



Health and Safety Department

## Contractor Management Policy

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## 1. Introduction

Loughborough University has a statutory duty, to ensure that works carried out by non-university staff does not pose a significant risk to themselves or University staff and students, so far as is reasonably practicable.

### 1.1 Scope

This policy and associated guidance provide a framework for the management of contractors.

## 2. Key Legislative Requirements

- Works undertaken by contractors on behalf of the University are covered by a civil contract, which will include health and safety requirements.
- The University and the contractor both have duties under health and safety law and are covered by criminal law. ***These responsibilities cannot be passed from one party to another by a contract.***
- If a Contractor employs a ***sub-contractor***, then the University, contractor and sub-contractor will all have some health and safety responsibilities.
- If the work is construction work, the University's representative as the client will have duties under CDM regulations 2015.

## 3. Duty Holders

When managing Contractors, the University, Contractors and any Sub-contractors will **all** have health and safety responsibilities. Therefore, it is essential to have in place robust procedures, protocols or arrangements that clearly allocate responsibility, facilitate the exchange of information, and ensure co-operation and co-ordination amongst these parties.

### 3.1 Deans of Schools/Head of Professional Services

Deans of Schools/ Heads of Professional Services shall:

- Ensure than any work completed by contractors agrees with the University small works policy.
- Ensure works falling outside the scope of the small works policy, the school shall engage with Facilities Management.

### 3.2 Directors/Senior Manager of Facilities Management

Directors/Senior Managers of Facilities Management shall:

- Ensure that contractors are suitably managed.

### 3.3 Staff appointing contractors or awarding contracts

All University staff appointing contractors, however named, are responsible for:

- Following the University procurement policy/procedure
- Clearly identifying the nature and extent of the work to be contracted.
- Considering the health and safety implications of the work regarding Staff, Students and others.
- Showing that they have taken “reasonable steps” to satisfy themselves that their appointee is competent, (this will depend upon the level of contract/agreement and level of risk).
- Providing contractors with clear information on the required work, any relevant known hazards or constraints of the university's premises or activities, and relevant local health and safety arrangements including emergency provision.

### 3.4 Procurement team & Services staff

Procurement team & Services staff are responsible for:

- Following the University procurement policy/procedure.
- Seeking health and safety information from stakeholders proposing to contract work under formal contract tendering processes.
- Ensuring health and safety information provided by stakeholders is included in the documentation at all appropriate stages.
- Taking account of the contractor's record of compliance with the University's health and safety requirements when advising on and awarding future contracts.
- Using, as appropriate, the vetting questions provided in Publicly Available Specification 91 (PAS 91) or select members of schemes assessed by Safety Schemes in Procurement (SSIP) as ways to check other duty holders' health and safety knowledge under CDM 2015.

### 3.5 University staff managing contractors

University staff or representatives that manage contractors may include contract or Project Managers, Managers and Supervisors.

University staff or representatives managing contractors shall:

- Have an understanding and knowledge of their health and safety responsibilities as managers and supervisors, in respect to contractor management and where necessary the technical knowledge and skills commensurate with this role.
- Review and accept the safety documentation associated with the work they are managing.
- Appoint a suitable competent person (if not themselves) responsible for day-to-day management, liaison and supervision of contractors while the work is in progress.
- Ensure contractors are supervised to a level appropriate with the type of work to ensure they are implementing their safety arrangements.
- Ensure contractors are provided with appropriate safety information (pre-construction information where applicable) e.g. local site hazards such as laboratory hazards, asbestos, buried services, confined spaces etc.) to enable them to undertake their work safely in accordance with the objectives of these arrangements.
- Ensure contractors are inducted and provided with appropriate instruction and information, to enable them to work in accordance with University procedures and protocols, including familiarity with the University's evacuation procedures and the designated assembly points and other safety procedures.

- Ensure contractors have provided suitable risk assessments and method statements appropriate to the works (for construction work, see construction contractors). Ensuring contractors are easily identifiable to the University community when on site.
- Ensure regular contract meetings are held (at a frequency appropriate to project and its impact on the University) and Key Performance Indicators (KPIs) are measured and recorded.
- Liaise with the Procurement Strategy & Services to ensure suitable management of the contract during the contract period.
- Have an understanding and knowledge of the services for which they are to be contract manager in order to ensure the contractors' compliance with the terms and conditions of the contract.

### 3.6 University staff managing Construction Contractors

In addition to the above, University staff managing construction contractors shall:

- Have an understanding and knowledge of the Construction (Design & Management) Regulations and legal duties of the client (and principal designer and principal contractor if they take on these roles).
- Complete the general duty CDM checks.
- Ensure compliance with the Construction (Design & Management) Regulations. This includes the duties of the client and if or when applicable, the Principal Designer and Principal Contractor.
- Appoint the appropriate Construction (Design & Management) Regulations duty holders at the appropriate time.
- Ensure appropriate pre-construction information has been provided to the contractor.
- Ensure contractors have produced a satisfactory written construction phase plan that enables the contractor to control risks to their employees and others that may be affected by their work e.g. University staff, students, visitors, members of the public and neighbours.
- Ensure suitable time is allocated to the contractors to allow them to undertake their work in accordance with their construction phase plan and the University's protocols and procedures.
- Ensure that a health and safety file is produced at the end of the works.

### 3.7 Tenants managing contractors

University Tenants shall comply with sections 3.5 to 3.6 as a minimum and in addition liaise with LU Property office and shall fulfil the requirements of the Tenants handbook.

### 3.8 Permit Issuers

Permit Issuers (Authorised Persons) shall possess sufficient technical knowledge, conduct, training, practical experience and skills commensurate with their role and the work for which they are authorising. Their duties are outline in section 3 of the Permit to Work Policy.

### 3.9 Contractors

Contractors should possess sufficient technical knowledge, training, practical experience, and skills commensurate with the work they are to undertake.

Contractors shall:

- Ensure they implement their safety control measures as identified in their risk assessments and method statements (and construction phase plans, where applicable).
- Ensure they comply with the University procedures and protocols as provided to them by the University representative via instruction, information and induction.
- Read, understand and comply with the contractor's handbook, which can be found on the University Health & Safety Service webpage.
- Complete the University health and safety induction before work commences.

### 3.10 Safety Officers

All Safety Officers are responsible for:

- Providing local assistance, advice and support to staff managing contractors.
- Co-operating with the University representatives managing contractors to provide, upon request, local safety information (e.g. laboratory hazards).
- Reporting any incidents involving contractors using the SHE system.

### 3.11 University Health and Safety Service

The University Health and Safety Service shall:

- Monitor compliance with this policy and its effectiveness.
- Review the policy and associated guidance periodically.
- Provide information, guidance and facilitate appropriate training.

## 4. Managing Contractors

This section outlines the contractor management process and provides some definitions to terms mentioned in the roles and responsibilities above.

### 4.1 Competence

Competence is defined as a combination of skills, qualifications, knowledge, training, and experience sufficient to allow a person to be capable of performing their role effectively. Any one of these alone is unlikely to be sufficient to identify a person as competent.

Competency assessment by those appointing persons to the following roles should focus on the requirements of a particular job, should be proportionate to the risks arising from the work and should include a formally recorded review of expertise, experience, qualifications and membership of professional bodies.

Those appointing a Project Manager must ensure that the appointee has a full understanding of the responsibilities (particularly the legal obligations) of the role.

For large or complex construction projects, the competency criteria may be met through a team of competent people rather than one Individual, but responsibility/accountability must be clearly assigned and the managers/representatives competent to manage specialist areas formally appointed.

#### 4.2 Evaluation of competency and Pre-qualification Health & Safety Questionnaires

Pre-qualification questionnaires are a way of assessing a contractor's health and safety competency. The complexity of the questionnaire should be in proportion to the size and type of work, the associated risks that the contractor is to undertake and should include the basic questions, as shown in the relevant ITT Document.

#### 4.3 Construction Contractors

For construction work exceeding £50k using the ITT standard questions is one way of assessing organisational capability and health and safety knowledge. However, for larger projects these will not be sufficient and more detailed information will be required.

Designers and contractors may already have used the services of a third-party prequalification assessor such as members of the Safety Schemes in Procurement (SSIP) forum. Possession of such a membership can be included in the assessment of competency but is not sufficient proof of competence on its own and additional evaluations directly relevant to the particular contract must be provided.

Examples of sufficient evidence could include:

- Qualifications, skills, and experience.
- Suitable insurance cover.
- Documented health and safety management system.
- Performance records.
- References and testimonials.

#### 4.4 Project Manager Competency Training

Project Managers or staff overseeing or managing contractors must have attained a suitable health and safety qualification, for example:

- IOSH Managing Safely.
- NEBOSH Construction certificate.
- Other relevant qualifications or experience.

#### 4.5 Co-operation, Co-ordination and Communication

All parties are required to set up arrangements to ensure efficient co-operation, co-ordination and communication throughout the contract, works or project in order to maintain health and safety standards. They must co-ordinate to ensure everyone understands the risks and measures to control those risks, all such arrangements should be proportionate to the risks, size and complexity of the works.



#### 4.6 Monitoring

Project Managers and Contract Supervisors shall monitor the health and safety performance of the contractors throughout the contract and take the necessary steps to address poor performance.

The Project Managers and Contract Supervisors should complete safety tours at a frequency dependent upon the level of risk and timescale of the construction work. Guidance can be found in appendix 2.

#### 4.7 Auditing

The Health and Safety service will audit for compliance with this policy and the associated underpinning regulations. Project Managers and Contractors will need to ensure they are complying with this policy by keeping up to date records. The frequency will depend on the level of risk and in the event of any accidents or incidents, where an investigation may be required. More information can be accessed through the annual audit plan.

## 5. Contractor Management Process

This section outlines the University process for safely managing contractors working on-site. The process is represented in the cross functional flow chart given in appendix 1, where the responsibilities for each stage are clearly defined.

The contractor management process has been simplified to a practical 5-step approach to ensure safe working and is shown below in figure 1.



*Figure 1: Contract management 5 step process*

### Step 1: Planning

The first step involves the planning of the works which should be completed before the work begins. Consideration should be given to:

- The job defining scope and extent.
  - Risk Assessment should identify the hazards, including site hazards such as the presence and location of asbestos.
  - Who controls what? Ensure every residual risk has an owner.
  - Shared ownership should be avoided.
- Identify any permits which are required.
- Specify health and safety conditions and provide information relevant to the site.

### **Step 2: Contractor Selection**

- Selection criteria – what safety and technical competence is required (it should be proportional to the risk, size and complexity of the work).
- Competence assessment (ask questions, get evidence as per section.....).
- Refer to Procurement Strategy and Services regarding financial policies and procedures for employing contractor services.
- Decide whether subcontracting is acceptable. If so, how will health and safety be ensured?
- Upon selection, review information about the job and the site, including site rules.
- Ask for a Risk Assessment and Method Statement (RAMS) for the proposed work (Construction Phase Plan for construction works). Further details can be found in Appendix 2.

### **Step 3: Contractor Site Access**

Before commencing activities on site. The Contractor shall:

- Ensure the site induction is completed.
- Familiarise themselves with site arrangements including the contractor handbook.
- Exchange information, including RAMs.
- Liaise with the Project Manager.
- Ensure staff are issued with valid contractor pass.
- Report to project manager for site orientation.
- Receive the permit to work /access request as necessary and allow work to begin.

\*Ring fenced projects will have their own health and safety procedures.

### **Step 4: Monitoring and Reporting**

Project Managers shall:

- Assess the degree of contact needed proportionate to the risk.
- Identify any special arrangements required and agree feedback.
- Agree accidents/incidents, inspection reporting.
- Communicate any issues to the contractor, clear lines of reporting, revisit earlier steps if required.

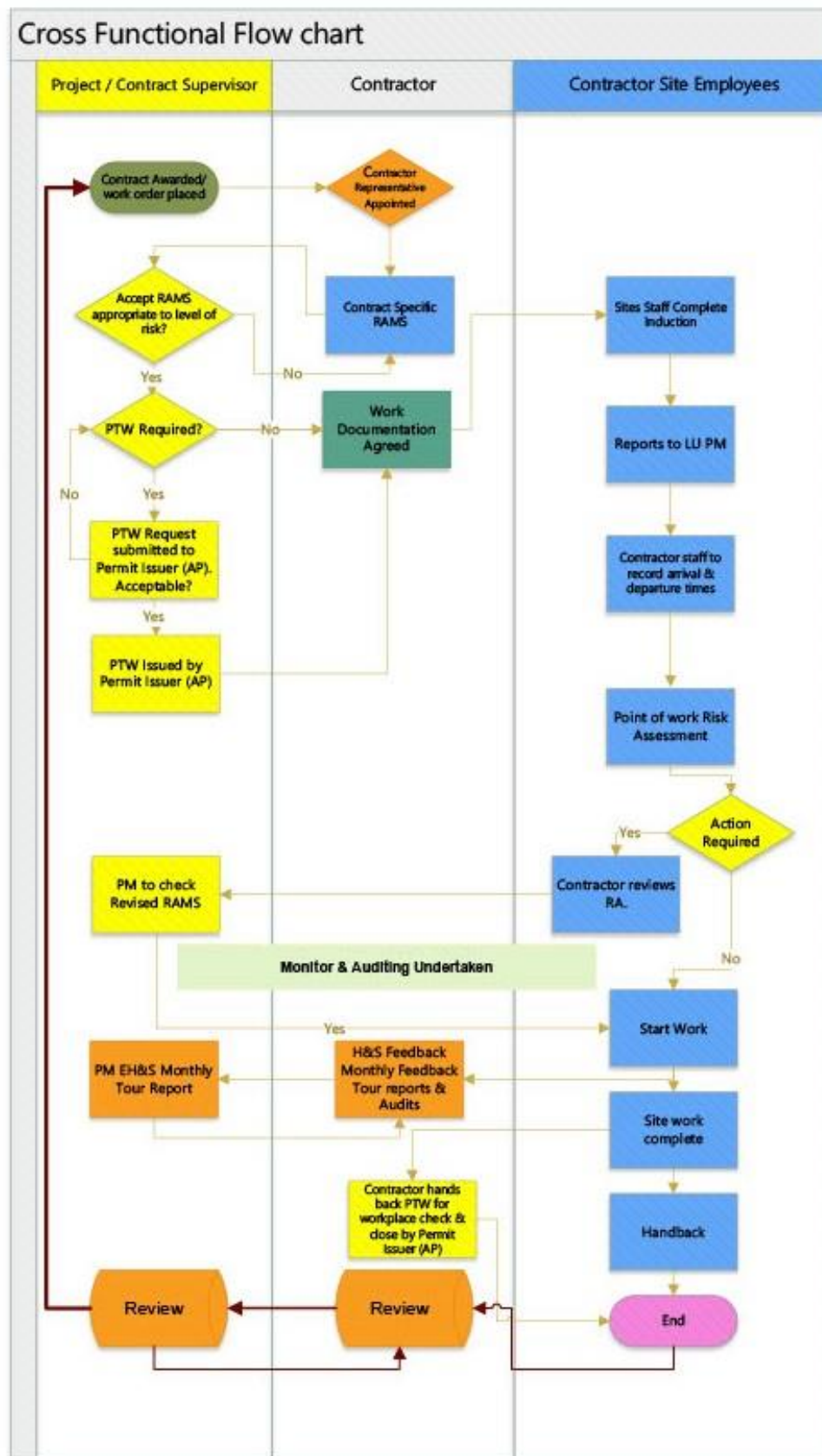
### **Step 5: Review**

Project Managers shall:

- Review project, if work is acceptable, proceed with handover and commissioning (do not allow use unless regulatory compliance confirmed).
- Prohibit the use of new facilities or installations until all hand back certification is complete.



## Appendix 1 – Flow Chart



## Appendix 2 -Tour Reports

Project Managers and Contract Supervisors should complete safety tours at a frequency dependent upon the level of risk and timescale of the construction work. The table below provides guidance on the frequency of safety tours required considering both project duration and project risk category.

|              |        | Project Duration (on-site activity) |               |                      |
|--------------|--------|-------------------------------------|---------------|----------------------|
|              |        | Up to 1 week                        | Up to 1 month | Greater than 1 month |
| Project Risk | Low    | 1                                   | 1             | N/A                  |
|              | Medium | 2                                   | 2             | 2 x month            |
|              | High   | 2                                   | 4             | 4 x month            |
|              |        | Tour Frequency                      |               |                      |

## Appendix 3 – Further information

### Loughborough University Health & Safety Guidance

- Risk Assessment & Safe Working Methods Policy
- Permit to Work Policy
- Permit to Work Guidance Document

### UK Health and Safety Executive Guidance

- Managing health and safety in construction (Design and Management) Regulations 2015 L153
- steps to risk assessment; INDG 163
- Electricity at work: Safe working practices HSG85
- Guidance on permit-to-work systems: A guide for the petroleum, chemical and allied industries, HSG 250.
- Management of health and safety at work. Management of Health and Safety at Work Regulations 1999. Approved Code of Practice and guidance L21
- Management of Health and Safety at Work Regulations 1999; Approved Code of Practice and guidance. L21
- Pressure Systems Safety Regulations 2000 SI 2000/128
- Safe work in confined spaces: Confined Space Regulations 1997 Approved Code of Practice regulations and guidance; L 101
- The safe isolation of plant and equipment Guidance HSE Books 1997
- A guide to the Gas Safety (Management) Regulations 1996
- Controlling airborne contaminants at work: A guide to local exhaust ventilation (LEV)
- Control of substances hazardous to health (Sixth edition)
- EH40/2005 Workplace exposure limits