

Willingdon Community School - Safety Management of Contractors Policy



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Document summary

Any contractor working for the County Council (and thereby Willingdon Community School as a maintained school) must be effectively managed from a health and safety perspective, for both legal and operational reasons.

The purpose of this Policy, to be reviewed bi-annually by the Governing Body, is to prevent accidents and ill-health to employees, service users, clients, students, visitors or others on County Council premises and sites arising out of the work activities of contractors and consultants.

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Key contacts

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Safety Management of Contractors Policy

Key Points:

- The content of this Policy applies when using any contractor or consultant to carry out activities on behalf of the County Council on any premises or sites used by the Authority
- Contractors may include building / highway construction and maintenance workers, caterers, window cleaners, employment agencies, service companies and consultants e.g. designers, systems installers, trainers, project management etc.
- Copies of all the ESCC Health and Safety Policies can be found on the Health and Safety pages of the ESCC Intranet and Webshop. Health and Safety Policies specific to Willingdon Community School can be located via www.willingdonschool.org.uk or by request to the School.

1. Introduction

- 1.1 The purpose of this Policy is to prevent accidents and ill health to employees, service users, clients, students, or visitors on County Council (ESCC) **premises and sites** arising out of the work activities of contractors and consultants It is also to ensure the safety of any contractors/consultants so far as reasonably practicable and will help ensure compliance with Health and Safety legislation.
- 1.2 **It prescribes how contractors must be managed, for both legal and operational reasons, whilst working on Council business and/or premises and sites.** It also covers the approval of contractors and provides a reference for assessing the ability of contractors to work safely.
- 1.3 Contractors may include building/highway construction and maintenance workers, caterers, window cleaners, employment agencies, equipment repair and service companies and consultants.

2. General

- 2.1 The County Council is committed to a policy which requires that work is managed and undertaken with due regard to health, safety and welfare standards and expects contractors engaged on work for the Council to apply the standards stipulated within County Council policies.

3. Definitions

- 3.1 A 'Contractor' is any self employed person, or another employer or business who is undertaking work or providing a service for the County Council. All work carried out by such persons, whether of a minor nature or a large centrally placed contract, constitutes a civil "contract".
- 3.2 A "Contract" is an agreement made between two or more parties to carry out or provide a service. This can be a formal, written, contract following a rigorous tender process or can even be a telephone call, or anything between the two. Once made, the client and

contractor both have responsibilities with regard to Health and Safety and neither can discharge this responsibility totally to the other.

- 3.3 The "Client" in terms of contractual and safety law is the organisation (i.e. ESCC), person or persons who initially engages the second party to carry out the works or service and is therefore responsible for managing the health and safety performance of the contractor. This includes the ESCC client nominated controller of premises for authorisation and checks required under this policy for contractors to access and progress works at their site.
- 3.4 A "Lead Officer" is a County Council representative whose role is to liaise with the contractor to assess their safety arrangements, establish effective communication and ensure that no obvious breaches of their method statements occur. The Lead Officer could be a Project Manager, Project Officer, Contract Administrator, Site Manager, etc. i.e. anyone who commissions work to be carried out.
- 3.5 "Controllers of Premises" are persons nominated by departments to oversee the safe access and work of contractors, and their safe interaction with others on the premises, in the specific building(s)/establishment(s) under their control. Note: Where a building is used exclusively by one department it will be their responsibility to determine the "Controller of Premises". If more than one department uses a building then the Facilities Team will determine the Controller of Premises (provided the premises are designated as a "corporate" office). If the building is multi-occupancy but not a corporate office, a decision must be made locally to determine the controller of premises. This role must be implemented at all times, and alternative arrangements made for a substitute when that person is away from the premises for operational reasons, leave or sickness, etc.

4. Responsibilities

- 4.1 Chief Officers will make arrangements for this policy to be implemented through their departmental management organisation and structures, including arrangements for the approval of contractors, their authority to work on Council-occupied premises and sites and the monitoring of their health and safety performance.
- 4.2 An appropriate person must be nominated in respect of each premise to take on the role of Controller of Premises (see section 10) to ensure there are suitable and sufficient arrangements for contractors to work safely whilst they are on the premises.
- 4.3 In addition, the County Council, through its Lead Officers, or indirectly through its agents, consultants etc., must provide appropriate information to contractors about safety critical situations or conditions associated with its premises or work activities.
- 4.4 Where relevant, reference must be made to the publication HSG 150 "Health and Safety in Construction" available on the HSE's website www.hse.gov.uk.

5. Legal Requirements

- 5.1 The HSW Act requires any organisation to take all reasonably practicable precautions to ensure the health and safety of any persons working on its premises.

- 5.2 The County Council, as the body corporate is the ultimate “client”, and has legal obligations to ensure the health and safety of any contractor undertaking work on its behalf. The County Council also has a responsibility to ensure that the contractors’ activities do not harm Council employees or others, such as persons under the authority’s care, members of the public, visitors and other contractors. This includes harm arising from any substances, equipment or articles used as part of the contract.
- 5.3 **Health and safety duties under the criminal law, e.g. the HSW Act and statutory regulations, cannot be passed on from one party to another by a contract; and there will still be duties towards others under section 3 of the HSW Act.**
- 5.4 In addition to the legal duties placed on the client and the contractor to ensure safe systems of working, the Management of Health and Safety at Work Regulations 1999 (MHSW) require that contractors undertake an assessment of the risk that their employees or others may face and define the appropriate preventative and protective measures to be taken. They also require that where two or more employers (e.g. client/contractor, contractor/contractor) share a workplace they must co-ordinate and co-operate with each other to ensure health and safety at work.
- 5.5 All employees of the client and the contractor have a legal duty to take reasonable care for the safety of themselves and others and to co-operate with their employers.
- 5.6 Regulations 3 and 11 of the MHSW Regulations 1999 give employers and the self-employed obligations in shared premises and workplaces to:
- 5.6.1 assess workplace risks to health and safety
 - 5.6.2 co-operate with each other and take all reasonable steps to co-ordinate measures necessary for each to comply with the relevant statutory provisions
 - 5.6.3 exchange information on risks to health and safety and provide information including common emergency procedures to their employees.
- 5.7 If maintenance, small scale building work or other minor works are carried out in connection to a property, as a client you will have legal duties under the Construction (Design & Management) Regulations 2015 (CDM). Compliance with CDM will ensure that legal obligations are met and ensure construction work and repairs are undertaken safely and without risk to health. Further information on CDM can be accessed on the HSE’s website www.hse.gov.uk

6. Assessment and Selection of Contractors

- 6.1 To be placed on the County Council’s Approved List or framework agreement, prospective contractors must be approved by CHAS, a national Contractors Health and Safety Assessment Scheme, either by direct CHAS assessment or by virtue of membership of a body accepted by CHAS, e.g. HVCA. Normally, only these contractors should then be invited to tender. The following paragraphs describe, in general terms, what the County Council requires to evaluate and ensure that a contractor is approved and competent in circumstances where CHAS would not be applicable.
- 6.2 Contractors shall carry Public Liability insurance for claims against them of a minimum of £10,000,000 cover for each and every claim, aggregate cover is not acceptable.

- 6.3 Where departments have their own list of approved contractors for certain defined works, drawn up on the basis of an enquiry questionnaire, they and their establishments must only use these contractors.
- 6.4 Departments or schools which directly engage contractors must ensure they are competent to undertake the work. Contracts should only be awarded following a pre-contract assessment, to ensure that prospective contractors are evaluated on the basis of health and safety criteria in addition to their technical and general competence to carry out the work at a tendered price.
- 6.5 Where a contractor proposes to hire a **sub-contractor(s)** to carry out part of the work, e.g. the erection of scaffolding, only those sub-contractors on the County Councils approved list or otherwise assessed for competence must be used. **The contractor must supply a list of the sub-contractors to be used to the Client commissioning the work and be required to confirm that the sub-contractor(s) have been assessed as to their competency and suitability; this includes providing appropriate details in respect of Disclosure and Barring Service (DBS) checks.** The Client will reserve the right to exclude any organisation or individual if there are concerns with regard to their competence or safety record.
- 6.6 Where sites arrange building type work themselves, that could disturb the fabric of the building, reference must be made first of all to ESCC Property Team.
- 6.7 Where works agreed with one contractor are entirely sub-contracted to another business which has not been vetted, then the person commissioning the work, including head teacher/ governors, are advised to seek advice from the Property Team or, if a school has not bought in to the Property Maintenance service, obtain such advice from other professional advisers.
- 6.8 It is important that price is not the only deciding factor in awarding a contract and proper weight should be given to health and safety considerations. Due regard should also be given to Procurement Standing Orders where it is proposed not to accept the lowest price tender. It must also be confirmed that contractors carry the appropriate level of liability insurance (see 6.2).
- 6.9 In the specific circumstances where CHAS approval is not used as the criteria for competence, the sample letter requesting contractors to provide health and safety information to demonstrate their ability to manage health and safety and a model proforma, "Assessment Questionnaire for Contractors on Health and Safety at Work" available on the intranet and Webshop, should be used. (Note: The column headed "Standard" must be left blank when the form is sent to a prospective contractor).
- 6.10 If it is necessary to use a contractor from abroad, including European Union countries, the contractor must be able to demonstrate an understanding of, and compliance with, UK health and safety legislation and specific statutory requirements e.g. Gas Safe Registration.
- 6.11 The assessment system may be used in a scaled down version for assessment of contractors being selected to carry out **small contracts**.
- 6.12 On projects involving **repeated use of contractors**, after initial health and safety assessment, the frequency of further assessment should be at the discretion of the relevant department/service/establishment which should ensure that up to date information is kept on file.

- 6.13 For **small works not subject to a written form of contract** the range of questions contained in the proforma may be adapted and the letter modified as appropriate to provide some system of pre-qualification appraisal as to a contractor's capability. **Alternatively**, the Lead Officer should ensure that key aspects of health and safety associated with the required work have been discussed with the contractor.
- 6.14 On receipt of health and safety information provided by a contractor, the Lead Officer should consider this and if any of it is considered doubtful further advice must be sought from the ESCC Property Team.
- 6.15 Where such information is found to be inadequate (and no undertaking is forthcoming from the contractor concerned to put matters right) this must be regarded as a major reason for not including a contractor on an approved list or giving that contractor the work and details should be recorded on file together with relevant data.

7. Standard Rules, Conditions and Clauses in Contracts

- 7.1 The County Council's contracts should contain, **as appropriate to the type of work involved**, rules, conditions, clauses or similar, requiring contractors to:
- 7.1.1 "Carry out all work with due regard to the County Council's General Health and Safety Policy Statement, the Health & Safety at Work etc. Act 1974, the Management of Health and Safety at Work Regulations 1999, the Construction (Design and Management) Regulations 2015, and all other relevant Health and Safety Regulations, Approved Codes of Practice and HSE Guidance".
- 7.1.2 "Comply with the principles of safety management embodied in the HSE publication HS(G)65 "Successful Health and Safety Management".

8. Pre-Start Meetings

- 8.1 The Lead Officer should facilitate effective communication and arrange for the exchange of information in order that effective health and safety management can be achieved. In addition, the Lead Officer must ensure that specific information is provided to contractors on site about certain safety critical or high risk activities, e.g. structural alterations, deep excavations, heavy lifting operations hot work, electrical work, work at a height, with fragile materials and work with mechanical plant, to ensure the safety of those working on them, and for incorporation in any necessary permit to work system. In these circumstances, compliance with requirements of agreed procedures will need to be included as a condition of any contract.
- 8.2 A record of discussions should be made, including safety arrangements generally, identification of particular known hazards, the consideration of method statements, risk assessments, identification of substances hazardous to health and COSHH arrangements, measures to safeguard third parties who may be affected by the work including students, service users etc. and arrangements for dealing with hazards representing serious and imminent danger etc.
- 8.3 For those small contracts, typically placed locally e.g. by a local manager, and/or when contractors arrive on the premises to carry out work under a centrally placed contract (e.g. Window cleaning); a similar meeting will need to be held but the records kept need only be

commensurate to the extent and nature of the work, taking into account any higher risk activities.

- 8.4 In such cases, the Lead Officer, the local manager or the Controller of Premises will agree with the contractor the arrangements for safe access and a safe place of work on the premises; including the contractor's response to emergency situations (e.g. fire evacuation). This will include their appropriate and safe interaction with staff, students, service users, and others on the premises who may be affected by their conduct and work. The Flow Chart and Explanatory Notes given as Appendix 1 outlines the safe system of work for dealing with these arrangements.
- 8.5 Where existing County Council health and safety procedures are relevant to a contractor they should be explained and a copy of relevant documents made available, if appropriate; e.g. fire safety procedures, COSHH policy, etc.
- 8.6 Where there is sufficient capacity and subject to local agreement, existing welfare facilities may be made available to a contractor. If existing welfare facilities are not to be made available, it is the responsibility of the Client to ensure that adequate alternative welfare facilities are put in place for the contractor to use **before work commences**.
- 8.7 Any trade union accredited safety representative based on the premises should also be advised when contractors work is substantial or will have an impact on the working conditions of staff.
- 8.8 The contractor must be advised that the County Council may undertake suitable checks to confirm compliance with necessary safety standards. Any observed breach of the terms of the contract and/or any other agreed safety arrangements may result in **the work being stopped** immediately, pending an agreed change in practice and any future contracts or work jeopardised.

9. Safety Method Statements

- 9.1 For certain **safety critical or high risk activities**, such as work with or in the vicinity of asbestos, work at a height, work on or near fragile roofs, major lifting operations and traffic management, the Lead Officer **on site** must receive **written safety method statements** and **risk assessments** from the contractor and be satisfied with their content of before work commences.
- 9.2 A safety method statement should demonstrate that the contractor has clearly thought through the hazards which could be encountered, assessed the risks to their employees and others and planned the work properly with the health and safety precautions prescribed **before** work commences. It should therefore detail how the job is to be done safely and without any risk to health and safety. It should include details of the personnel designated to do the work together with their training/experience, a description of each stage of the work, the access and equipment to be used (including personal protective equipment) and, where appropriate, should include plans and drawings.
- 9.3 Safety method statements which are bland and simply list the tasks to be carried out are unacceptable and of little value in preventing accidents and ill health and may be indicative of the contractor's lack of competence in such matters.

- 9.4 Where the relevant Lead Officer is in doubt as to the adequacy of a particular safety method statement, advice should be sought from a competent person within the relevant department or discipline.
- 9.5 The receipt of the safety method statement by the Lead Officer (and any inspection of it) does not relieve the contractor of their responsibilities.
- 9.6 In the event of the need for deviation from the safety method statement, no further work will be done until agreement has been reached and recorded in writing between the client and contractor on the method of work to be followed in the new circumstances.

10. Controllers of Premises

- 10.1 Controllers of Premises are required to control the work of contractors whilst they are on their premises having regard to the way in which their activities may impact on normal activities and service provision. This will generally include agreeing to their commencing work, advising them of any operational or safety restrictions on the scope of their work, ensuring arrangements for their safe access, safe place to work and advising them of their response to emergency situations (e.g. fire evacuation, first aid). This is particularly important in the context of managing asbestos on the premises and reference should be made to the County Council's Policy on Asbestos for more details.
- 10.2 Particular account must be taken of the contractor's appropriate and safe interaction with staff, students, service users and others on the premises who may be affected by their conduct and work. Contractors are not necessarily always DBS checked and **therefore should not be left unsupervised in situations which might put service users at risk.** For more information on DBS refer to the guidance on the ESCC intranet and Webshop. Controllers of Premises should advise any trade union safety representative for their premises of the type and scope of impending work by contractors.
- 10.3 Reporting of accidents, dangerous occurrences, fires, occupational illness, property loss/damage: In addition to their own procedures contractors/consultants shall report any accident to one of their employees to the County Council who will ensure it is uploaded to the online reporting system. Copies of all reports notified to the enforcing authorities made under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR) shall be copied to the County Council's Lead Officer or Controller of Premises immediately. The County Council may wish to investigate all accidents involving contractors and expect the co-operation of the contractor and its employees in ascertaining the true cause(s) in an effort to prevent a similar accident.
- 10.4 Contractors shall not be permitted to use the County Council's materials, tools, equipment etc. e.g. ladders, step ladders, lamps, personal protective equipment.
- 10.5 Where any order, e.g. for maintenance or repair work, is placed locally, the Controller of Premises should ensure that the contractor is aware of exactly what work is to be carried out, where and when it is to be done and what premises' health and safety risks might be associated with it. If any significant risks are identified, e.g. work on or in the vicinity of fragile surfaces, materials (assumed to be or) containing asbestos, work on a step ladder in a busy corridor area; these risks must be addressed and arrangements made to either remove or effectively reduce/control them.
- 10.6 For work commissioned by others, e.g. Property or ICT, the Controller of Premises should be familiar with what work is to take place and when. The law states that there is

joint (not necessarily equal) responsibility between the Controller of Premises, whoever commissioned the work (e.g. a Project Manager) and the contractor to ensure that adequate measures are in place for the effective control of health and safety on the premises.

- 10.7 A risk assessment and/or safety method statement will be needed for any works undertaken, as well as formal Permits to Work for high risk activities such as hot work (see template on ESCC intranet/Webshop). These are the contractor's responsibility but Controllers of Premises should ensure they understand what the work entails and are appraised on any elements likely to impact on the health and safety of everyone else on the premises
- 10.8 Where, during the course of their normal work, Controllers of Premises become, or are made, aware of significant hazards created by the contractor, e.g. their use of chemical substances on the premises, disturbing materials which do, or might, contain asbestos, or the proximity of electrical cables to data cables that an ICT Contractor is to install; the controller must ask the contractor to stop work whilst further advice is sought from whoever commissioned the work or the ESCC **Property Services**. Work must not recommence until all parties are satisfied that the concerns have been addressed and the required safety precautions are in place.
- 10.9 Appendix 1 gives detailed guidance on the role of Controllers of Premises overseeing contractors by way of a safe system of work.

11. Monitoring the Safety Performance of Contractors

- 11.1 Contractors are responsible for their own safe working, including conforming to their method statements and risk assessments; as well as complying with any written contract, relevant legislation and associated HSE publications and local County Council instructions.
- 11.2 The County Council as the Client is also responsible for actively monitoring a contractor's compliance with the terms of the contract, their health and safety performance, as well as the quality of the work, throughout the period of the contract. Procedures for carrying this out will vary between departments. Where one department places a contract for work in a premises occupied by another, it is their responsibility to arrange for the monitoring in conjunction with the other department, the Controller of Premises, etc.
- 11.3 The person carrying out the monitoring must be competent to do so and be broadly familiar with the type of work and the health and safety aspects. They must also be aware of the relevant County Council/departmental policies and procedures.
- 11.4 The frequency and scale of monitoring must be commensurate with the type, risk(s) and duration of the work and the extent of monitoring may have to be varied dependant on the (on-going) safety performance of the contractor.
- 11.5 Monitoring must address relevant documentation, work activities and conditions on site; with particular emphasis on the (continued) validity of any risk assessments, compliance with method statements, safe working practices, site rules etc. **The safe interaction between the contractor and others e.g. County Council staff, students, clients and members of the public must also be confirmed.**

- 11.6 Investigations may be needed in response to any reported health and safety incidents and visits by the HSE or the Police. The ESCC Health & Safety Team and ESCC Property Team must be notified of such occurrences as soon as possible.
- 11.7 In general terms, if a Controller of Premises, safety representative or other County Council employee observes a contractor working in a manner which he or she suspects may be unsafe, it should be reported to their line manager who should report it to the Lead Officer or department responsible for the contract to take the necessary action. The ESCC Health & Safety Team should be contacted if further advice or guidance is required.
- 11.8 If the observed unsafe practice is considered likely to cause serious or imminent danger to the contractor or any person affected by the work, the contractor must be instructed to stop that work practice immediately pending a change in practice. The person or department responsible for the contract must be informed immediately.
- 11.9 Documented records of any such monitoring, site meetings, inspections, investigations, reprimands etc. must be kept for the duration of the contract and taken into account as part of a review at the completion of the contract.

12. Completion of Contract

- 12.1 The Contractor will be expected to leave the worksite clean and tidy, remove all waste, materials, tools and equipment. This should be checked by the Lead Officer and an evaluation carried out as to the Health and Safety performance of the contractor. If the Health and Safety performance was unsatisfactory this will require a review of the continuation of the contractor on the approved list.
- 12.2 On completion of the work the contractor must be asked to provide any necessary information to update the Health and Safety File where one exists.

Appendix 1: Safe System of Work for the Safe Management of Contractors

Where relevant, reference must be made to the publication HSG 150 "Health and Safety in Construction" available on the HSE's website www.hse.gov.uk.



This appendix outlines the arrangements for the local management of County Council' contractors. It covers all work by contractors (e.g. capital work, maintenance) under any type of "contract" (e.g. term contracts, formal contracts, local orders). All County Council approved contractors have been issued with this procedure and are required to adhere to it.



Contractors must make prior arrangements and appointments before arriving (at the premises) to carry out the work. Controllers of Premises can refuse access if the work is not convenient at the time and/or would conflict with operational requirements. Controllers of Premises should have arrangements in place for advising any trade union safety representative for their premises of the type and scope of impending work by contractors.



Contractors will report to Reception (or the main entrance of smaller premises) to report to the Controller of Premises or their representative and be required to produce valid identification and authority to work before being granted entry.



The Controller of Premises or their representative must be contacted before entry is granted and/or work commences. Controllers of Premises must ensure that there is always a substitute during their absence from the premises (e.g. at another location, leave, sickness); who is acquainted with the location of all relevant contract documentation (e.g. method statement) and any asbestos survey database records.



The Contractors credentials must be confirmed and the work confirmed as authorised and appropriate. They must record their name and address in a Visitors Book (or electronic equivalent), including Time In and Time Out, and where appropriate be issued with a Visitors Badge. This must also be done whenever they temporarily leave the premises, e.g. to collect materials, or return next day.



Contractors will only be granted entry provided their work has been authorised (e.g. under a term contract, local order) after prior arrangements have been made, and it is appropriate at the time taking into account, for example, the needs of service users, students, visitors, the public.



The Controller of Premises must explain (orally and where available by means of a standard handout/leaflet) the relevant fire safety, first aid, washing and toilet arrangements etc.; together with any restrictions on the contractor's access around the premises (e.g. in the vicinity of service users, students). Any Health and Safety File (under the CDM Regulations) or similar, must be provided to the contractor for reference.



Contractors must discuss their proposed method of work with the Controller of Premises, and agree any specific precautions required taking into account any safety-critical hazards/ risks associated with the premises or work activities. (Note: Special agreed methods of work will be

required for work with or in the vicinity of asbestos – see County Council Policy on Asbestos for more details). Consideration must also be given to any operational or service provision arrangements which may be affected by the work. The Controller of Premises must provide the contractor with relevant health and safety information about the premises and discuss and agree the appropriate method of work with the contractor.

Note: If clarification is required, the Controller of Premises should contact the appropriate Project Officer or ESCC Property. If the situation is still not resolved, they should refer to a more senior manager.



Controllers of Premises must be familiar with any Health and Safety File or Log Book and any local Asbestos Management Plan for their premises, and make contractors aware of any asbestos survey database records and details of any presumed or known asbestos-containing materials (ACMs).



If it is discovered by the contractor or the Controller of Premises that any work which is likely to disturb the fabric of the building is proposed to be carried out in the vicinity of known or suspected ACMs or it is unknown if there are any ACMs or not, the Controller of Premises **must** contact ESCC Property to agree the work and/or to arrange for an asbestos survey to be carried out **prior** to any work commencing.



Method statements and risk assessments for work with asbestos must also be agreed with the ESCC Property Team and Controller of Premises, who must arrange for all staff affected to be advised of the arrangements before work commences.



GENERAL CONTRACTORS MUST NOT INTERFERE WITH, OR WORK ON, ANY ASBESTOS-CONTAINING MATERIALS – ONLY HSE LICENSED CONTRACTORS APPROVED BY ESCC PROPERTY CAN WORK ON OR WITH ACM's.



If there is any inadvertent damage, and/or resultant exposure, to asbestos (fibres) the work must stop immediately and the appropriate remedial action described in the County Council Policy on Asbestos implemented.



When the work is completed, the contractor must report to the Controller of Premises who will arrange for a visual safety clearance check to confirm that the work area is safe. (In the case of asbestos a final air clearance sample, carried out by an independent laboratory on behalf of the contractor who removes the ACMs, must be taken prior to re-occupation).



If the work is only partially completed, the contractor must agree with the Controller of Premises that it is left in a safe condition and will not adversely impinge on the normal activities on the premises.



Before leaving, the contractor must report to Reception and sign out, returning any lanyards issued for identification and safeguarding purposes.

End.