UKRI Science and Technology Facilities Council

Contractor Safety Management

STFC SHE Training for Managers of Contractors and non-STFC Workers

Course Programme

**** Please note timings are approximate and will be adjusted to suit progress through the course material ****

09:00 to 09:15	Introduction and course programme
09:15 to 10:45	STFC Contractor H&S performance overview Types of contractor Legal implications for contractor management
10:45 to 11:00	Break
11:00 to 12:30	The requirements of STFC Code 15: Management of Contractors Contractor management timelines
12:30 to 13:15	Lunch
13:15 to 14:45	Practical contractor timeline
14:45 to 15:00	Break
15:00 to 16:15	CDM Regulations 2015 Supervision
16:15 to 16:45	Course assessment

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SHE Training for Managers of Contractors and non-STFC Workers

Domestic arrangements

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Course introductions

- Name
- Job description
- Examples of contractors and/or contracts managed
- Any specific safety issues

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Overall aims of the course

- This course is to understand the requirements for SHE management of contractors and non-staff workers in STFC as set out in SHE Code SC15 and to know understand to adapt these to a wide range of situations
- The course does not cover the detailed requirements for construction work coming under the CDM regulations (SHE Code SC13)

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Course objectives

- Consider STFC contractor SHE performance
- Review the broad range of non-STFC staff workers in STFC i.e. workers under formal contracts and workers that are not
- Understand in detail the requirements of STFC SHE Code 15: Management of Contractors
- Understand how to apply the principles from SHE Code 15 to all non-staff workers as well as contractors
- Understand where to find help and guidance relating to contractor management
- Appreciate the basics of the CDM Regulations and the interface to SHE Code 15
- Understand the activities for staff letting contracts (SLC's), contract supervising officers (CSOs), and the contractors themselves

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Course assessment

- The course will be assessed :
  - By completing a multiple choice examination on the main elements of the course at the end of the course
  - The course pass mark is 70%

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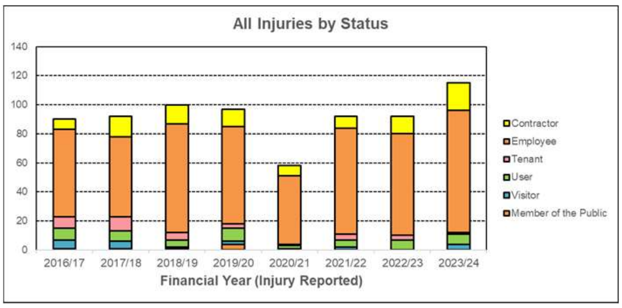
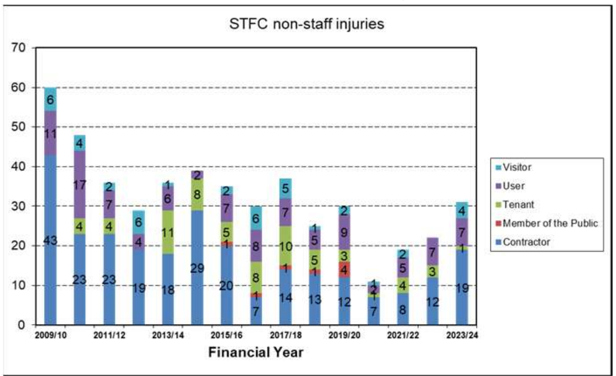
SHE Performance and Motivation

STFC Incident data

Injuries



Distribution of non-staff injuries



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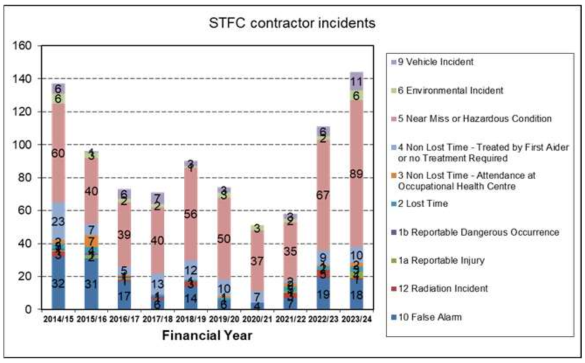
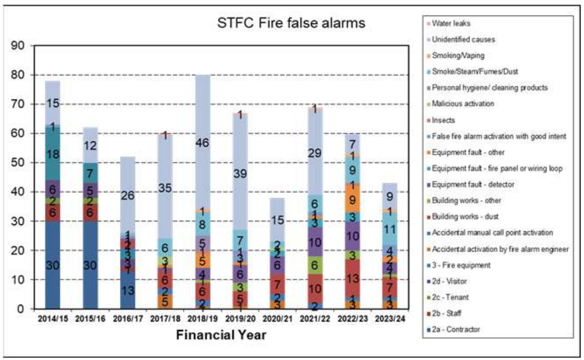
Contractor incidents

Type of incident (excl. fire)



False fire alarms (all status)



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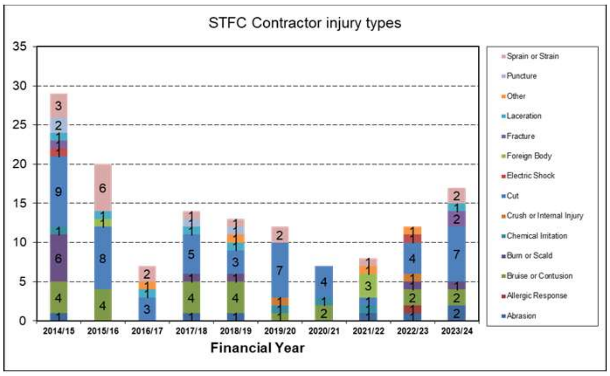
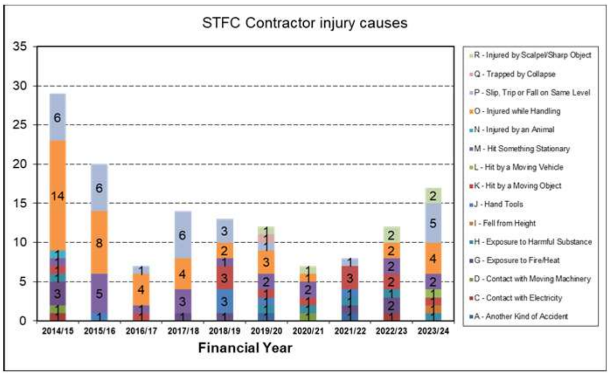
Contractor injuries

Injury types



Injury causes



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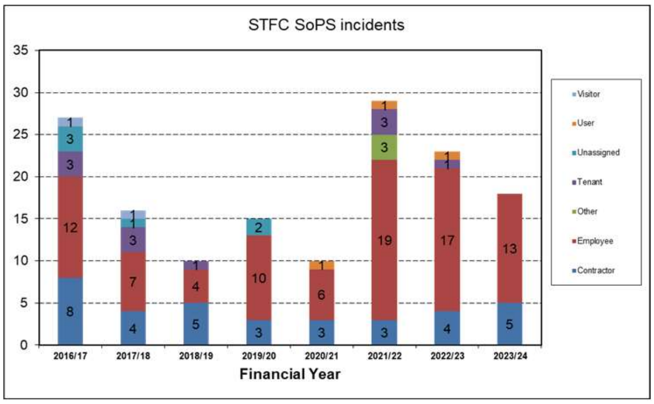
Serious or Potentially Serious Incidents (SoPs)

- Incidents (injuries, near misses, vehicle incidents, fire incidents) that did, or had the reasonable potential to result in significant and permanent harm to contractors, tenants, users, and visitors at STFC sites



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Contractor safety summary

- Contractor incident rate historically significant
- High percentage of contractor incidents tend to be reported by staff
- Under-reporting is an issue
- Contractor incident types and causes are broad
- False fire alarms from building works increasing

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Exercise 1: Types of contractor

- Read Sections 3.2 and 3.3 of the STFC Code 15
- Read Appendix 2 of the STFC Health and Safety Management Arrangements
- In groups, discuss use of non-STFC workers in the different categories and report back on your experience of the wide variety of non-staff working in STFC
- The table in the workbook presents one possible set of categories – you may have others

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Non-STFC worker arrangements

Formal (Documented signed off arrangement)	Informal (No documentation)
Tendered (With selection)	Un-tendered (No selection)
Paid	Unpaid
Specified works	Un-specified works
Term	Single project

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Legal Basics in the Management of Contractors

Health and Safety at Work Act legal basics

- Section 2 "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 his employees" – You cannot look after your own staff if non-staff/ others working within STFC are not properly under control

- Section 3 "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 or safety" – Fundamental duty to look after non-staff/others working in your department and STFC!

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Legal basics

- Management of Health and Safety at Work Regulations 1999
  - Reg. 3 Absolute duty on the employer to carry out risk assessment – with specific reference to persons involved in work but not in direct employment
  - Reg. 8 Everyone – staff/non-staff – to be made aware of procedures for serious and imminent danger
  - Reg. 11 Co-operation and co-ordination on safety where there are two or more employers in a shared workplace
  - Reg. 12 Provision of comprehensible information to other persons working in the host organisation and their employer
  - Reg. 15 Duties for temporary workers – fixed term contracts, agencies and agency workers

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Summary

- The law sets out a very broad duty to systematically look after the health and safety of non-staff workers
- Apart from the Health and Safety (Construction, Design and Management) Regs. (CDM), legislation does not refer to 'contractors' – only to those not in the employment of the undertaking but affected by it
- The safety management principles **are the same** for all the categories of non-staff workers identified within Exercise 1

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Contractors – common myths

- It's not our responsibility - we have appointed contractors – it’s their problem
- It's alright - we’re insured and they are insured
- Under the contract they have agreed to take responsibility for health and safety

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Contractors – the reality

- Health and safety duties imposed by statute and regulations cannot be delegated
- Insurance may be a (partial) answer to civil liability but not criminal liability
- It's all about whose ‘undertaking it is, Section 3 (1) HSWA
  - It shall be the duty of every employer to conduct his undertaking in such a way 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 or safety
- The reality is it’s a shared duty

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The reality

- R v Associated Octel Co Limited (1994)
  - Octel operated a large chemical plant at Ellesmere Port
  - In June 1990, while the plant was shut down for annual maintenance, contractors were engaged in repairing the lining of a tank
  - The way in which the work was carried out caused a flash fire in which one of the contractor’s employees was badly burned
- See detail in supplementary materials

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[Firms fined for electrician's 35ft fall at Coventry manufacturers - BBC News]

[Both contractor and company where this took place were prosecuted and fined]

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£100 padlock would have prevented this contractor from being harmed

STFC has a duty of care to everyone on our sites – including contractors
(often involved in high-risk work)

- David died almost instantly when exposed to highly toxic ammonia gas
- One other person was seriously injured and 20 people required hospital treatment
- Carlsberg had hired Crowley Carbon to remove an old refrigeration system. It was during the removal of the compressor that there was an uncontrolled release of ammonia gas
- Carlsberg were fined £3M and Crowley Carbon not a penny as they went into administration

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Statement from the HSE:

- "Projects involving multiple contractors always require 'effective management arrangements for planning, managing and monitoring risks'. In this instance there were only 2 duty holders because Crowley Carbon was the principal designer and the principal contractor. It was not a complicated or difficult arrangement. This incident was entirely preventable – all Carlsberg and Crowley Carbon had to do was look at the risk of ammonia gas and identify the correct standard of isolation required. Had they done that, David Chandler would not have lost his life.
- It is important that duty holders understand that in the case of an incident, the HSE will look to everybody with legal duties to determine if they have failed, and we will hold to account all those who do not comply with their legal duties."

Carlsberg

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HSE Guidance in INDG 368 (rev 1)

- Employers must:
  - Identify/specify the job and the associated safety issues
  - Select a suitable contractor with sufficient competence
  - Assess the risks – consulting those involved:
    - To the contractor from host activity
    - To host staff from contractor activity
  - Host and contractor produce Risk Assessment and Method Statement proportional to the hazards and risks identified

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HSE Guidance in INDG 368 (rev 1)

- Employers must:
  - As necessary, provide information, instruction and training to both host staff and contractors including special arrangements and emergency procedures
  - Co-operate and co-ordinate with the contractor i.e. work out arrangements in advance
  - Manage and supervise the work
  - Review safety arrangements for the contract when complete

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Remember

- Note that all this is basically applied common sense
- The time and effort expended and the complexity of any safety arrangement should be proportional to the hazards present and the risks they present
- The summary of best practice from HSE leads naturally to the STFC specific arrangements set out in Code 15

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SHE Code 15 – Management of Contractors

STFC's strategy

- Comply with all aspects of legislation through the provisions of STFC Code 15: Management of Contractors including provision of training to those involved (Note: SHE Code 15 is based on INDG 368)
- This is achieved by setting out clear responsibilities for:
  - Staff Letting Contracts (SLC)
  - The Contract Supervising Officer (CSO)
  - The Contractor


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MANAGEMENT OF CONTRACTORS

STFC Safety Code No 15

Rev. 2.2, Issued January 2020

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Staff Letting Contracts (SLC)

- An STFC employee, or their representative, who is responsible for defining the contracted works and appointing the contractor
- Where the contractor will be paid this may be through a formal contract tender process
- The SLC should define the SHE requirements of any contract explicitly as these will not be included automatically where centralised procurement service providers are employed

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Contract Supervising Officer (CSO)

- An STFC employee who has a responsibility for ensuring that the contractor undertakes their work in accordance with the conditions of the contract or other agreed instructions
- The CSO may be any competent person employed by, or acting on behalf of the STFC
- The role of SLC and CSO may be undertaken by the same person if their resource and capabilities allow

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Contractor

- Any organisation/person(s) that the STFC engages to undertake work who is not employed by the STFC, irrespective of whether they are paid or not by the STFC.
- Work undertaken by a contractor may include projects and activities such as:
  - commission or de-commission equipment or plant
  - install, inspect, test, repair, clean or service equipment or plant
  - provide gardening, grounds maintenance etc.
  - provide catering, cleaning etc.
  - provide design consultancy, surveying, site investigations etc.
  - provide software development, IT support etc.
- Term contractor: A contractor employed across the STFC Estate, normally for a period of 1 to 5 years, undertaking works directly or through sub-contractors.

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Contractor management timeline

	Initial Planning	Selection	Detailed Planning	At the Start	During	After
Staff Letting the Contract (SLC)						
Contract Supervising Officer (CSO)						
Contractor						

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Exercise 2: Contractor management timeline

- Identify from STFC SHE Code 15 and the HSE Guidance the safety management duties of:
    - Staff Letting Contracts (SLC)
    - The Contract Supervising Officer (CSO)
    - The Contractor

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Proportionality

- Clarity on who holds the role responsibilities
- See H&S Management Arrangements, Appendix 2 – Responsibility for health and safety in STFC

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Summary of SHE Code 15 requirements

- When employing a contractor STFC is obliged to:
  - Consider safety at the planning stage
  - Ensure competency at the selection stage
  - Undertake full assessment of risks and controls in both directions prior to work starting
  - Agreement on supervision arrangements prior to work starting
  - Confirm competency and all arrangements at the outset
  - Deliver training and induction as necessary
  - Adequate monitoring throughout

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Guidance and information within the Code

- Appendix 2 : Contractor selection SHE Checklist
- Appendix 3 : Contract Supervising Officer SHE Checklist and Contract Signoff
- Appendix 4 : STFC SHE Information for Contractors (STFC Site Contractor Handbooks)
- Appendix 5 : Guidance on risk assessment and method statements
- Appendix 8 : Timeline activity summaries for SLCs, CSOs and Contractors

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Guidance available from the HSE

- HSE INDG368: Using contractors – A brief guide
  - A 7 page document summarising all aspects of contractor management
- HSE HSG159: Managing contractors – A guide for employers
  - A 44 page comprehensive guide

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Work involving radiation

- If the contracted work involves a radiation hazard of any description, the contractor must take advice from both their own Radiation Protection Advisor (RPA) and the STFC Radiation Protection Advisor to ensure full compliance with all relevant STFC Codes and radiation safety legislation
- Note: the contractors RPA and STFC's RPA must co-operate and exchange all relevant information
- The Contract Supervising Officer must participate in this consultation

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Exercise 3: Practical contract timelines

- Consideration of SC15 Appendix 8 in reality
- In groups:
  - Read the exercise and prepare a practical timeline
  - Discuss the issues relating to the STFC timeline in principle
  - Discuss the issues/difficulties with implementation in STFC for your department/role
- Presentation and discussion on possible solutions

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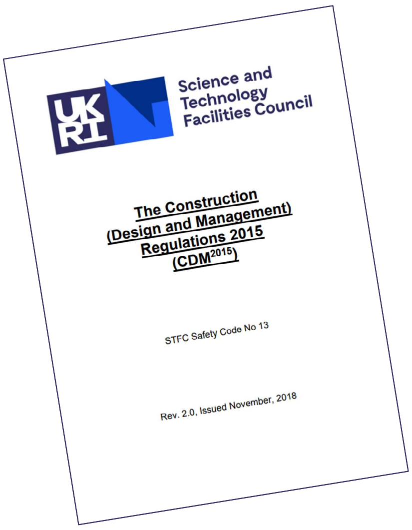
Construction Design and Management Regulations 2015 (CDM) at STFC

STFC Safety Code 13: CDM Regulations

- STFC Safety Code updated for the 2015 CDM Regulations
- The Code had major modifications to achieve compliance with the new regulations
- Required for construction works where 2 or more contractors' organisations are working
- What is construction work?
- Separate courses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The Construction (Design and Management) Regulations 2015 (CDM[2015])

STFC Safety Code No 13

Rev. 2.0, Issued November, 2018

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Supervision

Supervision role

- The primary functions of the Contract Supervising Officer are:
  - Induction
  - Other briefings as necessary
  - Liaison
  - Monitoring
- You are not responsible for and should not attempt to substitute for the contractor's safety management

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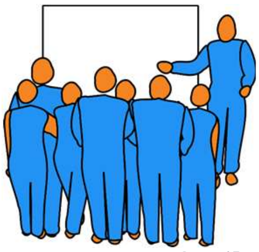
Briefing

- The briefing role of the Contract Supervising Officer relates to health safety issues that the contractors need to know about due to:
    - Activities of STFC staff
    - STFC's working environment
    - Activities of other contractors
- Briefings may be needed at any time during the contract
    - Consider short and highly focussed "Toolbox Talks"



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Routine and periodic monitoring

- Your regular presence and behaviour will strongly influence contractor behaviour:
    - Be visible at the location and practice careful observation
    - Ask questions with face to face communications and practice active listening
    - Seek clarifications where needed – don't assume
- Fundamental question – Are they working safely in line with STFC SHE Codes and to the agreed risk assessments and method statement (RAMS)?

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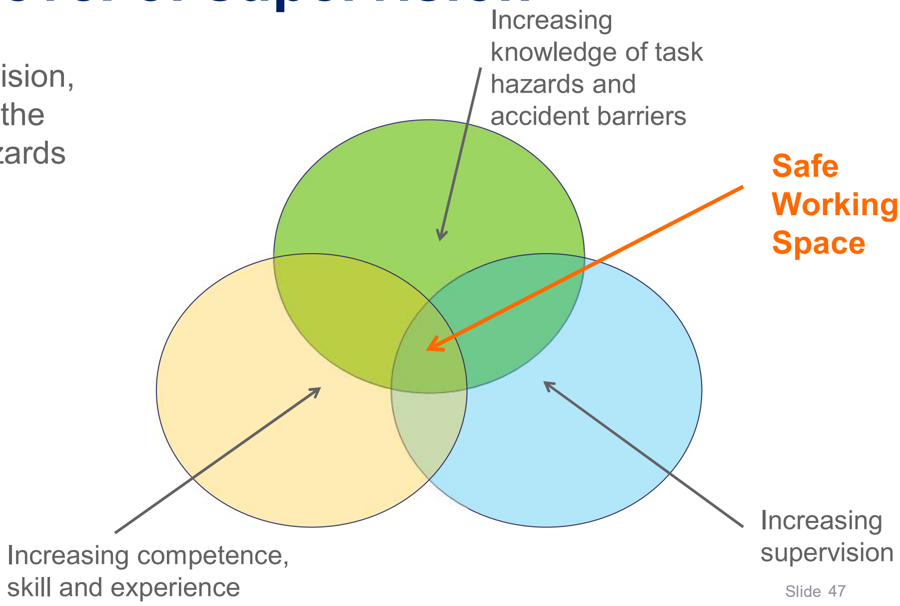
The right level of supervision

- Balancing supervision, competence and the knowledge of hazards



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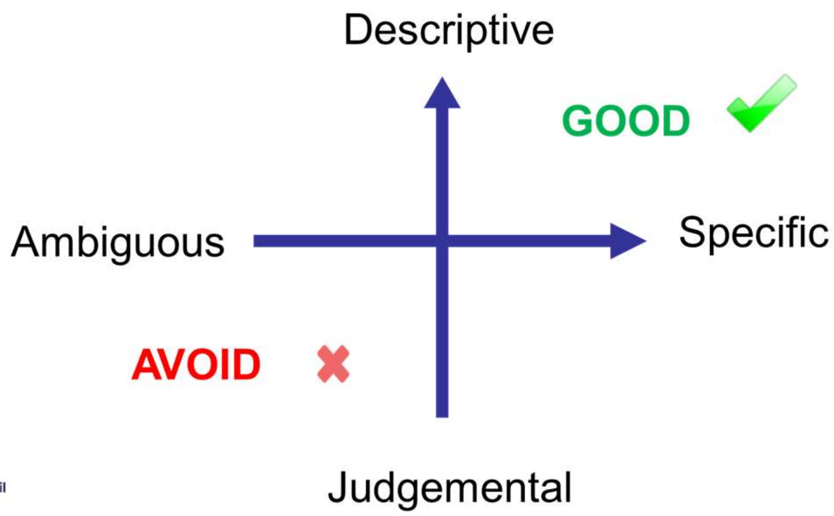
Giving feedback



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Problems?

- Intervene early and make it very clear what is acceptable and what is not
- Seriously concerned?
- You are fully empowered to stop work until a resolution acceptable to both sides is agreed
- If necessary, obtain support from your line manager and SHE Group

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Exercise 4: Dealing with problems

- In groups, prepare a prompt sheet showing the actions and strategies that a CSO can employ to both prevent problems arising and dealing with them when they do
- Discuss and make use of examples from your own experience
- Use the imaginary scenario on the handout if necessary
- Emphasis is on positive solutions!

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Thank you

SHE website: https://staff.she.stfc.ac.uk/pages/staff/home.aspx

STFC SHE Training for Managers of Contractors and non-STFC Workers

Supplementary Information

R v Associated Octel Co Ltd (1996)

Meaning and extent of 'conduct of undertaking' as applied to Health and Safety at Work Act, section 3.

Facts

Associated Octel Co. Ltd. ("Octel"), operate a large chemical plant at Ellesmere Port. On 25 June 1990 there was an accident at the chlorine works. The plant was shut down for its annual maintenance and a small firm of specialist contractors called Resin Glass Products Ltd ("RGP") were engaged in repairing the lining of a tank. Mr. Cuthbert, an employee of RGP, was working in the tank by the light of an electric light bulb attached to a lead. After grinding the damaged area of the lining, he had to clean it down with acetone before applying a fibreglass matting patch with resin. He had his supply of acetone in an old paint bucket which he had found in a refuse bin. While he was applying the acetone with a brush, the light bulb broke. Some of the liquid had probably dripped onto it. Acetone is volatile and gives off highly inflammable vapour. As Mr. Cuthbert was using an open bucket, there was a good deal of vapour in the tank. The broken bulb caused a flash fire in which Mr. Cuthbert was badly burned.

RGP Ltd was convicted of an offence under section 2 of the 1974 Act, and Octel Ltd of an offence under section 3. Octel Ltd appealed to the Court of Appeal. It was argued on their behalf that section 3 did not involve liability for the actions of independent contractors.

The Decision

The appeal failed. The court ruled that it was a question of fact in each case whether an activity which caused a risk to the health and safety of persons (other than employees) amounted to the conduct of an undertaking. The term “undertaking” was taken as meaning “enterprise” or “business” and the cleaning, maintenance or repair of plant, machinery or buildings necessary for carrying on the business was part of the undertaking (whether carried out by the client’s employees or by an independent contractor). Therefore Octel Ltd was liable under section 3(1).

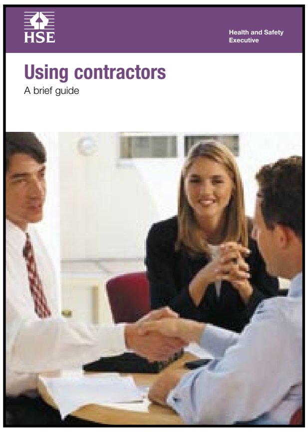
Note

As the tank was designated a major hazard site under the Control of Industrial Major Accident Hazards Regulations 1984 (CIMAH Regulations) (as amended), A Ltd was obliged to submit a safety case to the Health and Safety Executive (HSE). The case submitted required contractors to comply with a permit-to-work system. However, the system was not properly implemented.

A landmark decision for clients, determining that they exert control over the selection and activities of contract staff and contractors (by way of their undertaking) and, as such, clients must take effective steps to ensure that the work is completed without risks to health or safety.

Using contractors

A brief guide



This is a web-friendly version of leaflet INDG368(rev1), published 06/12

This leaflet is aimed at businesses that use contractors. A contractor is anyone you ask to do work for you who is not an employee.

The guidance tells you what you must do to comply with health and safety law when you use contractors. However, it doesn't apply to temporary or agency workers – there is more specific information about them at www.hse.gov.uk/workers/agencyworkers.htm.

The guide includes:

- Case studies that show the importance of taking the work of contractors seriously.
- 'Stop check!' boxes that tell you when you may need to take extra steps and provide sources of more detailed guidance and industry-specific advice.

A checklist at the end of the leaflet will help you ask the right questions and prioritise your actions.

Your responsibilities

Both you and the contractor you use have responsibilities under health and safety law. Everyone needs to take the right precautions to reduce the risks of workplace dangers to employees and the public. Make sure everyone understands the part they need to play in ensuring health and safety.

What you need to do

Identify the job

Identify all aspects of the work you want the contractor to do. Consider the health and safety implications of the job. Remember, the level of risk will depend on the nature and complexity of the work. You should provide potential contractors with this information and make sure they know and understand the performance you expect of them. You could include this information in the job specification.

Stop check!

- If the work is construction or building work, as the client you have duties under the Construction (Design and Management) Regulations 2007. You can find out more in the HSE leaflet *Want construction work done safely? A quick guide for clients on the Construction (Design and Management) Regulations 2007*.
- If you are a small to medium-sized chemical company, there is more detailed guidance in *Managing contractors: A guide for employers*.

Select a suitable contractor

You will need to satisfy yourself that the contractor you choose can do the job safely and without risks to health. This means making enquiries about the competence of the contractor – do they have the right combination of skills, experience and knowledge? The degree of competence required will depend on the work. Similarly, the level of enquiries you make should be determined by the level of risks and the complexity of the job.

Examples of questions you could ask potential contractors include:

- What arrangements will you have for managing the work? For example, who will be responsible, how will the work be supervised, what checks do you make on equipment and materials etc?
- Will you be using subcontractors and if so how will you check they are competent? The level of competence for subcontractors will depend on the risk and the complexity of the work.
- What is your recent health and safety performance? For example, how many accidents and cases of ill health have you had, has HSE taken any action taken against you?
- Do you have a written health and safety policy? (This is only a requirement if five or more people are employed.)
- Can you provide existing risk assessments done for similar jobs? Again, written risk assessments are only required by law if five or more people are employed.
- What qualifications, skills and experience do you have in this type of work?
- What health and safety information and training do you provide for your workers?
- If required, do you have Employers' Liability Compulsory Insurance?

These questions will help you find out whether the contractor is complying with their duties under health and safety law. You can then decide how much evidence is needed to support what you have been told.

Other questions you can ask which may help you to decide which contractor to choose include:

- Do they have any independent assessment of their competence?
- Are they members of a trade association or professional body?
- Will they be producing a safety method statement for the job? A safety method statement is not required by law. It does however describe in a logical sequence exactly how a job is to be carried out in a safe manner and without risks to health. It includes all the risks identified in the risk assessment and the measures needed to control those risks. This allows the job to be properly planned and resourced.

Case study

A tree surgeon was felling a branch, when it fell into a neighbouring garden, damaging a fence panel. An hour earlier the neighbour had been in the garden playing with her 20-month-old child. The tree surgeon had neither the qualifications to use a chainsaw nor the skill to carry out the job safely. If the property developer who hired the tree surgeon had checked that he was competent to carry out the work, this incident would have been avoided. Don't assume someone is competent, check it yourself.

Assess the risks of the work

Both you and the contractor need to think about the planned work:

- What can harm people?
- Who might be harmed and how?
- How will you control the risks?

You can find more detailed information on risk assessment and control at www.hse.gov.uk/risk/index.htm.

You should already have a risk assessment for the work activities of your own business. Make sure your assessment covers risks to contractors from your business (eg asbestos, on-site vehicles). The contractor must assess the risks for the contracted work and then both of you must get together to consider any risks from each other's work that could affect the health and safety of the workforce or anyone else.

You need to think about any risks to your workers and members of the public, because you have contractors on site. Also, make sure you agree the measures needed to control risk with the contractor before work starts.

Stop check!

- Include health risks, such as high levels of noise or exposure to harmful substances, as well as safety risks.
- Once you have agreed action to control risks, be clear about who will do what and when. An easy way to communicate and record your findings is to use the risk assessment template (www.hse.gov.uk/risk/risk-assessment-and-policy-template.doc).
- There are specific requirements for some higher risk workplaces. For more information go to HSE's industries pages at www.hse.gov.uk/guidance/industries.htm.

Case study

A worker was killed when she was run over by a vehicle operated by a contractor. Neither the employer nor the contractor had identified pedestrian routes to keep pedestrians separate from moving vehicles. Additionally, the contractor hadn't given his drivers adequate training to make sure they operated the vehicles safely. The employer should have identified risks from the contractor being on site and agreed measures to control those risks before the work started.

Provide information, instruction and training

You and the contractor need to communicate with each other throughout the process. Make sure that the contractor and their employees have information on:

- health and safety risks they may face;
- measures in place to deal with those risks;
- your emergency procedures.

The information you provide should be in a form that is easy to understand.

Similarly, you must provide clear instructions, information and adequate training for your own employees.

Stop check!

- For more advice, see HSE's leaflet *Health and safety training: What you need to know*.
- Pay particular attention to those whose first language may not be English – see HSE's migrant workers web pages for more information, at www.hse.gov.uk/migrantworkers.

Case study

A farm worker received internal injuries and severe burns from electric shock when he lifted an irrigation pipe and it contacted 33 000 V overhead power lines. The employer had not discussed the presence of the overhead lines and identified a safe way of moving the irrigation pipes. The employer should have made the contractor aware of the risks he faced and agreed a method of work before the job was started. Don't assume that contractors will be aware of all risks, even if they seem obvious to you.

Cooperate and coordinate with the contractor

You and the contractor must work together and coordinate your activities, to make sure the work can be done safely and without risks to health. One way of doing this is to have regular meetings throughout. The level of cooperation and coordination needed will depend on:

- the job to be done;
- the number of contractors (or subcontractors) involved;
- the risks involved.

Case study

A delivery driver was injured when a lift truck hit him as he walked into a factory to find out where he should deliver his load. The employer should have identified the risks to the driver and given him clear instructions.

Consult the workforce

You have to consult your employees on health and safety matters. Involving your workers will help you make better decisions on the actual risks and the measures to control them. Involve your workers in the process and consult them on:

- how the contractor's work will affect their health and safety;
- information and training;
- making sure they know how to raise any concerns they may have about the contractors and their work.

Case study

A contractor working at a newsprint firm had his leg amputated when it was trapped in machinery. He had climbed onto the conveyor to move a reel that was stuck and his leg was caught between the roller and the moving slatted metal conveyor. The employer should have identified the risks from the work and provided a safe system of carrying it out. If the employer had consulted employees, this method of working would have been identified and controls put in place to prevent the accident.

Manage and supervise the work

Decide what you need to do to manage contractors' work. The measures you put in place should be consistent with the level of risk, ie the greater the risk, the more you need to do.

Consider:

- Who will be responsible for the work and what do you expect them to do?
- Who will supervise the work and how?
- How will the work be done and what precautions will be taken?
  - What equipment should or should not be worked on/used?
  - What personal protective equipment is to be used and who will provide it?
  - What are the working procedures, including any permits-to-work?
- What are the arrangements for stopping the work, if there are serious health and safety concerns?

Once the work has started, make sure you keep a check on how the work is going against what you have agreed. You can do this by:

- regular checks – ask yourself 'are the control measures working?'
- investigating if things go wrong, eg near misses, accidents, ill health. Ask yourself 'what went wrong and what can we do to prevent it happening again?'

After the job is finished, there will be benefits in reviewing and learning from any lessons to see if performance can be improved in future.

Case study

Contractors were employed to install new guttering on a 7 m high building. The workers could get onto the roof from a mobile tower at the front of the building, but there wasn't any equipment to stop them falling at the back where work was taking place. The employer should have made a decision about how the work would be carried out, what equipment would be used and who would supply it before work started. Don't assume that the contractor will have the right equipment to carry out the job safely.

Stop check!

This guide provides basic information on managing health and safety when using contractors. Further guidance on managing health and safety can be found in *Successful health and safety management*.

Checklist

Questions you should ask:	**Yes/ No**
Have you identified all aspects of the work you want the contractor to do?	
Have you included the health and safety implications of the work in the job specification?	
Is the work construction or building work? If so, do you know what more you need to do to comply with the Construction (Design and Management) Regulations 2007?	
Have you made enquiries about the competence of the contractor? If so, have you checked for evidence before they get the job?	
Have you assessed the risks of the work and agreed action to control the risks with the contractor?	
Have you provided the contractor and their employees with information about the risks?	
Have you provided the contractor and their employees with your emergency procedures?	
Have you provided instructions, information and training for your own employees?	
Have you put in place arrangements with the contractor to coordinate your activities during the work?	
Have you consulted your employees about the work and how they can raise any concerns?	
Have you identified who will be responsible for the work and what you will expect them to do?	
Have you identified who will supervise the work and how?	
Have you put in place arrangements to keep a check on how the work is going against what you have agreed with the contractor?	
Have you agreed how the job will be reviewed to learn any lessons from it?	

Want to know more?

Consulting workers on health and safety: Safety Representatives and Safety Committees Regulations 1977 (as amended) and Health and Safety (Consultation with Employees) Regulations 1996 (as amended). Approved Codes of Practice and Guidance (Second edition) L146 HSE Books 2012 ISBN 978 0 7176 6461 0 www.hse.gov.uk/pubns/books/l146.htm

Health and safety training: A brief guide Leaflet INDG345(rev1) HSE Books 2012 www.hse.gov.uk/pubns/indg345.htm

Managing contractors: A guide for employers HSG159 (Second edition) HSE Books 2011 ISBN 978 0 7176 6436 8 www.hse.gov.uk/pubns/books/hsg159.htm

Managing health and safety in construction. Construction (Design and Management) Regulations 2007. Approved Code of Practice L144 HSE Books 2007 ISBN 978 0 7176 6223 4 www.hse.gov.uk/pubns/books/l144.htm

Successful health and safety management HSG65 (Second edition) HSE Books 1997 ISBN 978 0 7176 1276 5 www.hse.gov.uk/pubns/books/hsg65.htm

Want construction work done safely? A quick guide for clients on the Construction (Design and Management) Regulations 2007 Leaflet INDG411 HSE Books 2007 www.hse.gov.uk/pubns/indg411.pdf

For more information about risk assessment, see www.hse.gov.uk/risk/index.htm

Further information

For information about health and safety, or to report inconsistencies or inaccuracies in this guidance, visit www.hse.gov.uk/. You can view HSE guidance online and order priced publications from the website. HSE priced publications are also available from bookshops.

This guidance is issued by the Health and Safety Executive. Following the guidance is not compulsory, unless specifically stated, and you are free to take other action. But if you do follow the guidance you will normally be doing enough to comply with the law. Health and safety inspectors seek to secure compliance with the law and may refer to this guidance.

This leaflet is available in priced packs from HSE Books, ISBN 978 0 7176 6467 2. A web version can be found at www.hse.gov.uk/pubns/indg368.pdf.

Science and Technology Facilities Council

MANAGEMENT OF CONTRACTORS

STFC Safety Code No 15

Rev. 2.2, Issued January 2020

Revisions

1	Initial Launch	March 2008
1.1	Amendment to audit checklist	May 2013
1.2	Minor change to Appendix 5	Feb 2014
2.0	Overhaul to refine CSO role and improved guidance on contract SHE management consistent with new Contractor Management SHE training course.	June 2017
2.1	Minor updates to reflect the launch of SHE Assure	October 2018
2.2	Minor changes to remove overlap with CDM code	January 2020

Contents

Control of Contractors

1. PURPOSE

The STFC relies to a significant degree on contractors, working on our behalf, to run and operate sites and facilities. Their activities range from setting up scaffolding through to the operation of canteen facilities and the commissioning and maintenance of specialist scientific equipment.

The management of contractor safety represents a significant challenge for STFC management and is a significant contributor to STFC safety performance.

This code sets out STFC's health and safety management arrangements for work undertaken by contractors and other non-staff workers on STFC's sites.

The health and safety of contractors working on STFC sites is the joint responsibility of the contractor's employer and the STFC. The STFC has specific responsibilities to co-operate with the external employer, to ensure that contractors are provided with sufficient information to enable them to conduct their roles safely on our sites and to provide adequate training and oversight.

2. SCOPE

This SHE Code is applicable to the activities of all non STFC employees working at STFC sites, referred to in this SHE Code as 'Contractors', see 3.2.

The duties described are not limited to contractors working under formal paid contracts which have been through a tender or selection process, see 3.2.

This code **DOES NOT** require full Method Statements and Risk Assessments for all contractors. Managers and Supervisors of contractors should consider the hazards & risks of work planned and choose proportionate and appropriate systems to control the work planned.

Given the wide range and scope of contracted works at STFC the aim of this SHE Code is to establish a flexible framework for managing contractor-related safety, health and environmental risks on any given project/job/task. This includes the co-ordination of two or more independent contractors working together on a common project/job/task or working in the vicinity of each other on separate jobs.

This code **does not** cover contractors undertaking construction work. This is covered by SHE Code 13: Construction, Design and Management.

3. DEFINITIONS

3.1 Contracted work

The jobs, tasks, projects, activities undertaken by contractors on STFC sites.

3.2 Contractor

Any organisation/person(s) that the STFC engages to undertake work who is not an employee of the STFC irrespective of whether they are paid or not by the STFC. Work undertaken by a contractor includes, but is not limited to:

- repair, clean or service equipment;
- commission or de-commission equipment or plant;
- install, inspect or test equipment or plant;
- gardens and grounds maintenance;
- catering;
- cleaning;
- design consultancy;
- surveying;
- software development;
- IT support; and
- site investigations.

3.3 Term Contractor

A specialist contractor typically employed across large areas of the STFC Estate normally for a period of between 1 and 5 years undertaking a range of works directly or through sub-contracted third parties.

3.4 Staff Letting Contracts (SLC)

An STFC employee, or their representative, who responsible for defining the contracted works and appointing the contractor. Where the contractor will be paid this may be through a formal contract tender process. Staff letting contracts should define the SHE requirements of any contract explicitly as these will not be included automatically where centralised procurement service providers are employed.

3.5 Contract Supervising Officer (CSO)

STFC employee who has a responsibility for ensuring that the contractor undertakes their work in accordance with the conditions of the contract or other agreed instructions. The CSO may be any competent person employed by, or acting on behalf of the STFC. The role of SLC and CSO may be undertaken by the same person.

4. RESPONSIBILITIES

4.1 Directors shall:

4.1.1 for contractors working in their Departments or physical areas for which they are responsible ensure that there is clarity of responsibility for the roles of Staff Letting Contracts and Contractor Supervising Officers, especially where one or both of these roles are provided by other Departments.

4.2 Staff Letting Contracts (SLC) shall ensure that:

4.2.1 all pre-contract information includes sufficient information about the SHE implications of the work along with any constraints and mandatory requirements that will apply, including STFC SHE Codes, see Appendix 8.

4.2.2 all relevant SHE information and requirements relating to the work are included in tender documentation and/or communicated to framework suppliers.

4.2.3 where sub-contracting is permitted, the contractor has appropriate arrangements for selecting and managing their sub-contractors.

4.2.4 the need for expert SHE advice is identified at the planning stage, for example advice on electrical, fire safety, pressure, radiation, bio-safety, waste, pollution etc.

4.2.5 a competent Contract Supervising Officer is appointed for all contract work within their area of responsibility with sufficient time and resources to undertake these duties effectively. Training requirements are detailed in Appendix 1.

4.2.6 only competent contractors are engaged to carry out work for the STFC. Appendix 2 contains a questionnaire that may be used to assist in assessing competence. Third party contractor competence schemes can be employed where relevant to the type of work being undertaken, for example Publically Available Specification 91 (PAS91) prequalification questionnaires for construction related procurement includes assessment of a suppliers' health and safety competence.

4.2.7 the specific/detailed SHE requirements are agreed with the appointed contractor as part of the planning and preparation phase of the contracted works. This is to be done in conjunction with the Contract Supervising Officer (CSO) and other relevant parties as necessary and includes, but is not limited to aspects such as:

- Risk assessments;
- Method statements;
- Welfare and first aid provision on STFC sites;
- Induction and training requirements;
- Supervision arrangements; and

- Waste management arrangements.

4.2.8 oversight of the contract and its delivery is maintained, ensuring that the agreed Safety, Health and Environmental management arrangements are in place, working effectively and that the Contract Supervising Officer duties are being carried out.

4.2.9 the contractor’s SHE performance, including any accumulated radiation doses, is reviewed on completion of the work, or periodically for term contractors, to identify any learning points

4.2.10 Any significant SHE performance issues arising from 4.3.10, 4.3.11 and 4.3.13 are communicated to STFC’s procurement service provider to assist with the evaluation of future tenders or contract renewal requests.

4.3 Contract Supervising Officer (CSO) shall ensure that:

4.3.1 the SLC is assisted during the detailed planning/preparation stage of the contracted works to agree the SHE requirements with the appointed contractor, see Appendix 8.

4.3.2 the effective coordination of all contracted work under their control with the relevant parties on site who might be directly affected by it. Where work planned is within a specific Department or Facility close communication and agreement of those responsible for the work area will be required to ensure local authorisation and inductions are completed and local working arrangements understood.

4.3.3 the risks arising from the interface between the contractor’s work and STFC’s infrastructure and operations are identified and properly controlled.

4.3.4 suitable assurance is obtained from the contractor that the people who will actually be doing the work have the necessary competence prior to the work commencing. This may include certificates of competency, membership of professional bodies and/or proof of training.

4.3.5 all contracted and sub-contracted personnel receive an appropriate SHE induction before they are permitted to work on site (see Appendix 3).

4.3.6 contractors working on their behalf are made aware of the site arrangements and standards for SHE management, see relevant site “Contractor SHE Essentials” handbook Appendix 4.

4.3.7 contractors are made aware of any specific hazards that may affect the safety of their work for example, but not limited to, ionising radiation, asbestos, permits to work etc. see Contract Supervising Officer Checklist, see Appendix 3.

4.3.8 where sub-contracting is permitted, verify that contractors are engaging safe, competent sub-contractors and managing their activities on site to the required standard and in accordance with contractual conditions and STFC SHE Codes.

4.3.9 that all risk assessments and any method statements agreed and understood prior to work commencing are still valid and that these are adhered to by the contractors during work, see Appendix 5. The checklist in Appendix 3 will help ensure that all these issues have been addressed. The standard expected of risk assessment employed in the STFC can be checked using the checklist in SHE code 6: Risk Management, Appendix 3.

4.3.10 through the routine and periodic assessment of contractors during the course of their work that they comply with agreed method statements and STFC SHE codes and standards.

4.3.11 in the case of Term Contractors, that the documentation provided and checked as part of the tender exercise remains valid and is routinely monitored throughout the period of the contract.

4.3.12 that clear and effective arrangements are in place for quickly stopping any contracted work if it realistically poses a risk of serious and imminent danger to anyone on site (including the contractor's staff and/or their sub-contractors).

4.3.13 all SHE incidents involving contractors under their control are reported via STFC's SHE incident reporting system and investigated in accordance with, SHE Code 5, Incident Reporting and Investigation.

4.3.14 any SHE issues or concerns that they are unable to resolve are rapidly brought to the attention of the SLC.

4.3.15 undertake Contractor SHE Management training defined detailed in Appendix 1, where the work of contractors employed is typical of office based work this training is recommended but not mandatory.

4.4 Contractors shall:

4.4.1 Provide all requested SHE information during the selection/tender process.

4.4.2 After selection, collaborate fully with the Staff Letting Contracts (SLC) and the Contract Supervising Officer (CSO) in planning all SHE aspects of the work including, but not limited to:

- Risk assessments;
- Method statements;
- Welfare and first aid provision on STFC sites;
- Induction and training requirements;
- Supervision arrangements; and
- Waste management arrangements.

4.4.3 Conform to all STFC SHE codes, procedures and to the guidance given in the relevant site “SHE Essentials for contractors” handbook, see Appendix 4.

4.4.4 Carry out work in accordance with the Risk Assessments and Method Statements agreed with STFC.

4.4.5 Raise any concerns with regard to their work and its safety with their STFC CSO.

4.4.6 Report all injuries, near misses and environmental incidents to their STFC CSO.

4.4.7 For all work involving radiation hazards seek advice of their Radiation Protection Advisor (RPA) or Radioactive Waste Advisor (RWA) [if they have one] and the STFC site’s RPA or RWA regarding the proposed work and as appropriate the need for designation of contractor staff as radiation classified persons and how classification can be achieved.

4.4.8 For work involving radiation hazards, unclassified contractor employees may operate under a Written System of Work detailing specific procedures and controls to ensure that accumulated doses are managed to ALARP, see STFC SHE Code 29, Appendix 6.

4.4.9 For employees working as classified or under a System of Work must ensure that their dose histories are available for the STFC Contract Supervising Officer and STFC site RPA to determine whether the relevant dose limits are likely to be exceeded and thus allow a contract to be made for the work.

Appendix 1 SHE Training Requirements

Role	Initial Training	Refresher	Frequency	Commentary
Staff Letting Contracts (SLC)	SLC training should be considered by their line managers dependent on the nature and scale of the contracts let. Those with significant H&S hazards should attend the STFC Contractor SHE Management course, 1 day.		5 years	SLCs will require general training in the procurement processes operated by the STFC's centralised procurement provider. This will not address the SHE aspects of contract letting.
Contract Supervising Officer (CSO)	STFC Contractor SHE Management course, 1 day.	STFC Contractor SHE Management course, 1 day.	5 years	
Contractors	Contractor SHE induction requirements defined in SHE Code 10: SHE Training Site and work specific training requirements defined by the CSO			

Appendix 2 Contractor Selection SHE Checklist

This checklist should be employed by those selecting contractors to gain assurance as to the competence of prospective contractors to manage SHE matters effectively.

Name of organisation: ....

Address: ....

....

Contact for further information:..

E-mail: ....**Tel no:** ....

General policy

1 Can they provide a copy of their Health and Safety Policy (only applicable to companies with 5 or more employees) or Environment policy? ☐

2 Can they provide an outline of their organisational structure for SHE management? who is responsible for SHE matters? ☐

3 Can they provide copies of their public & employers liability insurance certificate? ☐

4 Can they provide 3 year summary SHE performance in relation to company accidents, injuries, environmental incidents and dangerous occurrences? ☐

5 Can they provide details of any letters of contravention, enforcement or prohibition notices, or prosecution(s) undertaken against their company or individuals employed by their company for breaches of SHE legislation within the past 5 years, and a summary of actions taken as a result? ☐

6 For work involving radiation can they provide current radiation exposure records of employees who will carry out the work, and the name/contact details of their Radiation Protection Advisor (RPA) or Radioactive Waste Advisor (RWA)? ☐

Organisation

7 Can they provide details of SHE training programmes undertaken by their employees: courses, providers and dates? ☐

8 Can they provide the names and qualifications of SHE advisers, internal staff or external consultants, used by their organisation? ☐

9 Can they outline how they maintain their SHE management systems in the light of developing SHE legislation and industry good practice? ☐

10 Are employee H&S (Trade Union) representatives appointed? ☐

11 Do they have a H&S committee for consultation? ☐

Planning and monitoring

12 Does the contractor undertake post-contract SHE reviews? ☐

13 How does the contractor co-ordinate the sharing of information/SHE information between:

- Contractor and Client ☐
- Contractor and Sub-contractors? ☐

14 How does the contractor monitor the competence of staff and sub-contractors to undertake work proposed? ☐

Appendix 3 Contract Supervising Officer SHE Checklist and Contract Signoff

COMPANY NAME ....

CONTRACT TITLE ....

PRIOR TO APPROVAL

Contractor Pre-Selection SHE checklist completed ☐

Risk Assessment for work received and checked ☐

Method Statement for work received and checked ☐

STFC related risks provided to the Contractor ☐

Safety management and supervision arrangements agreed ☐

Contractor's staff welfare and first aid arrangements agreed ☐

ON FIRST ARRIVAL AT SITE

Induction video viewed and/or induction information provided ☐

All risk assessments and management arrangements still relevant ☐

'STFC Information to Contractors' provided ☐

Contractors are aware of relevant STFC SHE codes for work planned ☐

Check relevant contractor licences to undertake work planned ☐

Check training/competence of contractors to undertake work ☐

STFC Contract Supervising Officer .... **Date** ....

PRIOR TO COMMENCING WORK ON SITE

Discuss planned work ☐

Discuss Local/Site Risks & Hazards ☐

Ensure contractor staff have read and understood Risk Assessment(s) ☐

Ensure contractor staff have read and understood Method Statement(s) ☐

Discuss Local/Site Emergency Procedures – fire, medical, radiation ☐

Discuss Local/Site Alarm Systems ☐

Discuss STFC Accident, injury and Near Miss Reporting requirements ☐

Discuss Local/Site welfare (parking; toilets; wash room; restaurant …) & first aid ☐

Discuss Environmental implications of work, responsibility for waste ☐

Contractor's Site Manager/Supervisor .... **Date** ....

Appendix 4 STFC Contractor SHE Essentials

Link to RAL and DL SHE Essentials for Contractors booklet.

Appendix 5 Risk Assessments and Method Statements

1 General

STFC must ensure that safe systems of work are provided for all tasks. Generally this involves an analysis of the task and associated hazards, **a risk assessment** and, where the risks are significant, **a method statement** which indicates how the work is to be organised and hazards controlled to minimise the risks.

Areas for consideration in a safe system of work should include:

People:

- competency of contractors;
- the work activity being carried out;
- the duration and timing of the work;
- proximity of other people in the area;
- lone working; and
- physical status of the workers such as pregnancy or vertigo sufferers;

Equipment:

- suitability of equipment for task including guarding;
- effect of equipment on people or environment (noise/vibration etc.);
- the equipment to be used and its inspection and maintenance; and
- control of possible falling objects or unstable equipment;

Materials:

- condition and stability of work surfaces such as fragile materials, slippery surfaces, hot, cold, sharp, heavy etc.; and
- disposal of wastes including any radioactive materials:
  - How will they dispose of waste (our skips or will they have their own contractor;
  - Who will transfer their waste (are they registered as a waste carrier with EA/NRW/SEPA)
  - Can they provide evidence of waste contractor, waste carriers licenses etc.
  - How do they manage hazardous wastes
  - Will they segregate waste (general and recyclables)

Environment:

- the location in relation to the presence of hazards such as open excavations, overhead services, radiation etc;
- the working environment with regard to weather, wind or lighting;
- safe and appropriate control of hazardous substances (e.g. dusts, chemicals, etc.);
- safe means of access and egress;

- frequency of access;
- prevention of access by unauthorised persons; and
- separation of work from other people in the area.

A typical **method statement** might contain the following:

Description of the work:

- why is the work being carried out;
- the scope of the work, how long it will take etc.;
- the resource required to carry out the task;
- the sequence of operations necessary;
- controls required (e.g. PPE, LEV, atmosphere tests, etc.); and
- completion criteria.

Location of the work:

- where on site the work is to be carried out;
- details of how the work might affect or be affected by other work in the area and how that will be controlled (e.g. warning signs, fencing etc.);
- what preparation work needs to be carried out; and
- location of any signage.

Access/Egress

- give details of any special access or egress requirements

Emergency Procedures:

- details of fire and first aid procedures;
- how to deal with possible spills;
- reporting of incidents and near misses; and
- contact details of personnel involved.

In assessing documentation from contractors, managers may need expert advice.

Template Method statement

STFC provides a template method statement which contractors can use

2 Key Related STFC SHE Documentation

STFC SHE Code 5, Incident Reporting and Investigation

STFC SHE Code 6, Risk Management .

STFC She Code 13, CDM .

3 References and further reading

Health and Safety Executive	Managing contractors – a guide for employers
Health and Safety Executive	Use of Contractors – a Joint Responsibility (INDG368)

All STFC SHE documentation can be found on the STFC SHE website.

The STFC has also established free access to a source of HSE guidance and documentation as well as British Standards technical documents – Info4Education

Appendix 6 Audit Checklist

Reference		Rating	Comments
1 (Section 4.2.2) (Appendix 2)	As part of work tendering have successful contractors completed a ‘Contractor selection SHE checklist’?		
2 (Section 4.2.1)	Have CSOs been assigned to all contractor operations and have they been suitably trained?		
3 (Section 4.3.6)	Have CSOs undertaken routine and periodic inspection of contractor operations		
4 (Section 4.3.1) (Section 4.4.3)	Evidence that relevant inductions and documentation has been provided for contractors prior to work commencing and has been signed for.		
5 (Section 4.3.4)	Has the competence of contractors been checked?		
6 (Section 4.3.2)	Evidence that contractors have been made aware of local hazards?		
7 (Section 4.3.2)	Evidence that the CSO has actively co-ordinated the works between more than one contractor organisation.		
8 (Section 4.3.3)	Evidence that the CSO has managed the interface between contractors’ works and on-going STFC activities.		
9 (Section 4.3.5)	Have contractors provided suitable risk assessments and method statements?		
10 (Section 4.3.8) (Section 4.4.4)	Have contractors been reporting incidents to CSO?		
11 (Section 4.3.2)	Have all contractors signed the ‘Contract supervising officer’s checklist’		
12 (Section 4.3.3)	Have all contractors received the ‘STFC SHE Essentials for Contractors’ handbook		
13 (Section 4.2.4)	Has contractor SHE performance formed part of the contract review on completion?		

Appendix 7 Document retention

Records established	Minimum retention period	Responsible record keeper	Location of records	Comments/ Justification
Pre-contract contractor provided SHE information	Duration of the contract and its successful conclusion	Contract Letting/ Supervising Officer	Local record systems	If contract unsuccessful due to SHE incident or contract overrun, cost or quality such records should be retained pending conclusion.
Contract tender documentation				
Contractor and sub-contractor Risk assessment and Method Statements (RAMS)				

STATUTORY INSTRUMENTS

1999 No. 3242

HEALTH AND SAFETY

The Management of Health and Safety at Work Regulations 1999

Made - - - -	*3rd December 1999*
Laid before Parliament	*8th December 1999*
Coming into force - -	*29th December 1999*

The Secretary of State, being a Minister designated[F1] for the purposes of section 2(2) of the European Communities Act 1972[F2] in relation to measures relating to employers' obligations in respect of the health and safety of workers and in relation to measures relating to the minimum health and safety requirements for the workplace that relate to fire safety and in exercise of the powers conferred on him by the said section 2 and by sections 15(1), (2), (3)(a), (5), and (9), 47(2), 52(2), and (3), 80(1) and 82(3)(a) of and paragraphs 6(1), 7, 8(1), 10, 14, 15, and 16 of Schedule 3 to, the Health and Safety at Work etc. Act 1974[F3] ("the 1974 Act") and of all other powers enabling him in that behalf—

(a) for the purpose of giving effect without modifications to proposals submitted to him by the Health and Safety Commission under section 11(2)(d) of the 1974 Act after the carrying out by the Commission of consultations in accordance with section 50(3) of that Act; and

(b) it appearing to him that the modifications to the Regulations marked with an asterisk in Schedule 2 are expedient and that it also appearing to him not to be appropriate to consult bodies in respect of such modifications in accordance with section 80(4) of the 1974 Act,hereby makes the following Regulations:

F1 S.I. 1992/1711 and S.I. 1999/2027.
F2 1972. c. 68; the enabling powers conferred by section 2(2) were extended by virtue of section 1 of the European Economic Area Act 1993 (c. 51).
F3 1974 c. 37; sections 15 and 50 were amended by the Employment Protection Act 1975 (c. 71), **Schedule 15**, paragraphs 6 and 16 respectively.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Management of Health and Safety at Work Regulations 1999 and shall come into force on 29th December 1999.

(2) In these Regulations—

"the 1996 Act" means the Employment Rights Act 1996 [F4];

"the assessment" means, in the case of an employer or self-employed person, the assessment made or changed by him in accordance with regulation 3;

"child"—

(a) as respects England and Wales, means a person who is not over compulsory school age, construed in accordance with section 8 of the Education Act 1996 **F5**; and

(b) as respects Scotland, means a person who is not over school age, construed in accordance with section 31 of the Education (Scotland) Act 1980 **F6**;

"employment business" means a business (whether or not carried on with a view to profit and whether or not carried on in conjunction with any other business) which supplies persons (other than seafarers) who are employed in it to work for and under the control of other persons in any capacity;

"fixed-term contract of employment" means a contract of employment for a specific term which is fixed in advance or which can be ascertained in advance by reference to some relevant circumstance;

"given birth" means delivered a living child or, after twenty-four weeks of pregnancy, a stillborn child;

"new or expectant mother" means an employee who is pregnant; who has given birth within the previous six months; or who is breastfeeding;

"the preventive and protective measures" means the measures which have been identified by the employer or by the self-employed person in consequence of the assessment as the measures he needs to take to comply with the requirements and prohibitions imposed upon him by or under the relevant statutory provisions and by Part II of the Fire Precautions (Workplace) Regulations 1997 **F7**;

"young person" means any person who has not attained the age of eighteen.

(3) Any reference in these Regulations to—

(a) a numbered regulation or Schedule is a reference to the regulation or Schedule in these Regulations so numbered; or

(b) a numbered paragraph is a reference to the paragraph so numbered in the regulation in which the reference appears.

F4 1996 c. 18.
F5 1996 c. 56.
F6 1980 c. 44.
F7 S.I. 1997/1840; amended by S.I. 1999/1877.

Disapplication of these Regulations

2.—(1) These Regulations shall not apply to or in relation to the master or crew of a sea-going ship or to the employer of such persons in respect of the normal ship-board activities of a ship's crew under the direction of the master.

(2) Regulations 3(4), (5), 10(2) and 19 shall not apply to occasional work or short-term work involving—

(a) domestic service in a private household; or

(b) work regulated as not being harmful, damaging or dangerous to young people in a family undertaking.

Risk assessment

3.—(1) Every employer shall make a suitable and sufficient assessment of—

(a) the risks to the health and safety of his employees to which they are exposed whilst they are at work; and

(b) the risks to the health and safety of persons not in his employment arising out of or in connection with the conduct by him of his undertaking,

for the purpose of identifying the measures he needs to take to comply with the requirements and prohibitions imposed upon him by or under the relevant statutory provisions and by Part II of the Fire Precautions (Workplace) Regulations 1997.

(2) Every self-employed person shall make a suitable and sufficient assessment of—

(a) the risks to his own health and safety to which he is exposed whilst he is at work; and

(b) the risks to the health and safety of persons not in his employment arising out of or in connection with the conduct by him of his undertaking,

for the purpose of identifying the measures he needs to take to comply with the requirements and prohibitions imposed upon him by or under the relevant statutory provisions.

(3) Any assessment such as is referred to in paragraph (1) or (2) shall be reviewed by the employer or self-employed person who made it if—

(a) there is reason to suspect that it is no longer valid; or

(b) there has been a significant change in the matters to which it relates; and where as a result of any such review changes to an assessment are required, the employer or self-employed person concerned shall make them.

(4) An employer shall not employ a young person unless he has, in relation to risks to the health and safety of young persons, made or reviewed an assessment in accordance with paragraphs (1) and (5).

(5) In making or reviewing the assessment, an employer who employs or is to employ a young person shall take particular account of—

(a) the inexperience, lack of awareness of risks and immaturity of young persons;

(b) the fitting-out and layout of the workplace and the workstation;

(c) the nature, degree and duration of exposure to physical, biological and chemical agents;

(d) the form, range, and use of work equipment and the way in which it is handled;

(e) the organisation of processes and activities;

(f) the extent of the health and safety training provided or to be provided to young persons; and

(g) risks from agents, processes and work listed in the Annex to Council Directive 94/33/EC[F8] on the protection of young people at work.

(6) Where the employer employs five or more employees, he shall record—

(a) the significant findings of the assessment; and

(b) any group of his employees identified by it as being especially at risk.

F8	OJ No. L216, 20.8.94, p.12.

Principles of prevention to be applied

4. Where an employer implements any preventive and protective measures he shall do so on the basis of the principles specified in Schedule 1 to these Regulations.

Health and safety arrangements

5.—(1) Every employer shall make and give effect to such arrangements as are appropriate, having regard to the nature of his activities and the size of his undertaking, for the effective planning, organisation, control, monitoring and review of the preventive and protective measures.

(2) Where the employer employs five or more employees, he shall record the arrangements referred to in paragraph (1).

Health surveillance

6. Every employer shall ensure that his employees are provided with such health surveillance as is appropriate having regard to the risks to their health and safety which are identified by the assessment.

Health and safety assistance

7.—(1) Every employer shall, subject to paragraphs (6) and (7), appoint one or more competent persons to assist him in undertaking the measures he needs to take to comply with the requirements and prohibitions imposed upon him by or under the relevant statutory provisions and by Part II of the Fire Precautions (Workplace) Regulations 1997.

(2) Where an employer appoints persons in accordance with paragraph (1), he shall make arrangements for ensuring adequate co-operation between them.

(3) The employer shall ensure that the number of persons appointed under paragraph (1), the time available for them to fulfil their functions and the means at their disposal are adequate having regard to the size of his undertaking, the risks to which his employees are exposed and the distribution of those risks throughout the undertaking.

(4) The employer shall ensure that—

- (a) any person appointed by him in accordance with paragraph (1) who is not in his employment—
  - (i) is informed of the factors known by him to affect, or suspected by him of affecting, the health and safety of any other person who may be affected by the conduct of his undertaking, and
  - (ii) has access to the information referred to in regulation 10; and
- (b) any person appointed by him in accordance with paragraph (1) is given such information about any person working in his undertaking who is—
  - (i) employed by him under a fixed-term contract of employment, or
  - (ii) employed in an employment business,

  as is necessary to enable that person properly to carry out the function specified in that paragraph.

(5) A person shall be regarded as competent for the purposes of paragraphs (1) and (8) where he has sufficient training and experience or knowledge and other qualities to enable him properly to assist in undertaking the measures referred to in paragraph (1).

(6) Paragraph (1) shall not apply to a self-employed employer who is not in partnership with any other person where he has sufficient training and experience or knowledge and other qualities properly to undertake the measures referred to in that paragraph himself.

(7) Paragraph (1) shall not apply to individuals who are employers and who are together carrying on business in partnership where at least one of the individuals concerned has sufficient training and experience or knowledge and other qualities—

(a) properly to undertake the measures he needs to take to comply with the requirements and prohibitions imposed upon him by or under the relevant statutory provisions; and

(b) properly to assist his fellow partners in undertaking the measures they need to take to comply with the requirements and prohibitions imposed upon them by or under the relevant statutory provisions.

(8) Where there is a competent person in the employer's employment, that person shall be appointed for the purposes of paragraph (1) in preference to a competent person not in his employment.

Procedures for serious and imminent danger and for danger areas

8.—(1) Every employer shall—

(a) establish and where necessary give effect to appropriate procedures to be followed in the event of serious and imminent danger to persons at work in his undertaking;

(b) nominate a sufficient number of competent persons to implement those procedures in so far as they relate to the evacuation from premises of persons at work in his undertaking; and

(c) ensure that none of his employees has access to any area occupied by him to which it is necessary to restrict access on grounds of health and safety unless the employee concerned has received adequate health and safety instruction.

(2) Without prejudice to the generality of paragraph (1)(a), the procedures referred to in that sub-paragraph shall—

(a) so far as is practicable, require any persons at work who are exposed to serious and imminent danger to be informed of the nature of the hazard and of the steps taken or to be taken to protect them from it;

(b) enable the persons concerned (if necessary by taking appropriate steps in the absence of guidance or instruction and in the light of their knowledge and the technical means at their disposal) to stop work and immediately proceed to a place of safety in the event of their being exposed to serious, imminent and unavoidable danger; and

(c) save in exceptional cases for reasons duly substantiated (which cases and reasons shall be specified in those procedures), require the persons concerned to be prevented from resuming work in any situation where there is still a serious and imminent danger.

(3) A person shall be regarded as competent for the purposes of paragraph (1)(b) where he has sufficient training and experience or knowledge and other qualities to enable him properly to implement the evacuation procedures referred to in that sub-paragraph.

Contacts with external services

9. Every employer shall ensure that any necessary contacts with external services are arranged, particularly as regards first-aid, emergency medical care and rescue work.

Information for employees

10.—(1) Every employer shall provide his employees with comprehensible and relevant information on—

(a) the risks to their health and safety identified by the assessment;

(b) the preventive and protective measures;

(c) the procedures referred to in regulation 8(1)(a) and the measures referred to in regulation 4(2)(a) of the Fire Precautions (Workplace) Regulations 1997;

(d) the identity of those persons nominated by him in accordance with regulation 8(1)(b) and regulation 4(2)(b) of the Fire Precautions (Workplace) Regulations 1997; and

(e) the risks notified to him in accordance with regulation 11(1)(c).

(2) Every employer shall, before employing a child, provide a parent of the child with comprehensible and relevant information on—

(a) the risks to his health and safety identified by the assessment;

(b) the preventive and protective measures; and

(c) the risks notified to him in accordance with regulation 11(1)(c).

(3) The reference in paragraph (2) to a parent of the child includes—

(a) in England and Wales, a person who has parental responsibility, within the meaning of section 3 of the Children Act 1989 [F9], for him; and

(b) in Scotland, a person who has parental rights, within the meaning of section 8 of the Law Reform (Parent and Child) (Scotland) Act 1986 [F10] for him.

F9 1989 c. 41.
F10 1986 c. 9.

Co-operation and co-ordination

11.—(1) Where two or more employers share a workplace (whether on a temporary or a permanent basis) each such employer shall—

(a) 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 and by Part II of the Fire Precautions (Workplace) Regulations 1997;

(b) (taking into account the nature of his activities) take all reasonable steps to co-ordinate the measures he takes to comply with the requirements and prohibitions imposed upon him by or under the relevant statutory provisions and by Part II of the Fire Precautions (Workplace) Regulations 1997 with the measures the other employers concerned are taking to comply with the requirements and prohibitions imposed upon them by that legislation; and

(c) take all reasonable steps to inform the other employers concerned of the risks to their employees' health and safety arising out of or in connection with the conduct by him of his undertaking.

(2) Paragraph (1) (except in so far as it refers to Part II of the Fire Precautions (Workplace) Regulations 1997) shall apply to employers sharing a workplace with self-employed persons and to self-employed persons sharing a workplace with other self-employed persons as it applies to employers sharing a workplace with other employers; and the references in that paragraph to employers and the reference in the said paragraph to their employees shall be construed accordingly.

Persons working in host employers' or self-employed persons' undertakings

12.—(1) Every employer and every self-employed person shall ensure that the employer of any employees from an outside undertaking who are working in his undertaking is provided with comprehensible information on—

(a) the risks to those employees' health and safety arising out of or in connection with the conduct by that first-mentioned employer or by that self-employed person of his undertaking; and

(b) the measures taken by that first-mentioned employer or by that self-employed person in compliance with the requirements and prohibitions imposed upon him by or under the relevant statutory provisions and by Part II of the Fire Precautions (Workplace) Regulations 1997 in so far as the said requirements and prohibitions relate to those employees.

(2) Paragraph (1) (except in so far as it refers to Part II of the Fire Precautions (Workplace) Regulations 1997) shall apply to a self-employed person who is working in the undertaking of an employer or a self-employed person as it applies to employees from an outside undertaking who are working therein; and the reference in that paragraph to the employer of any employees from an outside undertaking who are working in the undertaking of an employer or a self-employed person and the references in the said paragraph to employees from an outside undertaking who are working in the undertaking of an employer or a self-employed person shall be construed accordingly.

(3) Every employer shall ensure that any person working in his undertaking who is not his employee and every self-employed person (not being an employer) shall ensure that any person working in his undertaking is provided with appropriate instructions and comprehensible information regarding any risks to that person's health and safety which arise out of the conduct by that employer or self-employed person of his undertaking.

(4) Every employer shall—

(a) ensure that the employer of any employees from an outside undertaking who are working in his undertaking is provided with sufficient information to enable that second-mentioned employer to identify any person nominated by that first mentioned employer in accordance with regulation 8(1)(b) to implement evacuation procedures as far as those employees are concerned; and

(b) take all reasonable steps to ensure that any employees from an outside undertaking who are working in his undertaking receive sufficient information to enable them to identify any person nominated by him in accordance with regulation 8(1)(b) to implement evacuation procedures as far as they are concerned.

(5) Paragraph (4) shall apply to a self-employed person who is working in an employer's undertaking as it applies to employees from an outside undertaking who are working therein; and the reference in that paragraph to the employer of any employees from an outside undertaking who are working in an employer's undertaking and the references in the said paragraph to employees from an outside undertaking who are working in an employer's undertaking shall be construed accordingly.

Capabilities and training

13.—(1) Every employer shall, in entrusting tasks to his employees, take into account their capabilities as regards health and safety.

(2) Every employer shall ensure that his employees are provided with adequate health and safety training—

(a) on their being recruited into the employer's undertaking; and

(b) on their being exposed to new or increased risks because of—

(i) their being transferred or given a change of responsibilities within the employer's undertaking,

(ii) the introduction of new work equipment into or a change respecting work equipment already in use within the employer's undertaking,

(iii) the introduction of new technology into the employer's undertaking, or

(iv) the introduction of a new system of work into or a change respecting a system of work already in use within the employer's undertaking.

(3) The training referred to in paragraph (2) shall—

(a) be repeated periodically where appropriate;

(b) be adapted to take account of any new or changed risks to the health and safety of the employees concerned; and

(c) take place during working hours.

Employees' duties

14.—(1) Every employee shall use any machinery, equipment, dangerous substance, transport equipment, means of production or safety device provided to him by his employer in accordance both with any training in the use of the equipment concerned which has been received by him and the instructions respecting that use which have been provided to him by the said employer in compliance with the requirements and prohibitions imposed upon that employer by or under the relevant statutory provisions.

(2) Every employee shall inform his employer or any other employee of that employer with specific responsibility for the health and safety of his fellow employees—

(a) of any work situation which a person with the first-mentioned employee's training and instruction would reasonably consider represented a serious and immediate danger to health and safety; and

(b) of any matter which a person with the first-mentioned employee's training and instruction would reasonably consider represented a shortcoming in the employer's protection arrangements for health and safety,

in so far as that situation or matter either affects the health and safety of that first mentioned employee or arises out of or in connection with his own activities at work, and has not previously been reported to his employer or to any other employee of that employer in accordance with this paragraph.

Temporary workers

15.—(1) Every employer shall provide any person whom he has employed under a fixed-term contract of employment with comprehensible information on—

(a) any special occupational qualifications or skills required to be held by that employee if he is to carry out his work safely; and

(b) any health surveillance required to be provided to that employee by or under any of the relevant statutory provisions,

and shall provide the said information before the employee concerned commences his duties.

(2) Every employer and every self-employed person shall provide any person employed in an employment business who is to carry out work in his undertaking with comprehensible information on—

(a) any special occupational qualifications or skills required to be held by that employee if he is to carry out his work safely; and

(b) health surveillance required to be provided to that employee by or under any of the relevant statutory provisions.

(3) Every employer and every self-employed person shall ensure that every person carrying on an employment business whose employees are to carry out work in his undertaking is provided with comprehensible information on—

(a) any special occupational qualifications or skills required to be held by those employees if they are to carry out their work safely; and

(b) the specific features of the jobs to be filled by those employees (in so far as those features are likely to affect their health and safety);

and the person carrying on the employment business concerned shall ensure that the information so provided is given to the said employees.

Risk assessment in respect of new or expectant mothers

16.—(1) Where—

(a) the persons working in an undertaking include women of child-bearing age; and

(b) the work is of a kind which could involve risk, by reason of her condition, to the health and safety of a new or expectant mother, or to that of her baby, from any processes or working conditions, or physical, biological or chemical agents, including those specified in Annexes I and II of Council Directive 92/85/EEC[F11] on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding,

the assessment required by regulation 3(1) shall also include an assessment of such risk.

(2) Where, in the case of an individual employee, the taking of any other action the employer is required to take under the relevant statutory provisions would not avoid the risk referred to in paragraph (1) the employer shall, if it is reasonable to do so, and would avoid such risks, alter her working conditions or hours of work.

(3) If it is not reasonable to alter the working conditions or hours of work, or if it would not avoid such risk, the employer shall, subject to section 67 of the 1996 Act suspend the employee from work for so long as is necessary to avoid such risk.

(4) In paragraphs (1) to (3) references to risk, in relation to risk from any infectious or contagious disease, are references to a level of risk at work which is in addition to the level to which a new or expectant mother may be expected to be exposed outside the workplace.

F11 OJ No. L348, 28.11.92, p.1.

Certificate from registered medical practitioner in respect of new or expectant mothers

17. Where—

(a) a new or expectant mother works at night; and

(b) a certificate from a registered medical practitioner or a registered midwife shows that it is necessary for her health or safety that she should not be at work for any period of such work identified in the certificate,

the employer shall, subject to section 67 of the 1996 Act, suspend her from work for so long as is necessary for her health or safety.

Notification by new or expectant mothers

18.—(1) Nothing in paragraph (2) or (3) of regulation 16 shall require the employer to take any action in relation to an employee until she has notified the employer in writing that she is pregnant, has given birth within the previous six months, or is breastfeeding.

(2) Nothing in paragraph (2) or (3) of regulation 16 or in regulation 17 shall require the employer to maintain action taken in relation to an employee—

(a) in a case—

(i) to which regulation 16(2) or (3) relates; and

(ii) where the employee has notified her employer that she is pregnant, where she has failed, within a reasonable time of being requested to do so in writing by her employer, to produce for the employer's inspection a certificate from a registered medical practitioner or a registered midwife showing that she is pregnant;

(b) once the employer knows that she is no longer a new or expectant mother; or

(c) if the employer cannot establish whether she remains a new or expectant mother.

Protection of young persons

19.—(1) Every employer shall ensure that young persons employed by him are protected at work from any risks to their health or safety which are a consequence of their lack of experience, or absence of awareness of existing or potential risks or the fact that young persons have not yet fully matured.

(2) Subject to paragraph (3), no employer shall employ a young person for work—

(a) which is beyond his physical or psychological capacity;

(b) involving harmful exposure to agents which are toxic or carcinogenic, cause heritable genetic damage or harm to the unborn child or which in any other way chronically affect human health;

(c) involving harmful exposure to radiation;

(d) involving the risk of accidents which it may reasonably be assumed cannot be recognised or avoided by young persons owing to their insufficient attention to safety or lack of experience or training; or

(e) in which there is a risk to health from—

(i) extreme cold or heat;

(ii) noise; or

(iii) vibration,

and in determining whether work will involve harm or risks for the purposes of this paragraph, regard shall be had to the results of the assessment.

(3) Nothing in paragraph (2) shall prevent the employment of a young person who is no longer a child for work—

(a) where it is necessary for his training;

(b) where the young person will be supervised by a competent person; and

(c) where any risk will be reduced to the lowest level that is reasonably practicable.

(4) The provisions contained in this regulation are without prejudice to—

(a) the provisions contained elsewhere in these Regulations; and

(b) any prohibition or restriction, arising otherwise than by this regulation, on the employment of any person.

Exemption certificates

20.—(1) The Secretary of State for Defence may, in the interests of national security, by a certificate in writing exempt—

(a) any of the home forces, any visiting force or any headquarters from those requirements of these Regulations which impose obligations other than those in regulations 16-18 on employers; or

(b) any member of the home forces, any member of a visiting force or any member of a headquarters from the requirements imposed by regulation 14;

and any exemption such as is specified in sub-paragraph (a) or (b) of this paragraph may be granted subject to conditions and to a limit of time and may be revoked by the said Secretary of State by a further certificate in writing at any time.

(2) In this regulation—

(a) "the home forces" has the same meaning as in section 12(1) of the Visiting Forces Act 1952 [F12];

(b) "headquarters" means a headquarters for the time being specified in Schedule 2 to the Visiting Forces and International Headquarters (Application of Law) Order 1999 [F13];

(c) "member of a headquarters" has the same meaning as in paragraph 1(1) of the Schedule to the International Headquarters and Defence Organisations Act 1964 [F14]; and

(d) "visiting force" has the same meaning as it does for the purposes of any provision of Part I of the Visiting Forces Act 1952.

F12 1952 c. 67.
F13 S.I. 1999/1736.
F14 1964 c.5.

Provisions as to liability

21. Nothing in the relevant statutory provisions shall operate so as to afford an employer a defence in any criminal proceedings for a contravention of those provisions by reason of any act or default of—

(a) an employee of his, or

(b) a person appointed by him under regulation 7.

Exclusion of civil liability

22.—(1) Breach of a duty imposed by these Regulations shall not confer a right of action in any civil proceedings.

(2) Paragraph (1) shall not apply to any duty imposed by these Regulations on an employer—

(a) to the extent that it relates to risk referred to in regulation 16(1) to an employee; or

(b) which is contained in regulation 19.

Extension outside Great Britain

23.—(1) These Regulations shall, subject to regulation 2, apply to and in relation to the premises and activities outside Great Britain to which sections 1 to 59 and 80 to 82 of the Health and Safety at Work etc. Act 1974 apply by virtue of the Health and Safety at Work etc. Act 1974 (Application Outside Great Britain) Order 1995 [F15] as they apply within Great Britain.

(2) For the purposes of Part I of the 1974 Act, the meaning of "at work" shall be extended so that an employee or a self-employed person shall be treated as being at work throughout the time that he is present at the premises to and in relation to which these Regulations apply by virtue of paragraph (1); and, in that connection, these Regulations shall have effect subject to the extension effected by this paragraph.

F15 S.I. 1995/263.

Amendment of the Health and Safety (First-Aid) Regulations 1981

24. Regulation 6 of the Health and Safety (First-Aid) Regulations 1981 [F16] is hereby revoked.

F16	S.I. 1981/917; amended by S.I. 1989/1671.

Amendment of the Offshore Installations and Pipeline Works (First-Aid) Regulations 1989

25.—(1) The Offshore Installations and Pipeline Works (First-Aid) Regulations 1989 [F17] shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 7(1) for the words “from all or any of the requirements of these Regulations", there shall be substituted the words “ from regulation 5(1)(b) and (c) and (2)(a) of these Regulations ”.

(3) After regulation 7(2) the following paragraph shall be added—

> “(3) An exemption granted under paragraph (1) above from the requirements in regulation 5(2)(a) of these Regulations shall be subject to the condition that a person provided under regulation 5(1)(a) of these Regulations shall have undergone adequate training.”.

F17	S.I. 1989/1671; amended by S.I. 1993/1823, and S.I. 1995/738.

Amendment of the Mines Miscellaneous Health and Safety Provisions Regulations 1995

26.—(1) The Mines Miscellaneous Health and Safety Provisions Regulations 1995 [F18] shall be amended in accordance with the following provisions of this regulation.

(2) Paragraph (2)(b) of regulation 4 shall be deleted.

(3) After paragraph (4) of regulation 4 there shall be added the following paragraph—

> “(5) In relation to fire, the health and safety document prepared pursuant to paragraph (1) shall—
>
> (a) include a fire protection plan detailing the likely sources of fire, and the precautions to be taken to protect against, to detect and combat the outbreak and spread of fire; and
>
> (b) in respect of every part of the mine other than any building on the surface of that mine—
>
> (i) include the designation of persons to implement the plan, ensuring that the number of such persons, their training and the equipment available to them is adequate, taking into account the size of, and the specific hazards involved in the mine concerned; and
>
> (ii) include the arrangements for any necessary contacts with external emergency services, particularly as regards rescue work and fire-fighting; and
>
> (iii) be adapted to the nature of the activities carried on at that mine, the size of the mine and take account of the persons other than employees who may be present.”.

F18	S.I. 1995/2005.

Amendment of the Construction (Health, Safety and Welfare) Regulations 1996

27.—(1) The Construction (Health, Safety and Welfare) Regulations 1996 [F19] shall be amended in accordance with the following provisions of this regulation.

(2) Paragraph (2) of regulation 20 shall be deleted and the following substituted—

"(2) Without prejudice to the generality of paragraph (1), arrangements prepared pursuant to that paragraph shall—

(a) have regard to those matters set out in paragraph (4) of regulation 19;

(b) designate an adequate number of persons who will implement the arrangements; and

(c) include any necessary contacts with external emergency services, particularly as regards rescue work and fire-fighting.".

F19 S.I. 1996/1592.

Regulations to have effect as health and safety regulations

28. Subject to regulation 9 of the Fire Precautions (Workplace) Regulations 1997 [F20], these Regulations shall, to the extent that they would not otherwise do so, have effect as if they were health and safety regulations within the meaning of Part I of the Health and Safety at Work etc. Act 1974.

F20 S.I. 1997/1840; amended by S.I. 1999/1877.

Revocations and consequential amendments

29.—(1) The Management of Health and Safety at Work Regulations 1992 [F21], the Management of Health and Safety at Work (Amendment) Regulations 1994 [F22], the Health and Safety (Young Persons) Regulations 1997 [F23] and Part III of the Fire Precautions (Workplace) Regulations 1997 are hereby revoked.

(2) The instruments specified in column 1 of Schedule 2 shall be amended in accordance with the corresponding provisions in column 3 of that Schedule.

F21 S.I. 1992/2051; amended by S.I. 1994/2865; S.I. 1997/135, and S.I. 1997/1840.
F22 S.I. 1994/2865.
F23 S.I. 1997/135.

Transitional provision

30. The substitution of provisions in these Regulations for provisions of the Management of Health and Safety at Work Regulations 1992 shall not affect the continuity of the law; and accordingly anything done under or for the purposes of such provision of the 1992 Regulations shall have effect as if done under or for the purposes of any corresponding provision of these Regulations.

Signed by authority of the Secretary of State

Whitty,
Parliamentary Under Secretary of State,
Department of the Environment, Transport and the Regions

3rd December 1999

SCHEDULE 1

Regulation 4

GENERAL PRINCIPLES OF PREVENTION

(This Schedule specifies the general principles of prevention set out in Article 6(2) ofCouncil Directive 89/391/EEC) [F24]

(a) avoiding risks;

(b) evaluating the risks which cannot be avoided;

(c) combating the risks at source;

(d) adapting the work to the individual, especially as regards the design of workplaces, the choice of work equipment and the choice of working and production methods, with a view, in particular, to alleviating monotonous work and work at a predetermined work-rate and to reducing their effect on health;

(e) adapting to technical progress;

(f) replacing the dangerous by the non-dangerous or the less dangerous;

(g) developing a coherent overall prevention policy which covers technology, organisation of work, working conditions, social relationships and the influence of factors relating to the working environment;

(h) giving collective protective measures priority over individual protective measures; and

(i) giving appropriate instructions to employees.

F24 OJ No. L183, 29.6.89, p.1.

F24 OJ No. L183, 29.6.89, p.1.

SCHEDULE 2

Regulation 29

CONSEQUENTIAL AMENDMENTS

Column 1 **Description of Instrument**	**Column 2** **References**	**Column 3** **Extent of Modification**
The Safety Representatives and Safety Committees Regulations 1977	S.I. 1977/500; amended by S.I. 1992/2051; S.I. 1996/1513; S.I. 1997/1840; S.I. 1999/860 and by section 1(1) and (2) of the Employment Rights (Dispute Resolution) Act 1998	In regulation 4A(1)(b) for “regulations 6(1) and 7(1)(b) of the Management of Health and Safety at Work Regulations 1992", there shall be substituted “regulations 7(1) and 8(1)(b) of the Management of Health and Safety at Work Regulations 1999;".
The Offshore Installations (Safety Representatives	S.I. 1989/971; amended by S.I. 1992/2885; S.I. 1993/1823;	In regulation 23(4) for “regulation 6(1) of the Management of Health and

Extract from rev 2.0, Nov 2018 of SC13 CDM 2015 Regs

1. SCOPE

This Code applies to all building, science and engineering construction work as defined by the CDM^{2015} Regulations. (See definition of construction work in Section 3).

Many types of maintenance and repair work also fall within the definition of construction work and there are no exemptions for short duration work, but the controls should be proportionate to the risks.

Under CDM^{2015} the STFC will have duties as the Client; and could take on the duties of Principal Designer, Designer, Principal Contractor or Contractor.

Some large construction projects carried out by STFC may need to be notified to the HSE. See Appendix 2 on how to determine whether the work is notifiable.

Note: this Code may need to be considered in association with the STFC Project Management Framework:
https://staff.stfc.ac.uk/prog/project/Documents/ProjectFramework.pdf

2. DEFINITIONS

Table 3.1

Client	A Client is an organisation or individual for whom a construction project is carried out. For the purposes of this Code, the Client is the STFC.
Appointed Client	For the purpose of this Code, an Appointed Client is an STFC employee who has been appointed by the Department Director to carry out all the duties of the Client as described in CDM^{2015}.
Construction phase plan (CPP)	A document prepared by the Principal Contractor (or Contractor) recording the health and safety arrangements, site rules and any special measures for construction work. (see Appendix 6) The CPP should be proportionate to the scale and risks of the project. For single contractor work and for maintenance/repair work the Risk Assessments and Method Statement (RAMS) may form the CPP.
Construction work	Where any project activity involves construction processes, requires construction skills and uses construction materials, it is likely to fall within the term 'construction work'.(1) This covers any building, civil engineering or engineering construction work and will include: • The construction, alteration, conversion, fitting out, commissioning, renovation, repair, upkeep, redecorating or

	other maintenance (including high pressure cleaning), de-commissioning, demolition or dismantling of a structure; • Site preparation – site clearance, exploration, investigation (but not site survey) and excavation; • The assembly on site of prefabricated elements to form a structure or the disassembly on site of prefabricated elements which, immediately before disassembly formed a structure; • The removal of a structure or of any product or waste resulting from demolition or dismantling of a structure; • The installation, commissioning, maintenance, repair or removal of mechanical, electrical, gas, compressed air, hydraulic, telecommunications, computer or similar services which are normally fixed within or to a structure. Notes: • The above is likely to include scientific projects involving equipment, building and infrastructure changes. • Where maintenance activity involves construction processes, requires construction skills and uses construction materials, it is likely to fall within the term ‘construction work’. • General maintenance of fixed plant which mainly involves mechanical adjustments, replacing parts or lubrication is unlikely to be construction work. • Work on a piece of experimental equipment is unlikely to be construction work.
Contractor	An external organisation, or the STFC itself, carrying out works. Note – ‘contractor’ is the organisation and not individual employees.
Principal Contractor (PC)	An external organisation, or the STFC itself, undertaking the duties of Principal Contractor as set out in CDM[2015]. The Principal Contractor is in overall control of the construction phase of the project. Note – ‘the Principal Contractor’ is the organisation and not an individual. For some projects (especially smaller projects) the Principal Contractor may also be the Principal Designer.
Competency	This is the demonstration by an individual or organisation that they have sufficient experience, knowledge and other skills to carry out their duties to a satisfactory standard.
Design	This covers specifications, drawings, construction details, experiment requirements, scientific limitations, bills of quantities etc. relating to a structure, and calculations prepared for the purpose of a design.

Principal Designer **(PD)**	An external organisation, or the STFC itself, undertaking the duties of Principal Designer as set out in CDM2015. The Principal Designer is in overall control of the pre-construction phase of the project. Note – 'the Principal Designer' is the organisation and not an individual.
Designer	An external organisation, or the STFC itself, who: • Prepares or modifies a design; or • Arranges for, or instructs any person under its control to do so.
Health and safety file	A document containing significant health and safety information relating to the project which is likely to be needed during subsequent project / construction work, maintenance and decommissioning (see Appendix 8).
Notifiable project	A notifiable project is one that meets certain criteria (see Appendix 2) such that it needs to be notified to the HSE.
Pre-construction information	Information required by CDM2015 to be given by STFC to Designers and Contractors appointed by the Client. Information includes: • Information affecting the site of the works e.g. known hazards • Information concerning the proposed use of the finished product. • The amount of time to be provided to the Contractor to make preparations before starting on site • Information in any existing health and safety file.
Structure	"structure" means— (a) any building, timber, masonry, metal or reinforced concrete structure, railway line or siding, tramway line, dock, harbour, inland navigation, tunnel, shaft, bridge, viaduct, waterworks, reservoir, pipe or pipeline, cable, aqueduct, sewer, sewage works, gasholder, road, airfield, sea defence works, river works, drainage works, earthworks, lagoon, dam, wall, caisson, mast, tower, pylon, underground tank, earth retaining structure or structure designed to preserve or alter any natural feature, and fixed plant; (b) any structure similar to anything specified in paragraph (a); (c) any formwork, false work, scaffold or other structure designed or used to provide support or means of access during construction work, and any reference to a structure includes part of a structure;

Table 3.2 Examples of projects classed as construction work

	Description
1	Major new building or extension.
2	Preparation of an area or building to house a new beamline/experiment including for example: partitions, ceilings, structural modifications, shielding, piped services, fire and alarm systems and isolatable services.
3	Installation of major equipment that can reasonably be considered to be a structure (for example an ISIS target blockhouse) or is integral to the structure/fabric of the building.
4	Re-organising or redesigning machinery, experiments or physical layouts within a facility involving the alteration of “hard wired / hard piped” mains services which are integral to the structure.
5	Dismantling experiments which are structures for repair, refurbishment or decommissioning.
6	Modifying internal facility areas by installing or removing structures such as walls (this would include radiation shielding forming a shielded enclosure, bunker, block house or tunnel).
7	Installation, commissioning, maintenance, repair or removal of services (electrical, gas, compressed air, hydraulic, heating, cooling, ventilation, telecommunications, computer or similar services) which are normally fixed within or to a structure.
8	Project involving the erection of scaffolding by specialist scaffold contactors (for example, tube & clip scaffolds).

Table 3.3 Examples of projects not classed as construction work

	Description
1	Surveying – this includes taking levels, making measurements and examining a structure for faults.
2	Installation, assembly and commissioning of scientific and other equipment, for example; vacuum chambers, optics tables, smaller scale experimental apparatus, beam lines.
3	Work on or maintenance of experimental equipment and machinery e.g. bench top equipment which is plugged-in, wheeled equipment, battery operated equipment or stand-alone items.
4	Movement or removal of a section of a structure which has been specifically designed for movement or removal (eg a section of shield wall)
5	Tree planting and general horticultural work (unless as part of a larger construction project).
6	Putting up and taking down marquees and similar temporary structures.

Appendix 8 Contractor management action timeline

Activities BEFORE the Contract starts

	Initial Planning	**Selection**	**Detailed Planning**

Staff Letting Contracts (SLC)	• Prepare job/work description and identify key Safety, Health and Environmental aspects.
	• Determine need for expert STFC SHE input (e.g. electrical, fire safety, pressure, radiation, biosafety, waste, pollution).
	• Consult site estates teams if the job/work impacts building infrastructure or site services
	• Consider if the job comes under CDM (get advice).
	• Consider which STFC SHE Codes need to accompany the tender – **REMEMBER** SHE website/SHE codes are visible on public web except for radiation & biosafety.
	• Prepare job/work specification with initial safety requirements to send out with tender.
	• **NOTE: STFC procurement service will not add any SHE requirements to your tender – <u>this must be specified explicitly by SLC</u>.**
		• Obtain and review detailed SHE information from each tenderer.
		• Make full use of STFC Code 15 Contractor Management Appendix 2, and other relevant SHE Codes.
		• Select on the basis of:
		  ○ technical capability, experience and competence;
		  ○ Health, Safety and Environmental capability, experience and competence; and
		  ○ Cost.
			• Appoint the Contract Supervising Officer (CSO) for the job/work. (can be earlier – not later)
			• **<u>In consultation with CSO and others involved</u>,** carry out detailed job planning:
			  ○ Risk Assessment (RA) for contractor from related/impacting STFC activity;
			  ○ RA for STFC from contractor activity;
			  ○ Contractors Method Statements (MS);
			  ○ Identification of training and induction requirements including emergencies for contractors and any sub-contractors;
			  ○ Arrangements for communication between STFC and contractors/sub-contractors and the contractor's supervision;
			  ○ Update of records for all contractor activities and consider interactions

Contract Supervising Officer (CSO)			• Get involved
Contractor		• As part of the tender process provide all requested SHE information in addition to the technical response.	• Prepare and submit RA and MS (RAMS) in full compliance with STFC Codes. • Exchange information with STFC on hazards being introduced to STFC sites and safe working. • Agree all SHE arrangements with STFC including communication and supervision.

Activities at the START of, DURING and AFTER the contract

	At the Start	During	After
Staff Letting Contracts (SLC)	• Be satisfied that the CSO is in place and that the job/work is being supervised by STFC	• Maintain sufficient contact with the CSO, contractor and job/work to know that the agreed safety arrangements are being implemented • Support the CSO in challenging any departure from the agreed safety arrangements	• Review the technical and SHE performance of the contractor and any sub-contractors. As appropriate feedback poor SHE performance to STFC's procurement service providers as input to future tender selection exercises
Contract Supervising Officer (CSO)	• At the outset confirm all job/work details with the contractor's supervisor/staff checking that the prior RAs and MSs remain valid. • Confirm competency of all contractor and sub-contractor staff employed – see evidence of their training/competence • Deliver agreed site and local SHE induction training • Work through all other items in SHE Code 15 CSO check sheet, Appendix 3 • Ensure all contractors have read and signed the STFC Information for Contractors Notice – SHE Code 15 Appendix 4	• Manage, supervise and communicate as agreed in the planning stage, with particular attention to any changes that may affect their work • Undertake routine and periodic checks that agreed safety arrangements are being implemented • Encourage and enforce incident reporting requirement and enter such reports in STFC's SHE reporting system • Challenge any departure from agreed SHE arrangements and standards	• Report to the Managers Letting Contracts on the SHE performance and competence of the contractors
Contractor	• Confirm agreement with all planning arrangements including RAMSs and provide evidence of staff competence for work planned. • Read and sign the STFC Information for Contractors document and comply with its requirements	• Work entirely to the agreed RAMS • Discuss any departure with CSO - **<u>In advance</u>** • Raise any SHE issues with the CSO immediately • Report all SHE related incidents – injuries and near misses to the CSO	