

Health and Safety

Control of Contractors Procedure



Purpose of this procedure:

Aim: The aim of this Procedure is to provide information and guidance to all Services who are directly involved in engaging/employing contractors.

Scope: The Procedure will be applicable to all those Services who engage/employ contractors and the work that they undertake. This procedure will cater for all types of contractor and therefore all those persons employing contractors are required to follow this procedure. At the end of the procedure there are Appendix 1, 2 and 3 which provide examples of a model procedure, local induction checklist and contractors check list for managers. These can be adapted locally.

Implementation: Any NHS Lothian Service who engages/employs a contractor. The procedure for contractor selection and approval will follow the requirements of NHS Lothian Procurement Service. As there are varying arrangements in place when contractors are employed e.g. where there are shared premises and PFI provider's the detailed local procedural arrangements for contractor control is the responsibility of the employing manager, department or Service.

The Procedure: Control of Contractors

1. Those Services who engage/employ contractors will provide sufficient resources to ensure that this procedure is understood, communicated and implemented.
2. The following key information needs to be communicated:
 - the meaning and purpose of the procedure;
 - the commitment of senior management to its implementation;
 - plans, standards, procedures and systems relating to the implementation and measurement of performance;
 - factual information to help secure the involvement and commitment of employees and contractors ;
 - comments and ideas for improvement from staff and contractors as required;
 - health and safety performance reports from managers and contractors;
 - lessons learned from accidents and other incidents from managers and contractors.

The above should be undertaken through joint meetings and consultations with those management, staff and contractors involved prior to the work starting, during and post the contract.

Managers who engage/employ contractors shall prior to and during the work(s) ensure participation of contractors in all aspects of health and safety management and risk identification and control by encouraging cooperation between NHS Lothian and its contractors. This approach establishes an understanding that the organisation(s) as a whole, and people working in them, benefit from good health and safety performance. Pooling

knowledge and experience through participation, commitment and involvement means that health and safety should become 'everybody's business'.

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 patients, staff and anyone else and then implement the required controls.

3. Contractors, sub contractors and or their representatives can form where applicable part of any Health and Safety meeting/group associated with any contracted work to discuss key hazards and risks that will exist prior to and during the time that the work is being undertaken.

Should any contractor or subcontractor be concerned about theirs or others health and safety risks then as well as notifying their manager/organisation that person(s) should also contact a member of NHS Lothian management staff responsible for the contracted work. The NHS Lothian manager and the Contractor or Sub Contractor must work collaboratively towards a resolution of those concerns or escalate if required through their respective management structures.

4. To enable NHS Lothian employees, Contractors and Sub Contractors to make a maximum contribution to health and safety, all must ensure that there are proper arrangements in place to ensure that staff are competent (knowledge skills, training, experience) This means more than simply training them to a required standard e.g. to comply with a particular statutory requirement such as Confined Space or High Voltage work but also to have the necessary experience of applying their skills and knowledge. Provision should also be made such that adequate supervision is in place dependent on the risk involved. Managers and Contractors need to be aware of relevant legislation and how to manage and lead health and safety effectively.
5. Before any Contractor commences work within any NHS Lothian premises they will be expected to plan, organise control and monitor the health and safety performance of their work in order to minimise any risks of injury to persons or damage to property (Appendix 3). NHS Lothian managers employing those contractors will be provided with this performance information on a mutually agreed timescale.

In order to satisfy NHS Lothian that the work is being planned with risk minimisation or elimination the Contractors shall provide prior to the commencement of any work up to date, task and or environment/site specific risk assessment(s) and suitable and sufficient method statement(s). The Manager(s) of the Service engaging the contractor should review the risk assessments and method statement(s) (RAMS) only to make sure that they are up to date and are relevant to the location/task/environment. If they are not then they should be rejected and resubmitted.

Prior to the commencement of the work should any detailed technical review on the suitability or not of the contractors RAMS be required (e.g. Confined Spaces work, Working at Height, Pressure System's, Radiation) then this should only be undertaken by a suitably qualified and competent person. E.g. a member of staff within Hard FM.

6. A copy of NHS Lothian Health and Safety Policy, this Procedure and associated Control of Contractors Policy along with any other Safety Rules will be issued to all Contractors. The

document must clearly state the contractual arrangements, together with any special health and safety requirements likely to affect cost or timescale (e.g. asbestos removal)

7. Contractors are responsible for supervising their own work and for ensuring that they work safely. NHS Lothian managers and supervisory staff do not need to be in attendance all the time; this would not be achievable or practicable. Managers and supervisors have to decide what is reasonable. The amount of contact with the contractor must be related to the hazards and risks associated with the job. It needs to be decided and agreed at the beginning of the job. For high-risk jobs, e.g. where a PTW is used, more contact is needed than for jobs which would be considered low risk. Local induction procedures include site rules, passes, car parking or not, NHSL working name badges etc, clocking in and clocking off

Other factors to consider include:

- What are the main areas of risk?
- What could change and how quickly?
- Think about their work, how it affects the safety of NHS employees and vice versa.

The start and finish of the day are important times for going through the job and reviewing progress. However, the contractor should expect to see their site contact at other unspecified times when they will be looking out for safe working practices. Contractors will leave the work area clean and tidy, free from debris and rubbish, clear of tools and equipment.

8. Contractors who were selected complied with NHS Lothian selection criteria/ conditions and specified the terms in a formal written agreement. As the work proceeds, there is need to ensure that those terms and conditions are being met. Checking will take place more often at the beginning of the job until managers and supervisors are satisfied of the contractor's standards. It should be noted that there are other important reasons besides safety for doing this. Checking can also identify competence in safe working as well as technical ability.
9. Work involving asbestos and/or asbestos-bearing materials is strictly controlled by legislation and NHS Lothian policy, procedures and arrangements on the subject. Any Contractor finding what they suspect could be an asbestos bearing/containing material whilst work is being carried out should stop work immediately, remove all personnel from the area, and report immediately to the respective NHS Lothian manager.
Only Contractors that are licensed by the Health and Safety Executive are permitted to work with asbestos.
10. The contractor should be aware that within the ward/clinic areas their presence might cause embarrassment to the Patients/Service User. The contractor must act with the utmost discretion at all times. During the work the contractor or their staff may observe or hear confidential information about Patient/Service Users, members of staff or other health service business. On no account must any information relating to this organisation be divulged to anyone. Under the Data Protection Act 2018 any breach of confidentiality is an offence and can lead to prosecution.
If the work is in a clinical area then HAI scribes will have to be signed off with Infection Prevention Control colleagues.

13.0 All contractors (regardless of which manager/service employed them) must sign in when arriving at site/area/ward and sign out when leaving. Local sign in/out procedures must in place and monitored for compliance by the management team by the person who appointed the contractor.

14.0 Site Induction (Appendix 2)

Prior to carrying out works or services on premises occupied by NHS Lothian contractors must undergo a site induction. This should be carried out by the employing Manager. A template for this induction can be found in Appendix 1. Inductions must be recorded and a copy retained by the employing manager

15.0 Fire Safety

Contractors must ensure that they are aware of the emergency evacuation procedure and emergency points and what to do in the event of a fire and/or the sounding of the alarm which must be included a part of the local induction.

Any wall/ceiling breached by the Contractor for the passage of cable/pipes etc must be sealed in a manner to ensure that its fire integrity is restored to a recognised standard.

FIRE ESCAPES MUST BE KEPT CLEAR AT ALL TIMES.

Appendix 1 – Model Procedure (this can be adapted to suit local arrangements)

1.0 Purpose of Procedure

The purpose of this procedure is to provide information on the way in which both staff and contractors must work in order to prevent incidents and accidents related to contractor's work activities. All Contractors must have undergone all the required suitability checks at the pre tender contract stage and will therefore be approved by NHS Lothian.

All employing managers must follow this procedure; however, it does not remove the legal obligations placed upon the contractor(s). The HAI SCRIBE system must be utilised for all applicable contracted work.

2.0 Employing Manager Requirements

The employing manager has a duty to follow this procedure to ensure, so far as is reasonably practicable, the health, safety and welfare of anyone whom may come into contact with these work activities. A log should be established and maintained to ensure that there is a record of all contractors coming on and off site.

3.0 Before the works commence

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 employing manager and feed this information back to his/her staff.

If a permit to work is required, the contractors will not begin works of any kind without the permit being issued first.

The employing manager is responsible for ensuring that appropriate permits for the work to be undertaken are in place and they must inform 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 etc.

Local induction (Appendix 2 Model Procedure) must take place for all contractors before works/activities commence. It is essential that adequate information is given to the contractor regarding risk identification. This will require formal risk assessment in most cases. Suitable and sufficient risk assessment must be carried out by the employing manager before contractors begin their work.

Contractors who work on the site should be made aware of hazards identified within the risk assessment. In some cases additional policies and procedures will need to be issued to contractors. These will cover areas of high risk where permit to work systems will be required including the following and this list is not exhaustive:

- Asbestos
- Medical Gases (piped)
- Electrics
- High/Low Voltage
- Steam pipes
- Infection Control (MUST comply with HAI Scribe requirements)

- Working at height (including access to roof areas)
- Confined spaces
- Hot work
- Fire Detection Systems
- Access to IT Server Rooms

Specific high risk works will require a permit to work system to operate. These are controlled by local management systems.

Before the 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 and Safety requirements throughout NHS Lothian. These checks must be in place and agreed prior to work commencing.

Once issued, the conditions of the permit MUST be strictly adhered to at all times.

The employing manager must ensure that the contractor is given a copy of this procedure and related policy before work commences.

4.0 Security

The employing manager must ensure relevant security procedures are enforced. This will require informing the contractors of their access routes throughout the site, information regarding confidentiality and high-risk areas.

5.0 Emergency Planning

The employing manager must inform the contractor of the emergency planning arrangements, for Example, Fire Procedures. This will include the relevant phone numbers internally:

2222 or externally 999.

The employing manager must show the Contractors and their employees on arrival at the work site, the following basic fire safety measures:

- 1) The closest fire escape
- 2) The location type and method of operation of the nearest fire-fighting appliance.
- 3) The location of the nearest fire alarm and the method of activation.
- 4) The tone of the fire alarm and what to do on activation

Contractors are responsible for the provision of suitable and sufficient fire fighting equipment appropriate to the work involved and must obey alarm signals whilst on NHS Lothian premises. Smoking or "Vaping" is prohibited in all areas of NHS Lothian site and contract staff are required to comply with this. Hot work will be strictly controlled by PTW system due to the presence of medical and other gases

6.0 Welfare Arrangements

Restaurants and washrooms may be made available to use by Contractors, or Sub-Contractors, as defined by the Site Services Manager or other suitable persons. The conditions for the use of such facilities are that they are used only during the time specified by NHS Lothian. The Contractor or Sub-Contractor should be suitably dressed and observe normal standards of hygiene when using restaurant facilities

7.0 Contractors Requirements

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, effect the Health, Safety and Welfare of anyone who come into contact with them or their activities.

8.0 Suitable Staff Allocation by Contractors

Due to the nature of the work undertaken within NHS Lothian, all contract personnel must be suitable to work on the site. Contractors are likely to come into contact with members of the public, staff and patients. Some of these patients are vulnerable due to physical or mental disability. For this reason, any contractor who may be in close contact with these people must have undergone the relevant clearances/checks. Contractors record/sign in/out must be kept and maintained up to date to identify when contractors come on and off site. The Visitors Record Book can be used if local arrangements allow.

9.0 Adverse Event (Incident/Accident) Reporting

The contractor must share all accidents and near misses information to the employing manager. 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 with relevant HSE Legislation. This needs to be shared with the employing manager.

10.0 Delivery, Unloading and Hoisting of Materials

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

11.0 Electricity

All electrical equipment on site is to be used in a safe and approved manner in accordance with the 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 employing manager may require records of this testing.

12.0 Water Supply

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

13.0 Housekeeping

All Contractors must ensure that rubbish or excess equipment and materials are 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, or Sub-Contractor's own authorised skip. All surplus materials and/or rubbish should be cleared from the site on completion of the contract.

Burning of rubbish on NHS Lothian sites is prohibited. Excessive dust build up is to be avoided. Suitable dust control mats are to be used where the works area is immediately adjacent to a clinical area.

Good housekeeping is to be maintained at all times.

14.0 Control of pollution

Contractors must not deposit any waste, chemicals or any other substances whatsoever into drains or waste containers on NHS Lothian premises, waste containers may be used where express permission has been given by the Operational Estates Manager or representative.

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.

15.0 Mobile Phones

Mobile phones are to be turned off in areas that display the No Mobiles signs.

16.0 Traffic/Road Safety

All road works throughout the site must be agreed with the employing manager, Area/Site Manager and the local Traffic Management Group. Any excavations, storage and skips must be guarded using appropriate signs, rails, traffic cones and lights etc. All works must consider Local Planning Authority guidelines.

Contractors must comply with local Site Traffic Rules and Regulations at all times and be aware parking is limited but will be accommodated to designated places if possible. However, some staff may need to park off site.

17.0 Personal Protective Equipment

The Contractor is responsible for providing the personal protective equipment for his employees. PPE must also comply with the statutory requirements or equivalent guidance appropriate to the circumstances.

18.0 Hazardous Substances

Contractors must not bring hazardous substances (CoSHH specific substances) onto the site without informing the employing manager. The substance may only be utilised once the appropriate documentation, for example, Safety Data Sheets (SDS) and relevant CoSHH assessments have been presented.

It is the duty of the employing manager to provide every contractor with information on emergency procedures relevant to the premises and provide details of particular hazards in the area (This may include Control of Substances Hazardous to Health – COSHH assessments) for example, gases, chemicals or biological hazards.

19.0 Hazardous Areas

Contractors are not permitted to enter specific hazardous areas, for examples, radiation zones, without the permission from the employing manager and relevant information, instruction and training has been given.

20. Security and Fire Safety

In some instances Patients/Service Users may be irritable, prone to harming themselves, verbally aggressive and on occasion physically aggressive towards people in their immediate vicinity. In order that any contractor is not exposed to any unnecessary hazardous situation, the contractor must in all instances seek out the person in charge of the ward to determine what if any precautions are required prior to and during any work.

Appendix 2: Model Contractor's Induction Checklist (this can be adapted as required)

Name of Contractor:		Date:	
Name of Company/Organisation:		Location of Work:	

Anticipated duration of work (general):		
Initial to confirm review:	Engaging Manager	Contractor
Available Facilities: PLEASE NOTE THIS HOSPITAL HAS A NO SMOKING POLICY WHICH APPLIES TO THE GROUNDS AND BUILDINGS ON THESE PREMISES <input type="checkbox"/> Toilets <input type="checkbox"/> Canteen <input type="checkbox"/> Car Parking (if applicable- designated parking area allocated) <input type="checkbox"/> Provided storage area on site during work (if applicable)		
Fire Alarms and Evacuation Procedure _noise of sounder/intermittent and continuous alarms <input type="checkbox"/> Time of test if due _____		
Identification of areas of exclusion or those areas controlled by permit to work <input type="checkbox"/> Hours of work <input type="checkbox"/> Out of hours working – between		
Wet Floor Signs		
Confidentiality Awareness and requirements		
Reporting to Person in Charge		
Infection Control <input type="checkbox"/> Washing of hands and use of alcohol gel - naked below elbow <input type="checkbox"/> Waste arrangements – clinical, hazardous, domestic waste (clear bags), sharps bins <input type="checkbox"/> Infections diseases		
Any Personal Protective Equipment (PPE) to be worn. List here:		
Waste Management Arrangements		
Accident/Incident reporting procedures		
Use of mobile phones arrangements		
Accessing locked rooms, keys at Reception		
Access required to Controlled Area(s). List here: Controlled Access book to be completed and key(s) issued		
Contractors Risk Assessment and Method Statement presented to Appointed Representative/ Manager		
Any work other than specified on the Work Plan and any Method Statement must not be carried out without authorisation from the employing manager.		

Appendix 3: Model Employing Manager Contractor Checklist

Questions to ask:	Yes/No
Have you identified all aspects of the work you want the contractor to do?	
Have you included the health and safety implications of the work in the job specification?	
Is the work construction or building work? If so, do you know what more you need to do to comply with the Construction (Design and Management) Regulations 2015?	
Have you made enquiries about the competence of the contractor? If so, have you checked for evidence before they get the job?	
Have you assessed the risks of the work and agreed action to control the risks with the contractor?	
Have you provided the contractor and their employees with information about the risks?	
Have you provided the contractor and their employees your emergency procedures?	
Have you provided any instructions and information for your own staff and any additional precautions that they may need to take to protect themselves and or patients when contractors are working on site?	
Have you put in place arrangements with the contractor to coordinate activities during the work?	
Have you consulted your employees about the work and how they can raise any concerns?	
Have you identified who will be responsible for the work and what you will expect them to do?	
Have you identified who will supervise the work and how?	
Have you put in place arrangements to keep a check on how the work is going against what you have agreed with the contractor?	

Associated materials/references:

- HSE Guidance: NDG 368(rev1): Control of Contractors
- HSE (G)159 Managing contractors: A guide for employers