

TITLE HEALTH & SAFETY ISSUES WITH CONTRACTORS

PROCESS 3800 Health and Safety

IMPLEMENTATION DATE 23 May 1997

EXPIRY DATE 31 Mar 1998

CONTAINS MANDATORY INSTRUCTIONS

For Action

Governing governors, heads of groups and units.

Monitored by

Operational directors, area managers, standards audit teams.

For information

All Prison Service Staff.

On authority of

Executive Committee

HOA
6 JUN 1997
PhS

Contact point

John Greenland or Mary Evans, Health & Safety Policy Unit,
Room 801 Cleland House, Tel 0171 217 6751.

Other processes affected

7700 Procurement.

NOTES

Issued

23/05/1997

REQUIREMENTS FOR HEALTH AND SAFETY ISSUES INVOLVING CONTRACTORS

1. *Governors must examine current practices within their establishments to ensure that these comply with the procedures laid out below. Mandatory elements are identified by italics.*

Selection of a suitable contractor

2. *When tenders are being considered those responsible for selection must ensure that the contractor selected has sufficient knowledge of safety standards, methods and procedures, and the ability and resources to carry out the tasks safely.*

What the contract must contain

3. *Details of individual contracts will vary, but these must all include a requirement that the contractor will act within the law, including all legislation relating to health and safety and hygiene.*
4. It may be advisable, depending on the task being undertaken and the terms of the contract, to make some conditions more specific. For example where construction work is involved the Construction (Design and Management) Regulations will apply. Further guidance is available on these Regulations in IG 30/95.
5. *An agreement to abide by the establishment health and safety policy must also be included.*
6. *Governors must not attempt to draft conditions of contract locally, but should use the general conditions available from the Central Purchasing Unit responsible for the product/service area concerned = e.g. Construction Unit for building contracts, ETAS for education contracts, PES for industry contracts etc. If in doubt guidance is available from Procurement Services Group who must be consulted in cases where legal advice is required.*

The duties of the Prison Service

7. *Those in charge of establishments or other sites must provide the contractor with the following information prior to work commencing:*
 - ◆ *a copy of the health and safety policy statement, including details of organisation and arrangements in so far as these are relevant to the contractor, and in particular;*
 - *details of first aid arrangements for the contractor's employees and, where appropriate, for prisoners*
 - *details of the accident reporting and investigation procedures*
 - *evacuation and emergency procedures to be followed in cases of fire or security compromises*
 - ◆ *results of any risk assessments undertaken which are relevant to the contractor's task or the area to be occupied (also see note on risk assessments below)*

- ◆ *safe systems of work appropriate to the area, plant, machinery or processes used by the contractor*
- ◆ *details of the arrangements for maintenance, repair and upkeep of buildings, plant, machinery, and the means of reporting defects*

8. *The presence of contractors, who will be less familiar with the prison procedures and layout of the site must be taken into account when carrying out risk assessments (but see para below) and when formulating contingency plans for emergencies.*

The duties of the contractor

9. *The establishment must ensure that the contractor provides the following information to the establishment prior to work commencing:*

- ◆ *a copy of their health and safety policy statement which must include details of the organisation and arrangements for outplaced staff*
- ◆ *written confirmation that their staff are competent to carry out the tasks expected of them and have received adequate health and safety training*
- ◆ *the results of risk assessments carried out for the activities provided (also see note on risk assessments below) This also includes any assessments required under the Control of Substances Hazardous to Health Regulations 1994, the Manual Handling Regulations 1992, the Personal Protective Equipment Regulations 1992, and the Display Screen Equipment Regulations 1992.*
- ◆ *safe systems of work prepared for the activities provided*
- ◆ *any other information and instruction that is necessary regarding any activities or risks introduced to the establishment or site as a result of the contract*

10. *This information will be held with the establishment policy statement, but must also be available at point of use.*

11. *The provision of safety spectacles, VDU spectacles or Personal Protective Equipment, or any other safety equipment necessary for the task is the responsibility of the contractor unless otherwise specified in the contract.*

12. *The contractor will be expected to comply with any instructions given, where this is to safeguard their health and safety, or that of the prison staff or inmates.*

Mutual cooperation

13. *A system whereby mutual cooperation can be established must be set up. This will include the following elements:*

Both the establishment and the contractor will appoint a contact on the site for health and safety issues. This person may vary, depending on the type of contract, but should in all cases have sufficient authority to deal with problems as these occur.

Regular meetings between these contacts will be necessary to exchange

information on these issues. Those contractors who are frequently on site such as Education staff may become members of the Health and Safety Committee, but a less formal arrangement will also suffice, provided a regular dialogue is established.

14. *Certain areas of work and tasks will require the establishment and contractor to work together.*

15. *Risk assessments*

One of these tasks is the carrying out of risk assessments. While some assessments may be possible on an individual basis it will be necessary to undertake most of these as a joint activity.

16. *Safety audits*

The establishment and contractor will also need to cooperate when safety audits are carried out.

17. *Should the contractor wish to be assisted by his own health and safety specialist in carrying out safety audits and risk assessments the establishment should make every effort to accommodate this request.*

Directorate of Health Care
23 May 1997

HEALTH AND SAFETY ISSUES WITH CONTRACTORS

Policy and output

1. The purpose of this Instruction is to bring to the attention of those in charge of establishments and other prison service sites the need to cooperate with contractors on health and safety matters.
2. An increasing number of workers in establishments and on other sites are employed by contractors, not directly by the Prison Service. Examples of these are Education staff, Probation Officers and Caterers as well as the more obvious builders and other maintenance workers.
3. In addition to these long term workers other contractors such as pest control firms, deep clean specialists and equipment repairers, will also visit the site. The requirements will also apply to these people.

Legal requirements

4. Sections 3 and 4 of the Health and Safety at Work Act 1974 placed a general duty of care on employers, and those in charge of premises, to persons other than their employees. This duty was made more explicit in Regulations 9 and 10 of the Management of Health and Safety at Work Regulations 1992, which further defined the requirements on both the employer, and those who share the workplace. *Mutual cooperation and coordination must be established.*

Impact assessment

5. There should be no significant changes required. The Instruction clarifies the current position and reminds those in authority of their legal obligations.

Mandatory Action

6. *Governors must examine current practices within their establishments, and ensure that these comply with the procedures laid out in the attached Annex A.*

Monitoring

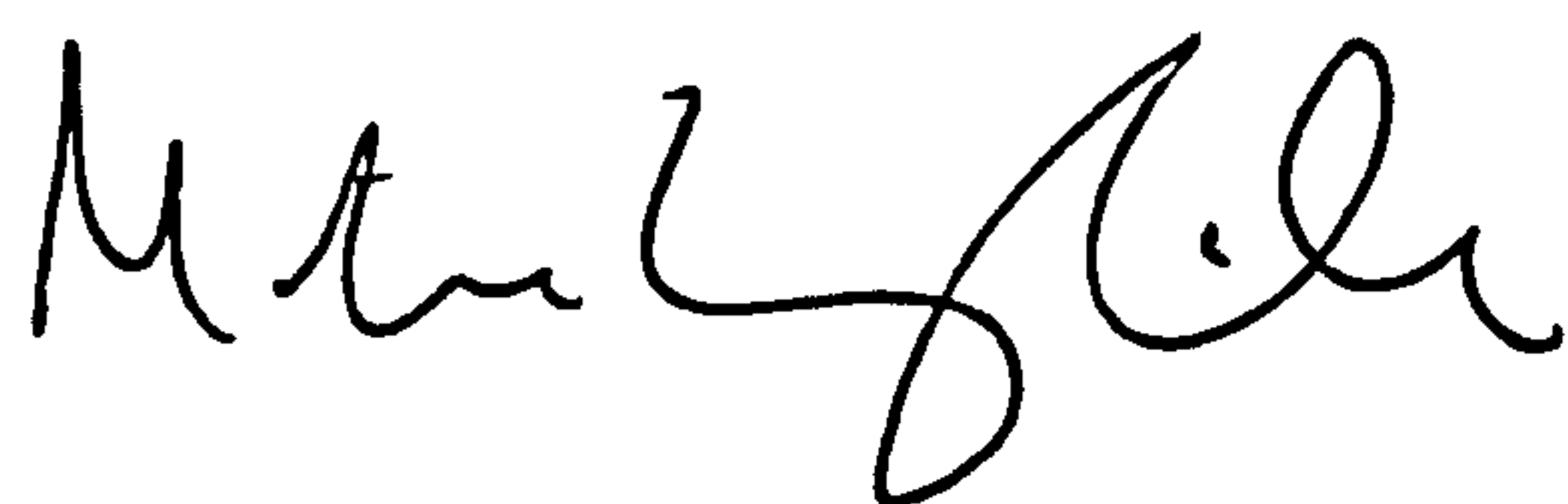
7. Compliance with this instruction will be monitored by Area Managers, Governors, Directors and Controllers of contracted out prisons, and Home Office Health and Safety officers under the Service Level Agreement.

Resource Implications

8. There should be no additional resources required in terms of finance. Where it is necessary to appoint a liaison officer for the contractor there may be an additional element of staff time but this should be reduced by a decline in the number of difficulties which arise.

Advice and information

9. Further advice on the general health and safety issues is available from John Greenland or Mary Evans, Health and Safety Policy Unit, tel 0171 217 6751.

A handwritten signature in black ink, appearing to read 'Mike Longfield', written in a cursive style.

DR MIKE LONGFIELD
Director of Health Care