

Control of Contractors Policy (H&S)



Title:

Control of Contractors Policy (Health & Safety)

Date effective from:	December 2021	Review date:	December 2024
Approved by:	Policy Approval Group		
Approval Date:	14 December 2021		
Author/s:	NHSL Health & Safety Advisers		
Policy Owner:	NHS Lothian Health & Safety Service		
Executive Lead:	NHS Lothian Executive Medical Director		
Target Audience:	All services who engage contractors		
Supersedes:	Control of Contractors Policy v2		
Keywords (min. 5):	Contractors, health, safety, Health and Safety Executive, HSE		

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Version Control

Date	Author	Version/Page	Reason for change
May 2016	NHSL Health & Safety Advisers	v1.0	Approved by NHSL H&S Committee
April 2018	NHSL Health & Safety Advisers	v1.1	Updated to reflect current national guidance and local practice changes. Reformatted to template.
Dec 2018	NHSL Health & Safety Advisers	v2.0	Approved by the Policy Approval Group
Nov 2021	NHSL Health & Safety Advisers	v2.1	Under review
Dec 2021	NHSL Health & Safety Advisers	v3.0	Approved by the Policy Approval Group

Executive Summary

Within any client/employer/contractor relationship all parties have duties under health and safety law and Contractors can be engaged in a range work across all Services, therefore the policy requirements are applicable wherever and whenever this occurs.

All line managers involved in engaging/employing contractors for work will ensure that mechanisms are in place to allow full cooperation with all those involved (contractors and any sub- contractors). Importantly they need to exchange clear information about the workplace hazards and any risks arising from their respective activities.

Those managers of Services who employ contractors to undertake any work are responsible for the management and control of those contractors until the completion of the work.

Determining the management involvement and the level of supervision of contractors required does depend on the nature of the work that is being undertaken. The more impact the contractor's work could have on increasing the health and safety risks of anyone likely to be affected, then the greater the management and supervisory responsibilities need to be. This needs to be decided before any work commences.

All Contractors must have undergone all the required suitability checks at the pre tender contract stage and will be approved as part of contractor approval system for NHS Lothian.

Contents

	Page number
1.0 <u>Purpose</u>	4
2.0 <u>Policy statement</u>	4
3.0 <u>Scope</u>	4
4.0 <u>Definitions</u>	5
4.1 <u>Contractor</u>	5
4.2 <u>Appointed, Authorised and/or Competent Persons</u>	5
5.0 <u>Implementation roles and responsibilities</u>	5
6.0 <u>Associated materials</u>	6
7.0 <u>Evidence base</u>	6
8.0 <u>Stakeholder consultation</u>	6
9.0 <u>Monitoring and review</u>	6
9.1 <u>Active Monitoring</u>	6
9.2 <u>Reactive Monitoring</u>	7
9.3 <u>Review</u>	7

1.0 Purpose

The purpose of this policy is to ensure that contractual arrangements comply with NHS Lothian policies and procedures, statutory health and safety legislation and contracted obligations.

2.0 Policy statement

NHS Lothian Health Board (known in the context of this policy as NHS Lothian) recognises its responsibilities in accordance with the Health and Safety at Work etc Act 1974 for managing Contractors working on its sites and elsewhere.

This document sets out the basis for consistent decision-making and operational practice required when work is being undertaken by Contracting Companies on NHS Lothian premises and elsewhere. The purpose of this policy is to minimise the risks to the health and safety of NHS Staff, Patients, Contracting Company Personnel and Third Parties.

NHS Lothian often uses contractors to carry out various types of work and the selection and management of such contractors is a critical element of the management of health and safety for all those who work in and visit NHS Lothian. Works contracted out by NHS Lothian can range from simple work such as window cleaning, equipment repair/service and security services to major construction projects to extend or refurbish or maintain premises.

Departments who may utilise the service of contractors include Clinical Services, Facilities, IT, Telecommunications, Pharmacy, Medical Physics and Labs: this list is not exhaustive. These Services/Departments will therefore be required to comply with implementation of this Policy. All contracting companies and their staff, including sub-contractors, must also adhere to the requirements set out in this policy.

Contractor(s) must assess the risks for the contracted work and together with the managers of the Service consider any risks from each other's work that could affect the health and safety of the patients, staff or anyone else and then implement the required controls.

Any proposal by NHS Lothian to use a Contractor will create a network of statutory duties for Health and Safety, which apply to the individual arranging the contract as well as to others.

This Policy must be read in conjunction with NHS Lothian Control of Contractors Procedure and any other associated local policies and procedures.

Staff should be familiar with their obligations and levels of authority within NHS Lothian defined Financial Instructions and other associated instructions before preparing to appoint Contractors to do any form of work.

3.0 Scope

NHS Lothian as an organisation employs contractors to undertake a wide variety of work. The policy is applicable to all those Services that engage/employ Contractors.

4.0 Definitions

4.1 Contractor

Contractor means anyone brought in by NHS Lothian to work at or on NHS Lothian premises who is not an employee of/bank worker engaged by NHS Lothian. The term contractor is equally applicable to a subcontractor. It is the Contracting Company's responsibility when sub-contracting any part of the work to ensure that their sub-contractors also adhere to any requirements set out.

4.2 Appointed, Authorised and/or Competent Persons

Any individual, who is appropriately trained, qualified and experienced to carry out the work required or supervise the work in hand. This term has very specific meaning in property and engineering matters and particularly where Construction, Design and Management (CDM) Regulations apply and where there is a requirement for a Permit to Work system. In these circumstances it is likely that only specific Facilities Directorate personnel will be qualified.

5.0 Implementation roles and responsibilities

The overall framework of accountability and responsibility for managers and staff on the implementation of this policy follows that laid out within the NHS Lothian Health and Safety Policy.

Further details are provided below on the manager(s) responsibilities if employing/engaging any contractor:

- Managers will ensure that before any contracted work commences that contractors are informed of any hazards and risks that they may be exposed to and any specific local controls that may be applicable and adhered to.
- Managers must ensure that the Contractor(s) inform the Service/Department of any hazards and risks that will be created by their work and what the resultant controls are.
- Managers must ensure that Contractor(s) provide prior to the commencement of the work, up to date risk assessment(s) and method statement(s).
- Managers must ensure that contractors/subcontractors have undertaken a COVID19 risk assessment prior to any work commencing. The risk assessment control measures should be reviewed/monitored periodically by the contractor and the employing manager as the work progresses. **Prior to and during the work all contractors/subcontractors must follow NHS Scotland COVID19 protection and preventative guidance whilst on NHS Lothian premises.**
- Managers who engage contractors will ensure that adequate resource is utilised commensurate with the degree of risk to supervise contractors working on NHS Lothian premises. This will ensure that they comply with health and safety arrangements in place so that the risks to patients, staff and the general public are minimised, agreed local procedures are met and all work is carried out to an acceptable standard.

- Managers must also prior to the work start up (e.g. where e health commission work to install new service communication cables) advice and where applicable take advice from the Facilities Services managers before doing so to ensure that information on any hazards and risks are identified and communicated.(e.g. Asbestos Containing Materials)
- Managers that engage/employ contractors will monitor the implementation of the policy and any other associated procedures through the use of workplace inspections, safety tours or equivalent.

6.0 Associated materials

[Control of Contractors \(H&S\) Procedure](#), approved by the NHSL Health & Safety Committee
[Control of Contractors \(Facilities\) Standard Operating Procedure](#), approved by the Director of Operations (Facilities)

[Model Contractor's Induction Checklist](#), NHS Lothian Health & Safety Service

[Model Employing Manager Contractor Checklist](#), NHS Lothian Health & Safety Service

7.0 Evidence base

- [Health & Safety at Work etc. Act 1974](#)
- [HSE Managing Contractors: A guide for employers](#)
- [Management of Health and Safety at Work Regulations \(MHSW\) 1999](#)
- [The Construction \(Design and Management\) \(CDM\) Regulations 2015](#)

8.0 Stakeholder consultation

Managers of those Services who are required to engage contractors were consulted with during the various policy reviews and update process over the last few years. Those stakeholders included for example Facilities, Diagnostics Services and E health.

9.0 Monitoring and Review

9.1 Active Monitoring

- Those Managers who engage/employ contractors will meet with those contractors on regular basis to discuss the effectiveness of their risk control procedures. Any gaps in these procedures must have in place improvement plans to close those gaps off.
- The Manager engaging/employing the contractor before any work commences should check the contractors risk assessments, method statements (RAMS) only to make sure that they are up to date and are relevant to the location/task/environment. Ownership of the risk assessment and method statement in terms of being suitable and sufficient

rests with the Contractor. Any technical review and comment on a contractors RAMS should only be undertaken by a suitably qualified and competent member of NHSL staff.

9.2 Reactive Monitoring

Adverse events involving contractors will be investigated by the contractor themselves. However should the causal factors of an incident or accident be attributed NHS Lothian then this must be reported using the DATIX system and investigated as per the NHS Lothian Adverse Event Management Policy and Procedure. Contractors must ensure that any findings from investigations that could impact on the health and safety of NHS Lothian staff are communicated to the responsible manager/department/ service who requested the contractor. Any agreed actions to prevent recurrence must be taken forward jointly.

9.3 Review

The policy will be reviewed every three years or as a result of any changes in risk and or in legislation which may occur before this. This policy may also be subject to review if new guidance or legal opinion is issued or NHS Lothian has a serious case that through a system failure(s) merits the policy to be reviewed.