**Selection and Management of Subcontractors**

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# Introduction

This document is not intended to cover the appointment of contractors carrying out Major Work, although the principles are similar. It is however, aimed at anyone who employs a contractor to carry out work on their behalf.

## Legal Requirements

The Health and Safety at Work etc. Act 1974 requires Employers and others in control of buildings to ensure the safety of Employees and others who work or visit there.

The management of Health and Safety at Work Regulations 1999 also require those in control of buildings to co-operate with contractors or self-employed persons to ensure that they are not exposed to unacceptable Health and Safety risks.

Although the responsibility to work safely rests principally with the contractor, you also have a duty to do all that is within your control to make sure that this happens.

This means that you have a duty to ensure that a contractor is competent to perform the task safely and without unacceptable risk to other employees, members of the public and any others on the site.

Where accidents occur on site through the incompetence or negligence of a contractor, you could also be held liable if you had not taken steps to appraise the contractor or carry out management checks to ensure that agreed standards of operation were actually being carried out correctly.

Contractors should only be allowed to carry out work on site if they have been vetted and approved by you. Even if you have used the same contractors for the past 10 years you still need to regularly assess them in order to ensure you are adhering to your legal obligations.

You will need to consider the nature of the work that the contractor is expected to carry out. Those whose work poses a greater risk will need to be treated in a different way from those carrying out low risk work that will not have a significant safety impact upon the site.

The following points need to be considered:

* Are hazardous substances used?
* Are portable electrical tools or other powered machinery used on site?
* Are contractors going to be working at height?
* Are contractors carrying out hot works?
* Are materials and/or hazardous equipment to be stored on site?
* Are members of the public or other third parties going to have access to the work area?
* Are you, your employees or other contractors at risk due to the work to be
* carried out?

Once the potential risks posed by the contractor’s work have been evaluated, you should request the following information before considering using them for a particular job:

* A copy of the contractor’s Health and Safety Policy document
* Details of qualifications and experience relevant to the task which they are to
* perform.
* Copies of detailed Risk Assessments produced in the last 12 months covering the full range of work activities pertinent to the job.
* Safe systems of work or Method Statements for a similar job as tendered for.
* Details of any job/task monitoring arrangements
* Details of any formal Health and Safety Enforcement action taken against the contractor or his organisation (i.e. Improvement Notice, Prohibition Notice or Prosecution)
* Confirmation of Employers (where applicable) and third party Liability Insurance cover
* References from previous jobs carried out in the last 12 months

When assessing the information provided by the potential subcontractor you should take due consideration of the following points:

* Has the Safety Policy Statement been signed by the most senior person in the company?
* Does the policy clearly set out the organisational structure, responsibilities and detailed arrangements for putting it into effect?
* Has the policy been reviewed in the past 12 months and updated if necessary?
* Do the contractor’s employees have sufficient and appropriate experience and qualifications to carry the work out safely and legally?
* Do the risk assessments provide suitable information of the risks associated with the task and identify appropriate control measures?
* Do the contractor’s safe systems of work and method statements provide sufficient detail of the procedures that will be followed?
* Will the contractor be able to ensure, through supervision and monitoring, that their employees on site perform to Health and Safety standards?
* Has the contractor a good record of safe and competent work? Do references substantiate this?
* Does the contractor’s insurance provide adequate cover?

All contractors who work for you must be put through the same assessment procedure which needs to be conducted on an annual basis. It is important not only to consider new contractors but also those who have worked for you in the past or currently, this continuing appraisal safeguards your reputation and own safety record.

As importantly, if you document your Assessment of your subcontractors and all appears to meet the criteria required, your Liability is reduced, although not negated totally. In a serious situation, however, it could be proven in a Court of Law, that you had taken all the necessary Legal requirements to ensure others safety.