

# TEWKESBURY BOROUGH COUNCIL

<b>Report to:</b>	Executive Committee
<b>Date of Meeting:</b>	30 March 2022
<b>Subject:</b>	Managing Contractors Safely Policy Review
<b>Report of:</b>	Environmental Health Manager
<b>Corporate Lead:</b>	Head of Community Services
<b>Lead Member:</b>	Lead Member for Organisational Development
<b>Number of Appendices:</b>	One

## **Executive Summary:**

The Council has a documented policy in place which provides officers with guidance on the safe management of contractors. Following a consultation with Council managers, the policy has recently been reviewed to ensure that it is fit for purpose and reflects current best practice. The review has resulted in additional guidance on the role and responsibilities of the Council's client officer and the pre-contract checks that should be made prior to selecting and engaging a contractor. The significant changes to the policy are outlined in the body of this report and the revised policy is included in Appendix 1.

## **Recommendation:**

**That the Executive Committee APPROVES the revised Managing Contractors Safely Policy.**

## **Reasons for Recommendation:**

The Council is committed to complying with duties under the Health and Safety at Work Act 1974. The Managing Contractors Safely Policy will provide valuable guidance to officers when selecting and managing contractors used by the Council.

## **Resource Implications:**

None.

## **Legal Implications:**

The Managing Contractors Safely Policy is intended to assist the Council in complying with its duty as an employer under the Health and Safety at Work Act 1974. Failure to adhere to the principles of the policy may leave the Council vulnerable to both criminal and civil litigation should a relevant incident occur.

## **Risk Management Implications:**

Litigation because of a failure to adhere to the principles of the policy may present a financial and reputational risk to the Council.

**Performance Management Follow-up:**

Performance with the policy will be monitored by the Council's Corporate Health and Safety Advisor and reported to the Council's Keep Safe Stay Healthy Group.

**Environmental Implications:**

None.

**1.0 INTRODUCTION/BACKGROUND**

- 1.1** Health and Safety legislation provides the Council with a responsibility to manage the safety risks associated with the use of contractors. This will often include a responsibility to control risks, to which the contractor may be exposed, because of the Council's undertaking. However, in certain circumstances, the Council may also have an overlapping responsibility with the contractor to manage risks that may arise from the contractor's work.
- 1.2** Guidance from the Health and Safety Executive (HSE) provides detailed advice on the range of measures that can be taken to help manage the safety aspects of contractors. This includes, exchange of information and risk assessments, effective co-operation, and co-ordination, together with effective planning and organisation.
- 1.3** The Council has a documented policy in place which provides officers with guidance on these measures and the matters that officers would be expected to consider in relation to the health and safety aspects of contractor's work.

**2.0 KEY POLICY CHANGES**

- 2.1** The revised policy is set out in Appendix 1. The revised policy contains more detailed guidance on the role of the client officer and emphasises that it is the responsibility of the client officer to establish the nature of the contractual arrangements required prior to engaging the contractor. Furthermore, the revised policy clarifies the responsibilities in relation to carrying out background checks on a contractor such as identification, right to work, qualifications, DBS clearance and character references. Under the revised policy the Council's Human Resources Team will carry out these checks for single contractors. In circumstances where multiple contractors are engaged for a project then it will be the responsibility of the Council's client officer to undertake required background checks.
- 2.2** Further amendments to the policy include a requirement on behalf of the client officer to make reasonable checks to verify the competence of the contractor, compliance history and membership of trade accreditation schemes, if relevant. Additionally, the revised policy makes it clear that contractors must be provided with a copy of site rules prior to commencing work and that any projects that fall within the scope of the Construction Design and Management Regulations (CDM) are notified to the Health and Safety Executive.
- 2.3** The revised policy also makes several minor amendments to wording with the addition of sub-contractors alongside references to contractors. The policy is also updated to accommodate COVID-19 considerations where relevant. Changes are highlighted in bold and italicised text for ease of identification.

**3.0 OTHER OPTIONS CONSIDERED**

3.1 None.

**4.0 CONSULTATION**

4.1 None.

**5.0 RELEVANT COUNCIL POLICIES/STRATEGIES**

5.1 The Council's Health and Safety Policy Statement.

**6.0 RELEVANT GOVERNMENT POLICIES**

6.1 The Management of Health and Safety at Work Regulations 1999.

6.2 Code of Practice to the Management of Health and Safety at Work Regulations 1999.

**7.0 RESOURCE IMPLICATIONS (Human/Property)**

7.1 None.

**8.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)**

8.1 None.

**9.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)**

9.1 None.

**10.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS**

10.1 None.

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**Background Papers:** None.

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**Appendices:** 1. Managing Contractors Safety Policy 2022.