

HEALTH AND SAFETY GUIDANCE NOTE

CONTRACTORS AND VISITORS



NFU Mutual
Risk Management Services

INTRODUCTION

Use of contractors is something which is integral to many businesses. Contractors are becoming more common, especially in industries such as agriculture with the specialisation of tasks such as the spraying of pesticides. At other times, contractors are used so that necessary tasks can be carried out quickly, without the need to disturb the main functions of the business, where specialist knowledge or skills are necessary or where specialist equipment is needed which would be uneconomical to have sitting dormant for much of the year.

CONTRACTOR VS EMPLOYEE

A **contractor** includes any person or organisation who has been brought into the workplace to carry out a particular work activity but who are not directed specifically by the employer on how the tasks should be conducted.

A key way to determine if the worker is a contractor is to consider if that person or organisation maintains a certain level of independence when doing the work. A contractor or the “traditional” self-employed person who carries out work for you will arrive, within limits, at their own convenience, pack up when they wish, provide their own work equipment etc., and devise a way of doing the job that best suits them.

If you are employing a contractor to do any work, you have a responsibility to keep them safe. These obligations include providing relevant site information (e.g. on existing structures, intended use and risks such as asbestos and electrical cables, information regarding specific hazards such as busy vehicle routes or overhead power lines etc.), checking suitable management plans are in place and making sure adequate welfare facilities such as toilets and hand washing facilities are on site before work begins. These facilities need to be in place, but do not necessarily need to be provided by you.

Workers will normally be deemed to be your **employees**, irrespective of whether they are treated as self-employed for tax and National Insurance purposes, if working arrangements are consistent with a contract of employment. Among other things this means you:

- Tell them what time to begin and finish work, and agree their holiday periods;
- Tell them what jobs to do, how they should be done, and in what order;
- Provide any tools and materials for the tasks carried out.

If workers work mainly for you, work in an agreed way, use tools and materials supplied by you, and are under your control then they will probably be deemed as your employees for health and safety purposes. In that case your duties under health and safety law will extend to these types of contractors as well as any 'official' employees you may have.

Family, friends and volunteers are also considered employees for health and safety purposes when working / involved in a work related activity. It is not necessary for there to be a contract of employment - safety law applies when there is an effective employer / employee relationship.

LEGAL REQUIREMENTS

The Health and Safety at Work etc. Act 1974, Section 3, places a duty on employers to persons other than their employees, which places a general duty on the employer in relation to persons such as members of the public, visitors and contractors to take steps to ensure their health safety and welfare.

The Management of Health and Safety at Work Regulations 1999 require an employer to carry out an assessment of the risks to health and safety connected with their work activities and this should include consideration of the risks presented to contractors and visitors. These regulations also place a duty on employers who share a workplace to co-operate and co-ordinate with each other in matters of health and safety.

The Occupiers' Liability Acts 1957 and 1984 place duties on organisations that occupy land and premises which are visited by people for a variety of purposes. Under the Acts, the organisation owes a duty of care to both lawful visitors who are invited or permitted to be there, and trespassers.

PRE APPOINTMENT CHECKS

Competence - Before you appoint the services of a contractor, you need to be confident that they are competent to carry out the task in hand. If you appoint a contractor who is not competent, you can be held responsible if there is a problem with that work or if an accident happens stemming from the lack of competence.

Examples of contractors who are unlikely to be deemed to be competent include:

- Appointment of domestic builders to erect steel framed sheds without previous experience of this specific type of work;
- Appointment of chainsaw contractors / tree surgeons that do not hold a certificate of competence in that activity;
- Appointment of pesticide sprayers who have not carried out any formal training.

It is sometimes useful to check for professional memberships, trade registration schemes or approved contractor schemes. Examples include National Inspection Council for Electrical Installation Contracting NICEIC (and / or SELECT in Scotland), ELECSA and ECA for electrical contractors, inclusion of the National Register of Sprayer Operatives (NRoSO) registration list and membership of National Association of Agricultural Contractors (NAAC). These are only examples - lack of professional registration does not mean a contractor is not competent, but if professional membership is not in place the onus on you to assess competence in other ways may be greater.

Examples of questions you could ask a potential contractor 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 by the contractor);

- 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 by the contractor);
- 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. Examples where method statements would ALWAYS be expected would include larger building / repair jobs, roof work etc.

Safety Arrangements - You need to have reassurance that the contractor has complied with their own duties in relation to health and safety and should therefore ask about what health and safety arrangements are in place. It may not be necessary to go through these in fine detail (dependant on the level of risk involved) however you should ask some basic questions to check that the arrangements are relevant and suitable to the work that they have been appointed for.

The types of checks you need to carry out include:

- The competence of personnel;
- The level of supervision available;
- Whether suitable and maintained equipment will be in use;
- That there is knowledge of safe systems of work;
- That there is a management system of controls in place.

Insurance - It is important that checks are made that the contractor being appointed has suitable insurances to cover the activities they are being appointed to carry out and evidence should be requested for this. Different types of insurance may be necessary depending on the work (e.g. Employers Liability Insurance should be held by all contractors unless they are individuals with no employees).

An example contractor competency questionnaire that includes the above details is included at the end of this guidance document.

PRIOR TO COMMENCEMENT OF THE WORK

Before any work starts on site, there needs to be an exchange of information between you and the contractor. This should include making the contractor aware of any hazards to which they or their employees may come into contact.

Examples include:

- Highlighting the location of any on site hazards - asbestos, overhead power lines, underground services, slurry lagoons etc.;
- Making them aware of any safety controls on site such as one way systems for vehicles or parking areas;
- Making them aware of any specific issues such as busy periods, public areas etc.;
- Making them aware of the location of first aid kits;
- Highlighting any site rules and expectations;
- Advising them of emergency arrangements for the site.

It may be suitable to provide some of this information in writing (e.g. in the form of an information sheet) where appropriate, as evidence of providing the contractor with information on the health and safety risks they may face and the controls in place to deal with the risks.

An example contractor instruction sheet and accompanying letter is included at the end of this guidance document.

You also need to find out from the contractor matters such as:

- Who is in control of the work and who any concerns should be raised with?
- Who is responsible for supervision of the workers?
- Do they need you to provide any support or assistance or additional information?

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 should already have risk assessments for the work activities of your own business. Make sure your assessments covers risks to contractors from your business (e.g. asbestos, on-site vehicles etc.). 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.

DURING THE WORKS

It is important that contractors are not just left to their own devices during the works. You should check in regularly with them to help to identify any concerns which they may have, any problems that have been encountered, any accidents which may have occurred and ask if there is anything the contractor requires you to do or information to provide. You also need to be aware of whether the contractor is working in a safe manner, and where relevant appears to be adhering to any method statements and / or risk assessments provided, taking time to observe the workers, for example:

- Does their equipment look to be in good condition and are suitable guards in place?
- Is roof work being carried out with the fall protection they said they would use?
- Are workers wearing appropriate protective equipment?
- Have risks to your workers and / or visitors been controlled as agreed?

Where concerns are identified, these must be raised with the contractor. If the contractor does not respond with corrective action, you must consider taking action, such as terminating the contract, to ensure that the work does not continue in an unsafe manner.

VISITORS

In addition to contractors, you may also have visitors on your premises. Visitors could be those that you have invited, such as delivery drivers, customers etc, but can also be members of the public that you have not specifically invited, such as people using public rights of way and trespassers.

By taking steps to ensure the general safety of your premises, the environment will also be much safer for visitors. Taking the following steps may help:

- Ensure it is clear where visitors should park or report to when they arrive (e.g. through directional signage);
- Try to arrange visitor parking close to the office to avoid them becoming unfamiliar pedestrians in yards etc.;
- Make sure your equipment and vehicles are well maintained with keys removed when not in use;
- Ensure visitors are adequately supervised by a member of staff;
- Clear out old equipment and materials or designate specific areas where such materials can be stored;
- Make sure stored items are secure, will not fall, slide or topple (e.g. old gates, wheels or tyres etc.);
- Keep buildings (including hatches on silos etc.) locked shut where possible - consider providing locks to buildings which cannot currently be secured;
- Avoid storing materials or equipment directly next to buildings / fences to a level which would allow someone to climb up;
- Remove the lower section of fixed ladders or blank off the lower 2m to prevent unauthorised use;
- Remove and store securely or chain other ladders securely to prevent use;
- Keep livestock in fields without public rights of way where possible;
- Make sure any signage provided is in good condition and can be clearly read.

Visitors should also be given appropriate information and instructions regarding any relevant risks to their health and safety (e.g. emergency procedures including the location of assembly points etc.).

You should ask if any special arrangements are required by the visitor. On arrival it is good practice to complete the visitor's details in a visitor record book. Remember that visitors should also sign out again before leaving the premises.

SIGNAGE

Whilst warning notices do not negate the need for other controls or discharge the responsibility to a visitor, they can help to make people aware of a danger which is known. So whilst it is unlikely to be effective to place warning signs everywhere, some selective and well placed signs can make all visitors, by invite or not, aware of particular hazards which may be present.

OPEN DAYS OR PUBLIC EVENTS

If you are planning an open day or similar event, you should carry out a more specific review of the site and consider if there are areas which need to be segregated to prevent visitor access and any more specific steps which should be taken to keep visitors safe.

FURTHER GUIDANCE

- INDG368 Using Contractors
www.hse.gov.uk/pubns/indg368.pdf
- HSG 159 Managing contractors: A guide for employers
www.hse.gov.uk/pubns/priced/hsg159.pdf
- INDG411 Need building work done?
www.hse.gov.uk/pubns/indg411.pdf
- INDG472 Preventing accidents to children on farms
www.hse.gov.uk/pubns/indg472.pdf

These documents are available to download free of charge from www.hse.gov.uk/pubns/books

CONTRACTOR COMPETENCY QUESTIONNAIRE

Organisation	
Contact Name	
Address	
Telephone	
Work	
Mobile	
Emergency	
Type of work being undertaken	
Qualifications / experience / competency of people undertaking the work	

Please answer the following questions and supply the information requested.

PLEASE NOTE THAT THE DISCLOSURE OF THE INFORMATION AS REQUESTED IN Q6 AND 7 WILL NOT AUTOMATICALLY MEAN EXCLUSION FROM OUR LIST OF CONTRACTORS.

1	Provide a copy of your organisations Health and Safety Policy.	Copy enclosed? Yes No <input type="checkbox"/> <input type="checkbox"/>
2	Supply examples of Risk Assessments prepared and provide details of how you communicate these to your workforce.	Copy enclosed? Yes No <input type="checkbox"/> <input type="checkbox"/>
3	Who in your organisation has overall responsibility for management of health and safety? Include details of this person’s experience and health and safety training.	Copy enclosed? Yes No <input type="checkbox"/> <input type="checkbox"/>
4	Who provides competent advice to your organisation to help with health and safety? Include details of this person’s experience and health and safety training.	Copy enclosed? Yes No <input type="checkbox"/> <input type="checkbox"/>
5	Who on this site will be responsible for the health and safety of your activities? Include details of this person’s experience and health and safety training.	Copy enclosed? Yes No <input type="checkbox"/> <input type="checkbox"/>
6	No one will be allowed to work on this site without the correct Personal Protection Equipment. What is your policy for providing and maintaining PPE?	Copy enclosed? Yes No <input type="checkbox"/> <input type="checkbox"/>
7	All accidents must be notified to management and entered in the Accident Book. Provide details of accidents or incidents reported by your organisation to enforcing authorities during the last three years.	Copy enclosed? Yes No <input type="checkbox"/> <input type="checkbox"/>
8	Provide details of any prosecutions, prohibition or improvement notices issued to your business by any enforcing authorities in the last three years.	Copy enclosed? Yes No <input type="checkbox"/> <input type="checkbox"/>

9	Provide details of how you will keep your working areas tidy and how you will manage your waste.	Copy enclosed? Yes No <input type="checkbox"/> <input type="checkbox"/>
10	Provide details of how you will ensure the competence of your sub-contractors.	Copy enclosed? Yes No <input type="checkbox"/> <input type="checkbox"/>
11	Provide details of maintenance / inspection registers and health and safety documentation, which you keep.	Copy enclosed? Yes No <input type="checkbox"/> <input type="checkbox"/>
12	Provide details of your approach to health and safety inspections and audits.	Copy enclosed? Yes No <input type="checkbox"/> <input type="checkbox"/>
13	Provide a copy of your Liability Insurance Certificate.	Copy enclosed? Yes No <input type="checkbox"/> <input type="checkbox"/>
14	Are you members of any Trade associations / registered bodies for your trade? if so, please attach evidence.	Copy enclosed? Yes No <input type="checkbox"/> <input type="checkbox"/>
15	Please confirm you will ensure the safety of all machinery / equipment in use by yourself on our site, e.g. that any lifting equipment is subject to regular examination under the Lifting Operations and Lifting Equipment Regulations?	Confirm? Yes No <input type="checkbox"/> <input type="checkbox"/>

On signing this questionnaire please not you are agreeing to:

- Inform us should there be any changes to the information provided above.
- Take full responsibility for the management and safe working of any sub-contractors under your control.
- Comply with all health and safety rules / requirements, as laid down by site management.

Signed:

Date:

Name:

Job Title:

CONTRACTOR COMPETENCY QUESTIONNAIRE

Before allowing any contractor to undertake works on your site you must ensure that they are competent and able to work safely.

A person can demonstrate competence to perform work if they have successfully completed an assessed training course run by an accredited training organisation that includes the type of work being considered.

As part of the training course, this person should have demonstrated an ability to provide a quality services with suitable experience, whilst ensuring safety. This can only be achieved via competence.

It is strongly advised to only use competent contractors registered with their professional trade / body. A few examples are listed below?



The National Inspection Council for Electrical Installation Contracting is the industry's independent, non profit-making, voluntary regulatory body covering the whole of the United Kingdom. The NICEIC's sole purpose is to protect consumers from unsafe and unsound electrical work. They are not a trade association and do not represent the interests of electrical contractors.

You can use their website to search for an NICEIC Approved Contractor by name or post town:
www.niceic.org.uk/common/contractor_search.html



Contractors Health and Safety Assessment Scheme (CHAS)

CHAS is established as the market leader for health and safety pre-qualification in the UK. It is available to suppliers (those who provide goods and services) and to organisations (buyers) looking for suitably competent suppliers.

You can use access their website at:
www.chas.co.uk



Safe contractor is health and safety assessment scheme in the UK and recognises contractors that commit to high standards of work

You can use access their website at:
www.safecontractor.com



Gas Safe Register is the official gas registration body for the United Kingdom, Isle of Man and Guernsey, appointed by the relevant Health and Safety Authority for each area. By law all gas engineers must be on the Gas Safe Register.

Gas Safe Register replaced CORGI as the gas registration body in Great Britain and Isle of Man on 1 April 2009 and Northern Ireland and Guernsey on 1 April 2010.

You can use access their website at:
www.gassaferegister.co.uk



OFTEC establishes the standards for competence within the domestic oil heating and cooking industry. By ensuring the quality of people and businesses working in this area, OFTEC maintains standards for reputable companies and consumers alike.

The association also helps to shape the future of the oil-fired equipment industry within the UK, the Republic of Ireland and Europe.

You can use access their website at:
www.oftec.org

EXAMPLE CONTRACTOR LETTER

Contractor Company
Contact name
Address
Town
Postcode

Date:/...../.....

Dear,

We are committed to ensuring that all contractors work safely and comply with all relevant legislation and Regulations.

A copy of our ‘Safety Instructions for Contractors’ is attached. Please read this carefully and pass on the relevant information to your employees or subcontractors.

Prior to commencing work on the first day, please report to at

Any special hazards, of which you need to be aware of, are attached to this letter and will be discussed with you in detail by your site contact. If you are in any doubt about any aspect of our safety rules, please contact me immediately.

I am sure you will understand and support the seriousness we attach to all safety matters. Accordingly, you will appreciate that failure to comply with these instructions could result in the cancellation of your contract and debar you from carrying out further work for us.

I look forward to your co-operation in maintaining our safety record.
Yours sincerely,

.....
Name

SAFETY INSTRUCTIONS FOR CONTRACTORS

As a contractor for you are expected to:

- Ensure that you have adequate Employers and Public Liability Insurance;
- Comply with the Health and Safety Policy laid down by the business, a copy of which is available for inspection in the Office;
- Comply with all site health and safety rules / instructions listed below but also e.g. speed limits, accident reporting, no smoking areas, no children or pets permitted;
- Communicate all risks associated with your work to both site management and any other persons who could be affected by your activities (e.g. through risk assessments); Types of hazards to include are:
 - Work involving hazardous substances;
 - Work which is excessively noisy;
 - Excavation work;
 - Working at heights;
 - Work involving the use of scaffolding;
 - Handling / removing asbestos;
 - Entry into a confined space;
 - Maintenance on electrical mains installations.
- Notify management of any damage caused during the work;
- Ensure that, when necessary, you (and your employees) comply with all current legislation (including training and license requirements) connected with the work you are about to undertake;
- Ensure that, where practicable, you have provided information about your arrangements and organisation for dealing with hazards associated with your work on site;
- Provide whatever information, instruction, training and supervision is necessary to ensure health and safety at work;
- Ensure that you (and your employees) are aware of all matters likely to cause danger to yourself and others (see list of special hazards below);
- Provide and maintain machinery, equipment, etc. and systems of work that are safe and without risk to health;
- Provide and maintain personal protective equipment appropriate for the job;
- Carry out your work in such a way that persons not in your employment, who may be affected by your operations, are not exposed to any risk to their health and safety;
- Leave the site in a safe condition after working hours;
- Observe and comply with all health and safety notices displayed;
- Notify management and, where applicable, the HSE of any accidents, incidents of ill health or dangerous occurrences arising from your work;
- Ensure you know where first-aid and welfare facilities are. However, this does not negate the requirement for you to make provision for your own (and your employees) first-aid.

Special Site Hazards

Before work commences on site you should be aware of the hazards on our premises. Your site contact will provide you with specific details on the following as relevant to your activities on site:

- Location of public footpaths;
- The presence and location of services, e.g. power lines, water and gas mains – both above and below ground;
- Ground condition;
- The presence and location of any nearby watercourses;
- Transportation routes;
- Presence of Livestock;
- Hazardous substances, e.g. chemicals and asbestos containing materials;
- Unsafe structures such as fragile roofs;
- Noise;
- Confined spaces;
- Flammable / explosive atmosphere;
- Toxic / hazardous atmosphere;
- Special events, such as open days or group visits;
- Particular risks from other work activities and contractors;
- Emergency and evacuation procedures;
- First aid arrangements.

This document does not constitute nor should it be construed as constituting legal advice. It has been prepared for information purposes only based on health and safety guidance current at the time of its creation. This document is prepared on the strict understanding that the Client accepts, without limitation, that (a) it retains sole responsibility for compliance with all / any relevant health and safety legislation and / or regulations and / or guidance which is in force / has been provided at the date that this document was produced and (b) the provision of this document by RMS does not in any way amount to / evidence compliance of any such legislation and / or regulations and / or guidance.

This guidance note contains public sector information published by the Health and Safety Executive and licensed under the Open Government Licence.



NFU Mutual

nfumutual.co.uk/rms

NFU Mutual Risk Management Services Limited (No 350057) Registered in England.
Registered Office Tiddington Road, Stratford Upon Avon, Warwickshire, CV37 7BJ.
A member of the NFU Mutual Group of Companies.
For security and training purposes telephone calls may be recorded and monitored.

VERSION: 1.1 – 2015