

# CODE OF PRACTICE FOR THE MANAGEMENT OF CONTRACTORS IN SCHOOLS

## GUIDANCE FOR THOSE 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 the 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 the first step to successful management of health and safety that is competence. Determining competence of all those involved is an absolute duty, failure to do so could lead to prosecution in the event of an accident.

### 3 KEY ISSUES

#### 3.1 Selecting the Contractor

Work that is ordered on behalf of the school by the LEA will only be given to a company selected from the Council's "approved list of contractors" and will be followed up by a further competence assessment for the specific areas of work being undertaken by them. (It should be noted that the responsibility for managing the contractor when on site rests with the school).

Where work is ordered by a school for whatever reason then it is the responsibility of the school to assess in advance the competence of the contractor and this applies to all companies irrespective of the number of employees they may have. Although the extent of the assessment will depend upon the nature of the work involved, 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). There is no magic formula for assessing competence, for larger scale or more hazardous operations the school must seek specialist advice from the Safety Section. Helpful indicators are:

- The Contractor 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
- organisation and arrangements for health and safety

- 3.2 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.

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

#### **4 WHAT THE SCHOOL MUST DO WHEN THE LEA CONTRACTS A FIRM TO WORK IN THEIR SCHOOL**

- 4.1 Nominate a member of staff as the person responsible for Contractors (for example, the Admin' Officer or Site Manager). It is to this person to whom a contractor will report both before work commences on site and once it is completed.
- 4.2 Ensure that everyone working on your premises knows the health and safety standards that must be achieved.
- 4.3 Monitor and review performance.
- 4.4 Inform contractors of any known or new hazards (including asbestos), make a record of who was informed and when.

#### **5. PLANNING AND ORGANISING THE WORK**

- 5.1 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. requires 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.
- 5.2 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.
- 5.3 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.
- 5.4 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.

## **6 ASBESTOS**

- 6.1 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.
- 6.2 On discovering asbestos or suspected asbestos, inform the LEA who will arrange for a survey to be done, records entered on the database and give guidance on further action required before work can recommence.

## **7 CONTROLLING THE WORK**

It is important that the head teacher or nominated person 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 have been 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 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. CONSTRUCTION (DESIGN AND MANAGEMENT) REGULATIONS 1994**

- 9.1 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.
- 9.2 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.
- 9.3 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.

- 9.4 Where CDM applies, the school, as a client, will have 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.
- 9.5 Where the school has bought back the service from the LEA, the Council will assist the school in ensuring that CDM is applied and managed to contracts where necessary as long as they are informed of the work.

## 10 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)?	

## 11 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.