

GUIDANCE SHEET - 016

Selection of Construction Contractors

The issue

Caerphilly County Borough Council has health and safety responsibilities for contractors engaged to carry out work in its behalf. Although Constructionline should be utilised to select contractors where the value exceeds £25,000, recent advice is that the health and safety checks carried out by Constructionline do not adequately cover Council and individual responsibilities. Extra steps must be taken to ensure an appropriate contractor is selected and suitable health and safety arrangements are in place.

The issue is bigger than simply selecting a competent contractor, health and safety law requires us to ensure that contractors are given the right health and safety information, the right documents are in place, the risks are assessed and the job is managed and supervised.

What should I do?

1. Pre-selection checks must be carried out on all contractors engaged to carry out work on behalf of Caerphilly County Borough Council. As the client or commissioning officer it is your responsibility to ensure that appropriate checks are carried out prior to work commencing – this is a requirement whether you engage the contractor directly, through Constructionline, Procurement or Property Services. This is typically done by providing the contractor with a pre-selection questionnaire which considers the firm's competence and record on health and safety. Contractors must provide evidence to back up any answers provided. Questions cover areas such as:
 - Health and safety policy and supporting documentation.
 - Details of prosecutions and/or notices issued by the HSE.
 - Employers and public liability cover.
 - Qualifications and membership of professional bodies.
 - Contractors accident record e.g. number of fatalities, major injuries, other accidents
 - Details of any enforcement action against the contractors

Where Procurement engages the contractor pre-selection checks are carried out in association with the Directorate Health and Safety Officers. Please note that when Procurement engage a contractor on your behalf they take over responsibility for selection of the contractor however you as the client remain responsible for all other steps as detailed below.

2. Assess the risk of the work – You should already have in place a risk assessment for your own work activities and all appropriate risk assessments of the clients work should be made available to the contractor. However, the contractor should assess the risks associated with the contracted work. You

need to agree with the contractor the way the contracted work will be done to ensure the safety of your staff, the contractors workforce and others who may be affected. Contractors must provide method statements for the work being carried out specifying how they intend to do the work safely.

3. Provide information, instruction and training - Relevant information must be shared between the client and the contractor. This might include details of a fragile roof, asbestos or a second contractor due to be working on site at the same time. Other things to be considered would be emergency procedures and any site safety rules. It is a good idea to keep a record of any information provided, minutes of meeting held where health and safety was discussed etc.
4. Management and Supervision – if you engage a contractor then you have a duty to manage and supervise that contract. The extent of management and supervision will depend on the risks associated with the works being carried out. You should make periodic checks on the contractors performance to ensure that work is being done as agreed. Contractors should also monitor their own performance and this should include accident investigation. Management and supervision allows any problems to be identified at an early stage before an accident takes place.

The legal position

The Management of Health and Safety at Work Regulations 1999 set out the requirements for a health and safety management system and this would include the steps needed to manage safety when engaging a contractor. Other pieces of law are also applicable to construction contracts these include:

- Construction (Health, Safety and Welfare) Regulations 1996
- Construction (Head Protection) Regulations 1989
- Control of Asbestos at Work Regulations 2002
- Other specific regulations depending on the work activity.

Depending on the size of the contract and type of work being carried out the Construction (Design and Management) Regulations 1994 may also apply.

Further information

The HSE have produced a very good leaflet entitled Use of Contractors – A Joint Responsibility. This is available free from HSE books on 01787 881165 quoting reference INDG368. Copies of the leaflet can also be downloaded from HSE's website at www.hse.gov.uk/pubns/indg368.pdf

The Corporate Health and Safety Unit are in the process of developing a corporate policy and guidance on contractor selection, management and monitoring. If you have any queries regarding your responsibilities please contact your Directorate Health and Safety Officer immediately.