

CODE OF PRACTICE FOR THE MANAGEMENT OF CONTRACTORS IN SCHOOLS

GUIDANCE FOR THOSE NOT BUYING BACK SERVICES FROM THE LEA

1. INTRODUCTION

This guidance note provides advice for Head teachers and School Governors on action to be taken when employing contractors or permitting them to work on a school site. It aims to protect the health and safety of staff, pupils, contractors and anyone else who may be affected when contractors are employed in schools.

2. DUTIES AND RESPONSIBILITIES

- 2.1 There is a variety of health and safety legislation that places duties upon the School and a contractor working for a school regarding the health and safety of employees and others that may be affected by the work (including pupils).
- 2.2 **Legal duties cannot be delegated by contract.** In keeping with all aspects of the work to be undertaken, managing health and safety requires collective effort and commitment of all the parties involved. Occupational health and safety law embodies this principle.
- 2.3 It is important Schools recognise and implement a fundamental element of health and safety management, that is the competence of all involved parties. Determining competence of those involved is an absolute duty in health and safety law, failure to do so could lead to prosecution in the event of an accident.

3 WHAT YOU NEED TO DO WHEN EMPLOYING A CONSULTANT

- 3.1 Ensure that they have the skills, resources and experience available to them to competently select contractors, monitor and supervise their activities whilst working on your behalf.
- 3.2 Look at the key issues identified in this guidance note and seek out further guidance/advice from the Safety Professionals if required.
- 3.3 Ensure that everyone working on your premises knows the health and safety standards that must be achieved at all times.
- 3.4 Be clear about your own role.
- 3.5 Monitor and review performance of both contractors and the consultant working on your behalf.
- 3.6 The school should assess in advance the competence of the Consultant irrespective of the works involved. The depth of the assessment will depend upon the nature of the work involved but the same principle applies whether the contract is simple and verbal (e.g. minor repairs) or more substantial, (e.g. the letting of school cleaning or maintenance of a gas boiler). There is no magic formula for assessing competence, for larger scale or more hazardous operations **the school must seek specialist advice**. Helpful indicators are:
 - the Consultant being on the Council's 'approved list'
 - past performance working for the school
 - work undertaken elsewhere (e.g. other schools)
 - membership of trade bodies
 - accreditation by trade bodies
 - general health and safety awareness

- their organisation and arrangements for health and safety
- a clear and transparent system for assessing health and safety competence with achievable standards adequately described.

3.7 Where the school undertakes to assess competence themselves they should examine safety policies and/or procedures and establish at the outset a joint commitment to the health and safety of staff, pupils, contractors, sub-contractors, visitors and members of the public where appropriate. **The person undertaking such an assessment must be qualified to make such a judgement.**

4 SELECTING A CONTRACTOR

4.1 It is strongly recommended that work is only given to a company selected from the Council's "approved list of contractors" as they will have been assessed for a minimum standard of health and safety. This must be followed up by a further competence assessment for the specific areas of work being awarded to them. (It should be noted that the responsibility for assessing competence and managing the contractor when on site rests with the school).

4.2 The school or its agent should assess in advance the competence of the contractor irrespective of the number of employees they may have. The extent of the assessment will depend upon the nature of the work involved but the same principle applies whether the contract is simple and verbal (e.g. minor repairs) or more substantial, (e.g. the letting of school cleaning or maintenance of a gas boiler). There is no magic formula for assessing competence, for larger scale or more hazardous operations the school must seek specialist advice. Helpful indicators are:

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4.3 Where the school undertakes to assess competence themselves they should examine safety policies and/or procedures and establish at the outset a joint commitment to the health and safety of staff, pupils, contractors, sub-contractors, visitors and members of the public where appropriate. The person undertaking such an assessment must be qualified to make such a judgement.

4.4 Clearly identify essential common items which may be necessary for health and safety (these are outlined in the table at paragraph 10).

5 WHAT YOU NEED TO DO WHEN THE LEA CONTRACTS A FIRM TO WORK IN YOUR SCHOOL (CAPITAL WORKS)

5.1 Nominate a member of staff as responsible for Contractors (Perhaps the Admin' Officer or Site Manager). They will be the person to whom a contractor will report before any work commences and again when it is completed.

5.2 Make the areas of responsibility of the LEA, the school consultant and the contractor very clear, ensure that these responsibilities are adhered to and regular site liaison ensues.

5.3 Ensure that everyone working on your premises knows the health and safety standards that must be achieved.

- 5.4 Be clear about your own role.
- 5.5 Monitor and review performance.

6. PLANNING AND ORGANISING THE WORK

- 6.1 Establish clear parameters for everyone involved, including sub-contractors where appropriate. Take into account your Risk Assessment together with that of the contractors. There may be a need for detailed method statements or a 'permit-to-work' system for complicated or hazardous procedures. Potentially dangerous substances may be involved, e.g. adhesives, cleaning fluids etc. requiring careful examination of the relevant assessments made under the Control of Substances Hazardous to Health Regulations 1999. Consult with and seek the active involvement of safety representatives wherever possible.
- 6.2 In the case of school catering or cleaning contracts, for example, contractors may use school-based equipment. It is important to ensure that such equipment is suitable for the job and properly maintained. General duties relating to the provision and maintenance of plant and equipment may be shared with or overlap the various parties involved, e.g. school, LEA, contractor, sub-contractor, supplier etc. It is important to ensure that responsibilities are clearly allocated and understood.
- 6.3 Health and safety arrangements should deal with the services that the contractor may require when on site and cover the plant/equipment they may bring with them. Special areas of secure, school-based storage may need to be set aside. Toilets, rest and first-aid facilities for contractors should also be properly organised.
- 6.4 The nature of the work, the areas within which it is to be contained and the timing of its operation should be carefully planned. Pupils' requirements should be carefully considered in terms of access and egress, playground facilities and general service arrangements (e.g. food and store deliveries). The school's evacuation and emergency procedures should be taken into account and contractors, sub-contractors etc. made fully aware of them.

7. CONTROLLING THE WORK

It is important that the head teacher or nominated person (consultant on behalf of the school), liaises with the contractor to establish day-to-day control and to monitor the health and safety standards. Overall performance should be reviewed regularly and joint arrangements should be in place for reporting and investigating any accidents, incidents or 'near misses' (inform the safety section if there has been an accident on site). Effective lines of communication between the school and those responsible for the contracted work should be clearly established and maintained (This could also include the LEA). There should be no doubt as to how health and safety will be managed. Controls should extend to sub-contractors, including those who may be introduced at a later stage or whose work on site may be intermittent.

8. CONTRACT COMPLETION

In keeping with the whole contracting procedure it is important to ensure that health and safety matters receive due weighting and are properly verified on completion, this may be with a LEA Officer. At the final meeting any relevant documentation should be obtained (e.g. electrical test certificates). Check that all equipment and material has been removed and working areas are left in a safe condition. Any damage to fixtures, fittings, floor surfaces etc. should be made good. If equipment has been installed, safe operating procedures, maintenance routines etc. must be clearly identified and understood involving where appropriate, the hand-over of necessary documentation.

The results of your own, your consultants (and LEA where appropriate) and your contractors' health and safety monitoring should be exchanged. This information will be helpful if further work is to be considered. If the work was a 'one-off' repair there may well still be lessons to be drawn as to how the school manages contracts in the future.

9. **ASBESTOS**

- 9.1 The hazards associated with asbestos are well known and the school has a duty to ensure that all contractors undertaking work on their premises are made aware of any known or suspected asbestos in the premises. The absence of information on asbestos must never be assumed to mean that it is not present, contractors must be clear what action they must take if they come across what they suspect to be asbestos. Stop work, report it to the head teacher.
- 9.2 On discovering asbestos or suspected asbestos, inform your consultant who will arrange for a survey to be completed, records entered on the asbestos register and give guidance on further action required before work can recommence.
- 9.3 Any discovery of asbestos or suspected asbestos must be informed to the LEA who will ensure the Council's asbestos register is updated and a copy sent to the school.

10. **CONSTRUCTION (DESIGN AND MANAGEMENT) REGULATIONS 1994**

- 10.1 These Regulations place duties on all those who can contribute to the health and safety of a construction project. Duties are placed upon clients, designers and contractors and the Regulations create two duty holders - the planning supervisor and the principal contractor. They also introduce new documents - the health and safety file and the health and safety plan.
- 10.2 They apply to **all demolition work** and most construction work (work lasting more than 30 days, involving more than four people on site at any time or involving more than 500 person days). The term 'construction work' has been widely defined in the Regulations and covers such activities as redecoration, roof work, rewiring, general refurbishment and the building of extensions etc.
- 10.3 The health and safety file is a record of information for the client/user. It tells those who might be responsible in the future about risks which have to be managed during maintenance, repair or renovation. Relevant information in the health and safety file should be made available to those planning and undertaking new construction work. The planning supervisor will be responsible for updating the file as necessary.
- 10.4 Where CDM applies, the school, as a client, has duties under the Regulations to:
 - appoint a planning supervisor;
 - provide information on health and safety to the planning supervisor;
 - appoint a principal contractor;
 - ensure that those you appoint are competent and adequately resourced to carry out their health and safety responsibilities;
 - ensure that a suitable health and safety plan has been prepared by the principal contractor before construction work starts; and
 - ensure the health and safety file is given to you at the end of the project and is kept available for use.
- 10.5 Where the school has not bought back the service from the LEA, the school and its consultant must ensure that CDM is applied and managed to contracts. Where the school has not bought back the school must satisfy themselves that their agent appointing a contractor for work that falls within CDM, is competent to carry out their duties for you as the client and also a written declaration to this effect has to be sent to HSE.

11 WHAT TO CHECK WITH THE CONTRACTOR

The following notes will assist discussion with a Contractor and consequently any actions to be agreed in advance:

Question	Remarks
(a) How will the contractor store materials in a secure and safe manner?	
(b) Will it be necessary to provide additional supervision of pupils at class changes, break times, etc?	
(c) Will the work cause problems for the school, such as noise, dust, paints fumes? It may be appropriate for noisy operations to be discontinued at certain times for instance. (Solutions to these problems should be considered at a pre-contract stage as they may well affect a contractor's price.)	
(d) Are any substances to be used that could pose risks to the health of staff or pupils? If necessary ask to see the COSHH assessment. Satisfactory procedures must be established before work is begun.	
(e) Are there any times when operations such as the erection of ladders, scaffolds, fencing, movement of mobile scaffolds, etc. that should not be carried out because pupils may be in the vicinity? Be particularly wary of scaffolding which must at all times be properly secured (i.e. no unattended ladders).	
(f) What are the arrangements for the contractor to take breaks? (Stipulate areas on site that are out of bounds to contractor's staff. Agree access to sanitary facilities.)	
(g) What dangers are posed from any waste products/debris and how they are to be disposed of?	
(h) Confirm that fire escape route and means of access for fire engines will be kept clear at all times.	
(i) Is there any work that will warrant evacuation of certain areas? e.g. when hot tar is being applied to roof surfaces.	
(j) Does the contractor know the correct procedure if asbestos or suspected	

asbestos is uncovered?	
(k) Has the contractor been informed of the location of known or suspected asbestos?	
(k) Has the contractor, as a visitor to the school, been made aware of the emergency and first aid arrangements?	
(l) Have arrangements been made for contractors to meet school management on a regular basis to discuss health and safety implications? (On longer contracts)	
(m) Where there is more than one contractor on site, have arrangements been made for them to co-operate and liaise with each other?	
(n) Have adequate arrangements been made for the separation of traffic and pedestrians? (Traffic routes into and out of the school site)?	

12 IF IN DOUBT

The duty to ensure co-operation between all parties involved in working schools is absolute, if a contractor is working on the school you must ensure they are working safely and you must liaise with them through all stages of the work. If there is any doubt you should seek advice from the Safety Section immediately.