

Selection and management of subcontractors

Guidance Note 29
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Introduction

This Guidance Note is not intended to cover the appointment of contractors carrying out major refurbishment or construction work, although the principles are similar. It is however, aimed at anyone who employs a contractor to carry out work on their behalf.

A pre-qualification template has been included in Appendix 1. If you wish to use the template to construct your own documents, you must ensure that all references to **Alcumus SafeContractor Certification** have been removed and the final documents are clearly incorporated into your existing safety management system.

Legal Requirements

The Health and Safety at Work etc. Act 1974 requires employers and others in control of buildings to ensure the safety of employees and others who work or visit there. The Management of Health and Safety at Work Regulations 1999 also require those in control of buildings to co-operate with contractors or self-employed persons to ensure that they are not exposed to unacceptable health and safety risks.

Although the responsibility to work safely rests principally with the contractor, you also have a duty to do all that is within your control to make sure that this happens.

This means that you have a duty to ensure that a contractor is competent to perform the task safely and without unacceptable risk to other employees, members of the public and any others on the site.

Where accidents occur on site through the incompetence or negligence of a contractor, you could also be held liable if you had not taken steps to appraise the contractor or carry out management checks to ensure that agreed standards of operation were actually being carried out correctly.

Contractors should only be allowed to carry out work on site if they have been vetted and approved by you. Even if you have used the same contractors for the past 10 years you still need to regularly assess them in order to ensure you are adhering to your legal obligations.

You will need to consider the nature of the work that the contractor is expected to carry out. Those whose work poses a greater risk will need to be treated in a different way from those carrying out low risk work that will not have a significant safety impact upon the site. The following points need to be considered:

- Are hazardous substances used?
- Are portable electrical tools or other powered machinery used on site?
- Are contractors going to be working at height?
- Are contractors carrying out hot works?
- Are materials and/or hazardous equipment to be stored on site?

- Are members of the public or other third parties going to have access to the work area?
- Are you, your employees or other contractors at risk due to the work to be carried out?

Once the potential risks posed by the contractor's work have been evaluated, you should request the following information before considering using them for a particular job:

- A copy of the contractor's health and safety policy
- Details of qualifications and experience relevant to the task which they are to perform.
- Copies of detailed risk assessments produced in the last 12 months covering the full range of work activities pertinent to the job.
- d) Safe systems of work or method statements for a similar job as tendered for.
- Details of any job/task monitoring arrangements
- Details of any formal health and safety enforcement action taken against the contractor or his organisation (i.e. Improvement Notice, Prohibition Notice or Prosecution)
- Confirmation of Employers (where applicable) and third party liability insurance cover
- References from previous jobs carried out in the last 12 months

One way of collating the aforementioned information is via a questionnaire, an example of which can be found in Appendix 1.

When assessing the information provided by the potential subcontractor you should take due consideration of the following points:

- Has the safety policy statement been signed by the most senior person in the company?
- Does the policy clearly set out the organisational structure, responsibilities and detailed arrangements for putting it into effect?
- Has the policy been reviewed in the past 12 months and updated if necessary?
- Do the contractor's employees have sufficient and appropriate experience and qualifications to carry the work out safely and legally?
- Do the risk assessments provide suitable information of the risks associated with the task and identify appropriate control measures?
- Do the contractor's safe systems of work and method statements provide sufficient detail of the procedures that will be followed?
- Will the contractor be able to ensure, through supervision and monitoring, that their employees on site perform to health and safety standards?
- Has the contractor a good record of safe and competent work? Do references substantiate this?
- Does the contractor's insurance provide adequate cover?

All contractors who work for you must be put through the same assessment procedure which needs to be conducted on an annual basis. It is important not only to consider new contractors but also those who have worked for you in the past or currently, this continuing appraisal safeguards your reputation and own safety record. When assessing contractors

who have worked for you in the past, their work history should be an important factor, although not necessarily the most significant.

Monitoring and Supervision

Your responsibilities do not stop with the assessment of the contractor. To comply with your legal obligations, you must also carry out certain checks to ensure that the contractor puts their written procedures into practice.

The extent to which the contractor is monitored will depend upon the risk level of the work that they are undertaking for you. For example, a contractor carrying out soft landscaping tasks in a private area will require less supervision than a glazer replacing a shop front while members of the public still have access to the area.

The most straightforward way of monitoring a contractor's work is by direct onsite supervision, however, this is not always possible, so consideration must be given to regular site visits and for low risk activities liaison with the client may be suitable. You must make a judgement based on the type of work the contractor is doing for you, as to the most appropriate form of monitoring to implement/

If contractors are seen not to be operating safely, or are in breach of their own procedures and/or site rules, you must take appropriate action. This may range from an on-site chat through to formal correspondence with the offending company, to dismissal from site and expulsion from your approved list of contractors.

You may find the following documents of some use:

- **Managing Contractors: A Guide for Employers**
HSG159
ISBN 978 0 7176 6436 8 £17.50
Available at: <http://www.hse.gov.uk/pubns/books/hsg159.htm>

Please note: Managing contractors is a guide for small to medium-sized companies in the chemical industry, but it will also be of use to other industries and larger companies.

- **Use of Contractors: A Joint Responsibility**
INDG368
Available at: <http://www.hse.gov.uk/pubns/indg368.pdf>

Appendix 1

Sample Pre-Qualification Questionnaire

CONTRACTOR DETAILS:

Name and Address	
Nature of Business	
N° of Employees	
Contact N°	
Email Address	

Please respond to the following:

1	Have you got a Health & Safety Policy - 'Yes'/'No' If 'Yes' please provide a current copy.				
2	State how many of the following you have reported under RIDDOR in the last 3 years:				
		Year 1	Year 2	Year 3	This year to date
	Specified Injuries				
	Over 7 Day Injuries				
	Dangerous Occurrences				
	Reportable Diseases				
3	Have you been served with any improvement notices within the last 3 years? 'Yes'/'No' If 'Yes' please provide details on a separate sheet.				
4	Have you been prosecuted for a Health & Safety offence in the last 3 years? 'Yes'/'No' If 'Yes' please provide details on a separate sheet.				
5	Please provide 2 examples of work carried out in the last 12 months, where the risks are comparable with those of the work for which you wish to be considered:				
	1.		2.		

6	Are you a member of or certified by a trade organisation? 'Yes'/'No' If 'Yes' please provide details and copies of the certificates;	
7	Please enclose examples of site specific risk assessments completed in the past 12 months.	
8	Please enclose examples of site specific method statements completed in the past 12 months.	
9	Please enclose copies of your insurance certificates/schedules or brokers letters for: <ul style="list-style-type: none"> - Public Liability - Product Liability (where appropriate) - Employers Liability (where appropriate) - Professional Indemnity (where appropriate) 	
10	Please provide 2 references from similar jobs completed in the past 12 months:	
	1.	2.
11	Please describe your onsite arrangements for monitoring your staff to ensure the task is completed to the specification.	
12	Please provide details and enclose evidence of staff competencies, e.g. CSCS cards	
13	Please provide the name, qualifications and or experience of your internal Health & Safety Coordinator. If you also use an external source, please provide full details; Internal – External –	
14	Please provide details of your co-operation and co-ordination arrangements when working on a multi-disciplined job with other trades.	

15	<p>Do you issue your staff with appropriate personal protective equipment for the job? 'Yes'/'No'</p> <p>If 'Yes' please provide issue records.</p> <p>If 'No' please justify the reasons for not adhering to the requirements of the Personal Protective Equipment at Work Regulations 1992 as amended.</p>
16	<p>How do you ensure all equipment used on site is well maintained and safe for use? (Please also enclose maintenance records or hire invoices where appropriate)</p>
17	<p>Do you appoint sub-contractors? Yes / No</p> <p>If 'Yes' please provide details of how you assess the competence of your sub-contractors prior to appointment.</p>
18	<p>How do you monitor the performance of your sub-contractors?</p>

Name: _____

Position: _____

Date: _____

Signature: _____

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