



**CONTRACTS:
HEALTH & SAFETY IN COUNTY
COUNCIL CONTRACTS**

DATE ISSUED:

DECEMBER 1996

REVISED:

Introduction

1. The purpose of this guidance is to outline the specific responsibilities of both the County Council and Contractors towards health and safety, when contractors work for the County Council or on premises or property under its control.

Responsibilities under Health and Safety at Work etc. Act 1974

Contractors' Responsibilities.

2. Section 2:

2.1 This section requires all employers 'to ensure, so far as is reasonably practicable, the health, safety and welfare, at work of all their employees'.

2.2 The primary responsibility for the health and safety of contractor's employees therefore rests with the contractor and this is so irrespective of the place of work.

2.3 This means that it is for the contractor to provide and maintain all necessary plant, equipment and systems of work, instruct, train and supervise and accept initial responsibility for a satisfactory working environment.

3. Section 6:

3.1 If a contractor erects or installs any 'article' for use at work, there is a duty to ensure, so far as is reasonably practicable, that nothing about the way in which it is erected or installed makes it unsafe or a risk to health when properly used.

3.2 The contractor is, however, entitled to presume that the user will follow instructions which have been fully and properly given and that the user will adequately instruct, train and supervise those who use the 'article'.

The County Council's Responsibilities

4. The Authority does however have responsibilities under the 1974 Act towards persons not in its employment.

4.1 Section 3:

This requires that 'It shall be the duty of every employer to conduct his undertaking in such a way as to ensure, so far as is reasonably practicable, that persons not in his employment who may be affected thereby are not thereby exposed to risks to their health and safety'. (This Section also applies to contractors).

This Section covers all persons on County Council premises who are not County Council employees, including visitors, contractors, sub-contractors and members of the public.

It imposes no absolute requirements/obligations. The Authority is not automatically liable if someone is injured as a result of the 'conduct' of its 'undertaking'. Provided that the Authority has taken such steps as are reasonably practicable in the circumstances to avoid risks to health or safety its duties are discharged. "What is or is not reasonably practicable depends on a measurement of the degree of risk against the measures necessary to eliminate the risk. If the measures necessary to eliminate the risk are more onerous than the degree of risk, then such measures are not 'reasonably practicable'".

4.2 Section 4:

This Section states that it is 'the duty of each person who has, to any extent, control of premises..... to take such measures as it is reasonable for a person in his position to take to ensure, so far as is reasonably practicable, that the premises, all means of access, thereto or egress therefrom available for use by persons using the premises, and any plant or substance in the premises provided for use there, is or are safe and without risks to health'. Since the Authority controls premises, as defined in the Act, and these are 'made available' to persons other than Hertfordshire County Council employees, duties imposed by Section 4 must be complied with. Whatever steps are reasonably practicable must be taken to ensure that both the premises and any plant or substances in them are safe and without risks to health.

The fact that a contractor's employees are not directly employed by Hertfordshire County Council frees the Authority from any employer's responsibilities in respect of them, but not as a 'controller' of premises where they work.

Additionally, while the Authority may avoid civil liability by making the appropriate contractual arrangements, **save for liability for death or personal injury resulting from its negligence**, it cannot dispose of its duties under the Health and Safety at Work etc Act.

The Contractor may, to some extent at least, have control of part of Hertfordshire County Council premises and Hertfordshire County Council employees may enter that part. In such circumstances the contractor must exercise the same degree of care for Hertfordshire County Council employees as the Authority is required to exercise in relation to the

contractor's employees.

Responsibilities under the Management Regulations 1992

5. Regulation 9 of the Management of Health and Safety at Work Regulations specifically states that where two or more employers share a workplace, each employer shall -
 - 5.1 Co-operate with the other employers concerned so far as is necessary to enable them to comply with the requirements and prohibitions imposed upon them by or under the relevant statutory provisions. (See Schedules A & B of Appendix 1).
 - 5.2 Take all reasonable steps to co-ordinate the measures taken to comply with the requirements and prohibitions imposed by or under the relevant statutory provisions with the measures the other employers concerned are taking to comply with the requirements and provisions.
 - 5.3 Take all reasonable steps, to inform the other employers concerned of the risk to their employees' health and safety arising out of or in connection with the conduct of their undertaking.

The guidance in Appendices 1-5 will ensure that these reciprocal responsibilities are carried out effectively and efficiently.

The appendices are as follows:-

Appendix 1	-	Guidance for staff preparing specifications and/or contracts
Appendix 2	-	Guidance for contractors and prospective tenderers
Appendix 3	-	Guidance for local managers
Appendix 4	-	Guidance for staff monitoring contracts
Appendix 5	-	Safety rules for contractors

Responsibilities under other Legislation

6. The Authority also has duties under the Occupiers' Liability Act 1957 to take such care as is necessary to ensure that the work place is reasonably safe for anyone using them.

This Act does however, provide that the Authority is entitled to expect a contractor's employees to guard against those risks 'ordinarily incidental to their calling'. The Authority does not have to teach them to do their job safely or how to make proper use of the plant and equipment with which they are provided.

This responsibility can be avoided by contractual agreement, except for liability for death or personal injury resulting from the Authority's negligence.

**HEALTH AND SAFETY IN HERTFORDSHIRE
COUNTY COUNCIL CONTRACTS**

Guidance For Staff Preparing Specifications and/or Contracts

1.0 Introduction

- 1.1** Health and Safety at Work is a major issue for employers. Under Section 2 of the Health and Safety at Work Act 1974 (HASAW) they have a general duty of care for their employees and under Section 3 of HASAW they have a similar duty for others who may be affected by their actions, which includes contractors and sub-contractors.
- 1.2** Similarly the County Council's contractors and sub-contractors have reciprocal duties to their employees and others, which includes all those who use the sites where they perform their services.
- 1.3** Under Regulations 9 and 10 of the Management of Health and Safety at Work Regulations 1992 where contractors are working for the County Council and/or on County Council sites the Council must
- 1.3.1 Co-operate and co-ordinate with other employers on Health and Safety matters.
 - 1.3.2 Inform other employers of risks to their employees' health and safety, arising out of, or in connection with the undertaking.
 - 1.3.3 Check that contractor's employees have received the information given to the contractor.
 - 1.3.4 Check that whatever the contractor's employees do, or use, will not be harmful to the County Council staff (or other site users).
 - 1.3.5 Check that where maintenance work is to be carried out which involves disturbing a buildings fabric, fixtures or finishes eg. drilling, cutting or modifying, the procedures contained in the Asbestos Code of Practice in the County Health and Safety Policies and Guidance Manual, must be complied with.
- 1.4** As it is a responsibility of the County Council to give health and safety information to a contractor, or contractors, the officer(s) concerned in the preparation of the specification/contract should describe in the document how this will be done, and who will give the information.

- 1.5** When preparing specifications and/or contracts it is not sufficient to include one or two all-embracing paragraphs relating to Health and Safety, and to expect that to be all that is required.
E.g. "You and your employees will conform in all aspects of your legal duties and responsibilities as laid down by the Health and Safety at Work Act 1974" is not acceptable.
- 1.6** Information requested from contractors must be relevant and appropriate to the contract concerned.
E.g. For a catering contract information relating to the Food Hygiene Regulations could be requested, but not questions about the Pesticide Regulations or the Petroleum Consolidation Act.
- 1.7** Staff should be aware of the specific legislation relating to the health and safety issues of the subject covered by the specifications and/or contract they are preparing.
- Staff should also keep themselves updated of additions to, alterations in, or deletions of, specific legislation.
- 1.8** The specification or contract should state how health and safety issues will be monitored, who by, and the penalties for non-compliance.

2.0 Recommended Procedure

- 2.1** During the pre-preparation stage the following decisions should be made and/or information gathered.
- 2.1.1 Which specific health and safety legislation applies to the specification/contract?
(Lists of legislation are shown at Schedules A & B).
- Additional information and advice is available from
County Supplies and Contract Services (tel 01707 281918)
The County Health & Safety Manager (tel 01992 556677) and
Your Departmental Safety Co-ordinator.
- 2.1.2 What health and safety information will be given by the County Council to the contractor, by what method and by whom?
- 2.1.3 What relevant and appropriate health and safety information will be sought from the contractor?
- N.B. The questions asked should be meaningful.
- 2.1.4 At what stage in the process the contractor should be requested to provide the agreed information? (i.e. pre-tender, select list, specification stage etc).
- 2.1.5 What will happen if the contractor fails to provide the agreed information, either in full or in part?
- 2.1.6 Will any checks be made to verify the information given by the contractor? If so, what will they be?

- 2.1.7 How will efficient and effective monitoring of health and safety responsibilities take place?
- 2.1.8 How will officers monitoring the contract be made aware of their health and safety responsibilities?
- 2.1.9 How will local managers be made aware of their health and safety responsibilities, both under the contract (i.e. giving information) and in a day to day contract management role (i.e. ensuring the contractors compliance)?

2.2 If the preparation of the specification/contract includes either

- 2.2.1 European Community (EC) tendering procedures, or
- 2.2.2 Compulsory Competitive Tendering (CCT) procedures, specific advice should be sought from the County Secretary.

If the specification/contract includes The Constructions (Design and Management) Regulations 1994, advice should be sought from the Corporate Services Department or County Property Partnership.

2.3 The results of the decisions made and the information gathered (paragraph 2.1 above refers) should ensure that a comprehensive section on health and safety can be included in any specifications/contract prepared on behalf of the County Council.

2.4 However, the importance of communicating the information to:

- 2.4.1 The prospective contractors.
- 2.4.2 Officers deciding on successful contractors.
- 2.4.3. The successful contractor.
- 2.4.4 Officers monitoring contracts.
- 2.4.5 Local managers

cannot be under-estimated.

2.5 Effective systems must be developed to ensure these lines of communication, and common understanding, are implemented and maintained.

3.0 Conclusion

3.1 The effective initial assurance of a contractor's health and safety performance and an efficient system for its on-going monitoring and management will require staff to be fully aware, ever vigilant and totally committed to overcoming the problems and pitfalls of both the legislative and the practical issues involved to ensure a healthy and safe environment for the County Council's employees and its clients.

MAJOR LEGISLATION

Employment of Women, Young Persons and Children's Act 1920

Petroleum Consolidation Act 1928

Children and Young Persons Act 1933

Factories Act 1961

Offices, Shops and Railway Premises Act 1963

Fire Precautions Act 1971 and supporting Regulations

Education (Work Experience) Act 1973

Employment of Children Act 1973

Health and Safety at Work Act 1974

Food and Environmental Protection Act 1985 and supporting Regulations

Control of Pesticides Regulations 1986

Fire Safety and Safety of Places of Sport Act 1987

Food Safety Act 1990 and supporting Food Hygiene Regulations 1970
(Amended 1990 and 1991)

Gas Safety (Installation and Use) Regulations 1994

Road Traffic Legislation

Every effort has been made to make this list as exhaustive and comprehensive as possible. However checks should be made to verify that all regulations relating to a specific contract have been included

SCHEDULE B/1

List of Health and Safety at Work Regulations, Rules and Orders

S.I. No.	
1948/1145	Building (Safety, Health and Welfare) Regulations 1948
1958/1220	Thermal Insulation (Industrial Buildings) Regulations 1958
1961/1581	Construction (Lifting Operations) Regulations 1961
1962/225	Construction (Lifting Operations) Reports Order 1962
1962/226	Construction (Lifting Operations) Prescribed Particulars Order 1962
1962/237	Building (Inspection of Scaffolds) Reports Order 1962
1962/715	Hoists Exemption Order 1962
1967/112	Work in Compressed Air (Prescribed Leaflet) Order 1967
1967/759	Hoists Exemption (Amendment) Order, 1967
1969/609	Asbestos Regulations, 1969
1970/535	Abrasive Wheels Regulations, 1970
1972/917	Highly Flammable Liquids and Liquefied Petroleum Gases Regulations 1972
1973/5	Work in Compressed Air (Health Register) Order 1973
1973/8	Factories Act General Register Order 1973
1974/903	Woodworking Machines Regulations 1974
1974/1587	Abstract of Special Regulations (Highly Flammable Liquids and Liquefied Petroleum Gases) Order 1974
1975/1584	Employers' Health and Safety Policy Statements (Exception) Regulations 1975
1977/500	Safety Representatives and Safety Committees Regulations 1977
1980/1248	Control of Lead at Work Regulations (and Code of Practice) 1980
1981/399	Diving Operations at Work Regulations 1981
1981/917	Health and Safety (First Aid) Regulations 1981

continued overleaf

Every effort has been made to make this list as exhaustive and comprehensive as possible. However checks should be made to verify that all regulations relating to a specific contract have been included

**List of Health and Safety at Work
Regulations, Rules and Orders (continued)**

1983/1649	Asbestos (Licensing) Regulations 1983
1985/1333	Ionising Radiation's Regulations 1985
1986/1500	Electrically Operated Lifts (EEC Requirements) Regulations 1986
1987/2115	Control of Asbestos at Work Regulations 1987
1988/1222	Health and Safety (Training for Employment) Regulations 1988
1989/635	Electricity at Work Regulations 1989
1989/682	Health and Safety Information for Employees Regulations 1989
1989/1039	Health and Safety (Training for Employment) (Amendment) Regulations 1989
1989/1790	Noise at Work Regulations 1989
1989/2169	Pressure Systems and Transportable Gas Containers Regulations 1989
1989/2209	Construction (Head Protection) Regulations 1989
1990/1380	Health and Safety (Training for Employment) Regulations 1990
1992/195	Lifting Plant and Equipment (Records of Test and Examination etc.) Regulations 1992
1992/742	Road Traffic (Carriage of Dangerous Substances in Packages etc.) Regulations 1992
1992/743	Road Traffic (Carriage of Dangerous Substances in Road Tankers and Tank Containers) Regulations 1992
1992/744	Road Traffic (Training of Drivers of Vehicles Carrying Dangerous Goods) Regulations 1992
1992/2051	Management of Health and Safety at Work Regulations 1992
1992/2792	Health and Safety (Display Screen Equipment) Regulations 1992 (and HSE Guidance)
1992/2793	Manual Handling Operations Regulations 1992 (and HSE Guidance)

continued overleaf

***Every effort has been made to make this list as
exhaustive and comprehensive as possible. However
checks should be made to verify that all regulations
relating to a specific contract have been included.***

**List of Health and Safety at Work
Regulations, Rules and Orders (continued)**

1992/2932	Provision and Use of Work Equipment Regulations 1992 (and HSE Guidance)
1992/2966	Personal Protective Equipment at Work Regulations 1992 (and HSE Guidance)
1992/3004	Workplace (Health, Safety and Welfare) Regulations 1992 (and HSE Code of Practice and Guidance)
1992/3073	Supply of Machinery (Safety) Regulations 1992
1992/3139	Personal Protective Equipment (E.C. Directive) Regulations 1992
1993/3074	Personal Protective Equipment (E.C.Directive) (Amendment) Regulations 1993
1994/669	Carriage of Dangerous Goods by Road and Rail (Classification, Packaging and Labelling) Regulations 1994
1994/2063	Supply of Machinery (Safety) (Amendment) Regulations 1994
1994/2326	Personal Protective Equipment (E.C.Directive) (Amendment) Regulations 1994
1994/2865	Management of Health and Safety at Work (Amendment) Regulations 1994
1994/3098	Simple Pressure Vessels (Safety) (Amendment) Regulations, 1994
1994/3140	Construction (Design and Management) Regulations, 1994
1994/3246	Control of Substances Hazardous to Health Regulations 1994
1996/1092	Chemicals (Hazard Information and Packaging for Supply) (Amendment) Regulations, 1996
1994/3260	Electrical Equipment (Safety) Regulations, 1994
1985/2023	Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1985
1995/3163	Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995
1996/341	Health & Safety (Safety Signs & Signals) Regulations 1996
1996/	Construction (Health, Safety and Welfare) Regulations 1996

***Every effort has been made to make this list as
exhaustive and comprehensive as possible. However
checks should be made to verify that all regulations
relating to a specific contract have been included.***

HEALTH AND SAFETY IN HERTFORDSHIRE COUNTY COUNCIL CONTRACTS

Guidance For Contractors and Prospective Tenderers

1.0 Introduction

- 1.1 The successful implementation of effective Health and Safety at Work practices is a major commitment for Hertfordshire County Council, as it should be for all employers.
- 1.2 Under Section 2 of the Health and Safety at Work Act 1974 (HASAW) the Council has a general duty of care for its employees.
- 1.3 Under Section 3 of HASAW it has a similar duty of care for others who may be affected by its actions, and that of its staff, which includes its contractors and sub-contractors.
- 1.4 Similarly contractors and sub-contractors who work for, or on behalf of, the County Council have reciprocal responsibilities to their employees and others, which will include all those who use the sites (including the County Council's staff) where the contractor performs its services.
- 1.5 **THE COUNTY COUNCIL TAKES ITS HEALTH AND SAFETY RESPONSIBILITIES EXTREMELY SERIOUSLY, IT WILL EXPECT THE SAME LEVEL OF COMMITMENT FROM ITS CONTRACTORS AND SUB-CONTRACTORS.**

2.0 Practical Issues - The Council's Responsibilities

- 2.1 Under Regulations 9 and 10 of the Management of Health and Safety at Work Regulations 1992 where contractors are working for County Council and/or on County Council sites the Council must
 - 2.1.1 Co-operate and co-ordinate with other employers on Health and Safety matters.
 - 2.1.2 Inform other employers of risks to their employees' health and safety, arising out of, or in connection with the undertaking.
 - 2.1.3 Check that contractor's employees have received the information given to the contractor.
 - 2.1.4 Check that whatever the contractor's employees do, or use, will not be harmful to the County Council staff (or other site users).
 - 2.1.5 Check that where maintenance work is to be carried out which involves disturbing a buildings fabric, fixtures or finishes eg. drilling, cutting or modifying, the procedures contained in the

Asbestos Code of Practice in the County Health and Safety Policies and Guidance Manual, must be complied with.

- 2.2** The County Council is implementing monitoring with local managers to ensure these responsibilities are effectively carried out. Contractors will be informed, in writing, of the monitoring procedure(s) put into place.
- 2.3** If a contractor, sub-contractor or prospective contractor has not been, or is not being, given required information the contractor should contact the individual named within the documentation received from the Council, who will ensure the information is made available.

3.0 The Prospective Tenderers' Responsibilities

- 3.1** At some stage in the pre-contract process prospective tenderers will be asked for relevant and appropriate Health and Safety information. When this information has been requested by the Council, it must be supplied, in full, within the timescale stated.
- 3.2** Dependant on the timing of the total process, similar information may be requested on more than one occasion.
- 3.3** Prospective tenderers will normally be requested to provide the following:
 - 3.3.1 A copy of their Health and Safety Policy.
 - 3.3.2 Details of the arrangements for implementing and maintaining their Health and Safety Policy.
 - 3.3.3 Examples of assessments (e.g. COSHH, General Risk etc) and/or procedures (e.g. First-Aid, Accident Reporting etc).
 - 3.3.4 Examples of written safe systems of working.
 - 3.3.5 Information relating to training on Health and Safety matters.
 - 3.3.6 Notifiable accident statistics.
 - 3.3.7 Details relating to Health and Safety Executive activities i.e. Improvement/Prohibition Notices and Prosecutions.
 - 3.3.8 Other information relevant and appropriate to the issues involved.
- 3.4** For contracts which involve the Construction (Design and Management) Regulations 1994 more specific and detailed systems will apply, as stated in the Regulations.
- 3.5** Questions relating to Health and Safety matters will be asked of organisations given as references. Other checks may also be carried out.

- 3.6** Failure of prospective contractors to supply the information requested by the Council will result in that company, or individual, not being invited to tender or being awarded the contract.
- 3.7** The Contractor should also check that where maintenance work is to be carried out which involves disturbing a buildings fabric, fixtures or finishes eg. drilling, cutting or modifying, the procedures contained in the Asbestos Code of Practice in the County Health and Safety Policies and Guidance Manual, must be compiled with.

4.0 The Responsibilities of Successful Contractors

- 4.1** The County Council's commitment to Health and Safety does not apply just to the select list and/or tender period, but to the whole of the period of the contract.
- 4.2** It is expected that the contractor will also have that level of commitment over the whole of the period of the contract.
- 4.3** After a stated lead-in period the contractor will be expected to provide the monitoring officer with their specific written assessments (e.g. COSHH, Manual Handling, Personal Protective Equipment, First-Aid, General Risk) as appropriate and safe systems of work.

N.B. The County Council will also make reference back to previous information given by the contractor.
The County Council contract monitoring process will include reference to health and safety issues.

- 4.4** Contractors must submit accident/incident reports to the Council's monitoring officer by the method stated in the specification or the monitoring procedures.
- 4.5** Day-to-day contact with local managers will also be necessary on Health and Safety matters. They will be given the information provided by contractors on assessments and safe working systems through the Council's monitoring officer and will be expected to undertake frequent checks to ensure compliance.
- 4.6** It is the Contractor's responsibility to ensure that their staff have understood the information which has been given to the Contractor by the County Council.
It is also the Contractor's responsibility to train their staff to ensure compliance with the information given.
- 4.7** Failure to provide either the required level of commitment to Health and Safety or on-going information requested, may result in action being taken against a contractor, as stated in the appropriate paragraphs of

the contract documentation.

4.8 The Contractor's attention is also drawn to the 'Safety Rules for Contractors' shown at Appendix 5.

5.0 Conclusions

5.1 The County Council expects a high level of commitment to Health and Safety from its contractors and sub-contractors.

5.2 Therefore, the effective initial assurances of a contractor's health and safety performance, and an efficient system for its on-going monitoring and management are essential.

5.3 The management and staff of both the County Council and the contractor should be fully aware, ever vigilant and totally committed to ensure a healthy and safe environment for their respective employees and clients.

HEALTH AND SAFETY IN HERTFORDSHIRE
COUNTY COUNCIL CONTRACTS

Guidance For Local Managers

1.0 Introduction

- 1.1 The successful implementation of effective Health and Safety at Work practices is a major commitment for Hertfordshire County Council, as it should be for all employers.
- 1.2 Under Section 2 of the Health and Safety at Work Act 1974 (HASAW) the Council has a general duty of care for its employees.
- 1.3 Under Section 3 of HASAW it has a similar duty of care for others who may be affected by its actions, and that of its staff, which includes its contractors and sub-contractors.
- 1.4 Similarly contractors and sub-contractors who work for, or on behalf of, the County Council have reciprocal responsibilities to their employees and others, which will include all those who use the sites (including the County Council's staff) where the contractor performs its services.

2.0 Specific Responsibilities

- 2.1 Under Regulations 9 and 10 of the Management of Health and Safety at Work Regulations 1992 where contractors are working for County Council and/or on County Council sites the Council must
 - 2.1.1 Co-operate and co-ordinate with other employers on Health and Safety matters.
 - 2.1.2 Inform other employers of risks to their employees' health and safety, arising out of, or in connection with the undertaking.
 - 2.1.3 Check that contractor's employees have received the information given to the contractor.
 - 2.1.4 Check that whatever the contractor's employees do, or use, will not be harmful to the County Council staff (or other site users).
 - 2.1.5 Check that where maintenance work is to be carried out which involves disturbing a buildings fabric, fixtures or finishes eg. drilling, cutting or modifying, the procedures contained in the Asbestos Code of Practice in the County Health and Safety Policies and Guidance Manual, must be complied with.
- 2.2 Local Managers must ensure that they undertake these duties, on behalf of the County Council, at their site(s).

- 2.3** The method(s) of communication between themselves and the Contractor should be agreed with the Monitoring Officer.
- 2.4** Local Managers will also be responsible for the superintendence of Health and Safety issues on a day to day basis.
- 2.5** Therefore they must be aware of
 - 2.5.1 The relevant legislation.
 - 2.5.2 The Contractor's specific assessments eg COSHH, Manual Handling etc and
 - 2.5.3 The Contractor's safe systems of working resulting from those assessments.
- 2.6** The monitoring officer will provide guidance on how these issues should be addressed.
- 2.7** Local Managers must also be conversant with the action to be taken in situations of non-compliance by the Contractor.
- 2.8** In these situations effective liaison between the Local Manager and the monitoring officer is essential, to ensure that
 - 2.8.1 The required procedures are followed.
 - 2.8.2 All non-compliance is efficiently notated, and
 - 2.8.3 Recidivist contractors are dealt with.
- 2.9** The Contractors attention should be drawn to the 'Safety Rules for Contractors' shown at Appendix 5.

3. Conclusions

- 3.1** The County Council expects a high level of commitment to Health and Safety from the Contractors over the period of the contract.
- 3.2** Local Managers will play an essential role in the effective superintendence of Health and Safety, to ensure a healthy and safe workplace for their staff and others who use their staff and others who use their site.
- 3.3** If Local Managers have any problems, or require any further advice, they should contact their Monitoring Officer immediately.

HEALTH AND SAFETY IN HERTFORDSHIRE
COUNTY COUNCIL CONTRACTS

Guidance For Staff Monitoring Contracts

1.0 Introduction

- 1.1 The successful implementation of effective Health and Safety at Work practices is a major commitment for Hertfordshire County Council, as it should be for all employers.
- 1.2 Under Section 2 of the Health and Safety at Work Act 1974 (HASAW) the Council has a general duty of care for its employees.
- 1.3 Under Section 3 of HASAW it has a similar duty of care for others who may be affected by its actions, and that of its staff, which includes its contractors and sub-contractors.
- 1.4 Similarly contractors and sub-contractors who work for, or on behalf of, the County Council have reciprocal responsibilities to their employees and others, which will include all those who use the sites (including the County Council's staff) where the contractor performs its services.

2.0 Specific Responsibilities

- 2.1 Under Regulations 9 and 10 of the Management of Health and Safety at Work Regulations 1992 where contractors are working for County Council and/or on County Council sites the Council must
 - 2.1.1 Co-operate and co-ordinate with other employers on Health and Safety matters.
 - 2.1.2 Inform other employers of risks to their employees' health and safety, arising out of, or in connection with the undertaking.
 - 2.1.3 Check that contractor's employees have received the information given to the contractor.
 - 2.1.4 Check that whatever the contractor's employees do, or use, will not be harmful to the County Council staff (or other site users).

- 2.1.5 Check that where maintenance work is to be carried out which involves disturbing a buildings fabric, fixtures or finishes eg. drilling, cutting or modifying, the procedures contained in the Asbestos Code of Practice in the County Health and Safety Policies and Guidance Manual, must be complied with.
- 2.2 It will be the responsibility of the monitoring officer to ensure that these respective obligations are effectively communicated both to and between the contractor and the local manager.
- 2.3 The monitoring officer should ensure they are fully conversant with the Health and Safety requirements in the contract documentation and the information/answers provided by the contractor.
- 2.4 It is anticipated that the monitoring officer will ensure that effective systems are put in place and to
 - 2.4.1 Regularly check all Health and Safety issues arising from the contractor's working practices.
 - 2.4.2 Make local managers aware of their responsibilities, both generally and as part of the specified contract.
 - 2.4.3 Give guidance to local managers on the action to be taken relating to varying levels of non-compliance by the contractor.
 - 2.4.4 Deal effectively and efficiently with non-compliance by the contractor.
- 2.9 The Contractors attention is drawn to the 'Safety Rules for Contractors' shown at Appendix 5.
- 3.0 Conclusions**
- 3.1 The County Council expects a high level of commitment to Health and Safety from its contractors over the period of the contract.
- 3.2 Therefore, the Council's monitoring officer will play an essential role in ensuring that Contractors and their staff comply with all Health and Safety requirements of the contract as an integral part of the works/services described in the contract documentation.

SAFETY RULES FOR CONTRACTORS

These are general safety rules which should be brought to the attention of all contractors working on County Council premises/sites by the local manager or other designated person.

SITE SECURITY

1. All reasonable steps must be taken to report your presence on site before commencing work.
 - a. On arrival, you must report to the Local Manager and you must enter and leave through front Reception only, unless otherwise agreed.
 - b. The badge issued to you must be worn at all times conspicuously. It must be returned to Reception when you leave the site.
 - c. Parking arrangements will be agreed and authorised by the Local Manager.
 - d. Ensure your possessions and materials are protected, secured and not left unattended.
 - e. You are strictly forbidden from entering any other departments or areas in which you are not working.
 - f. Fire Procedures, Emergency Procedures - see posted Notices.
 - g. Vehicles and baggage may be liable to search on exit from the site.
2. You and your employees will conform in all respects to your legal duties and responsibilities as laid down by the Health and Safety at Work Law, some of which are listed below.
3. The Council will retain the right to stop any operation, erection of plant/equipment or the action of any of your employees if it is considered that there is a danger to the safety and health of employees or of others. The Council will not accept any responsibility for any increased costs arising out of such action. In the event of the Council taking this action your site representative will be notified verbally and will have confirmation in writing from the Council's representative supervising the contract ordering such a stoppage.
4. The Council will be indemnified by you or your insurers in respect of any claims, costs or expenses arising out of any incidents on Council premises involving you or your employees.
5. **NO SMOKING**
Smoking is not allowed in any building, or in the vicinity of any storage area,

except In designated smoking areas.

6. **PROTECTIVE CLOTHING**

Safety Shoes/boots, glasses, hearing protection and other protective clothing must be worn where required. You must obtain protective clothing/ equipment suitable for the hazards for the work in which you are engaged from your employer.

7. **EQUIPMENT**

All tools and equipment brought onto the site **MUST** comply with acceptable standards of safety. Electrical equipment must be battery operated, 110v or supplied via a Residual Current Circuit Breaker. Staff of the County Council have the right of examination and to reject equipment considered to be unsatisfactory. The Authority's' equipment may not be used.

8. **DISTURBANCE**

Noisy and dirty operations are only permitted within times agreed with the Local Manager. The use of radio/cassette players is forbidden.

9. **RUBBISH CLEARANCE**

All rubbish must be placed in bins or skips. High standards of cleanliness must be observed through-out the site and work areas must be kept tidy. Contractors must make their own arrangements for prompt removal of rubbish skips from site.

10. **VEHICLES**

Are not allowed on site without the permission of the Local Manager. The 10mph speed limit and other warning notices must be observed and adhered to at all times.

11. **EMERGENCIES**

If the fire alarms sound, you must stop work immediately, and report to the designated Evacuation Assembly Point.

12. **ACCIDENTS AND DANGEROUS OCCURRENCES**

All injuries or incidents involving damage to plant, buildings or equipment must be reported immediately to the Local Manager.

The Council retains the right to stop any operation or action of any contractor, if it is considered that there is a danger to the safety & health of employees or other site users. Any costs caused by this stoppage will be borne by the contractor

13. **CATERING**

No catering is provided on site. No intoxicating liquor may be bought on or consumed on site.

14. **RISK ASSESSMENTS**

Any activity which may put the health and safety of staff at risk must be communicated to the Local Manager or Health and Safety Co-ordinator.

15. **CHEMICALS**
No chemicals, solvents, glues, etc., may be used on site without permission from the Local Manager. Residue chemicals must be removed from the site by the Contractor.
16. **ROOFS**
The roofs of buildings on the site are not normally guarded, and adequate guarding must be provided prior to any work being carried out.
17. **SCAFFOLDING**
Above two metres in height must not be used until it has been examined by the Local Manager. Scaffolding must not obstruct emergency equipment including fire extinguishers and access ways.
18. **WORK AT HEIGHTS**
Where it is possible to fall more than two metres in height, suitable precautions must be taken, using scaffolding or cradles. Ladders are not normally permitted for work above two metres high.
19. **EXCAVATION (Digging)**
Must not be commenced until the Local Manager has been contacted and the position of all underground pipes and cables is known. All excavated areas must be made safe using fencing, signs, etc.
20. **HOT WORK**
Must not be carried out until permission has been obtained from the Site Manager, and all precautions followed.
21. **ASBESTOS**
Any work which will affect the buildings' fabric, finishes or "fixed equipment" (i.e. equipment connected directly to the mains supply of gas, water or electricity) must comply with the Permission to Work System for Asbestos. Refer to the Asbestos Code of Practice in this Manual and the Asbestos Policy found in the Site Asbestos Manual.
22. **FIRE SAFETY**
- Contractors must adhere to the following:
- The use of Permit to Work Systems where appropriate.
 - Fire extinguishers are not removed from their locations or used as a door stopper.
 - Escape routes to be maintained, alarm points not obstructed, smoke/fire alarms not restricted and fire doors not wedged open.
 - All equipment to be adequately maintained and suitable for the task.