

# Health and Safety Bulletin

## Contractor control

### Articles in this newsletter:

- Contractor control
- Stonemason wins £3.5million settlement
- Case law update
- Trustmark Home Improvement App

### Useful contacts:

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As organisations become leaner, they are far more likely to bring in additional external resources as required. This may involve employing agency workers (under health and safety law, employers have similar responsibilities for agency workers as they do for their own employees because they are deemed to have direct control over their activities) or separate businesses (such as those providing specialist consultancy or special skills). It is these separate businesses who we tend to call 'contractors' – contractor employers have direct control over their employees, however, if they are working on a client's site, it is the client who picks the contractor, agrees how and when they can do the work and, to a certain extent, controls the environment they work in. If there is a serious health and safety incident involving contractors on a site, the client or 'site controller' will come under as much scrutiny as the contractor during the enforcement agency's investigation.

### Procedures for managing contractors effectively

There is a simple six-step process you can follow

**Step 1-** Identify the task: The scope of the task must be specified at an early stage to ensure both parties are clear about the activities involved. The level of risk associated with the work and the area in which it is to take place, can then be assessed and this indicates the resources needed to manage the work safely

**Step 2-** Select a contractor: The choice of contractor will be dependent on the task and the associated risks, as this will dictate the level of competence required. Evidence of competence can be provided by membership of a relevant recognised professional body and/or evidence that similar work has been successfully completed before.

Other selection criteria should be used to demonstrate that the contractor has effective health and safety management systems and can achieve the client's risk management standards. The client should also check the contractor has suitable insurance

**Step 3-** Task Risk Management: Once the contractor has been appointed, they must provide risk assessments and a safe system of work. This is often provided as a "method statement" that will list the prevention and mitigation measures needed to manage risk while the work is being carried out. Commonly, these documents are termed "RAMS". The client has a duty to check the risk assessment is suitable and sufficient – it applies not only to the contractor work but anyone else who may be affected by their activities

**Step 4-** Training: Most organisations carry out a health and safety induction for any visitor arriving on site. When contractors are receiving an induction, it is an opportunity to reinforce requirements of their RAMS. A good contractor will already have briefed their employees and the discussion can be used to assess the level of preparation

**Step 5-** Management and Supervision: While the contractors are working on site, procedures must be in place to supervise them. The client should carry out regular checks to ensure they are complying with the RAMS

**Step 6-** Review the success of the work: This review will provide information on the contractor's performance and whether they met expectations in terms of health and safety. It also allows the client to review their contractor control procedures and improve them

Some contractors are members of a Safety Schemes in Procurement system such as CHAS, SafeContractor or SMAS. Evidence of membership of such a scheme just supports your decision at step 2 of the process – every other step in the process is still applicable.

### Conclusion

Commonly contractors are brought onto a site to carry out unusual and higher risk work that the client has assessed they are not competent to do. However, giving this work to a contractor does not eliminate the client's moral and legal responsibility to ensure the risks are being managed effectively.

**Recently issued health and safety information:**

- HSG141 Electrical safety on construction sites [Electrical safety on construction sites](#)
- Silent Killer: The Tragic Story of Asbestos Victims [Silent Killer: The Tragic Story of Asbestos Victims - YouTube](#)
- Work right – agriculture [Work Right Agriculture - Work Right to keep Britain safe](#)
- WISH Principles of machinery safety – recycling and recovery plant [WISH- WASTE-33- Principles-of-machinery-safety-](#)
- IOSH podcast – hybrid working and MSDs [Hybrid work and MSDs | IOSH Magazine](#)
- How home working is impacting the public's health [RSPH | Disparity Begins at Home](#)
- Mates in Mind – be a mate text service [Mates in Mind](#)

## Stonemason wins £3.5million settlement

A stonemason, Gordon Walters, who worked on renovating and maintaining Elgin Cathedral, Moray, in the 1980's has accepted a compensation settlement of £3.5 million after being diagnosed with silicosis and systematic lupus erythematosus (SLE) - it is thought to be one of the largest settlements for a worker who has been diagnosed with these conditions.

Silica dust particles present an occupational risk mainly to people working in the stone masonry and construction sectors. The occupational risk of silica dust was first identified in the early 1900's and the health issues it caused were recognised in the Workmen's Compensation (Silicosis) Act 1918.

## Case Law update

*This bulletin's case law focuses on prosecutions involving clients and contractors*

A flooring retail company was fined **£300,000** with **£6,713.33** costs after a self-employed contractor died after falling 4m through an asbestos cement roof panel while carrying out repairs at the company's showroom in Leicester. Access on to the roof was provided by an unsecured and unfooted ladder which did not extend sufficiently to create a handhold. Workers were then required to traverse the full width of the roof to carry out the repair work. The investigation by the HSE found that the client company failed to follow its own contractor selection procedures and as a result, they appointed a contractor who did not have the skills, knowledge and experience required to plan and carry out the

work using established control measures and safe working practices. In addition, people inside the building, including customers, were also at risk of being struck in the event of a person or object (such as a tool) falling through the roof

A warehouse owner was fined **£96,000** with **£36,919.75** costs for failing to carry out due diligence checks on a contractor's documents or ensure a construction phase plan was developed before work started

Kier facilities Services Ltd and a roofing company have been fined after an employee of the roofing company fell through the roof of a primary school while carrying out repairs – he suffered a life-changing head injury. Kier was found to have failed to follow

### About Clwyd Associates...

We are a management consultancy, focusing on health and safety, and SAP based in the Midlands.

We employ consultants with at least 15 years practical experience backed up by recognised professional and academic qualifications - ensuring our clients receive first class service.



their own work at height procedure, vet the contractor or ensure the work was planned or monitored. Kier was fined **£200,000** plus **£5,923.72** costs and the roofing contractor was fined **£30,000** with **£5,967.12** costs

## Trustmark Home Improvement App

TrustMark, the UK's only government-endorsed quality scheme, has launched a new free Home Improvement App.

Working in close collaboration with the HSE, the 'one-stop shop' home improvement App helps consumers to better understand the process, requirements and

considerations around having home improvement work carried out in their property, such as finding skilled and competent tradespeople, agreeing a contract and what to expect; project timelines; example costs; planning permissions; building regulations and insurance requirements, through to Health and Safety.

The plan is to continue to develop the content with strategic partners to provide consumers with the confidence required to undertake greater levels of simple and complex home improvements.

The App can be downloaded for free on Apple and Android devices - <https://onelink.to/g7jr84>



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