

Contractor Management & CDM Compliance Policy

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Owner:	Asset and Compliance Manager	Department:	Asset Management
Issued To:	<input type="checkbox"/> Board of Management <input type="checkbox"/> All Staff <input type="checkbox"/> ET/LT <input type="checkbox"/> Head Office Managers <input type="checkbox"/> C&S Managers <input checked="" type="checkbox"/> Department/Other: Asset Management Health and Safety	Method of Delivery:	<input checked="" type="checkbox"/> Annual Declaration <input type="checkbox"/> LearnPro Individual Sign Off <input type="checkbox"/> Board Portal
Stakeholder Consultation	<input type="checkbox"/> All Staff <input type="checkbox"/> Customer Engagement <input type="checkbox"/> Union <input type="checkbox"/> Employee Voices Group <input type="checkbox"/> Head Office Managers <input type="checkbox"/> C&S Managers <input checked="" type="checkbox"/> Department/Other: Asset Management Health and Safety	This policy will be reviewed every 3 years from the date of implementation or earlier if deemed appropriate for any legislation or regulatory changes. If this policy is not reviewed within the above timescale, the latest approved policy will continue to apply.	
Equality Impact Assessment		No	n/a

Version Control

Date	Owner	Version	Reason for Change
March 2025	Asset and Compliance Manager	1.0	New Policy

Summary of Changes

Section	Change

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1.0 Policy Statement

Ark faces numerous risks associated with construction work and other related activities carried out by contractors when designing, repairing, maintaining, inspecting, building, or refurbishing properties. As an employer and a provider of housing and care, Ark has specific statutory duties to ensure the health, safety, and welfare of all employees and others who may visit our buildings, including customers, members of the public, contractors, and sub-contractors. Additionally, Ark must comply with specific duties as a client when instructing construction work.

This Policy outlines how Ark will meet all legal and regulatory obligations related to the management of its contractors, both as a housing and care provider and as an employer. Our aim is to ensure that all works are carried out safely and in accordance with health and safety legislation and best practices. We will procure, select, onboard, and manage contractors effectively, ensuring compliance with legislation to monitor, manage, and control work within all our properties and on our estate to the required standards.

This Policy details Ark's statutory duties related to contractor management and Construction (Design and Management) Regulations (CDM) compliance and the arrangements we will have in place to ensure we meet legal requirements. This Policy and the supporting Procedure have been developed to manage all contractors carrying out works across our entire estate, particularly focusing on compliance with CDM regulations for all construction work undertaken on Ark properties.

The main risks associated with contractor management include injury, health issues, and potentially death, which can result from work activities carried out by contractors if not managed effectively.

This Policy is supported by the Contractor Management & CDM Compliance Procedure AM 09a, which should be read in conjunction with this Policy. Together, these documents set out how Ark will meet and implement the requirements of current legislation in procuring and managing contractors working on our estate, ensuring compliance with current legislation, regulations, and applicable standards.

The purpose of this Policy and the Contractor Management and CDM Compliance Procedure is to outline the statutory duties applicable to Ark Housing Association as an employer, landlord, and registered provider of social housing concerning all works carried out within properties owned and managed by Ark. The Policy will identify key roles within the business to ensure we fulfil our statutory obligations.

Ark aims to ensure:

- Contractors chosen to work on behalf of Ark or on Ark premises are competent in respect of Health and Safety Legislation and with the appropriate competencies (Skills, Knowledge, Experience and Behaviours).
- So far as is reasonably practicable, selected contractors comply with all current and relevant Health and Safety statutory requirements and good practice guidance.
- We carry out our duties as the client as set out in the Construction (Design & Management) Regulations 2015.

The requirements of the Construction (Design & Management) Regulations 2015 are identified and applied including:

1. That all contractors appointed Principal Contractors carry out their duties.
 2. That all Principal Designers carry out their duties.
- Contractors are managed in line with Contractor Management & CDM Compliance and deliver a high level of service to our customers.
 - We protect our buildings sufficiently from penetrative works which could compromise the passive fire safety (Compartmentation) of all buildings across the estate.
 - Full details of how we will meet these obligations are set out in the overarching Contractor Management and CDM Compliance Procedure.

1.1 Legal & Regulatory Framework

The Scottish Housing Regulators (SHR) statutory objective is to safeguard and promote the interests of current and future tenants, people who are homeless, factored owners and Gypsy/Travellers. They monitor, assess, report, and intervene (as appropriate) in relation to social landlords' performance of housing activities and RSLs' financial well-being and standards of governance. The SHR also provides advice on their website to landlords and sets out some key factors registered providers should have in place to manage tenant safety, this Policy and supporting Procedure will set out how we will comply.

Legislation, Regulations, ACoP's, Standards and Guidance:

The Health and Safety at Work etc Act 1974 places a statutory duty upon employers, so far as is reasonably practicable, to ensure the health, safety and welfare of its employees and

anyone else who may encounter Ark buildings or its undertakings. This includes customers, members of the public, contractors, and sub-contractors.

The Construction (Design and Management) Regulations 2015 (CDM). It is important to understand within the CDM Regulations that Health & Safety is a shared responsibility between Ark and other duty holders. The CDM Regulations place responsibility for managing the Health & Safety of a construction project on three main duty holders, the Client (Ark), the Principal Designer and the Principal Contractor. Ark will normally be the client for any works with responsibility for principal designer and principal contractors' duties placed on the contractor. For larger or more complex works, a Principal Designer will be appointed separately to work with the Principal Contractor. A detailed breakdown of these duties is contained within the supporting procedure and can be found on the HSE website.

The Management of Health and Safety at Work Regulations 1999 places a duty on employers to identify the risks that employees, contractors, and members of the public may face and take steps to control or mitigate those risks through a formal risk assessment process.

Other applicable legislation, regulations standards and guidance, which is not exhaustive.

- Housing Scotland Act 2006;
- The Tolerable Standard (under the Housing (Scotland) Act 2006);
- The Control of Substances Hazardous to Health Regulations 2002 (COSHH);
- Corporate Manslaughter and Corporate Homicide Act 2007;
- Right to Repair Regulations (under the Housing (Scotland) Act 2006);
- Building Standards (Scotland) Regulations 2014;
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR 2013);
- The Workplace (Health, Safety & Welfare) Regulations 1992;
- Construction, (Design and Management) Regulations 2015;
- Fire (Scotland) Act 2005;
- The Fire Safety (Scotland) Regulations 2006;
- Gas Safety (Installation and Use) Regulations 1998;
- The Control of Asbestos regulations 2012;
- Scottish Government - Building Standards. Technical Handbook 2009 Domestic Environment;
- The Wiring Regulations – BS 7671 latest edition (IET Wiring Regulations);
- Electricity at Work Regulations 1989;
- The Workplace (Health, Safety & Welfare) Regulations 1992;
- Health and Safety (Safety Signs and Signals) Regulations 1996;
- Provision and Use of Work Equipment Regulations 1998;
- Personal Protective Equipment Regulations 1992.

2.0 Scope

The Policy covers all properties, whether freehold or leasehold, where Ark Housing Association, Ark Services Ltd, or Ark Commercial Investments Ltd are responsible for the buildings and the contractors carrying out work.

The Policy encompasses the use of contractors across all areas of Ark. Contractors are engaged to perform a wide variety of tasks, ranging from support services such as cleaning, catering, security, and waste disposal to technical works like building repairs, general maintenance, void refurbishment, compliance checks, planned works, major construction, refurbishment, and new builds.

Additionally, this Policy applies to the control and management of contractors working on our estate who have not been directly instructed by Ark, as we have a duty of care to protect our buildings, customers, and others who may visit our premises.

Specifically, this Policy and its supporting Procedure will establish clear controls to protect Ark buildings by preventing contractors from breaching fire compartmentation. It will also outline the appropriate controls to ensure the correct use of fire-stopping materials and specific design requirements to restore passive fire protection when carrying out works on any building.

3.0 Roles & Responsibilities

There is a range of standard expectations which underpin all policies. Read more about standard [role and responsibilities](#) in addition, the following specific responsibilities apply to this policy.

Duty Holder:

Ark will be the corporate named client duty holder as defined in CDM regulations. The Director of Development and Customer Experience will be responsible for ensuring there is suitable and sufficient resources in place to deliver the arrangements set out within this Policy and supporting Procedure.

Responsible Person:

The Asset and Compliance Manager will have the responsibility for contract management and CDM compliance in relation to the appointment and management of all contractors for compliance and planned works.

Deputy Responsible Person:

The Asset Compliance and Contracts Officer will have the responsibility of day-to-day arrangements for contractor management and CDM compliance in relation to the

appointment and management of all contractors for compliance and planned works. The Asset Officer will oversee the site operations day to day to ensure that all works are carried out safely and in accordance with health and safety legislation and best practices.

4.0 Related Policies, Procedures & Documentation

This policy should be read in conjunction with Ark's:

AM09a Contractor Management and CDM Compliance Procedure

HS05 Fire Safety Policy.

HS05 Fire Safety Procedure.

HS19 Your Home, My workplace.

AM01h Electrical Safety Procedure.

AM01k Fire Safety Systems Equipment.

[Ark's Vision, Mission & Values](#)

5.0 Effective Contractor Management and CDM Compliance

All Ark staff instructing work have a responsibility to ensure suitably competent contractors are appointed and managed for all work carried out in a safe and appropriate manner. All staff instructing works will be required to understand what is deemed construction work and how CDM regulations apply.

Breaching this policy may result in disciplinary action, depending on the severity of the violation.

Works which cause knowingly uncontrolled breaches of passive fire safety compartmentation by contractors in any of Ark's buildings without prior authorisation and careful planning, will be viewed seriously and will be investigated in accordance with Ark's Disciplinary Policy and Procedures. Non-compliance breaches in compartmentation not only contravene Ark's Fire Safety Policy and Health and Safety Policy but put our residents and visitors to our buildings at serious risk.

All Ark staff will ensure they have consulted this Policy and Procedure in relation to any possible intrusive works that could cause penetrations within any part of any of Ark's buildings; they have informed Asset Management and, if requiring further guidance, will ensure the Asset Management team are fully aware of the work to be undertaken. In

particular: floors, walls and ceilings between dwellings, attic spaces, basements, service cupboards and plant rooms.

6.0 Training & Monitoring Requirements

6.1 Training

Staff managing contractors will have training appropriate to their needs and to the needs of the organisation. Ark will ensure that relevant employees have an awareness of this Policy and receive adequate training to enable them to effectively fulfil their roles and ensure Ark will meet all legal and regulatory obligations relating to the management of its contractors as a provider of housing & care and as an employer.

6.2 Monitoring

All responsible managers and persons will hold regular contract management meetings with all contractors to discuss performance and progress for programme delivery. Meeting agendas/content will be dependent on contract duration, workloads given to contractors and contract type.

All contractors will be monitored closely on service level agreements within the contract using contract key performance indicators.

Suitable evidence and assurance will be obtained by managers within Ark to demonstrate work has been completed to the required standard and to confirm compliance with our statutory obligations.