

NHS Unclassified

**CONTROL AND MANAGEMENT OF CONTRACTORS, PROFESSIONAL
CONSULTANTS AND THIRD PARTIES POLICY**

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Please note:

If you require a copy of this procedure in an alternative format (for example Large Print, Easy Read) or would like any assistance in relation to the content of this procedure, please contact the Human Resources (HR) team on 01803 656680.

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1. INTRODUCTION

- 1.1. Torbay and South Devon NHS Foundation Trust is committed to achieving high standards of health and safety through the provision of healthy working environments and safe working practices. The Trust is fully aware of its legal obligations but also recognises the spirit in which they are intended and will strive to continually improve on those basic requirements. The Trust Board have a collective role in providing health and safety leadership and expects each Director to accept and embrace their individual role to achieve this as well as ensuring that strategic deliverables are met in respect of the health and safety of staff, patients and visitors. The Board members will keep themselves informed and alert to health and safety risk management issues. The Board appoints the Director of the Environment to co-ordinate matters of staff health and safety.
- 1.2. To enable this, the Trust recognises there is a need for arrangements to be in place to manage work being undertaken by contractors at our sites.
- 1.3. The Health & Safety at Work Act etc. 1974 (“Act”) places a duty upon organisations to, so far as is reasonably practicable, ensure the health, safety and welfare of their staff and anyone else who may come into contact with the Trust or its undertakings. This includes contractors and sub-contractors (together “Contractors”). This policy has been developed with due consideration of health and safety law and guidance, including (but not limited to):
 - Occupiers Liability Act 1957 (as amended 1984);
 - Electricity at Work Regulations 1989;
 - Management of Health and Safety at Work Regulations 1999;
 - Workplace (Health, Safety and Welfare) Regulations 1992;
 - Construction (Design and Management) Regulations 2015;
 - The Control of Asbestos Regulations 2012;
 - The Gas Safety Regulations 1998;
 - Control of Substances Hazardous to Health Regulation 2002 1994;
 - The Regulatory Reform (Fire Safety) Order 2005;
 - The Environmental Protection Act 1990;
 - Provision & Use of Work Equipment Regulations 1998;
 - Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013
 - Working at Height Regulations 2005
 - Control of Noise at Work Regulations 2005
 - Control of Vibration at Work Regulations 2005
 - Pressure Systems Safety Regulations 2000
 - Personal Protective Equipment at Work Regulations 1992

- Lifting Operations Lifting Equipment Regulations 1998;
- Ionising Radiations Regulation 2017;
- The Confined Spaces Regulation 1997;
- All relevant HSE Approved Codes of Practice and Guidance
- All relevant Healthcare Technical Memoranda.

2. PURPOSE

2.1. The purpose of this policy is to enable the Trust to meet its obligations regarding work activities involving contractors and applies to the use of all external contractors employed to provide specific services or to undertake specific projects on premises occupied by Torbay and South Devon NHS Foundation Trust.

2.2. The Control of Contractors Procedure has the following objectives:

- The management of all contractors, consultants (excluding medical consultants) and third parties whilst on site to ensure compliance with all applicable health, safety, welfare and fire safety regulations and legislation associated with Trust policies and/or local rules
- To minimise incidents and control contractor activities within the Trust;
- To protect the health, safety and welfare of contractor's workers, Trust employees, Service Users and members of the public affected by work and/or maintenance activities;
- To improve the co-ordination between Trust employees and contractors who carry out work and activities on premises which are occupied by the Trust;
- To provide a structured approach to health, safety and welfare for duties and activities which are undertaken on premises occupied by the Trust;
- To ensure that before contracts are finalised the competence of contractors is assessed in relation to health and safety matters;
- To ensure that before work commences, risk assessments and method statements are submitted, reviewed and where appropriate approved by all parties. The responsibility for approval is the contractor's, the Trust will assess whether RAMS submitted by contractors are comprehensive and site specific;
- To ensure that adequate information is provided to all contractors engaged to work on premises occupied by the Trust;
- To ensure that all hazards that could affect contractor's personnel are clearly defined and controlled;
- To ensure that the interests of staff, Service Users, clients and visitors are protected before and during any work carried out by contractors;

- Fulfil the Trust's legal obligations for the control of contractors.

3. SCOPE

- 3.1. The Torbay and South Devon NHS Foundation Trust uses Contractors to undertake a wide variety of different tasks. This ranges from support services such as cleaning and catering, through to technical works such as electrical or building repairs and major construction.
- 3.2. The Procedure will be mostly applicable for Estates and Facilities staff; however, other departments and individuals will appoint Contractors from time to time (e.g. IT, Security etc) and those staff and Contractors will also need to comply with this Procedure
- 3.3. All departments or employees appointing external contractors should manage them in accordance with the principles set out in this policy, seeking input from the Estates & Facilities Management Division where appropriate. Contravention of these principles will be classified as a breach of Trust policy.

4. DEFINITIONS

“Contractor” “Consultant” and “Third Party” means an individual, company or organisation engaged by the Trust (other than an employee) to carry out work for the Trust for gain or reward. It does not typically include agency staff or volunteers.

“Sub-contractors” are individuals, companies or organisations employed to undertake works for the Trust, for gain or reward, by a Contractor

“Contractors” are both Contractors and Subcontractors

“Authorising Engineer / Authorised Person / Responsible Person / Competent Person” are individuals who hold relevant qualifications, experience and training in order to carry out specified tasks

“HSWA” The Health and Safety at Work etc. Act 1974

“CDM” Construction, Design and Management Regulations

“COSHH” Control of Substances Hazardous to Health

“DSE” Display Screen Equipment Regulations

“HSE” Health and Safety Executive

“PPE” Personal Protective Equipment

“RIDDOR” Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013

5. DUTIES AND RESPONSIBILITIES

The Chief Executive

5.1. The Chief Executive has overall responsibility for ensuring that the Trust meets its statutory obligations and that effective arrangements for the management of health and safety are put in place.

Director of Environment

5.2. The Director of Environment is responsible for ensuring that systems have been identified for the management of contractors and that they meet the legal and organisational requirements.

Health and Safety Manager

5.3. The Health and Safety Manager will advise on appropriate measures to meet legal and organisational requirements as required.

Emergency Planning Officer

5.4. The Emergency Planning Officer is responsible for planning for and responding to any incidents which may arise relevant to the activities and individuals set out within this policy. This should include how contractors’ factor into the response to emergency incidents on site whether their role is causal or impacted. All emergency response plans should refer to the role of contractors and their inclusion in any response.

Department Managers

5.5. Department Managers are responsible for ensuring that all staff that they delegate as ‘Responsible Managers’ are aware of this policy and understand the requirements.

Authorised Person

5.6. Authorised Persons will use their expertise in a defined area to assess the competence of and approve work by third parties on behalf of the Trust.

Responsible Manager

Departmental Managers, Heads of Departments and other staff who originate contract specifications and contractor appointments are responsible for ensuring that the necessary health and safety requirements are incorporated within the specification. They will be deemed to be the Responsible Manager for the work. Other individuals who oversee or supervise contractors will also be considered as a Responsible Manager, please check with your manager or the Estates and Facilities Department if you are not sure of your responsibilities.

5.7. In the role of Responsible Manager this person will:

- Ensure effective communication (Inc. out-of-hours) between relevant stakeholders;
- Make sure that an effective system is used in the contractor selection process to ensure the appointment of competent contractors;
- Ensure that risk assessments are completed, recorded and regularly reviewed for all activities involving contractors and external agencies;
- Ensure that the contractor has Method Statements containing detail of how the work will be performed to maintain the safety of those working and others who could be affected;
- For construction work, ensure that a construction phase plan is in place that is proportionate to the complexity of the work.
- Liaising with clinical departments, particularly those which conduct high risk activity (e.g. Histopathology, Oncology, Microbiology, HSDU, Pathology, Mortuary, Radiotherapy, Nuclear Medicine, Theatres etc) to ensure they are suitably engaged in advance of any works being conducted by third parties to mitigate risks and keep staff in and around the working area safe through forward planning. This will be formalised into a sign off document that describes the activity, risks and mitigation. This is this signed off by the relevant department manager, EPR Led, COO or Head of Trust Operations.

All Staff

5.8. In respect of contractors and in accordance with the HSWA , all employees are required to:

- Take care of their own health and safety and that of others who may be affected by their acts or omissions at work.
- Not interfere with or misuse anything provided for their health, safety or welfare, including contractors equipment

- Abide by all contractor health and safety requirements when working in an area temporarily under the control of a contractor.
- Report any suspected hazards or inappropriate behaviour associated with a contractor working on site to the appropriate service provider helpdesk or the appropriate site contact without delay;
- Where appropriate conduct / update risk assessments to reflect any works taking place in working areas considering additional hazards / risks presented by this activity;
- Complete an incident report for any incident or near miss involving contractors work.

Contractors

- 5.9. Contractors have a duty to supply a safe place of work to their staff. It is equally the Contractor's responsibility to abide by and give due consideration to the relevant health & safety related information / authority from the Trust;
- 5.10. The Contractor must develop safe systems of work relevant to the premises and work activities. These must be linked to and developed in accordance with the principles and guidance from all live Health Technical Memoranda (HTM) and other appropriate statutory instruments, requirements and approved codes of practice
- 5.11. Where contractors are carrying out construction works they must ensure they fully discharge all the legal duties under CDM including those of a Principal Contractor if appropriate.
- 5.12. Contractors must co-operate with other third parties / contractors across the Trust where it is appropriate to do in the spirit of CDM regulations;
- 5.13. The Responsible Manager will ensure that they are aware of the risk assessments and systems of work on the health & safety and normal systems of work within the area in which work is being carried out;
- 5.14. Contractors must ensure that their work does not compromise the health, safety or welfare of others e.g. staff, patients, students, visitors.

Sub-Contractors

- 5.15. Sub-contractors have the same responsibilities as contractors and any contractor employing sub-contractors is responsible for sub-contractor compliance. It is expected that contractors will carry out monitoring and assessment of sub-contractor health and safety performance and standards both before and during appointment.

6. PROCEDURES

- 6.1. All Responsible Managers and Contractors must follow the requirements of this Procedure.
- 6.2. Before Commencement of Works:
 - The Responsible Manager must inform any departments affected by the Contractor's work, in reasonable time, so that any areas affected by the works can plan for the disruption to normal routines.
 - Any works which cause a disturbance to any building or engineering fabric should be strictly co-ordinated via the Estates & Facilities Management (EFM) Division;
 - The Responsible Manager must work with the Capital Development and Estates Operations teams within the EFM division to determine whether planned works fall under CDM;
 - The Responsible Manager will ensure all contractors are given a site induction and issued with the relevant documentation;
 - Suitable and sufficient risk assessment must be carried out by the Responsible Manager before contractors begin their work.
- 6.3. Contractors who work on the site should be made aware of hazards identified within the risk assessment. In some instances, additional Trust policies and procedures will need to be issued to Contractors. These will cover areas of high risk and might include the following (non-exhaustive):
 - Asbestos
 - Hazardous waste discharged to drains
 - Legionella
 - Electrical
 - Infection, prevention and control
 - Control of Dust
 - Fire Safety
 - Working at height
 - Confined spaces
 - Digging/Ground-breaking
- 6.4. Specific works may require a permit to work and activities requiring the permit must be fully risk assessed before the permit is issued. If a permit to work is required, the Contractors will not begin works of any kind without the permit being issued first. Permits are located in the Trust's Authorised Persons (AP) room on the acute campus, with the relevant AP responsible for their issue.
- 6.5. Examples of works requiring permits include but are not limited to:
 - Fire Detection Systems
 - High Voltage systems
 - Critical Ventilation

- Medical Gases
- Heating & Water mains
- Low voltage installations
- CW/HW storage tanks
- Working in confined spaces
- Hot work
- Generators
- Asbestos removal
- Access to roof areas
- Access to IT server rooms
- Works to, or impacting on IT infrastructure
- Works in high risk clinical areas (e.g. HSDU, Oncology, Histopathology, Theatres etc)
- Digging/Ground breaking
- Hazardous waste to drainage

6.6. Before Contractors are employed, adequate checks must be undertaken to ensure that the Contractors are competent to carry out works or activities in relation to health & safety requirements throughout the Trust. For example, contractors who interact with low voltage systems must ensure all individuals have a suitable understanding of the Electricity at Work Regulations 1989. Similarly, individuals working on gas systems should have (and be able to provide evidence of) the appropriate Gas Safe qualifications.

6.7. Contractors must, if requested, provide the following documentation:

- a) Current Health & Safety Policy
- b) Current Employers, Product & Public Liability insurance certificates (Min £5m)
- c) In case of Planned Preventative Maintenance (“PPM”), suitable risk assessments for regularly undertaken planned and reactive maintenance works
- d) Risk Assessment and Method Statement (“RAMS”) prior to commencement of works.
- e) Notification of any prosecutions or improvement notices from governing bodies/enforcement agencies (e.g. HSE, Environment Agency etc)
- f) Qualification or industry body affiliation certificates
- g) Relevant Training records (e.g. City & Guilds 18th Edition, Manual Handling, Asbestos Awareness, Fire Awareness)
- h) First aid provisions

- i) Material safety data sheets (MSDS)
 - j) COSHH Assessment Sheets
 - k) Equipment list & PAT testing results
 - l) Trade specific professional registrations (e.g. Gas Safe, NICEIC, Safe Contractor etc)
 - m) Confirmation of basic Disclosure Barring System (DBS) provided by contractors' employer.
- 6.8. The Responsible Manager must ensure that the Contractor is given a copy of this Procedure (and any other relevant policies and procedures) five working days before work commences

Security

- 6.9. The Responsible Manager must ensure relevant security procedures / protocols are enforced. This will require informing the Contractors of their access routes throughout the site and information regarding confidentiality and high-risk areas.

Emergency Planning

- 6.10. The Responsible Manager must inform the Contractor of the emergency planning arrangements, for example, fire procedures / protocols. This will include the relevant internal phone numbers:
- 54417 for Emergency Response (during working hours, Monday-Friday)
 - 55922 for Main Switchboard
 - 07920235337 Out of Hours Estates On-Call Manager
 - 01392 426947 Security and Keyholding Service out of hours
 - 999 for Fire Brigade
- 6.11. The Responsible Manager must show the Contractors, on arrival at the work site, the following basic fire safety measures:
- The closest fire escapes
 - The location of the nearest fire-fighting equipment.
 - The location of the nearest fire alarm and the method of activation.
 - The tone of the fire alarm and what to do on activation.
- 6.12. Where there is any increased risk to fire safety from a contractors work, Contractors are responsible for the provision of suitable and sufficient firefighting equipment appropriate to the work involved and must obey alarm signals whilst on Trust premises. A proportionate fire risk assessment and fire plan will also be required. Smoking (including vaping / electronic cigarettes) is prohibited in all areas of Trust sites and Contractors are required to comply.
- 6.13. Contractors are expected to conduct works in strict compliance with the Trust's contractor fire safety requirements.

Welfare Arrangements

- 6.14. Washrooms may be made available for use by Contractors as defined by The Responsible manager. The conditions for the use of such facilities are that they are used only during the time specified by the Trust.
- 6.15. The Contractor should be suitably dressed and observe normal standards of hygiene when using restaurant facilities. Overalls must not be worn and any other clothing should be clean.

Contractors Requirements

- 6.16. Contractors` have a duty to work safely and manage the safety of their staff. The work activities must not, so far as is reasonably practicable, affect the health, safety or welfare of anyone who comes into contact with them or their activities.
- 6.17. Contracts are expected to behave professionally and responsibly in accordance with the values of the Trust and the expectations set out as part of the contractor induction.

Suitable Staff Allocation by Contractors

- 6.18. Contractors may only employ persons aged 18 or over.
- 6.19. Due to the nature of the work undertaken at the Trust, all Contractor personnel used on Trust sites must be suitable to work on the site. Contractors are likely to come into contact with patients, students, staff and the general public. Some patients are vulnerable due to physical or mental disability. For this reason, staff used by Contractors on site must have undergone the relevant clearances.
- 6.20. On large contracts it is the responsibility of the Contractor to appoint a supervisor, competent in the field, who must receive direct instruction from the Responsible Manager.

Accident / Incident Reporting

- 6.21. The Contractor must report all accidents and near misses to the Responsible Manager or to the Trust's Health and Safety Manager. Contractors will assist in the completion of any relevant incident report forms.
- 6.22. If an incident/accident requires a RIDDOR report and follow up investigation, it is essential that this is carried out by the Contractor in accordance to relevant HSE legislation. This needs to be forwarded to the Responsible Manager and the Health and Safety Manager for reference.

Occupied premises

- 6.23. Where the premises are occupied, the Contractor must ensure that all works carried are out in such a manner as to cause minimum disruption to daily activities, sound and vibration should be a key component of this.

Delivery, Unloading and Hoisting of Materials

- 6.24. The Contractor is responsible for the delivery, unloading, hoisting and storage of their own materials. At no time should these works impede or make dangerous, normal access to areas outside the immediate vicinity of the works.

Electricity

- 6.25. All electrical equipment on site is to be used in a safe and approved manner, in accordance with current Electricity at Work Regulations. All portable electric tools shall operate at 110-volt A.C. from a double wound transformer, having a centre-tapped earth on 110-volt winding. All portable appliances brought onto site must have been tested and be within the validity period. The Responsible Manager may require records of this testing.

Water Supply

- 6.26. A water supply will generally be made available as designated by the Responsible Manager or other designated person. Contractors should restrict themselves to this supply and must ensure that the area is kept free of rubbish and the tap is to be kept fully closed after use. The use of fire hoses and / or fire extinguishers, except in emergencies, is prohibited.

Housekeeping

- 6.27. All Contractors must ensure that rubbish or excess equipment and materials is not allowed to accumulate in the immediate work area and, in no circumstances, is material for disposal to be stored outside the working area unless in the Contractor's own authorised skip. All surplus materials and / or rubbish should be cleared from the site on completion of the contract.
- 6.28. In addition:
- Burning of rubbish on Trust's sites is prohibited.
 - Excessive build-up of dust is to be avoided.
 - Suitable dust control mats are to be used where the works area is immediately adjacent to any clinical / therapy room area.
 - Good housekeeping is to be maintained at all times.

Control of pollution

- 6.29. Contractors may not deposit any waste, chemicals or any other substances whatever into drains or waste containers on Trust premises unless express permission has been given by the Director of Environment or by their delegated representative.
- 6.30. Arrangements should be made to prevent sand, soil, cement or any other solid materials being washed into drainage or sewage systems. Under no circumstances should hazardous substances be flushed into drainage or

sewage systems as a means of disposal.

Mobile Phones

- 6.31. Mobile phones are to be turned off in areas that display the 'No Mobiles' signs. Where mobile phones are allowed the volume of the phone should be silenced.

Specific Hazardous Work Activities

- 6.32. Some Contractors may be employed by the Trust to carry out a specific hazardous activity, some of which are explained below. If the activity in question is not contained within the text of this Procedure the Responsible Manager will be required to carry out a relevant risk assessment.

Working at Height

- 6.33. Scaffolding will be erected only by competent persons who will carry out statutory inspections and maintain records of inspections. Contractors must erect suitable scaffolding with guardrails, toe boards and the tower must be fully boarded. Scaffolding must be erected in line with relevant manufacturer standards and HSE legislation. This will include The Construction Design and Management Regulations (CDM).
- 6.34. Contractors must not carry out roof works without authorisation. Relevant PPE must be worn.

Over Head Works

- 6.35. No work is permitted to take place over the heads of Trust staff unless this is agreed with the Responsible Manager and a suitable risk assessment has been carried out.

Road Safety

- 6.36. All road works throughout the site must be agreed with the Trust. Any excavations, storage and skips must be guarded using appropriate signs, rails, traffic cones and lights etc. All works must consider Local Authority guidelines.

Personal Protective Equipment

- 6.37. The Contractor is responsible for providing the personal protective equipment for his employees that is necessary for the work in hand. PPE must also comply with the statutory requirements or equivalent guidance appropriate to the circumstances.

Hazardous Substances

- 6.38. Contractors must not bring hazardous substances (COSHH specific

substances) onto the site without the agreement of the Responsible Manager. The substance may only be utilised once the appropriate documentation, for example, Material Safety Data Sheets (MSDS) and relevant COSHH assessments have been presented.

Hazardous Areas

- 6.39. Contractors are not permitted to enter specific hazardous areas without the permission from the Responsible Manager and relevant information, instruction and training has been given.

Confined Spaces

- 6.40. Contractors may not enter any confined space where there may be dangerous fumes or lack of oxygen, without the express permission of the Responsible Manager. If permission has been given, work in such places must be carried out in compliance with the Trust's permit to work system, following the methods and taking the precautions detailed in the relevant HSE guidance.

Asbestos

- 6.41. Work involving asbestos and / or asbestos-bearing materials is strictly controlled by legislation and the Trust's policy and arrangements on the subject. If, during the course of a contract, work is likely to involve disturbing asbestos in such a way as to give rise to dust, the Contractor must cease work, withdraw his employees from the area and report immediately to the Director of Environment or their delegated representative. Only Contractors that are licensed by the HSE are permitted to work with asbestos. Any works which cause a disturbance to any building or engineering fabric should be strictly co-ordinated via the Estates & Facilities Management (EFM) Division. The Trust will provide up to date information of all known locations of asbestos clad materials (ACMs). Given the usage of ACMs within building and engineering fabrics and materials, there is a present risk of discovering unlisted ACM's, therefore all contractors, consultants and third parties must provide evidence of appropriate asbestos awareness training.

Portable Tools / Equipment

- 6.42. All portable tools brought onto the site must be suitable for use on 110vAC supply. The contractor shall also provide a 240/110v transformed for use with the portable tools. Alternatively, battery driven tools maybe used.
- 6.43. Evidence that all tools have valid PAT will be required.
- 6.44. All 240v AC tools are prohibited unless agreed with the Responsible manager and connected with RCD protection.

Properties managed by other organisations

- 6.45. The Trust has a number of differing arrangements in relation to the properties that are occupied by their service users and staff, these fall in to two different categories:
- a) Properties managed by the Trust
 - b) Properties managed by other organisations (NHS Organisations, Local Authorities, Private Landlords etc.)
- 6.46. For properties managed by other organisations all construction works (including small works and repairs and maintenance) are undertaken by the host organisations and as such the control of contractors is also managed by the host organisation.

Contractors Acknowledgement Form

This form must be signed by a senior manager of the contractor organisation prior to undertaking any construction, installation, maintenance or similar work on premises occupied by the Trust. Once signed it should be returned to the Responsible Manager.

I/we have received a copy of the Torbay and South Devon NHS Foundation Trust Control and Management of Contractors Procedure

I/we have read and understood this document and have made arrangements for all employees and sub-contractors to be briefed on its contents and requirements

I/we understand the importance of the rules and relevant health & safety legislation and agree to comply with these at all times whilst on Trust sites

I/we understand that any breach of the Trust's rules for contractors or relevant health & safety legislation may result in the termination of any agreements in place, and removal from site.

Signed on behalf of (company name)

Managers name.....

Job title.....

Signed.....

Date.....

Contractors Site Safety Rules



Always Wear Your PPE

PPE is your last line of defence against danger. It protects you if something goes wrong and helps you make sure you're seen. Wear it. Your ID badge must be visible AT ALL TIMES.



Get Your Induction

Make sure you know what is happening on site and how things are done so you can work safely. Your induction is important, don't start work without one.



Be Tidy

Work can be messy. Keep your work area tidy to reduce the risk of slips, trips and fire hazards. Keep access routes clear.



Act Safe

Construction sites and project works area can be dangerous places to work. Think safe and act safe throughout your time here.



Follow Signs

Follow signs and procedures. Check risk assessments and systems of work. Control measures are put in place for your safety.



Do Not Enter

Never work in an unsafe area. Don't work at height without suitable fall prevention. Don't enter unsupported trenches. Don't work below dangerous operations.



Don't Tamper

Never remove guard rails or scaffold ties. Do not remove guards. Do not attempt to fix defective equipment unless you are competent. Don't tamper with equipment without authorisation



Report

If you notice a problem, don't ignore it. Report it to your supervisor immediately.

Contractors Site Safety Rules



Use the Correct Equipment

Use the correct equipment for the task. Check and test for defects before use. Use 110v equipment only.



Be Professional

Act in accordance with the Trust values whilst you are on site. Avoid bad language and horseplay. Be polite and courteous to everybody, always.



Keep Excess Noise to a Minimum

Respect our patients, visitors and clinicians, all of whom require the Trust to be a calm environment. Avoid shouting, playing music and ensure tools are appropriately maintained.



If in Doubt, Ask

Better safe than sorry. Mistakes on work sites can cost lives – don't let it be yours. If you need help or further information, speak to your supervisor.