

**AGENDA ITEM 11.0**

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| **TECHNICAL** |
| **CONTRACTOR MANAGEMENT POLICY** |
| **February 2022** |
| **February 2027** |

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| **Policy on :** | Contractor Management |
| **Compliant with Charter :** | 4. Quality of Housing   * Tenants’ homes as a minimum meet the SHQS by 2015 and continue to meet it thereafter and when allocated are always clean and tidy and in a good state of repair   5. Repairs, maintenance and improvements   * Tenants’ homes are well maintained, with repairs and improvements carried out when required, and tenants are given reasonable choices about when work is done. |
| **Compliant with Tenant Participation Strategy:** | No consultation undertaken. |
| **Compliant with Equal Opportunities :** | Yes |
| **Compliant with Business**  **Plan :** | Yes |

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| **Date Approved :**  **Date for Review :** | **February 2027** |

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# Contractor Selection

1.1 Paisley Housing Association is part of the i-FLAIR collaborative Framework from which it procures most of its planned and cyclical programme. Reactive work contractors are procured through SG Public Contracts portal. New build or CTI contracts would be separately procured from other frameworks or through SG Public Contracts portal.

1.2 In our procurement Paisley Housing Association ensures that only competent and reliable contractors, with proven safety records, who are compliant with all current and relevant statutory requirements, are appointed to carry out work. The assessment process for acceptance onto the i-FLAIR Framework is rigorous.

1.3 Before appointing a contractor, if the information has not already been assessed for appointment to the i-FLAIR Framework, the Paisley Housing Association will obtain the following information so that a suitable and sufficient assessment can be made before work activities commence:

* Provision of Public Liability/Employment Liability insurance details;
* Provision of suitable references from previous clients or similar work;
* Provision of Safety Policy;
* Provision of licence to operate, where appropriate;
* Provision of risk assessments and method statements;
* Details of a membership of a Trade Organisation or a Safety Group.

Other information which may be required (or given to contractors, for example in the Pre-construction Health and Safety information) is

* Description of safety training provided;
* Health and Safety prohibition and improvement notices;
* Accident/injury data;
* Details of access to a qualified safety advisor.

1.4 Contractors will be advised of all significant hazards or any other factors, for example the means of access and egress from the site/property and action to be taken in the event of an emergency, that are associated with the works they have been contracted to carry out including health and safety standards and permits to work.

1. **Contractor Control**

2.1 In managing any of these contracts there is specific legislation to follow relating to Contractor control.

2.2 The aim of this policy is to ensure that Paisley Housing Association effectively manages the health, safety and welfare of construction projects and promotes the ‘designing-in’ of Health & Safety considerations for future operation of premises as a Landlord.

2.3 Paisley Housing Association recognises its obligation to effectively ‘monitor’ contractors from a Health & Safety perspective. This will be achieved through regular recorded inspections and, where appropriate (e.g. where specialist or technical work is being carried out) through the appointment of third party project managers or assessors.

2.4 The following have been written to ensure all reasonable steps are taken to comply with the Construction (Design and Management) Regulations 2015 and the Health and Safety at Work etc. Act 1974.

2.5 If Contractors are seen not to be operating safely, or are in breach of their own procedures and/or site rules, Paisley Housing Association and in some cases our Framework will take appropriate action. This may range from an on-site chat through to formal correspondence with the offending company, to dismissal from site and expulsion from the Framework or approved list of Contractors.

* 1. Construction Design and Management (CDM) legislation does not just apply to ‘construction’. The term covers all building and construction work; new build, demolition, refurbishment, extensions, conversions, repair and planned maintenance.

# 3. Definitions

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*Construction phase* – *“any period of time starting when construction work in any project starts and ending when construction work in that project is completed.”*

Contractors *- “those who do the actual construction work and can be either an individual or a company.”*

Designers *– “those, who as part of a business, prepare or modify designs for a building, product or system relating to construction work.”*

Principal contractors - *“contractors appointed by the client to coordinate the construction phase of a project where it involves more than one contractor.”*

Principal designers – “*designers appointed by the client in projects involving more than one contractor. They can be an Organisation or an individual with sufficient knowledge, experience and ability to carry out the role.”*

# 4. Legislation

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* Construction (Design and Management) Regulations 2015
* Health and Safety at Work etc. Act 1974

# 5. Project Duties

* 1. As landlord we have several duties throughout a project, these include:
* Assembling the project team;
* Making respective roles clear;
* Ensuring sufficient time and resources for each stage of the project;
* Putting in place effective mechanisms for communication between team members;
* Providing pre-construction information as soon as is practicable to every designer and contractor appointed, or being considered for appointment, to the project;
* Taking steps to ensure that the principal designer and principal contractor comply with their duties;
* Ensuring a construction phase plan is drawn up by the contractor if there is only one contractor, or by the principal contractor;
* Ensuring the principal designer prepares a health and safety file;
* Setting out steps to be followed to ensure health and safety performance is maintained;
* Ensuring suitable welfare facilities for workers is provided by the contractor.

# 6. The Client Brief

6.1 Paisley Housing Association will set out a clear brief for every project as part of the tender process. We will clearly highlight the arrangements for how health and safety will be managed, the key requirements and the vision of the project.

6.2 Where the range and nature of risks involved in the work warrants it, arrangements will also include:

* The expected standards of health and safety, including safe working practices, and the means by which these standards will be maintained throughout;
* What is expected from the design team in terms of the steps they should reasonably take to ensure their designs help manage foreseeable risks during the construction phase and when maintaining and using the building once it is built (i.e. the ‘designing-in’ of future H&S considerations);
* The arrangements for commissioning the new building and a well-planned handover procedure to the new user.

# 7. Selecting the Project Team

7.1 Paisley Housing Association will ensure that all appointed individuals and contractors have the necessary skills, knowledge and experience to carry out the required task.

7.2 Before appointing a contractor, we will obtain the following information:

* Provision of EL/PL/PI insurance details;
* Provision of suitable references from previous clients or similar work;
* Provision of Safety Policy;
* Provision of licence to operate, where appropriate;
* Provision of risk assessments and method statements;
* Details of a membership of a Trade Organisation or a Safety Group.

7.3 If there is more than one contractor involved in a project, we will formally appoint a principal designer and principal contractor in writing at the earliest possible stage.

# 8. Health and Safety File

8.1 Paisley Housing Association will ensure that in projects with more than one contractor, the principal designer prepares, updates, reviews and revises the health and safety file to take account of the work and any changes that have occurred.

8.2 If the principal designer’s appointment concludes before the end of the project, we will ensure that the health and safety file is passed from the principal designer to the principal contractor.

8.3 When the project is complete, Paisley Housing Association will retain the file and ensure it is available to anyone who may need it to enable them to comply with health and safety requirements during any subsequent project.

8.4 If the property is sold to a tenant or any other RSL/organisation, the file will be passed on to the new owner.

# 9. Notification

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9.1 Paisley Housing Association will notify the HSE in writing when the construction work on a construction ‘site’ is scheduled to:

* Last longer than 30 working days and have more than 20 workers working simultaneously at any point in the project; or
* Exceed 500 person days.

(Note that this can apply to work such as cyclical paint programmes and planned component replacement)

9.2 A copy of the notification will be displayed in the construction site office

**10. Data Protection/GDPR**

10.1 When implementing the policies and procedures of Paisley Housing Association all staff and Board members must adhere to and be aware of the requirements of the Data Protection Act 2018 and the General Data Protection Regulation (EU) 2016/679 (“the GDPR”).

10.2 In situations where there may be any doubt about the requirements of the above, the Association may seek the views of its legal advisors.

**11. Equal Opportunities**

11.1 The Association promotes equal opportunities and will not discriminate between persons on grounds of gender or marital status, on racial grounds, or on grounds of disability, age, sexual orientation, language or social origin, or of other personal attributes, including beliefs or opinions, such as religious beliefs or political opinions.

See our **Equalities and Diversity Policy**

**12. Complaints procedure**

12.1 The Association aims to ensure that the service provided to tenants is of the highest quality. If this is not the case, a **Complaints Policy and Procedure** is in place to allow all residents or affected parties to state their grievance. The Scottish Public Services Ombudsman is the final stage of this process.

**13. Review**

13.1 This Policy will be reviewed five years from the date of approval.

13.2 Consideration will be given to any changes in legislation, good practice or operational changes which may affect the content.