

To: Heads of all Educational Establishments  
cc: Governors/Management Committees of all Establishments  
Trade Union Safety Representatives  
Employee Noticeboards

September 2000



## CONTRACTORS/ CONSULTANTS SELECTION AND MONITORING

### Arrangements for the Selection and Monitoring of Contractors/Consultants

#### Introduction:

The Fair Funding Regulations gives most establishments the opportunity to appoint contractors/consultants to provide services to undertake repair and maintenance work, grounds maintenance and catering and cleaning services. The purpose of this Procedure is to remind you that there are legal obligations on employers to carefully select, control and monitor contractors/consultants working on site, and that establishments wanting to undertake self-financed improvements should continue to use the SF1 Form.

The County Council have introduced controls (see Annex 1) to ensure that only competent contractors/consultants are selected, commissioned and monitored for quality of work, attitude and performance and health and safety standards on our sites.

Governing bodies or management committees who decide that they will assume the Authority's responsibilities for the selection of competent contractors/consultants, will need to be aware of the legal implications of such decisions. This procedure is aimed specifically at them.

#### **What legal requirements need to be considered when selecting and commissioning a competent contractor/ consultant?**

Schools Standards and Framework Act 1998  
The Health & Safety at Work etc. Act 1974 (HSW Act)  
The Management of Health & Safety at Work Regulations 1999 (MHSWR)  
The Construction (Design and Management) Regulations 1994 (CDM)  
The Occupier's Liability Acts 1957 and 1984

One of the many aims of all the legislation is to ensure that competent contractors/consultants with relevant professional qualifications are appointed, and that such contractors/consultants can provide evidence of satisfactory Health and Safety procedures.

Under Regulation 3 of the Management of Health & Safety at Work Regulations, it is a requirement that a "suitable and sufficient risk assessment" is undertaken. The County Council currently undertakes risk assessments as part of a vetting procedure to assess the competence of any contractor/consultant. Governing bodies or management committees must do this as part of their vetting procedure to assess the competence of any contractor/consultant. (see over for details)

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**Published by Health and Safety Section, Premises Development Group,  
Education Department**

**NB: If the establishment uses an ‘accredited’ contractor/consultant from the Council’s list the following action plan DOES NOT NEED to be undertaken.**

If the establishment **does not** use the Authority’s recognised ‘accredited’ contractors/consultants then the Head of Establishment on behalf of the Governors or management committees would need to carry out a vetting process, which includes the following:-

### **Vetting**

1. Examine the contractor’s/consultant’s health and safety policy statement including detailed organisational arrangements to ensure its adequacy and monitoring procedures.
2. Obtain details of past performance from other clients (including references).
3. Obtain all relevant risk assessments.
4. Assess the competency of the contractor/consultant for the task. N.B. You would need to obtain professional advice from the Authority or external consultants.
5. Identify the professional qualifications of and skill training undertaken by the contractor’s/consultant employees.
6. Assess the management systems and procedures to be introduced by the contractor/consultant in checking method statements and safe systems of work necessary to undertake the activity safely.
7. Review the emergency arrangements for the contractor’s/consultancy’s employees and other persons.
8. Examine what monitoring arrangements are in place for the contractor/consultant to review the standard of their health & safety performance and the level of statutory compliance achieved.
9. Evidence of registration to recognised bodies will be required for some works e.g. Work on gas equipment can only be carried out by “CORGI” approved contractors

### **Insurance**

- ☐ Ensure that a minimum of **£5 million Public Liability insurance** is held for all works by the contractor/consultant as required by the Authority.
- ☐ Additionally all consultants must have “professional indemnity” insurance cover of £1.5 million.

### **Selection**

- ☐ Having carried out this appraisal a short-list of contractors/consultants may be drawn up.

Contractor/consultant selection is based on:-

- ☐ competence for the task;
- ☐ performance/quality standards;
- ☐ safety policy, procedures, and method statements;
- ☐ legal indemnity;
- ☐ costs.

### **Monitoring**

The Governors or management committees would need to develop effective monitoring procedures, to ensure that their contractors/consultants perform to the prescribed standards.

As part of such a procedure a model of a monitoring form is given in Annex 2.

### **External Monitoring**

Authorised LEA monitoring officers are located within the Premises Development Group, Environmental Services, and the Health & Safety Section. If Governing bodies/Management committees which use any of the LEA monitoring offices (listed on overleaf), they will need to see documented evidence of the assessments used for the selection and monitoring of contractors/consultants as well the enforcement agency (the Health & Safety Executive (HSE) Inspectorate).

The following County Council Departments or their agents undertake the vetting process on behalf of the Authority and select, accredit and monitor contractors/consultants:

**1. W S Atkins (Oxford)**

The Management of the approved list of contractors for all construction related works maintenance work has been contracted to the County Council's Property Care Consultant - W S Atkins (Oxford) who carries out the work on behalf of Environmental Services.

Delegated Work - W S Atkins(Oxford) will provide this service for subscribing establishments only.

*For non-delegated and delegated works organised by WS Atkins (Oxford) a copy of the order is sent to Establishments. The order includes a section, which allows the Establishment to comment on the performance of the contractor.*

**2. Environmental Services - Approved list of Contractors/Consultants**

To check whether a particular contractor is included on the approved list of contractors for construction related work held by Environmental Services - Property Client Section.

*As the approved list of contractors is updated on a regular basis it is intended to make this information available electronically.*



**Further advice and information:**

**Specialists**

W.S. Atkins (Oxford)	(01865) 882828
Property Client Section - Environmental Services	(01865) 815781
Self Improvement Project Premises Development	(01865) 428171

**General:**

Health & Safety Section - Education Department	(01865) 428188
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C/CPM1

**CONTRACTOR/CONSULTANT  
PERFORMANCE  
MONITORING FORM**

**Monitoring Form****For Use by School Governors, Management Committees & Heads of Establishment**

Use this form to comment generally on contractors/consultants overall performance upon completion of a project or to report any specific problems.

Name of Contractor/Consultant:.....

Details of Contract: .....

Quality of Work	V.Good (5)	Good (4)	Average (3)	Poor (2)	V.Poor (1)
Attitude & Performance	V.Good (5)	Good (4)	Average (3)	Poor (2)	V.Poor (1)
Health & Safety Standards	V.Good (5)	Good (4)	Average (3)	Poor (2)	V.Poor (1)

Overall Comment/Problem(s) .....

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Signed: ..... Post: ..... Date: .....

Establishment Name: ..... Tel: .....

When an establishment has used a County Council approved contractor/consultant and wishes to comment on their performance, whether good or non-performance, a copy of form C/CPM1 should be sent to the relevant County Council Department below:

**Distribution for:-**

☐ Building Works - Environmental Services - Property Client Section

☐ Goods and Services - Contracts and Purchasing Services

All are based at County Hall, New Road, Oxford, OX1 1ND.