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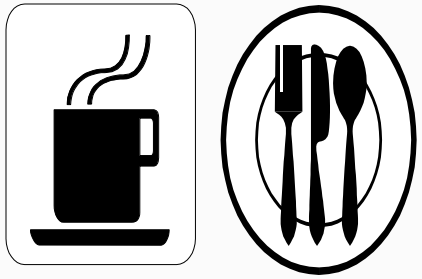
SHE Training for Managers of Contractors and non-STFC Workers

Domestic arrangements















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Course introductions

- Name
- Job description
- Safety management responsibilities
- 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 understand how 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

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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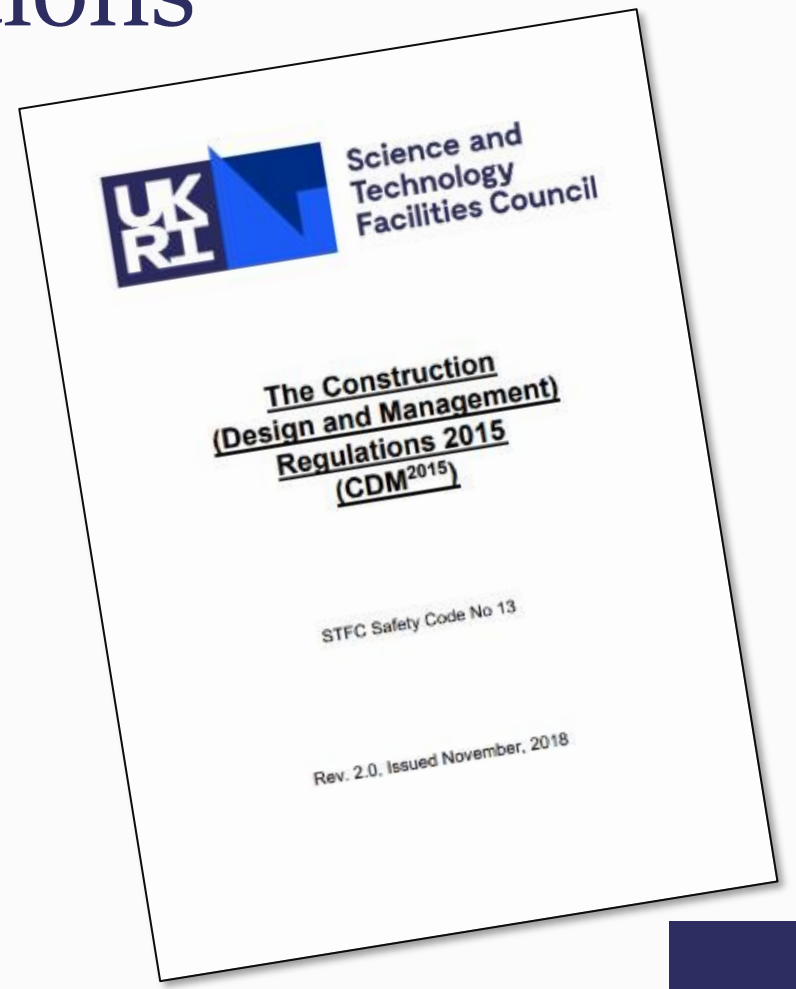
STFC Safety Code 13: CDM Regulations

- STFC Safety Code applicable to the 2015 CDM Regulations
- Required for construction works where 2 or more contractors' organisations are working
- What is construction work?
- Separate courses are available for SC13
- Note, SC15 still applies to the general management of ALL contractors when on site



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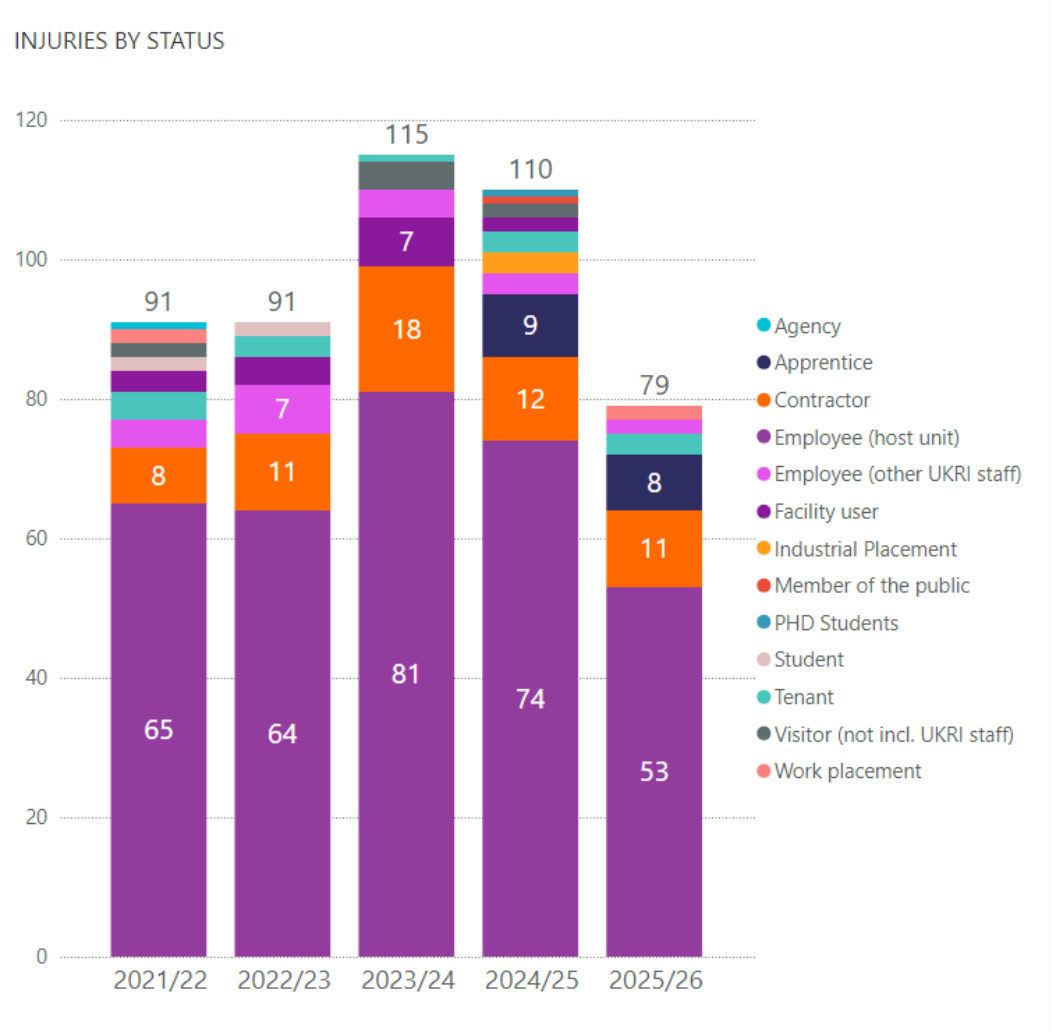
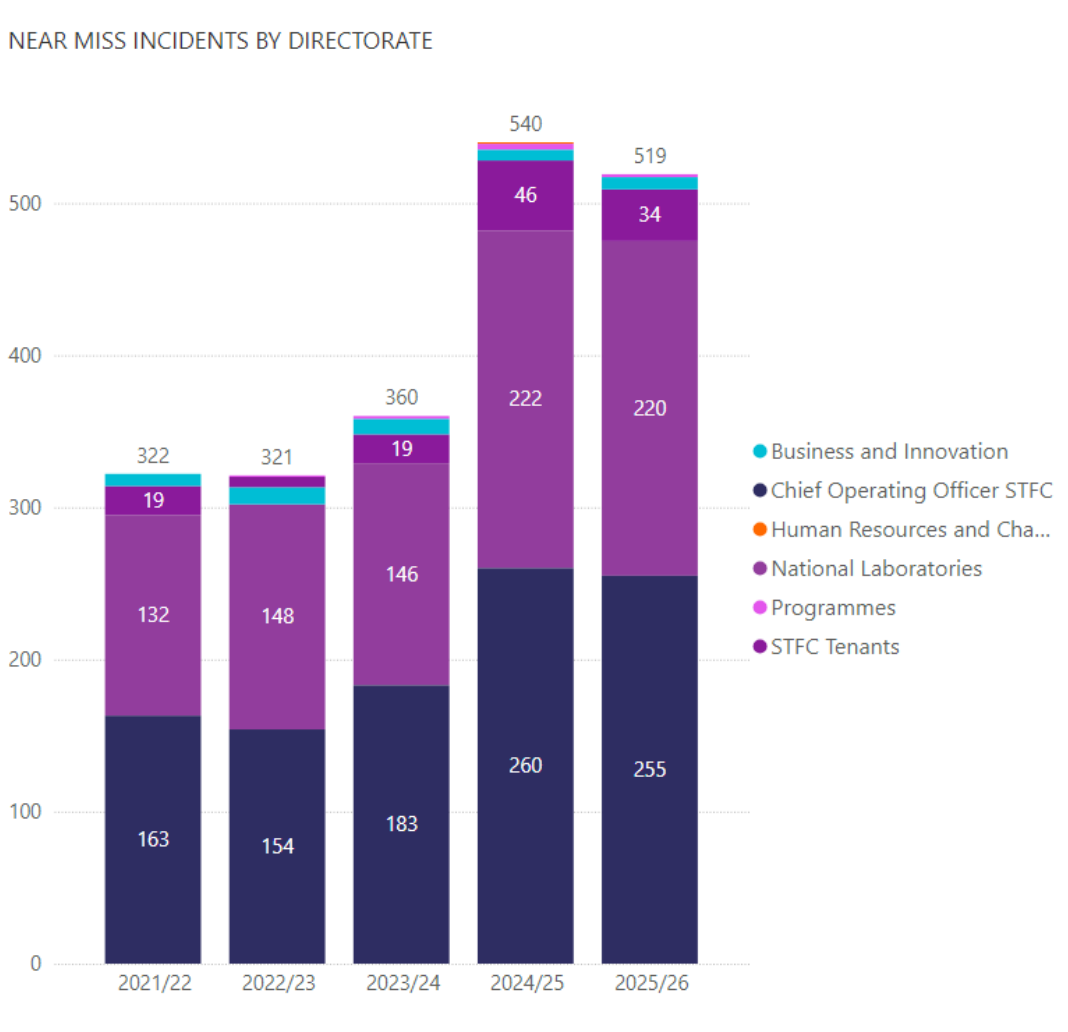
SHE Performance and Motivation

STFC Incident data





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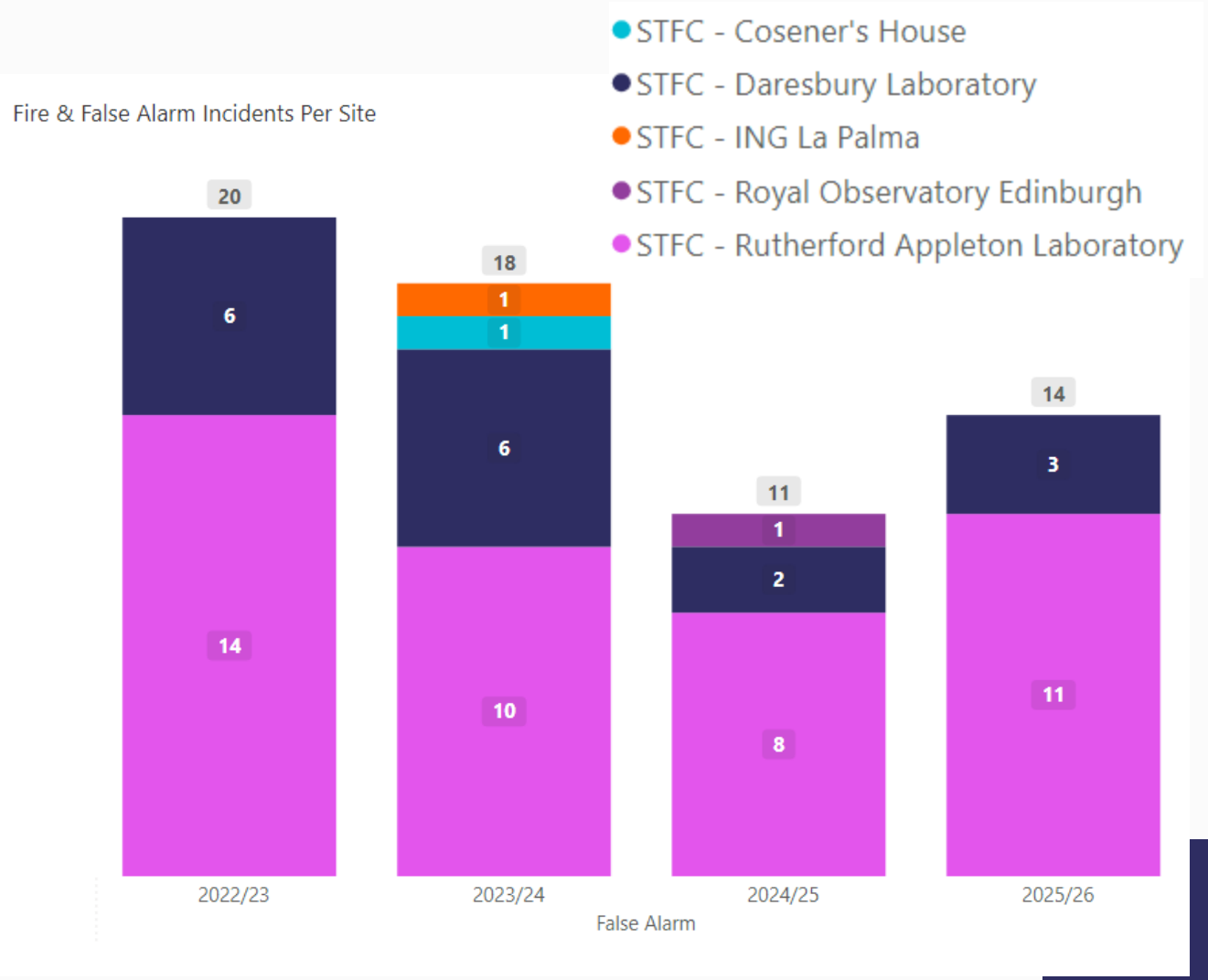
Contractor incidents





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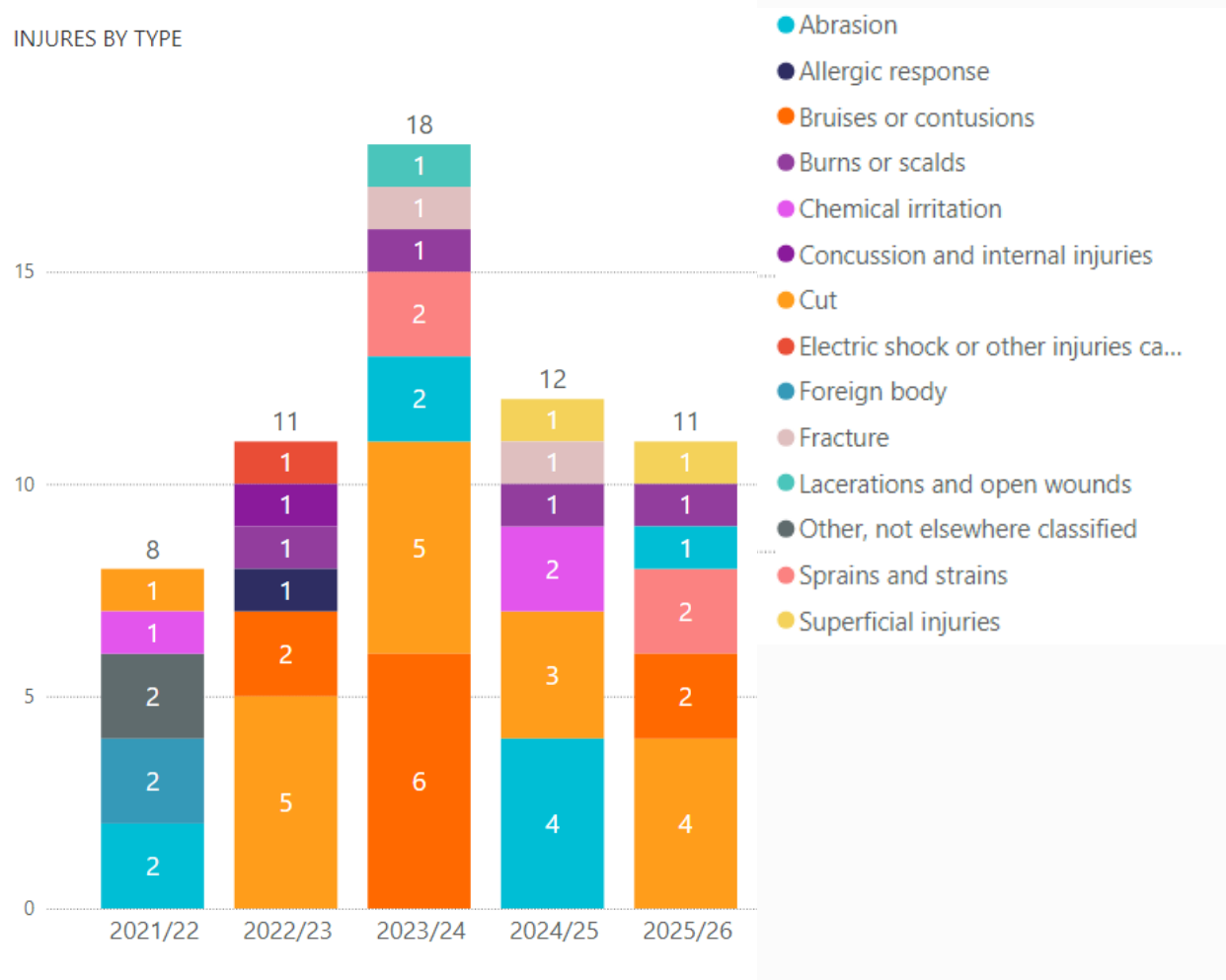
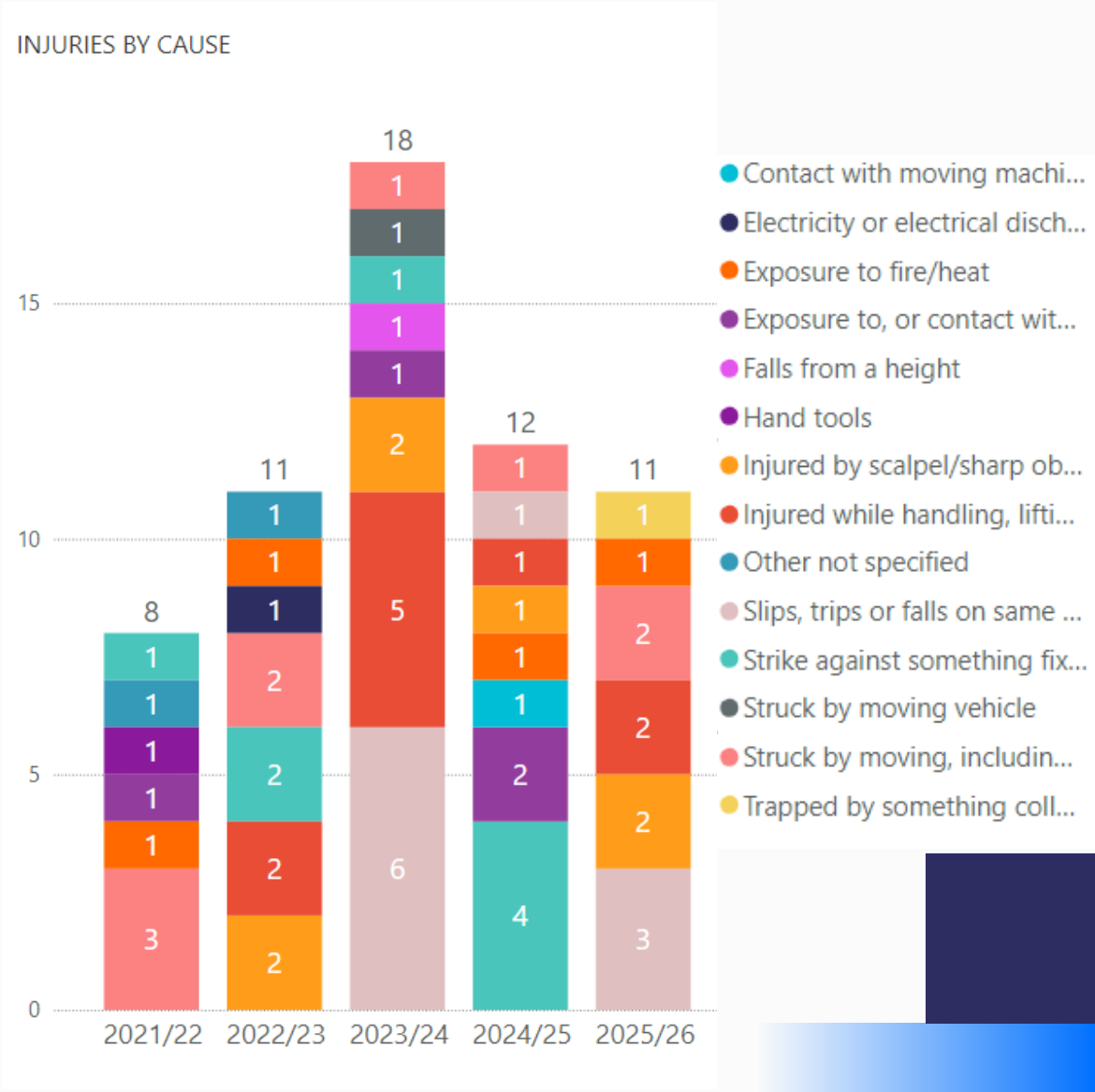
Contractor Injuries





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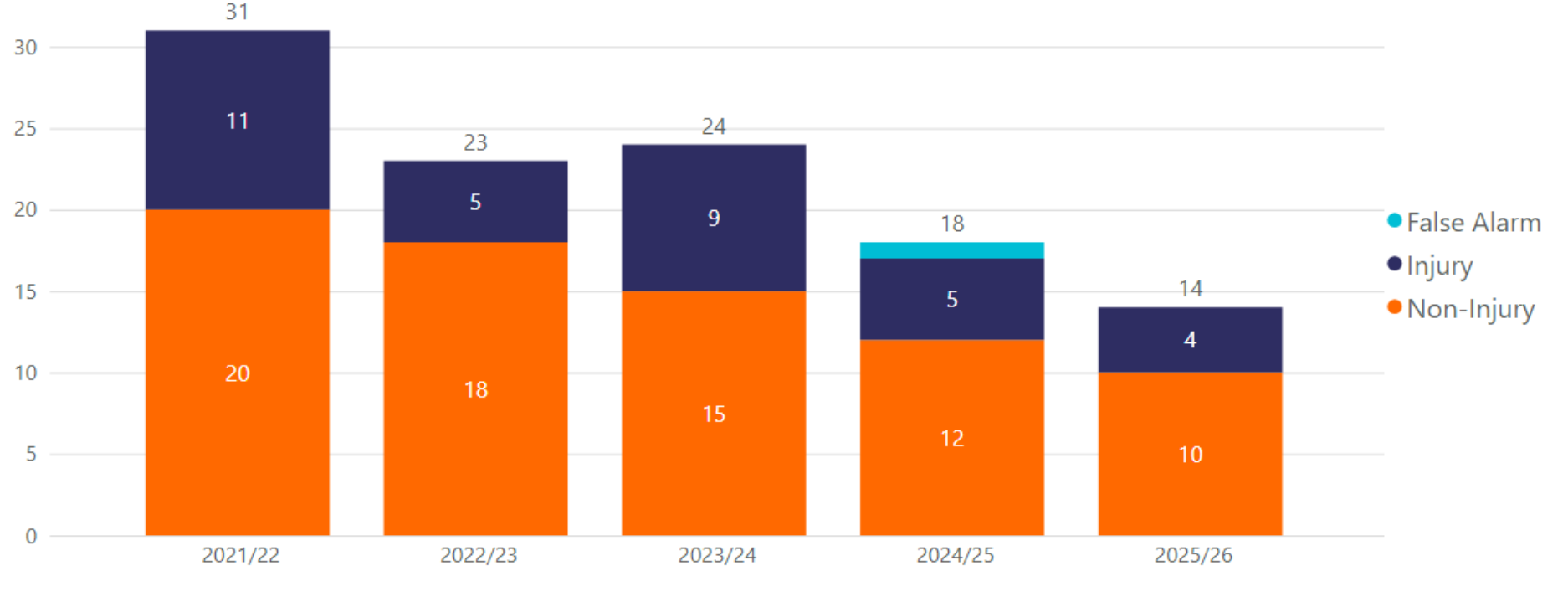
Serious or Potentially Serious Incidents (SoPs)

Incidents (injuries, near misses, vehicle incidents, fire incidents) that did, or had the reasonable potential to result in significant and permanent harm to staff, contractors, tenants, users, visitors at STFC sites or for staff while travelling and working on Council business away from STFC sites



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Contractor safety summary

- Contractor incident rate historically significant – 30% of incidents on Evotix are contractor related
- 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 decreasing

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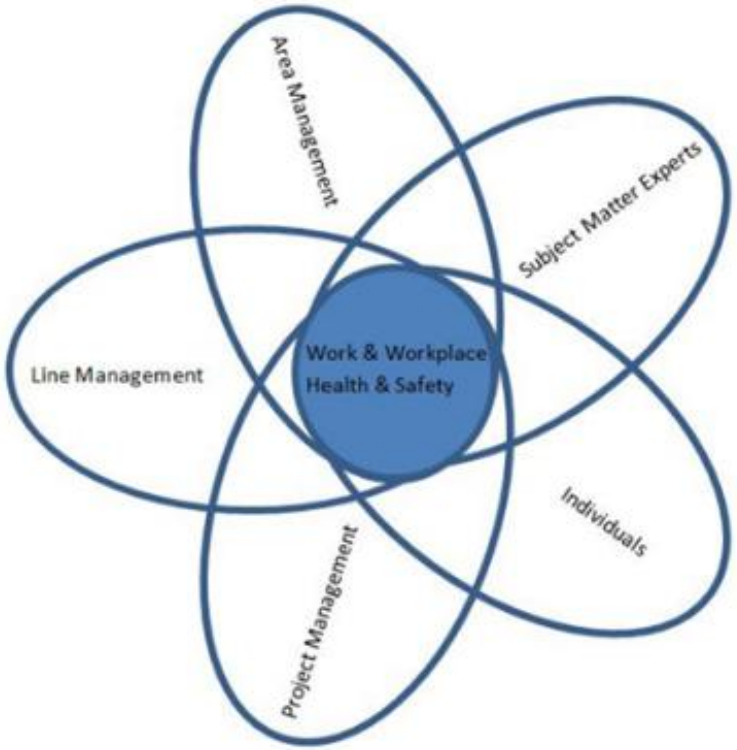
Management Responsibility

- The nature of the STFC's work often necessitates complex matrix organisational arrangements that bring together expertise from across, and beyond, the STFC.

- This has the potential to complicate the fundamental basis on which the responsibility for H&S is delegated – through the line management chain

- Matrix management brings together overlapping spheres of responsibility for H&S which is a reflection of the nature of the work the STFC undertakes bringing together the breadth and depth of H&S expertise required to manage H&S effectively.



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Management Responsibilities

- Fundamentally H&S is a shared responsibility and it is the responsibility of all to communicate effectively, properly assess and take ownership of H&S issues that affect themselves or others.

- The STFC H&S Management Arrangements define the requirements for managing H&S within Appendix 2.

Individual?	Individuals have UKRI (STFC) employment contract or defacto equivalent to work on STFC sites	Individuals have right to work on STFC sites through a tenancy agreement	Individuals have right to work/visit STFC site through a contract with STFC or Tenant	Individuals have right to work /visit STFC sites by invitation from STFC or Tenant		Individuals have no right/invitation to be on STFC land
				To undertake office based work only	To undertake practical science/ technical work	
↓	↓	↓	↓	↓	↓	↓
Individual's STFC status Examples	**Staff** Staff (full or part time) Secondees Agency staff Fixed term employees Sandwich student STFC PhD Student	**Tenant staff** Private sector and academic tenants undertaking commercial and operational R&D activities.	**Contractor** Contractor Consultant	**Visitor** Visitor to site Site tours/School visit Public lectures Open day attendee	**Resource user** Facility User Work experience student Summer student DL Associate Honorary Scientist	**Trespasser**
↓	↓	↓	↓	↓	↓	↓
Person/Group responsible for Health and Safety	**STFC Line Manager**	**Tenant Line Management** Separately an STFC member will have responsibility for the tenancy, for example BID for ITAC ,ESA BICs etc.	**STFC or Tenant Contract Supervising Officer**	**STFC or Tenant Host** (and/or event organiser)	**STFC or Tenant Host** (for example beam line scientist)	**Limited responsibility held by Estates**

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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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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 – this is also a key parts of other legislation!
  - 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

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're 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



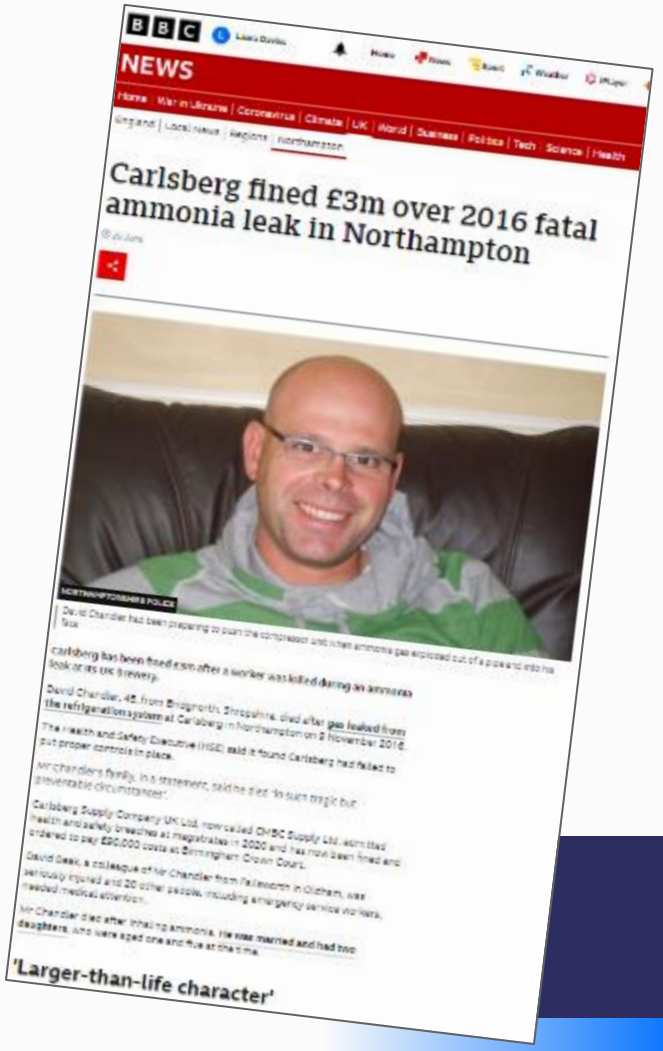
£100 padlock would have prevented this contractor from being harmed



Facilities Council

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


BBC NEWS

Carlsberg fined £3m over 2016 fatal ammonia leak in Northampton

'Larger-than-life character'

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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."

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STFC Example



- No injury, but …..

- Cable strike during road / pathway / beacon installation works
- deactivated a set of nearby gates.
- A small power cable was pinched by a hydraulic breaker attachment during removal of the tarmac surface to a pavement.
- The power cable (one of several) was found to be shallow (150mm) from the surface rather than a min. 450mm deep as expected (the breaker attachment itself is around 200mm long).
- A dig permit was in place with RAMS and colour service plan attached (not the most up to date). The general presence of LV power in the area had been marked “Yes”.
- The RAMS covered the intended works and contain an appropriate level of hazard identification and risk evaluation with suitable controls (including a dig permit).
- No cables were shown in the area, or were highlighted by a CAT and genny scan, before breaking ground.

STFC Example

Description of the causes of the incident:

- Issue of an excavation permit by an unauthorised person and inaccurate information provided during the permit process which forms the first critical step in the application of HSG47 principles i.e. planning the work.
- The quality of the permit was not checked before issue, or by the contractor on receipt.
- Failure to locate the cables during the CAT and Genny scan which forms the second critical step in the application of HSG47 i.e. location and marking of services.
- The cables had been installed too shallow without the use of warning markers either directly above, or in the adjacent soft area.
- The breaker attachment was long enough to damage the conduit and cable before it was noticed.

STFC Example

Summary of actions taken to prevent recurrence:

- Remind the issuer about the need to follow due process and seek help from an authorised Estates dig permit issuer.
- Review current list of Estates dig permit issuers and increase numbers if required.
- Install warning markers alongside shallow cables (if possible).
- Request amendment to u/g services plan to show true depths of cables via Estates Digital Assets Manager

HSE Guidance in INDG 368 (rev 1)

- Host organisations 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)

- Host organisations 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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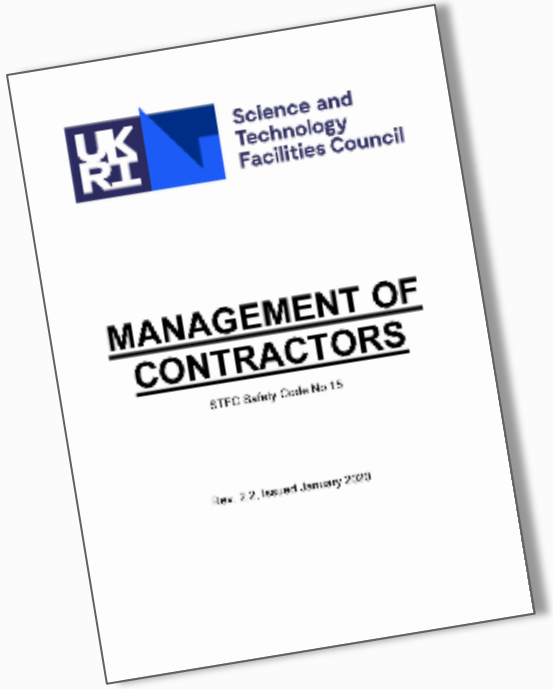
SHE Code 15 – Management of Contractors

STFC's strategy

- To be world class in what we do and comply with all aspects of legislation through the provisions of STFC Code 15: Management of Contractors including provision of training to those involved (which is based on INDG 368)

- Contractor management is no exception and is achieved by setting out clear responsibilities for:

  - Staff Letting Contracts (SLC)
  - The Contract Supervising Officer (CSO)
  - The Contractor



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Staff Letting Contracts (SLC)

- An STFC employee, or their representative, who is responsible and competent to define the contracted works and appoint the contractor, or raise a PO – 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

- Must ensure a competent Contract Supervising Officer (CSO) is appointed, which includes ensuring they have the resource to carry out the role

- Must ensure only competent contractors are used

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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

Contractor

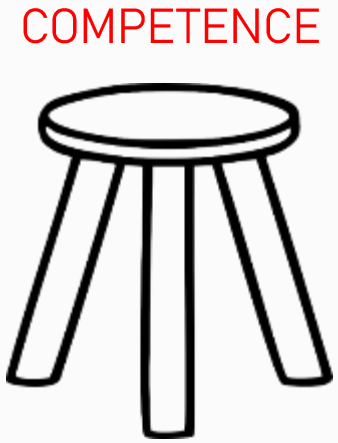
- Any organisation/person(s) that the STFC engages to undertake work who is not employed by the STFC, irrespective of whether they are paid or not by the STFC.

- 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.

Competence

- The SHE Group follow a simple competence model (consistent with the existing HR/SBS recruitment model):
  - Knowledge/training
  - Skills/Experience
  - Attitude/Behaviours



- Note, further training/coaching may be prudent for SLCs and CSOs e.g. based on SC10, SC06, SC13. Also, a key part of competence is gaining on the job experience to develop as a SLC/CSO.

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

- A judgement must be made based on many factors, e.g. risk, complexity of the work, the range of stakeholders, familiarity of a contractor vs someone new, location of the work etc.

- Clarity on who holds the role responsibilities

- See H&S Management Arrangements, Appendix 2 – Responsibility for health and safety in STFC

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, e.g. SLC/CSO to use Appendix 2
  - 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 from the contractor and STFC throughout the work

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 Contractor SHE Essentials (STFC Site Contractor Handbooks)
- Appendix 5 : Guidance on Risk Assessments and Method Statements (RAMS)
  - Also need to ensure permits are understood, specified, and arranged in advance of the work
- Appendix 8 : Timeline activity summaries for SLCs, CSOs and Contractors

Risk Assessments and Method Statements

- As discussed earlier, when non-STFC staff are carrying out work (including when employing a contractor) STFC must ensure Risk Assessments and Method Statements (RAMS) are in place, which include:

  - Task description
  - Known hazards and risks (from both sides)
  - Responsible people (from both sides)
  - How projects will be monitored (from both sides)
  - Structure and execution of tasks and work activities
  - Environmental issues
  - Permit requirements and ensuring they are arranged
  - Competency of workers
  - Deliveries and material storage
  - Emergency arrangements



Permits

- Permits will often be required where non-STFC staff are carrying out work (e.g. contractors)

- SLC's and CSO's must ensure that all parties are aware of the requirements for permit, and which permits are to be issued

- Requests for permit issue must be made in advance to STFC team with the control and competence for issuing permits

- Permits must not be requested on the day of work unless agreed in advance with the permit issuer, or in exceptional circumstances e.g. emergencies

- Those issued with a permit must retain control of the permit, abide by all conditions stated, and seek advice if this cannot take place

- All permits must be signed of and closed in an appropriate manner

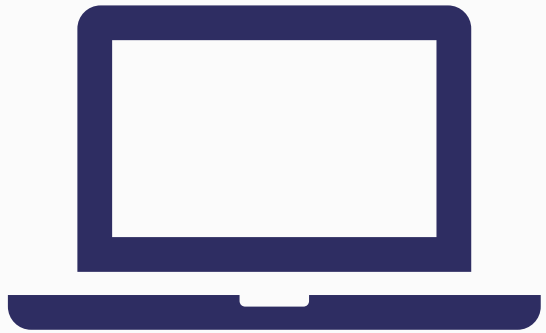
Work involving radiation

- If the contracted work involves a radiation hazard of any description, the contractor must take advice from both their own Radiation Protection Adviser (RPA) and the STFC Radiation Protection Adviser 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

Exercise 3: RAMS Review



- In groups:
  - Review the Risk Assessments and Method Statements (RAMS) provided, and determine what you think is good within them, and where there are opportunities for improvement.
  - If these were presented for a job you were looking after, would you be happy with them?

Exercise 4: 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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Supervision

Supervision role

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

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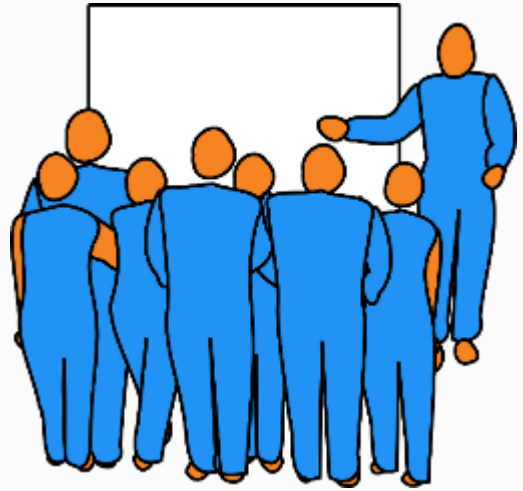
Briefings

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



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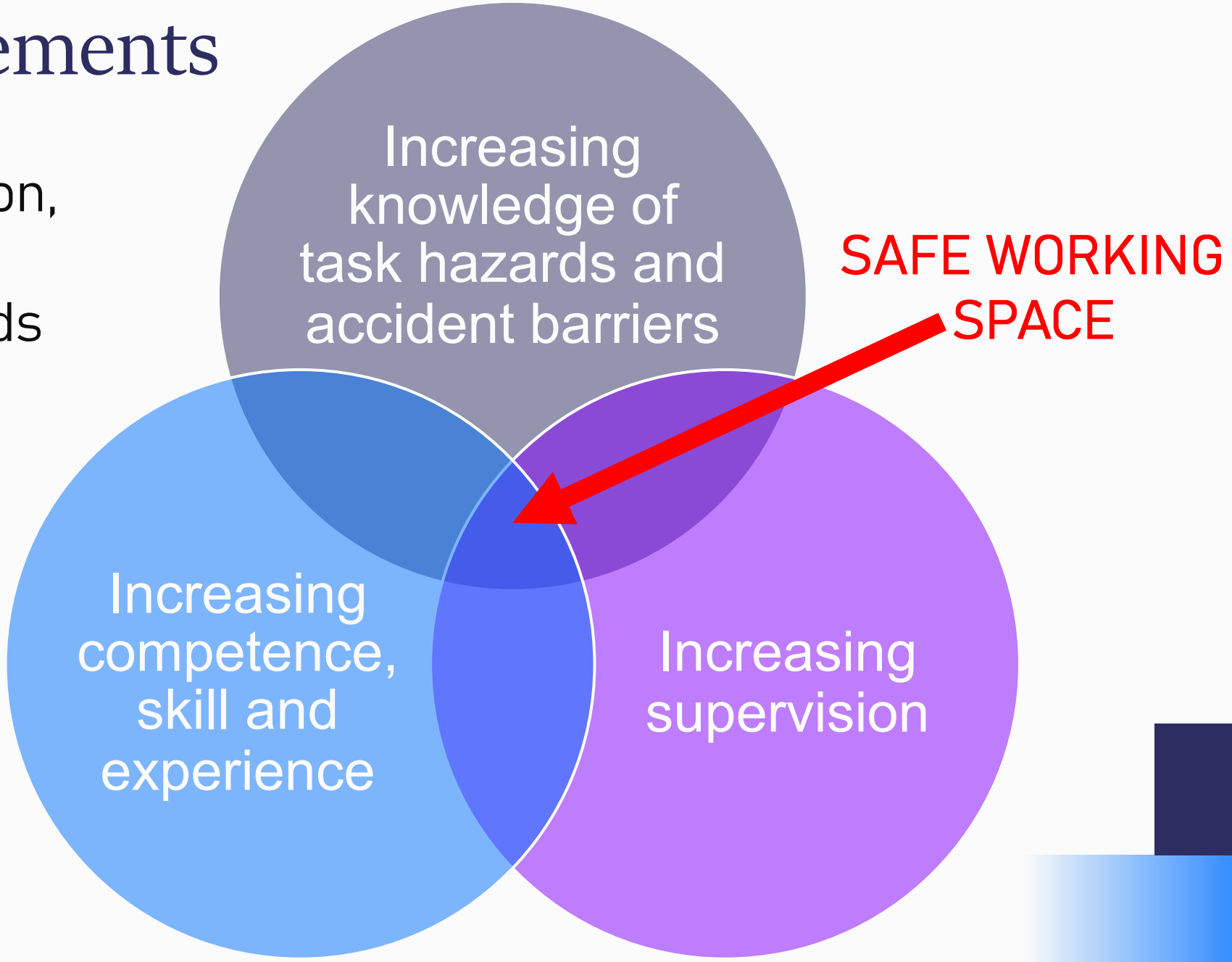
Routine and periodic monitoring

- 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
  - Record monitoring activities, e.g. written evidence such as emails, diary entries, project paperwork and files etc.
- Fundamental question – Are they working safely in line with STFC SHE Codes and to the agreed Risk Assessments and Method Statements (RAMS)?

Supervision elements

Balancing supervision, competence and the knowledge of hazards



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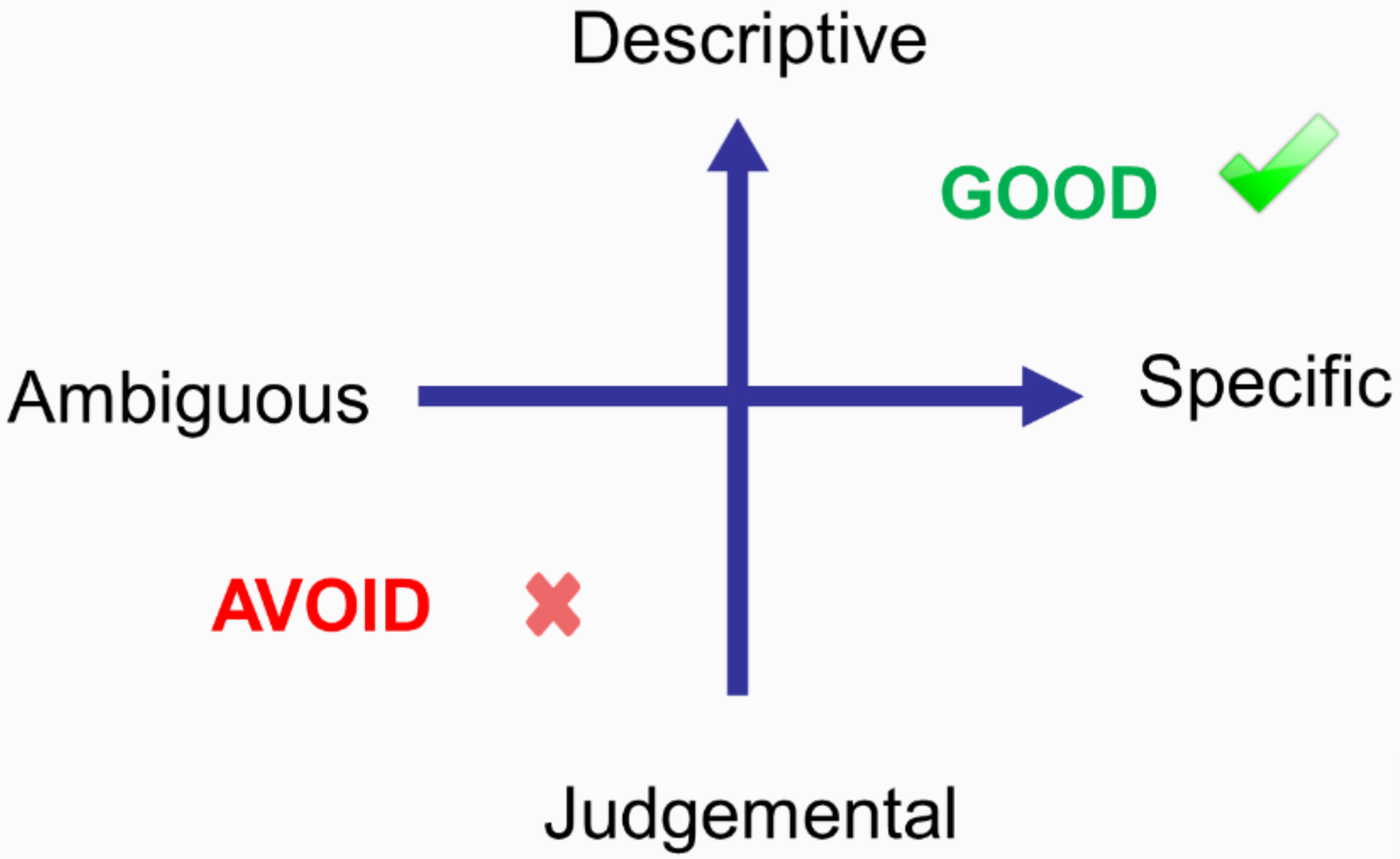
Giving Feedback



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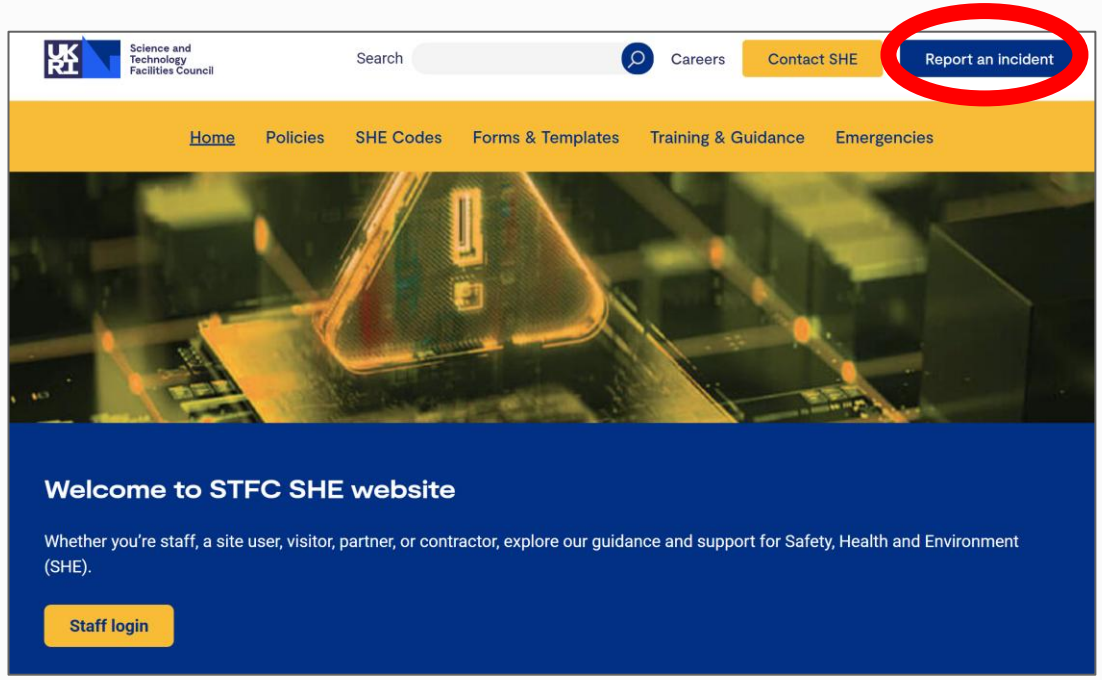
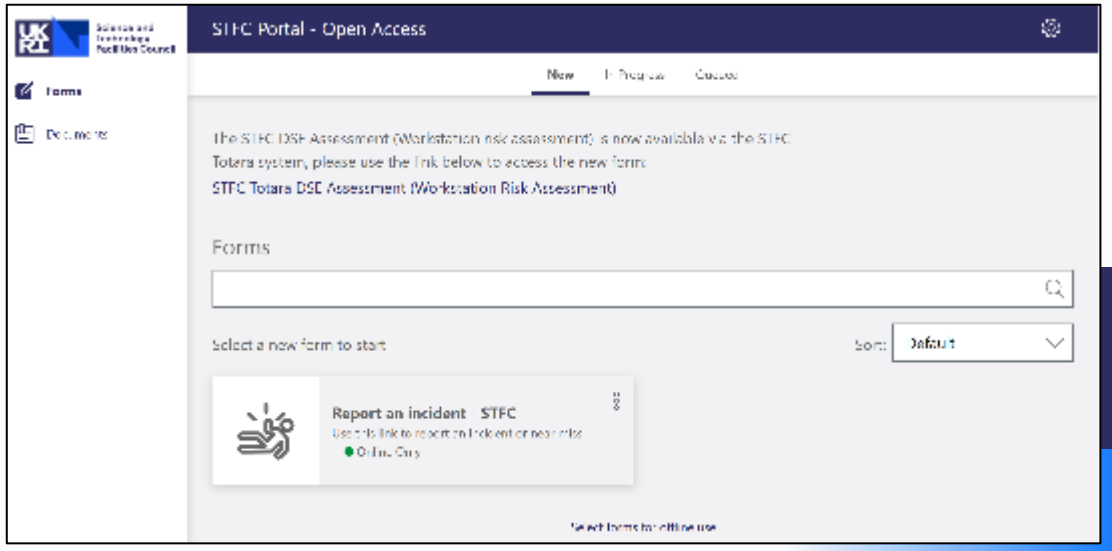
Problems?

- 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
- Report all incidents and concerns

Reporting an Incident

- Anywhere you see '**Report an Incident**': The Source, SHE website etc.
- Inform your Line Manager, the Contract Supervising Officer, Contractor of any person involved in the incident
- Report serious incidents or emergencies at the earliest opportunity and always in less than 12 hours
- Report all other incidents within 2 days





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Exercise 5: 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!

Requirements Recap – Before Work

- Carry out contractor selection – verify Appendix 2 has been considered
- Consider the competency of individuals?
- Ensure the contractor is appointed – e.g. has a PO
- RAMS
  - Provision of RAMS by contractor
  - Review and comment on RAMS
- Permit requirements
  - Permit to works – issued by a competent person, and requested and agreed prior to work starting
  - Access permits – e.g. SI10 for ISIS (including training), RTF
  - Those issued with a permit must retain it and abide the conditions stated
  - All permits must be signed of and closed in an appropriate manner

Requirements Recap – During Work

- All contractor are to be booked in – Easy Lobby for visitors and short-term contractors
- ID requirements for contractor individuals are in place
- Check in – access requirements – do they have a pass or badge
- Parking/access for vehicles and equipment
- Ensure induction requirements are met – site and local
- Provide an introduction to the work area, and any other interested parties e.g. STFC area owner/staff, and other contractors
- Supervision and monitoring – evidence should be recorded

Requirements Recap – After Work

- Is the work area clear – safe and tidy
- Ensure and permits are signed off
- Sign off the task/work – job sheet, attendance record etc.
- Ensure any passes are returned
- Ensure the contractors leave site
- Take part in any appraisal – e.g. comment on any SHE issues etc.



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Thank you