Norfolk County Council

Procurement and Contract Management Compliance Code P605

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1. Introduction

This compliance code should be implemented as part of your school's overall procurement and contract management process. Contract managers must take reasonable steps to ensure suitable health and safety arrangements are in place when goods or services are procured.

2. Definitions

Procurement and contract management - where goods or services are purchased or commissioned by a school, e.g. building maintenance and construction works, data and telecoms installation, catering and cleaning, grounds maintenance.

3. Responsibilities

The headteacher has responsibility for school procurement and contract management and is expected to follow the procedures outlined in this Code to carry out duties in relation to contracted services outlined in the school's health and safety policy.

Contractors providing services and Norfolk County Council or trust (as the employer) both have health and safety responsibilities that cannot be passed on from one party to another. The extent of each party's responsibilities will depend on the circumstances.

The risks associated with contracted activities must be identified, assessed and monitored on a risk basis.

4. Specification, Selection and Monitoring

The main stages of procurement – service specification, selection and post contract award monitoring - are supported by documentation to enable contract managers in schools to take suitable steps to manage health and safety effectively and proportionately.

- Specifying and set up – using the Health and Safety Risk Rating Tool - Commissioning and Procurement G658
- Selecting – using Contractor pre-qualification sample questions G605. Depending on the type of service being procured, specific additional questions may be required.
- Monitoring – using the health and safety contract monitoring options described below

Construction and maintenance contractors on NCC's contractor framework have already completed a health and safety pre-qualification process. NPS will order work for schools in the building maintenance partnership (BMP) using contractors from the framework.

NCC schools not in the BMP can call the NPS Helpdesk (08000 858592) or email NPS.Helpdesk@nps.co.uk to obtain a list of approved contractors in the appropriate work category. These arrangements apply to all Norfolk schools, apart from academies.

Depending on the level of risk, performance standards, responsibilities and working arrangements may need to be agreed prior to contract award.

The Construction, Design and Management (CDM) Compliance Code P637 must be followed where the project involves construction and integrated with the requirements of this code where appropriate.

4.1 Specification and set up

Use the Risk Rating Tool to identify the level of risk involved and health and safety requirements. The examples given are not exhaustive and contract managers may need to seek advice from health, safety and wellbeing team on the risk rating of the service or activity and the required controls.

4.2 Selecting

Where you identify that contractor pre-qualification information is needed, the health and safety Contractor pre-qualification sample questions G605 can be tailored to establish specific information.

4.2.1 Services not requiring pre-qualification

Certain types of procurement will not need a pre-qualification health and safety process, e.g. when using maintenance or construction contractors on the NCC framework; and contracts that have minimal or no impact on health and safety.

4.2.2 Subcontracting by the main contractor

The main contractor is responsible for approving their subcontractors. You may need to ask what proportion and type of work will be subcontracted at pre-qualification as there have been occasions where contractors have subcontracted high risk work without NCC's/a schools knowledge or approval, e.g. in delivery of construction. There may be circumstances where you will need to specify that subcontractors cannot be used during the contract for certain activities.

4.2.3 Emergency works and prequalification

In the event of unforeseeable emergency works, e.g. flooding or damage caused by a break in, adequate checks may not be feasible. In such situations a risk assessment for the activity should be obtained and evaluated as soon as reasonably possible.

4.2.4 Award of contract and specification of health and safety performance standards

The Risk Rating Tool identifies where specific health and safety performance standards and monitoring requirements could be included in contract schedules, in addition to

standard contract terms. Contract managers should determine, at the prequalification stage, how the contract will be set up and monitored.

4.3 Contract Monitoring

This section describes the types of monitoring that could be carried out as part of quality assurance activity or during normal business activity. Health and safety monitoring of contracted services can be carried out by contract managers if they have a good understanding of the service being provided to the school, alongside this compliance code.

Contract managers should select the most suitable monitoring method(s), individually or in combination over time, considering the risk profile of the service provided and the availability of resource to carry out sufficient and proportionate monitoring.

Monitoring method	Purpose	Suitable for
Site inspection by contract manager Or review discussion with the provider to establish that key safety processes are operating	To verify that key aspects of safety continue to be considered by the provider such as: building maintenance and construction works, data and telecoms installation, catering and cleaning, grounds maintenance	High risk services, as part of routine QA activity; High and medium risk services after an incident; Any service where significant concerns arise;
Telephone	To discuss specific activities or risks, e.g. fire safety management.	Medium risk services; High risk services where there is good evidence that risks are consistently well managed.
Review meeting/conversation	To discuss health and safety arrangements on a scheduled (e.g. annual) basis as part of routine contract review process. Meeting to include: - Reportable incidents or other significant incidents/near misses and action taken - The findings of health and safety monitoring carried out by the contract manager	All contracted services

	- Enforcement action by the HSE, Environmental Health, Fire and Rescue Service in respect of the contracted service - H&S KPIs etc, if defined in the contract schedule - Complaint investigations and feedback from school staff and parents	

4.3.1 Actions as a result of monitoring

Where significant concerns are identified, the contractor must agree an action plan and complete required actions within a set period. This must be followed up by the contract manager.

4.3.2 Health and safety failings

Action must be taken against contractors where significant health and safety failings occur. Action may include setting or resetting KPIs and providing advice on how to meet them or stopping an activity until appropriate remedial actions are taken. Significant health and safety failings may include:

- Accidents resulting in serious injury to school employees or third parties (pupils, members of the public)
- Working practices that could result in serious injury or safeguarding concerns
- Failure to resolve a significant concern

When action is taken against a contractor they should be provided with information explaining why actions have been taken. Actions may include:

- not awarding further work until the contractor can demonstrate corrective actions have been taken
- suspending or removing the contractor if more than one significant failing occurs or if a serious incident has occurred

5. End of Contract Arrangements

At the end of a contract there should be a planned handover process that considers health and safety when, for example, a construction project is completed. Arrangements must be put in place for ongoing inspection, maintenance and statutory testing.