the work or already appointed to the project ▪ ensure that the principal contractor or contractor (for single contractor projects) prepares a construction phase plan before that phase begins ▪ ensure that the principal designer prepares a health and safety file for the project and that it is revised as necessary and made available to anyone who needs it for subsequent work at the site <p>For notifiable projects (where planned construction work will last longer than 30 working days and involves more than 20 workers at any one time; or where the work exceeds 500 individual worker days), clients must:</p> <ul style="list-style-type: none"> ▪ notify HSE in writing with details of the project ▪ ensure a copy of the notification is displayed in the construction site office
Designers - Organisations or individuals who as part of a business, prepare or modify designs for a building, product or system relating to construction work.	<p>Designers must;</p> <ul style="list-style-type: none"> ▪ make sure the client is aware of the client duties under CDM 2015 before starting any design work ▪ when preparing or modifying designs: <ul style="list-style-type: none"> ▪ take account of any pre-construction information provided by the client (and principal designer, if one is involved) ▪ eliminate foreseeable health and safety risks to anyone affected by the project (if possible) ▪ take steps to reduce or control any risks that cannot be eliminated ▪ provide design information to: <ul style="list-style-type: none"> ▪ the principal designer (if involved), for inclusion in the pre-construction information and the health and safety file

	<ul style="list-style-type: none"> ▪ the client and principal contractor (or the contractor for single contractor projects) to help them comply with their duties, such as ensuring a construction phase plan (PDF) is prepared ▪ communicate, cooperate, and coordinate with: <ul style="list-style-type: none"> ▪ any other designers (including the principal designer) so that all designs are compatible and ensure health and safety, both during the project and beyond ▪ all contractors (including the principal contractor), to take account of their knowledge and experience of building designs
<p>Principal designers - Designers appointed by the client in projects involving more than one contractor. They can be an organisation or an individual with sufficient knowledge, experience, and ability to carry out the role.</p>	<p>Principal designers must:</p> <ul style="list-style-type: none"> ▪ plan, manage, monitor, and coordinate health and safety in the pre-construction phase. In doing so they must take account of relevant information (such as an existing health and safety file) that might affect design work carried out both before and after the construction phase has started ▪ help and advise the client in bringing together pre-construction information, and provide the information designers and contractors need to carry out their duties ▪ work with any other designers on the project to eliminate foreseeable health and safety risks to anyone affected by the work and, where that is not possible, take steps to reduce or control those risks ▪ ensure that everyone involved in the pre-construction phase communicates and cooperates, coordinating their work wherever required ▪ liaise with the principal contractor, keeping them informed of any risks that need to be controlled during the construction phase
<p>Principal contractors – Contractors appointed by the client to coordinate the construction phase of a project where it involves more than one contractor.</p>	<p>The principal contractor must:</p> <ul style="list-style-type: none"> ▪ plan, manage, monitor, and coordinate the entire construction phase ▪ take account of the health and safety risks to everyone affected by the work (including members of the public), in planning and managing the measures needed to control them ▪ liaise with the client and principal designer for the duration of the project to ensure that all risks are effectively managed ▪ prepare a written construction phase plan (PDF) before the construction phase begins, implement, and then regularly review and revise it to make sure it remains fit for purpose ▪ have ongoing arrangements in place for managing health and safety throughout the construction phase ▪ consult and engage with workers about their health, safety, and welfare ▪ ensure suitable welfare facilities are provided from the start and maintained throughout the construction phase ▪ check that anyone they appoint has the skills, knowledge, experience and, where relevant, the organisational capability to carry out their work safely and without risk to health ▪ ensure all workers have site-specific inductions, and any further information and training they need ▪ take steps to prevent unauthorised access to the site ▪ liaise with the principal designer to share any information relevant to the planning, management, monitoring, and coordination of the pre-construction phase
<p>Contractors – Those who carry out the actual construction work, contractors can be an individual or a company.</p>	<p>Contractors on all projects must:</p> <ul style="list-style-type: none"> ▪ make sure the client is aware of the client duties under CDM 2015 before any work starts ▪ plan, manage and monitor all work carried out by themselves and their workers, taking into account the risks to anyone who might be affected by it (including members of the public) and the measures needed to protect them ▪ check that all workers they employ or appoint have the skills, knowledge, training, and experience to carry out the work, or are in the process of obtaining them

	<ul style="list-style-type: none"> ▪ make sure that all workers under their control have a suitable, site-specific induction, unless this has already been provided by the principal contractor ▪ provide appropriate supervision, information, and instructions to workers under their control ▪ ensure they do not start work on site unless reasonable steps have been taken to prevent unauthorised access ▪ ensure suitable welfare facilities are provided from the start for workers under their control, and maintain them throughout the work <p>In addition to the above responsibilities, contractors working on projects involving more than one contractor must:</p> <ul style="list-style-type: none"> ▪ coordinate their work with the work of others in the project team ▪ comply with directions given by the principal designer or principal contractor ▪ comply with parts of the construction phase plan (PDF) relevant to their work <p>Where a contractor is the only contractor working on a project, they must ensure a construction phase plan (PDF) is drawn up before setting up the site.</p>
<p>Workers – Those working for or under the control of contractors on a construction site.</p>	<p>Workers have an important role and should take an active part in helping to manage health and safety risks. In particular, workers must:</p> <ul style="list-style-type: none"> ▪ only carry out construction work if they have the relevant skills, knowledge, training, and experience - or they are provided with the training and supervision that enables them to do it safely and without risk to health ▪ make themselves aware of the health and safety risks involved in work on every site and the way those risks are managed ▪ always follow site rules and procedures ▪ cooperate with other dutyholders, such as the contractor in control of their work and the principal contractor (who controls the overall project when there is more than one contractor) ▪ report any risks they find to whoever controls the work on site, whether the risks affect their own health and safety or anyone else, including other workers and members of the public

APPENDIX 2 – A QUICK GUIDE TO CONTRACTOR INSURANCE FOR SCHOOLS

(Small scale building and maintenance works)

Schools are strongly recommended to arrange all construction works (as defined) through the Corporate Estates and Assets Division to ensure contractors have suitable and sufficient insurance in place for the works undertaken.

This information is intended to provide guidance on the types and limits of indemnity that must be considered when looking to enter into agreements with contractors and third parties for small scale building and maintenance works.

Public / Products Liability Insurance (PL)

Public Liability Insurance provides indemnity for legal liability to pay compensation for personal injury or property damage sustained by a third party, which resulted from the policyholder's negligence.

Employers Liability Insurance (EL)

Employers Liability Insurance provides indemnity for legal liability to pay compensation for injuries sustained by employees as a result of the policyholder's negligence or their breach of a statutory duty.

Professional Indemnity Insurance (PI)

Professional Indemnity ("PI") Insurance provides indemnity for losses that the policyholder may become legally liable to pay as damages for financial loss incurred by a third party resulting from an error or professional negligence. PI cover is principally required to protect contractors who provide advice, consultancy, or design.

What is a Limit of Indemnity?

A Limit of Indemnity is the maximum amount the policy will pay out in respect of any one claim or series of claims resulting from any one event. Some policies limit the total amount payable "in the aggregate" (the total payable in respect of all claims received during any one annual period of cover).

It is therefore important to ensure that a Contractor or Third Party has an adequate level of cover on their liability insurance. It is not unusual for the cost of a liability claim to exceed £1m and, in the case of serious injuries claims to exceed £5m. The total cost of the claim can include compensation for the injury, loss of earnings, on-going care, legal fees and more.

When considering insurance clauses it is therefore important to ensure that there is;

- a)** a requirement that the correct type of insurance is included, and
- b)** that the limit of indemnity is appropriate.

Points to consider

Contractors may seek to 'cap' or limit their potential liability under a contract, this could mean that losses above the cap are pursued against the council. Any request from a contractor to cap their potential liability needs to be fully understood in terms of why the contractor considers it necessary or appropriate. Any such request would need to be considered on its merits.

PI insurance is normally underwritten on a "claims made" basis. This is an important distinction from Employers and Public Liability policies which are usually underwritten on a "claims occurring" basis. A "claims made" policy requires the policy to be in force when the claim is made – rather than when the erroneous advice (consultancy or design) is provided.

For this reason, it is normal for contractors to be required to purchase such cover for a period beyond the contract (up to 6 years).

A “claims made” policy will require a check to ensure that the insurance is in place for each year that the contract is in place, plus during the agreed period after the contract ends.

What Limit of Indemnity is required?

An appropriate limit of indemnity will not be the same for all contracts or for all types of insurance and deciding on indemnity limits is not an exact science. The nature of the contract and the levels of risk involved will have an influence, and decisions should be reached based on an understanding and assessment of the potential risk.

Some of the factors that need to be taken into account are:

- The number of adults that could be injured; **(PL)**
- The number of children that could be injured; **(PL)**
- The type and number of employees that the contractor has working in any one place; **(EL)**
- The value of the building being worked on, visited, occupied, or leased; **(PL)**
- The potential loss of income if a building is damaged; **(PL)**
- The potential financial loss if a contractor provided poor or incorrect advice; **(PI)**
- The nature of, and level of danger involved in, the activity; **(EL, PL)**
- Where the activity is being undertaken, particularly if this is in a public place **(PL)**.

As a starting point, for small scale works, it would be prudent to assume the following as a **minimum** level of indemnity:

- Public/Products Liability (PL) £5million
- Employers Liability (EL) £5million
- Professional Indemnity (PI) £1million

For contracts involving activities such as working at heights, hot works etc it would be required for a contractor to provide higher limits of indemnity.

Conversely, on rare occasions, there may be exceptional circumstances in which the minimum levels are considered too high or are questioned by the contractor - if you require further advice or guidance, please contact SCC Risk & Insurance Services at insurance@southampton.gov.uk