



HS Broadcast – Supervision of a Contractor

I was in discussion with a CEO recently who advised me that she was having some refurbishment work undertaken on her organisation's premises. She asked me what her legal requirements were, in particular with reference to the close supervision of the contractor's work and whether she had to arrange for this to be done or whether she could allow the contractor to get on with the job - after all the contractor should know what they are doing and they are the ones with the equipment and, hopefully, competent staff.

With regret I could not be particularly helpful as Health & Safety law does not spell out the precise duties that the CEO must follow. Also HSE guidance on the subject of managing contractors is equally vague. Some people would expect the HSE to give clear, detailed instructions, but in fact that is not the case. The guidance sends you in the direction of risk assessments, and as a consequence of the risk assessments determining what actions are appropriate.

In the absence of mandatory or absolute duties when it comes to identifying what level of supervision is appropriate the business must make a judgement call on this. In the event of a serious accident the HSE will question the supervision and general contractor management arrangements in order to justify any decisions made and therefore a robust paper trail should be in place. This paperwork should include details of what has been agreed with the Contractor; minutes of any meetings, tender documentation and e-mails that relate

to the project should be kept handy, no matter the size of the project.

Without doubt, planning is the way forward, producing appropriate documents and drafting risk assessments are all vitally important. Resources may not allow appointing a member of staff to supervise the contractor's every move, especially if work is being done that is unfamiliar. Therefore my advice is;

1. Obtain the services of the best contractor you can find. They need to be thoroughly checked out, with references taken, together with details of other similar work undertaken and checked with documents stored within the file.
2. A competent person should carry out a full assessment of their abilities to complete the job.
3. Ensure you get a detailed copy of the contractor's risk assessments. A competent contractor will have no issue in handing over a copy.
4. Draft your own risk assessments if appropriate
5. Ask to see the proposed contractor's public liability insurance certificate.
6. To enable the contractor to plan the job properly, give them as much information about your site as possible, including your operations and any site-specific risks. You



HS Broadcast – Supervision of a Contractor

should also provide them with an on-site contact who can provide additional information when required, ideally a facilities manager or a similar, competent individual.

If things are not going well, or you have concerns then;

1. Speak to their management rather than the site staff and demand that management addresses any issues.
2. Inform them that without an improvement they will be removed from site. (However please take care with this course of action as it may throw up some contractual issues).

So, to go back to the original query, you can avoid having to directly supervise the job only if you have a competent contractor in place, you can demonstrate why you believe them to be competent, and have provided detailed information about your site and any associated risks that may be encountered.