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Health Board

MANAGING CONTRACTORS

POLICY & PROCEDURE

Swansea Bay University Health Board

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This policy has been screened for relevance to equality. No potential negative impact has been identified so a full equality impact assessment is not required.

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Oct 22	Change of Lead Director to Director of Finance	
	<p>Pg 6</p> <ul style="list-style-type: none"> Managers should check that all contractor/companies used to carry out works carry public and product liability insurance up to a value acceptable to the Health Board. Advice can be sought from the estates department for your site as to appropriate value. Copies of insurance certificates should always be produced and kept on site 	
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POLICY

1. SCOPE

The Health Board often uses contractors to carry out various types of work; this can range from simple work such as window cleaning, to repairing office machinery and also to major construction projects including extensions and refurbishments, as well as the maintenance of existing services.

Any work undertaken using contractors by the Health Board carries with it a number of statutory duties for health and safety management which applies to the individuals arranging the contract as well as to others. All work associated with the building fabric or engineering services should be referred to the appropriate Estates manager.

The Construction Design and Management Regulations 1994 (CDM regulations) impose more detailed requirements on those involved in any construction work as a client, designer or contractor which must be managed by professional estates staff who will be required to demonstrate compliance with these regulations.

It is essential that all parties fulfill their legal responsibilities as well as those which will be imposed by any contractual arrangement, as well as the existing Health Board policies.

2. POLICY STATEMENT

The aim of the Policy is to provide clear guidance to all the Health Board staff who are directly involved in the appointment and use of contractors.

Whilst most appointments will be undertaken by one of the Estates Departments individual Services Units and Directorates will also employ contractors and will, therefore, be required to follow this policy.

Staff should be familiar with their obligations and levels of authority within standing orders, standing financial instructions before preparing to appoint contractors to do any form of work.

The policy also indicates the responsibility of individuals/departments/managers when contractors are appointed

3. RESPONSIBILITIES

Chief Executive

Will be ultimately responsible for ensuring that adequate control of contractors working within the Swansea Bay University Health Board is maintained.

Director of Finance.

Is the nominated Executive Director with responsibility for contractor management across the Health Board. The Director of Finance will ensure that the organisation's approach to managing contractors is understood and observed consistently.

Service Directors/Clinical Directors.

Have formal delegated responsibility for the management and control of contractors within their areas of responsibility.

Elements of this responsibility and specific tasks may be delegated, however, when delegating this responsibility, the Director concerned has to formally record this, ensuring that the responsibilities are accepted and understood by the individual concerned and that adequate training and other resources are provided, whilst recognising that the overall responsibility cannot be delegated.

Operational Service Manager.

Have delegated site-specific responsibility for the management and control of contractors within their areas of responsibility.

Estates Managers

Have delegated site-specific responsibility for the management of the building fabric and engineering services within the sites under their control.

Directorate Managers, Departmental Heads, Senior Nurse Managers and other Managers.

Will have delegated responsibilities and duties within the Health Board, Directorate and/or Department undertaking the role of the "Responsible Manager".

4. DEFINITIONS

Contractor

Is an individual company or external organisation who is not an employee employed to carry out work or provide services.

Responsible Manager

Is any individual, within the Health Board or acting on its behalf employing a contractor to work within its premises. This is not the person placing the order but the individual who has commissioned the work.

5. RESPONSIBLE MANAGERS DUTIES

Where the work is to be carried out on the premises, then the Health Board has a duty to ensure that effective arrangements are in place to ensure the safety of all persons who may be affected by the work. Additional arrangements may be required where there are patient safety considerations such as vulnerable patients, high risk

areas, patient confidentiality issues etc. Arrangements should also manage any risks to Health Board premises (e.g. increased risk of fire), equipment, services (e.g. medical gases) that may be affected by the work.

Contractors may work on Health Board premises or provide services remotely (e.g. equipment sent for repair, waste disposal services etc).

In order to fulfill this requirement the Responsible Manager, has to take steps to ensure that:

- That there has been effective cooperation and coordination between the Health Board and the contractor
- That all work involving the use of contractors is risk assessed and the assessment is used in developing safe arrangements for the work. The assessment should consider the safety implications of the work undertaken, areas where work takes place, patient safety issues, equipment, hazardous substances present, infection risk , emergency arrangements etc..
- There has been adequate information exchanged between the Health Board and the Contractor to allow the necessary safe systems of work to be developed and implemented. Where necessary advice must be obtained from Estates, Infection Prevention, Health and Safety, Fire and other competent advisers.
- Where necessary (e.g. work affecting the fabric of the building, engineering services etc) Estates (see section 6) or other Health Board departments are involved in developing risk control methods as necessary.
- All necessary safety arrangements are incorporated in the work undertaken and adequate resources for Health & Safety have been allocated.
- Managers should check that all contractor/companies used to carry out works carry public and product liability insurance up to a value acceptable to the Health Board. Advice can be sought form the estates department for your site as to appropriate value. Copies of insurance certificates should always be produced and kept on site.”
- Ensure that the contractor provides suitable method statements for the work. Method statement should ensure that the contractor clearly specifies the precautions, which will be taken to control risks and details how the work will be undertaken.
- The contractor (and any staff appointed by the contractor) are competent to carry out the work safely
- That suitable arrangements are in place for the control, supervision and monitoring of contractors whilst they are on Health Board premises. This includes arrangements for registering in and out of the Department, provision of security passes etc.
- Needs to ensure that when contractors arrive on site to undertake work that the

contractor has brought with them the appropriate risk assessments and/or method statements. If these are not provided access must be refused until the documentation is in place.

- Where necessary the contractor is given provided with any necessary training (e.g. induction training) and information for the areas worked etc.
- The contractor is made aware of any emergency arrangements (e.g. fire) affecting the work undertaken, areas worked etc.
- All accidents and incidents affecting contractor staff, work undertaken etc are reported to the Health Board
- The contractor is monitored at appropriate frequencies to ensure that safeguards remain effective
- Reviews (including performance and safety) of the work of the contractor are undertaken
- It is important to note that where responsible managers are commissioning work for departments for children or vulnerable adults it is important to ensure that the appropriate security checks are completed for contractors working in these areas.

To assist individuals within the Health Board, who are called to act as "Responsible Managers" Appendix 1 provides Good Practice Guidelines, which should be followed to ensure that appropriate controls are in place for the management of contractors.

6. ADDITIONAL ARRANGEMENTS WHERE THE WORK AFFECTS THE BUILDING FABRIC, ENGINEERING SERVICES ETC

Where the required work may affect the building fabric or engineering services the Responsible Manager must liaise with the appropriate Estates Manager, this may include arranging a site visit, to ensure that the work can be carried out in a safe manner without risk to health, ensuring that the appropriate control measures are developed.

Copies of the Contractor's Risk Assessment and/or Method Statement and details of the installation to be completed must be provided to and agreed by the appropriate Estates Manager prior to any work commencing

On completion of the work the Responsible Manager should contact the appropriate Estates manager who will arrange if appropriate for the work to be inspected to ensure it has been carried out in accordance with the agreed methodology and to the standard required and all reinstatement work has been put in place.

7. DUTIES OF CONTRACTORS

Contractors must:

- Provide the Health Board with necessary information to allow the development of

effective risk assessments, safe systems of work, emergency arrangements, etc., necessary for the work being undertaken.

- Conduct their work in accordance with agreed method statements, safe systems of work etc.
- Bring to the attention of the responsible manager any accident, incidents or deficiencies in the arrangements necessary for the work.

Where there are concerns over the safety or general performance of the contractor the Health Board reserves the right to ask the contractor to cease work, prohibit contractor staff to enter the premises, withhold payment or take any other appropriate steps as necessary.

FOR APPROVAL

Appendix 1 Good Practice Guidelines

The following guidelines apply to all Health Board employees who are called upon to act as Responsible Managers commissioning the services of external contractors. It is important to note that the Responsible Manager is not the person who places the order but the one who commissions and approves its completion. The following pages detail a five step approach on how departments should manage contractors and ensure safe working.

No matter how small the job or how fast you need it to be completed, health and safety does not start when the contractor arrives on site. You need to think about health and safety as soon as you know a job needs to be done.

Anyone commissioning work on behalf of the Health Board has to understand that it is their responsibility to ensure that they have discharged their duty of care to the contractor and our patients and staff when commissioning any work to be undertaken within the areas under their control. In order to fulfill this requirement on Health Board employees commission services of external contractors should follow all these five steps to good contractor control.

THE FIVE STEP

- 1 Planning.
- 2 Choosing a contractor.
- 3 Contractors working on site.
- 4 Keeping a check.
- 5 Reviewing the work.

STEP 1 – PLANNING

- Define the job.
- Identify hazards.
- Assess **risks**.
- Eliminate and reduce the risks.
- Specify health and safety conditions.
- Discuss with contractor (if selected).

This step is about how to plan the contractor's job. After working through it you will be able to understand more about the practicalities of risk assessment and planning to reduce risks.

Basically you need to answer the following two questions:

- 1 **What is the job?**
- 2 **How can it be done safely?**

Once you know what the job is, you need to build in health and safety by carrying out a risk assessment.

Risk Assessment.

There are two distinct activities involved in undertaking a risk assessment:

- 1 Identifying the **HAZARDS**
- 2 Evaluating the **RISKS**

A **HAZARD** is anything that can cause harm, for example a corrosive chemical;

A **RISK** is the chance of harm actually being done, for example, burns due to contact with the corrosive chemical.

In spite of the above definitions which may be off-putting identifying hazards, assessing the risks and planning how to eliminate them is a straightforward process, largely a matter of common sense. This will help you work out the best methods to reduce hazards in your area identifying what action you need to undertake to eliminate or reduce those risks You are best placed to know the hazards in your area.

Contractors have responsibilities for preparing a risk assessment under the Management of Health and Safety at Work Regulations 1999. Their risk assessment should fit in with your own and provide you with sufficient information. The Contractors will need information from you about the job, the hazards present. When preparing their risk assessment.

Clearly, there is a need for communication and close co-operation between you and the contractor so that all risks associated with the job are covered. Contractors may prepare a detailed safety method statement on how they intend to carry out the job so that risks are controlled and managed. This should be based on an assessment of risks and hazards identified that could be affected by the work.

When assessing the risk individuals should refer to the Appendix 6 of the Health Boards Risk Management policy. A risk assessment considers the actual consequences and the likelihood considered in the context of the risk controls in place.

The Health Board utilises a 5 x 5 matrix, which considers the consequences against the likelihood. Consequences are classed as negligible, minor, moderate, major and critical against the likelihood which is classified as rare, unlikely, possible, probable

and expected. The resulting score when these two assessments are multiplied gives the risk rating.

A risk rating of 1 to 4 indicates a low level of risk. The risk is considered acceptable and no additional action is required over and above the existing management measures.

A risk rating of 5 to 8 indicates a moderate level of risk. This level of risk is marginally acceptable and efforts should be made to reduce the risk, although the costs of reduction should be carefully considered.

A risk rating of 9 to 15 indicates a significant risk

A risk rating of 16 to 25 indicates a high level risk.

If after completing a risk assessment, if the assessment of the risk is either significant or high advice be sought from the Health Board Health and Safety department before proceeding with the work.

STEP 2 - CHOOSING A CONTRACTOR

When choosing a contractor. You have to consider what safety and technical competence is needed to carry out the task.

If the work will affect the building fabric or engineering services, advice should always be taken from the Estates Department on the selection of an appropriate contractor. Where the work involves the IT infrastructure or IT services then reference should always be made to the IT directorate, who will provide advice and guidance on the selection of an appropriate contractor.

Before employing the contractor

Ask questions about the companies' ability to undertake the work

Get evidence of their competencies including references, professional registration etc

Where appropriate ensure that all security checks have been completed for contractors working in areas where there are children or vulnerable adults.

Ensure that the company carry public and product liability insurance up to a value acceptable to the Health Board. Advice can be sought from the estates department for your site as to appropriate value. Copies of insurance certificates should always be produced and kept on site."

Go through information about:

- the job
- the site, including site rules

Ask for a safety method statement.

The Responsible Manager need to gain an understanding of the safety and technical competencies required to undertake the work required. In order to do this they should

- ask the contractor for a safety method statement and copy of their health and safety policy

You need sufficient information from the contractor to decide whether subcontracting is acceptable and if so how will health and safety be ensured. You need to decide whether subcontracting is acceptable. If so, how will health and safety be ensured?

This step looks at how to assess the contractor's competence before you make your choice. Since the use of contractors is increasing, your choice of contractor can have a big impact on health and safety in the Health Board.

Look out for the quick fix! Take care when you need someone in a hurry - don't miss out safety.

Successful selection of contractors

Approach contractor selection with care it is not something to do casually. It could be said that since contractors are not as familiar with the Health Service as potential employees, selecting them needs even greater attention!

"I've got their health and safety policy - now what?"

Managers often ask for contractors' health and safety policies but rarely do anything with them. They are important and will tell you a lot about the contractor. A good policy should include or refer to the arrangements the contractor has made for putting the policy into practice. It will be supported by sensible procedures and working practices.

Spell out the conditions

Before the work starts spell out the conditions your contractor has to meet and select the one best equipped to meet them. The Responsible Manager needs to acquire from the company the risk assessments and method statements for the work to be undertaken. To enable the contractor to provide this information you are required to provide any appropriate information which may affect the way they undertake the work.

This may be aided by undertaking a site visit, where appropriate to ensure that the scope of the work to be undertaken is understood by both parties. The Responsible Manager should also advise the contractor of any known risks within the department or area where the work is to be performed, i.e. access restrictions, specific requirements of patient groups.

Health and Safety must be one of your considerations. When you receive the quotations for the work you should check these against the specification to make sure that proper provision has been made for controlling the risk.

You also need to consider any waste products or items that are produced of the work being undertaken the **WEEE** Regulations place specific responsibilities on the Health Board for safe disposal of electrical equipment and managers need to ensure that any environmental impacts which will be generated as a result of the work being undertaken.

Where the work to be carried out will effect the building, fabric or engineering services the risk assessment and method statement of the preferred contractor should then be forwarded to the appropriate estate manager for there approval, prior to the work being undertaken. A copy of the method statement and risk assement will be retained by the Estates Department.

The deciding factors about the contractor you choose may include:

Availability Contractor W is available but do they know about the hazards of working in your area

Cost Contractor X is the cheapest..... But are they the safest?

Technical competence Contractor Y seems technically competent ... but last time they were on site there was an accident!

Reliability Contractor Z did the job last time ... but they always sent different people each day.

Health and Safety Check their policy, performance and procedures.

Environmental Impact Contractor AA has considered the environmental issues with the job and has included the cost of any disposal that arises.

Subcontractors

Problems can arise when there is further subcontracting unless there are good arrangements between all parties. You may wish to set down rules about subcontracting.

Make the point to your main contractor that they must:

- manage their subcontractors;
- make sure the subcontractor complies with site rules, working methods and procedures.

Agreeing the job

An agreement does not need to be written for it to be legally binding. At its most basic, the Health Board agrees to pay the contractor when the contractor completes the job. However, writing an agreement can help to make each party's responsibilities clearer. You can specify everyone's responsibilities for health and safety.

Prepare information in advance about the Health Board and your Departmental safety rules and procedures to present to contractor, complying with these can be part of the agreement between your department and the contractor.

STEP 3 - CONTRACTORS WORKING ON SITE

All contractors must sign in and out of the work place. Each Service Unit/ Directorate/Department should have formal procedures for managing contractors working within their department, and these should be shared with the contractor.

Departments need to control the coming and going of people in and out of their premises. Maybe you already have a reception area with a book for contractors and visitors to sign. It is worth looking at your arrangements to see if there is room for improvement. Do you always know who is working within your area - and where they are?

Arrival on site

The contractor will report to the Department/named contact. They will complete the appropriate registration documentation and undergo departmental health and safety induction training.

Any contractors working on the building fabric and or the engineering services **have to report to the Estates Department prior to undertaking any work on site.** Before being issued with permission to proceed with the work they will be required to supply a copy of their risk assessments and method statements, to ensure the individual completing the work is aware of any risks associated with the task to be completed.

Where the work to be undertaken means that they will be working on either the building fabric or the engineering services, they will not be allowed to undertake the work unless they have had the Estates specific induction training. It is proposed that this induction training is provided to contractors working within the Health Board's Estate on an annual basis to ensure safe working practices are followed.

Safety rules

You already have departmental health and safety rules - such as what to do in the event of an emergency, etc. Contractors need to be told about these. You may have sent the contractor a copy of your site rules in advance. It is a good time to recap on these when contractors arrive on site.

Site hazards

Contractors need to be told about the hazards they face when they come on site. Often an induction talk is the best way of passing this information on. It is worthwhile checking that they have understood any essential points.

Site contact

Contractors need a site contact - someone to get in touch with on a routine basis or if the job changes and there is any uncertainty about what to do. The site contact should be somebody nominated who is in a managerial position with sufficient authority and competence.

The site contact will go over the job with the contractors:

- Checking what precautions are necessary for any risks involved and whether a Permit to Work is needed;
- Ensuring everything necessary has been done;
- Agreeing further contact, supervision arrangements and a time limit for the job, if appropriate.

STEP 4 - KEEPING A CHECK

Assess the degree of contact needed

- How is the job going?
- As planned?
- Is the contractor working safely and as agreed?
- Have there been any incidents?
- Have there been any changes in personnel?
- Are any special arrangements required?

This step is critical in controlling jobs with contractors. It is about monitoring, checking on what is being done and how and whether the job is going as planned. Changes can be agreed if there are problems.

Working to plan

You need to have a plan against which you can check (see Step 1).

DO NOT DO THIS: Have a quick look and say something vague like: "How are things going? ... OK ... fine. Carry on"

DO THIS: Check to see that the contractors are doing the job in the way you agreed.

How much checking is needed and how often?

Contractors are responsible for supervising their own work and for ensuring that they work safely. However, you cannot just leave them from the start to get on with the job and pay them when they have finished. Too much could go wrong in between. You need to ensure that there is adequate supervision throughout the work.

You do not need to watch them all the time. You have to weigh up what is reasonable. The amount of contact with the contractor must be related to the hazards and risks associated with the job. It needs to be decided and agreed at the beginning of the job. For high-risk jobs more contact is needed than for jobs which you consider low risk.

- What are the main areas of risk?
- What could change and how quickly?
- Think about their work and how it affects the safety of your employees and vice versa.

The start and finish of the day are important times for going through the job and reviewing progress. However, the contractor should expect to see their site contact at other unspecified times when they will be looking out for safe working practices.

You selected the contractor who met your conditions and specified the terms in your agreement. As the work proceeds, make sure your terms and conditions are being met.

You may need to check more often at the beginning of the job until you are satisfied of their standards. There are other important reasons besides safety for doing this. Look for competence - in safe working as well as technical ability.

Encourage contractors to report incidents, near misses and injuries - even minor ones - to you. This gives you both the opportunities to look at any underlying causes and put matters right before someone is hurt. This approach takes time and requires a degree of mutual Health Board, but it pays off in terms of safe working.

On Completion of The Work

The Responsible Manager has to ensure that they are happy that the work has been completed to their satisfaction. This can include inspections certificates, test results or service reports. Where appropriate this should include a visual inspection of the work. It may however be agreed in some cases that the contractor would be required to provide photographic evidence showing the areas before and after work is completed as another way of verifying the work has been completed to a satisfactory standard.

Where work has impacted on the building fabric or engineering services a joint inspection by the commissioning Service Unit/Directorate/Department and one of the Estates Officers may be felt appropriate.

Where work has impacted on the IT Services a joint inspection by the commissioning Service Unit/Directorate/Department and one of the IT Officers may be felt appropriate.

Where the inspection by the Estates Department/IT Department highlights concerns over the installation these will be communicated to the Commissioning Service Unit/Directorate/Department who should liaise with the contractor to undertake any remedial work, no payments should be made until all remedial work has been completed satisfactorily.

Clearly where contractors are working on the Health Board's building services, the Estates Department have to ensure that the work is undertaken and completed safely. However, it is important to point out that it is the responsibility of the Service Unit/Directorate/Department commissioning the work to ensure it has been completed to their satisfaction.

STEP 5 - REVIEWING THE WORK

Finally, the job is over - or is it? This step is about learning from the job and about the contractor when the work is completed. It explains the need for reviewing, identifies what to review and describes how reviews can be used.

Review the job and contractor

- How effective was your planning?
- How did the contractor perform?
- How did the job go?
- Record the lessons learnt

Why does the job need reviewing?

The contractor's job is complete when the work has been done according to plan and the agreement between you. Reviewing is about evaluating the quality of the work against both the job and the contractor's performance.

The other reason for reviewing is to learn what should be done differently next time to improve your practice.

Review involves evaluating the health and safety of all other steps:

- your planning;
- choice of contractor;
- the work;
- effectiveness of the contact and supervision.

Any surprises and lessons learned are recorded and used for the next time. The record can be used when revising your list of preferred contractors.

The non-exhaustive checklist in **Appendix 1** illustrates some review questions. Others may come to mind as well.

Who is involved in reviewing?

If you are responsible for managing the job, you carry out the review as part of the process.

The contractor may participate. After all, they should know if they have to improve. They will add useful information from their own point of view. Where the work undertaken is effected either estates services or IT services they need to be involved in the review process

Put the review in writing

The results of the review can be recorded for future reference. They need only be brief. Why not copy it to the contractor? If there were problems, they need to improve.

ACKNOWLEDGMENT.

This management guidance document was developed using the following publication.

Managing contractors: A guide for employers
Health and Safety Executive
Booth: HSE, Crown copyright 1997
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REVIEW CHECK LIST

The contractor

- Were there any health and safety problems?
- Would you accept them back on site again?
- Did you need to take any action?
- Did you have to pull them up on anything?
- How good are they at housekeeping?
- Would you give them a reference?
- Do you know enough about them to include them on a preferred list?

The job

- How was your planning - was the hazard identification and risk assessment adequate?
- Has the work been done as agreed, for example, as in the contract or in accordance with a safety method statement?
- Has any necessary testing been done, checked and recorded?
- Were all the permits signed off?
- Have any remaining actions been agreed and taken into account?
- Is there a record of achievements and shortfalls?
- Do plant records, including any drawings, need modification?
- If the job is likely to be done again in future, is it recorded to assist planning next time?