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Review

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Responsibility of: K Pennington

Designation: Health Safety and Emergency Planning Manager

This policy is to be disseminated to all relevant staff.

This policy must be posted on the Intranet.

Date Posted: 11th April 2017

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CONTRACTORS ON SITE POLICY

1. PURPOSE

The purpose of this policy is to integrate the health and safety guidelines on Contractors into the Trust Health & Safety policy.

2. LEGISLATION

2.1 THE HEALTH AND SAFETY AT WORK ACT 1974 (**HSW ACT**) and associated acts and regulations are to be applied with regards to tendering, appointing and concluding work with contractors.

2.2 Specific acts and regulations to be applied, though not exhaustive are:

- a. Occupiers Liability Act 1957 & 1984
- b. Management of Health and Safety at Work Regulations 1999
- c. Construction (Health Safety Welfare) Regulations 1996
- d. Construction (Design and Management) Regulations 2007
- e. Health and Safety (Consultation with Employees) Regulations 1996
- f. Control of Substances Hazardous to Health 2002
- g. Provision and Use of Work Equipment Regulations 1998
- h. Health and Safety (Safety Sign and Signals) Regulations 1996
- i. Employers' Liability (Compulsory Insurance) Act 1969
- j. Regulatory Reform (Fire Safety) Order 2006
- k. Control of Asbestos at Work Regulations 2006

3 DEFINITIONS OF TERMS

3.1 Employer

A person or persons who retain the services for work of another or others and pay for those services

3.2 Contractor

A person or persons involved in any work activity for reward i.e. he or she contracts to do something for another party, and, in consideration for what is done, receives a payment. In the context of health and safety at work, it is the status of the corporate body or individual which determines the exact nature and extent of the statutory health and safety duties to which they are subject.

The term *contractor* can also be applied to those who visit the premises of others usually in connection with the repair, maintenance, refurbishment, or installation of plant and equipment or building alterations. In this latter sense, the contractor will still be either an employer or self-employed.

Any Contractor employed by the Trust will have been deemed to be competent to conduct any undertaking required of them by the Trust

The Trust is to ensure that the Contractor is fully aware of the Trusts' and the Contractors responsibilities and obligations with regards to compliance of all aspects of the Health and Safety at Work etc. Act 1974

3.3 Competent Person

A *competent person* means "a person who has sufficient training and experience or knowledge and other qualities" (to enable him or her to assist the employer in complying with legal requirements). The important thing to keep in mind is that anyone who fulfils a health and safety function and who is involved in an operation which is inherently hazardous should be competent to perform that operation safely and employers should do all that is reasonably practicable to ensure that this is the case.

4 EMPLOYER DUTIES

4.1 It shall be the duty of every employer to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all employees (s.2 (1) the Health and Safety etc. at Work Act 1974 (**HSW Act**)).

4.2 The duty extends to all employees, i.e. those who are employed by an employer under a contract of service or employment, and exists whilst an employee is in the course of their employment. Work in the course of employment includes access to and egress from the place of employment (as in the case of a lift taking miners to the coal face).

4.3 Whilst s.2 (1) lays down the employer's general duty to the employees, s.2 (2) goes further. It gives the following detailed list of the things to which the employer must, so far as is reasonably practicable, pay particular attention to the:

4.4 Provision and maintenance of plant and systems of work that are safe and without risks to health

4.5 Arrangements for ensuring safety and absence of risks to health in connection with the use, handling, storage and transport of articles and substances

4.6 Provision of such information, instruction, training and supervision as is necessary to ensure the health and safety at work of the employees

4.7 Maintenance of any place of work under the employer's control in a condition that is safe and without risks to health and the provision and maintenance of means of access to and egress from it that are safe and without such risks the provision and maintenance of a working environment for the employees that is safe, without risks to health and adequate as regards facilities and arrangements for their welfare.

4.8 Employers under s.3 (1) also have a duty of ensuring, so far as is reasonably practicable, the health and safety of all others who may be affected by their employees activities and are not thereby exposed to risks to their health and safety.

4.9 Regulation 3. of The Management of Health and Safety Regulations 1999 (**MHSWR**) requires employers to make a suitable and sufficient risk assessment and this is to be conducted by a *competent person*

5 OCCUPIERS LIABILITY

5.1 Apart from the employers' duty to ensure that nothing they do in conducting the undertaking is prejudicial to the safety of others, the employer also has duties as the occupier of the premises under the Occupiers' Liability Acts 1957 and 1984 in relation to the state and condition of the premises.

5.2 The occupiers' liability legislation lays down a duty of care towards visitors, and even for the separate category of "contractual entrant", in the absence of any express provision

in the contract; it is provided that there is an implied term that the occupier owes the entrant the common law duty of care.

6 INFORMATION TO CONTRACTORS

6.1 Contractors, prior to starting any works, are to be informed of the Trusts Health and Safety Policy, Emergency Procedures (including evacuation in the event of a fire or bomb alert, contact telephone numbers etc.), First Aid facilities and any other policies that the Trust may deem relevant

6.2 Contractors should confirm receipt of this information and intent to comply using the *Contractors on Site* signed statement (appendix 1) of this policy. The contractor has a responsibility to ensure that this information is disseminated to all their employees

6.3 The signed statement is to be retained and filed for safety record purposes

6.4 Contractors are to be informed of any other contractors working on site at that time and supply any relevant safety information to avoid increasing any hazard or risk present that could cause harm from their undertakings

6.5 Contractors are to be provided with information such as any Trust conducted Safety Hazard and Risk assessments that have been completed as part of its Risk Management system, however these should not detract from the Contractor conducting his / her own risk assessment (section 9 of this policy)

6.6 Contractors are required to report to a designated reception point and to be aware of any potential client environment in which they may be operating or of any specific procedures to which they may be required to adhere i.e. Security, Privacy and Dignity

7 CONTRACTORS DUTIES OF: Health and Safety / Equality & Diversity

7.1 Contractors have the same health and safety obligations as employers under s. 2 of the HSW act and this is extended by the duties of their employees under s.7 and s.8 and other related sections of the HSW act 1974.

7.2 Contractors have a duty to comply with current Equality and Diversity legislation and all relevant Trust policies.

7.3 Contractors are required to comply with all relevant legislation, guidance and approved codes of practice relating to health and safety at work.

8 DOCUMENTATION

8.1 Contractors may be requested to produce documentation to ensure compliance with statutory and regulatory requirements. Examples of documents to be provided could include:

- a. Employers Liability Insurance (minimum £5 million)
- b. Public liability Insurance
- c. Health and Safety Policy
- d. Notification of any HSE prosecutions or improvement notices
- e. Qualification or Industry body affiliation certificates
- f. Training records
- g. First Aid provisions
- h. Material Supplied Data Sheets (MSDS)

- i. Method statements to (include own risk assessments)
- j. Financial credibility
- k. Asbestos Awareness training

Although comprehensive this list is not exhaustive.

9 RISK ASSESSMENTS

9.1 Regulation 3 of the **MHSWR** 1999 requires that *suitable and sufficient* risk assessments are made by a competent person

9.2 Any risk assessment conducted should be suitable and sufficient to identify foreseeable hazards and risks to health and safety. Risk assessments should also include the necessary control measures to manage those risks to their lowest possible impact

9.3 Other regulations place specific requirements for risk assessment to be carried out examples of these are the:

- a. Control of Substances Hazardous to Health Regulations 2002 (**COSHH**)
- b. Control of Asbestos at Work Regulations 2006 (**CAW**)
- c. Control of Lead at Work 2002 (**CLW**)
- e. Ionising Radiation Regulations 1999 (**IRR**)
- f. Manual Handling Operations Regulations 1992 (**MHOR**)
- g. Personal Protective Equipment Regulations 1992(**PPE**)
- h. Display Screen Equipment Regulations 1992 (**DSE**)
- i. Noise at Work Regulations 1989 (**NWR**)

9.4 The Dangerous Substances and Explosive Atmospheres Regulations 2002 (**DSEAR**) effect the EU ATEX directive and requires that separate risk assessments are made in the workplace involving flammable or explosive substances or substances that could cause explosive atmospheres. Examples of dangerous substances include paints, liquid petroleum (LPG), dust and fumes. Therefore cutting and welding near flammable substances or in fume-filled workplaces will require risk assessment under DSEAR and the consequent use of appropriate safety measures. In some premises it is possible to include these risk assessments under regulation 3.of **MHSWR** 1999

10 PERMITS

10.1 Permits to work are usually issued where work has been deemed to be of a high risk or specialised nature

10.2 Where a permit to work has been deemed necessary it is to be issued, completed and returned to the Pennine Care Foundation Trust, Estates Department at the address on the Information for Contractors sheet (appendix 1) of this policy

10.3 Examples of work requiring permits are

High Voltage Installations
 Magnetic Resonance Imaging Controlled Areas
 Low Voltage Installations incl. Switchboards and Fuse panels
 Compartmentisation
 Piped Medical gases and vacuum systems
 Removal, disturbance of Asbestos (Licensed contractor)

Fire Detection Systems
 Steam Heating and water Mains
 Storage Tanks

Confined Space work limit of access
 Scaffolding, Excavation, Demolition
 Flame- Producing Appliances

11 SCHEDULE OF WORK

11.1 A schedule of work would normally be produced for works that require complex or prolonged periods of activity.

11.2 A schedule of work details what is to be undertaken, the length of time to complete and details of persons and materials to be employed

11.3 Schedules of work submitted should be checked against work to be completed to ensure that all foreseeable planning has been undertaken

12 PERSONNEL

12.1 Contractors are to ensure that all employed persons are competent to transport, handle, use, store or dispose of equipment, materials and substances that are used in or generated from the completion of any work undertaken

12.2 Contractors may be asked to provide documented evidence that a person carrying out that work is deemed competent i.e. Gas Safe registered for gas fitters or current IEE regulations "17th edition" competency for electricians.

13 EQUIPMENT

13.1 For the purpose of this section *equipment* will be interpreted as any tool or device portable or static, machinery mechanical or non-mechanical, powered or manual, article of clothing or container used for storing, transporting or that is used in any way to assist a workman in completing his or her task

13.2 All equipment brought onto Trust sites must:

13.2.1 Comply with the Provision and Use of Work Equipment Regulations 1998 (**PUWER**) or any other associated legislation that lays specific compliance such as; Lift Operating and Lifting Equipment Regulations 1998 (**LOLER**) for use of all types of access equipment and lifting equipment and be appropriately maintained

13.2.2 Equipment must be CE marked

13.2.3 Equipment must be fit for purpose

13.2.4 Equipment must only be used for its intended purpose

13.2.5 Emergency stop and warning devices must be in full working order

14 SUBSTANCES HAZARDOUS TO HEALTH

14.1 Substances hazardous to health shall include all Chemicals, Flammable Liquids, Noxious Substances, Liquid Petroleum Gas (LPG), and Pressurized Canisters etc.

14.2 The Trust is to be notified, prior to any work commencing, of a full list of substances intended for use in any work to be carried out.

14.3 Any substance that is brought onto Trust property must be transported, handled, used, stored and disposed of in accordance with the Control of Substances Hazardous to Health Regulations 2002 (**COSHH**)

14.4 All substances must be accompanied with or have been previously supported by their respective materials supplied data sheet (MSDS)

14.5 Any warning notices posted are to comply with and be displayed in accordance with the Health and Safety (Safety Signs and Signals) Regulations 1996 and BS 5378

15 HOUSEKEEPING

15.1 Contractors are to be made fully aware of the need to maintain a strict housekeeping regime whilst working on Trust property

15.2 Contractors are to comply with the Trust at all times in maintaining a hazard and risk free environment from work being undertaken

15.3 Contractors are to ensure that:

15.3.1 All, materials (including tools, accessories, fixings, machinery, substances, articles of clothing, debris etc.) are secured against unauthorised use or possession at all times when and when not in use

15.3.2 if contractors are moving about the site or leave for any reason including breaks, all materials are to be secured and removed where practicable

15.3.3 Work areas are to be cordoned off from unauthorised access and any warning notices posted are to comply with and be displayed in accordance with the Health and Safety (Safety Signs and Signals) Regulations 1996 and BS 5378

15.3.4 on completion of work, the Contractor is to ensure that the immediate work area plus a perimeter of 1 metre is to be visually check to ensure that any materials or debris from the work has been thoroughly cleared away

16. ACCESSES AND EGRESS

16.1 Contractors may be required to enter client accommodation and living areas. They are to be aware that client confidentiality, privacy and dignity are to be observed and maintained at all times

16.2 Emergency escape routes are to be accessible at all times

16.3 Contractors are required to park in designated spaces only

16.4 Contractors are to be made aware that sites may be subject to substantial pedestrian and traffic movement

16.5 Pedestrian walkways are not to be obstructed in such away as it requires pedestrian to walk unprotected on traffic routes, if this occurs suitable and sufficient barriers are to be erected with appropriate signage

16.6 Should work commence over an access route suitable and sufficient protection is to be provided to avoid risk of injury to employees, clients or public.

16.7 Should work be conducted above head height requiring access by ladder, mobile tower or fixed structure, such as scaffolding, access to height is to be denied on completion of the days work

16.8 Work areas are to be cordoned off from unauthorised access and any warning notices posted are to comply with and be displayed in accordance with the Health and Safety (Safety Signs and Signals) Regulations 1996 and BS 5378

16.9 Contractors are to ensure that any Trust property issued in accordance with any Trust policy for the duration of their contract is to be returned in a good condition and a timely order i.e. alarm systems, security badges etc. Contractors should be made aware that, should this not be the case, a levy may be charged for the item(s)

17 CONTRACTORS UNDERTAKING CONSTRUCTION WORK

17.1 For those undertaking "building operations" and/or "works of engineering construction" (both defined terms in s.176 of the Factories Act 1961 – General Interpretations), in addition to the general duties described above, there are specific duties contained in the Construction (Health, Safety and Welfare) Regulations 1996. Contractors are to be aware of any guidance notes issued relating to any construction work e.g. windows, doors, glass specifications etc.

17.2 The Construction (Design and Management) Regulations 2007 (**CDM Regulations**) require that all construction projects have appointed "principal contractors" who have specific health and safety responsibilities for the part of the project under their control. The Regulations also place certain duties and prohibitions on other contractors working on-site.

17.3 Excavation work will require appropriate permits to work

18 ELECTRICITY AND ELECTRICAL DEVICES

Electrical equipment brought onto Trust property must comply with **PUWER** 98 as well as the Electricity at Work Regulations 1989

Contractors are to be made aware that standard 240v equipment is not permitted unless agreed with Authorised Person and are fitted with a Residual Current Device (RCD) or suitable circuit breaker. The contractor should provide a 240/110v transformer for use with portable tools

Ideally portable equipment brought onto site should be of a battery -operated system so as not to interfere with Trust electricity services.

Portable equipment should carry a current PAT test certificate

Contractors are to be made aware that certain mobile electrical items such as mobile phones may interfere with medical equipment or cause uneasiness with some clients. Items of this nature should be switched off and used only in designated areas or at appropriate times

No excavation work is to be undertaken, until the area has been scanned for electrical or other services and the Authorised Person has issued a Permit to Excavate

19 INFECTION CONTROL

Contractors must maintain a good standard of infection prevention / control practice whilst on site, this includes Hand Washing whilst moving around the site

Contractors should report immediately any injuries sustained whilst on site especially any injury sustained from a “sharps instrument”

Contractors must report immediately to the person in charge of the immediate area to establish if further infection control measures are required

The Contractor must comply with any instructions issued by the Infection Control Team

Any work to be carried out that may result in or increase the likelihood of a risk of infection must be first Risk Assessed by the Infection Control Team and authorised for commencement

20 FIRST AID FACILITIES

Contractors are to make suitable and sufficient arrangements for their health and safety with regards to any first aid facilities.

The contractor is to provide such first aid materials and personnel that would reasonable be expected to deal with any foreseeable injury associated with their work

Should an injury / incident occur whilst working on a Trust site the contractor is to inform the relative authorities and to provide details of the accident / incident with any necessary actions to the Trust in a timely manner?

21. FIRE SAFETY

21.1 Contractors must comply with the Regulatory Reform (Fire Safety) Order 2005 and any fire safety requirements of the CDM Regulations 2007

21.2 Contractors are to ensure that they are aware of the emergency evacuation procedure and assembly points, the location of the fire alarm activation systems and the location of the fire suppression systems

21.3 Should a contractor be required to carryout any work that could result in or raise the hazard of a fire risk they are to supply suitable and sufficient fire suppression equipment for the work being conducted. They are also to post a fire watch for as long as is necessary to ensure that any perceived risk of fire is eliminated or the work being undertaken has any detrimental effect impacting on any fire safety systems.

21.4 The principal contractor must be informed that all NHS sites are designated as “No Smoking” sites and made aware of the Trust’s “No smoking” policy on Trust hospital sites and premises.

21.5 All combustible material should be disposed with in such a way as to prevent accidental or deliberate ignition.

22. EQUALITY AND DIVERSITY

Pennine Care NHS Foundation Trust is an equal opportunity in diversity employer and accepts its responsibilities in meeting those requirements and requires all those employed by the Trust, including contracted persons to abide by its policies.

The Trust will not accept actions or words (spoken or written) that are detrimental to the promotion of equality and diversity in the workplace.

Any breach of these requirements will result in a thorough investigation and possible legal action.

Related acts, policies and information
All related Health and Safety Legislation and guidance
Equality Act 2010
Equal Opportunities in Employment Policy
Equality and Diversity Strategy

Pennine Care NHS Foundation Trust “Contractors on Site”

appendix 1

INFORMATION FOR CONTRACTORS

Pennine Care NHS foundation Trust operates a Health and Safety policy in line with The Health and Safety at Work etc. Act. (HASAW) 1974 and associated regulations as amended. Contractors are also to be compliant with the act and its regulations at all times

REPORTING ON SITE

Contractors are required to report to designated **RECEPTION** prior to starting any works and report to a **Responsible Person** where they are to be signed on to the site and made aware of the Trust Safety policy. Contractors WILL comply with the Trust policy at all times

No work is to commence until - ALL Contractors and Sub Contractors personnel are aware of the Trusts **Contractors Policy** and have signed in, the correct permits obtained and site safety regime agreed with the Authorising Person in charge

CONTRACTORS LIABILITY

The, Contractor maybe required to produce documentation of their Public Liability Insurance, Health and Safety Policy and Training Records on request.

SECURITY

Security passes or personal alarms issued are to be worn at all times and be clearly visible. They are to be returned on completion of each days work

EQUIPMENT

ALL equipment provided for Work or Health and Safety brought on site must comply with the HASAW 1974 act and associated regulations e.g. **PUWER 98, PPE 92, and LOLER 98 etc.** and the Trust Contractors on Site Policy

ALL equipment is the responsibility of the Contractor. ALL equipment is to be isolated and secured when not in use. ALL equipment is to be accounted for on exiting the work site EACH time. Work areas are to be cordoned off where possible and safety notices posted.

Whenever possible, battery or 110v portable electrical equipment is to be used

SUBSTANCES HAZARDOUS TO HEALTH

All COSHH materials are to be controlled and accompanied with Material Safety Data Sheets (MSDS) in accordance with **COSHH 2002**

Flammable liquids, noxious substances, LPG pressurised canisters etc. are to be in limited amounts only and removed at the end of each day or stored in approved areas

WORKS

Prior to de-activating any service, contractors are to contact the Estates Department for authorisation

Any HOT / PERMIT'S to WORK, are to be agreed checked and authorised – A new permit will need to be issued at the start of any shift change or new days work

Unless authorised – NO attempt should be made to interfere with any materials containing ASBESTOS. If identified, work is to cease immediately and notify the Authorised Person

If work is being carried out in designated food preparation areas Contractors will comply with the Food Safety Act 1990 - Food Hygiene (England) Regulations 2013

Access to site works is to be limited to authorised persons only. It is the responsibility of the contractor to ensure that casual and determined unauthorised access is reasonably denied with the use of appropriate fencing / guarding and the posting of appropriate signage. This shall be at no extra cost to the Trust

Work shall be conducted in such a way as to limit the impact on the care of clients in the surrounding environment. This is to include the reduction of the harmful effects of excessive dust, fume, noise, light, smell, vibration etc. that would reasonable be expected to be experienced on a daily basis, such measures as needed are to be discussed and agreed with the Authorised Person

SITE SAFETY

Mandatory signs are to be adhered to at all times including site speed limits, parking restrictions

Good hygiene practices are to be followed at all times, any specific information supplied by the Infection Control team is to be strictly adhered to

Emergency escape routes and general access and egress routes (internal and external) are to be kept clear at all times unless appropriate alternative arrangements have been made by the Authorised person

NO ALCOHOL is to be brought onto or consumed on the site. Eating and drinking are allowed in designated areas only.

NO SMOKING all NHS premises are designated as No smoking sites within its boundaries

Vulnerable Groups Elderly, infirm, physically and mentally unwell person will be on site, extra care is required with vehicle movement, and carrying large objects, tools and appliances must not be unattended?

Mobile phones, radios and other personal equipment is to be switched off on Trust property as these may interfere with specific medical equipment

You are to inform security or designate who signed you in, if you leave the site for any reason.

Contractors must park in designated spaces only and be aware at all times of other vehicle activity.

Work areas - equipment, materials and debris are to be thoroughly cleared away on completion of work

FIRE & FIRST AID

Contractors are responsible for the control of any fire risks arising from any works conducted including fire suppression equipment and awareness of fire safety procedures

Fire alarms are tested periodically with prior notification. Alarms are to be treated as NOT A TEST unless specifically notified. In the event of a bomb alert ALL personal equipment is to be taken with you to the designated areas

Contractors are responsible for supplying suitable and sufficient first aid materials to deal with any foreseeable injuries that could arise from their work

Any injury sustained is to be reported immediately to the Authorised Person and entered onto the appropriate documentation.

CLIENT – PRIVACY DIGNITY CONFIDENTIALITY

In conjunction with the Trust's Information Security policy, Contractors are to be informed that client's privacy, dignity and confidentiality are to be treated with the utmost respect at all times. Under the Data Protection Act 1998 any breach of confidentiality is an offence and can lead to imprisonment

Contractors are to inform the Trust Estates Supervisor immediately of any unsecured patient identifiable information discovered as part of their work

I agree to abide by all requirements and legislation whilst working on and off site.

Signed.....

Dated.....

Company.....

Signed on behalf of the Trust.....

Comments:

This form is to be retained on site whilst the work is in progress – on completion of work; this form is to be sent to the Pennine Care Estates Department 225 Old Street. Ashton u Lyne Lancs OL6 7SR