**How to Manage Statutory Undertakers on Regional Delivery Partner Frameworks**

**Introduction**

This “How to” applies to all schemes delivered as part of the Regional Delivery Partnership, where there is a requirement to manage Statutory Undertakers (SUs) on behalf of Highways England. It defines how SUs should be managed to ensure health safety wellbeing and environmental concerns are administered.

SUs are the various companies and agencies who have been appointed by Highways England to carry out utility diversions, renewals and improvements to their apparatus within the highways infrastructure.

SUs have statutory powers to repair and replace their assets and contractors hold specialist competencies outside of the standard highways construction training and competency standards. They require specific management in order to ensure that health and safety requirements are achieved both from the specialist contractors undertaking works and the Principal Contractor’s management of the full scheme.

**Definitions**

**Statutory Undertaker –** Statutory undertakers are bodies that have been given statutory powers in relation to functions that are of a “public” character. Statutory undertakers may have rights and obligations such as the supply of utilities.

**Roles**

**Contract Leader –** Overall responsibility to ensure that work conducted by the Statutory Undertakers is properly supervised and that any interaction between their work and that of the project is co-ordinated to ensure a satisfactory and practical management of risk to the health and safety of both parties.

**Design Manager** – Responsible for identifying the Statutory Undertakers likely to be involved in a project at the initial design stage allowing for early engagement liaising with Highways England Head of Utilities as appropriate.

**Health & Safety Manager / Advisor –** Responsible for providing advice and support as necessary.

**Statutory Undertaker –** Responsible for liaising with the Contract Leader and complying with, so far as is reasonably practicable, all project health safety and wellbeing procedures and to ensure effective two way communication.

**The Steps – as outlined in the three stage process below:**

**STAGE 1**

**Agree location and extent of the work area**

In agreement with the SU the extent of the area and the access and egress arrangements will be agreed and a clear drawing produced confirming details. The SU must confirm their understanding of how to safely access the area especially where this involves access through a live construction site.

**Agree any supporting works to be undertaken**

The Regional Delivery Partner will agree with the SU any works that they will complete prior to SU works starting. This could include an agreement for the SU to attend site after a particular work phase is completed or works to support the SU activity e.g. excavating and installing trench boxes etc. The extent of any supporting works will be made on a project by project basis dependent on risks, resources and time lines.

**Confirm agreement for compliance with the Memorandum of Understanding**

Prior to work starting on site the Regional Delivery Partner are to be assured by the SU that they have agreed the requirements as identified in the Highways England / Regional Delivery Partners MOU.

**Review but not approve RAMS for the works to be undertaken**

Prior to any work being conducted on site the SU Teams RAMS should be reviewed by a competent person within the Regional Delivery Partner team to ensure they have recognised and understood the health, safety and environmental obligations associated with their activities within the overall context of the project.

**Request that SU team attend the site induction are given a Drugs & Alcohol Test**

Prior to starting on site, the competencies of the SU team should be provided, as part of the standard induction protocol, to the Regional Delivery Partner. EUSR cards (Energy & Utilities Skills Register) are affiliated to the CSCS Scheme and will evidence safety and technical competencies. Subcontractors to SUs must also provide evidence of competencies before commencing work on site.

**If unsure contact the Health Safety & Wellbeing Manager or Advisor for the project for advice.**

The SU team must attend the site induction so they are fully briefed on key risks on site, the emergency procedures, welfare facilities available etc.

Drug and alcohol screening is mandatory at induction stage. If the SU are unwilling to take the drug and alcohol test they will not be permitted to enter site and the SU employer must be informed. In the event of a non-negative result a full “Chain of Custody” urine test must be undertaken and again the individual concerned will not be permitted to enter site pending the results of the test.

**STAGE 2**

**Checks to ensure the work area is free of residual risk**

Prior to signing over a work area to the SU team a check should be conducted jointly to identify any residual risks left by the Regional Delivery Partner’s works.

**Handover of work area to SU team**

Wherever practical to do so the Regional Delivery Partner will sign over control of the work area to the SU for the duration of their works using the Handover of SU Works Area form at Appendix 1. This form must be displayed at the entrance location of the work area. The works area is to be completely segregated from the Regional Delivery Partners works.

**Checks during SU works**

Appropriate checks of progress and work conducted will be undertaken by the Regional Delivery Partner to ensure the SU are working in accordance with the agreed programme, design and that they continue to work safely and are adhering to all site rules. **No other works are to be conducted or other equipment transferred to the area whilst the Handover of SU works area is active.**

**STAGE 3**

**Upon completion of works SU/RDP agree hand back**

Once all the work is completed the handed over statutory undertakers works area (HOSWA) needs to be cancelled transferring control of the works area back to the Regional Delivery Partner. A check of the work area must be made jointly to identify and resolve any risks left by work conducted by the SU team.

**Appendix 1 - Handover of SU Works Area**

**HOSWA No:**

**This is not a permit to work. It does not vary any statutory or contractual conditions or obligations.**

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| **THE CONTRACTOR IS REQUIRED O DISPLAY A COPY OF THIS NOTICE THROUGHOUT THE TRANSFER PERIOD IN A WATERPROOF COVER AT THE ENTRANCE/BOUNDARY OF THE TRANSFERRED WORK AREA** | | | |
| **Section 1 – Details of transfer:** | | | |
| I hereby declare that the following SU/Contractor has been given full occupancy of the site or part thereof, as detailed below:  Location and name of site:  Contract Title/ Description of works: | | | |
| Name of SU/ Contractor: | | RDP Agent: | |
| Period of transfer from: | | To: | |
| The transferred site comprises boundaries and Exit/Entry areas as shown in the attached drawing supplied by the RDP | | | |
| Signed:  SU/Contractor | | Signed:  RDP Agent | |
| **Section 2 – Requirements of HOSWA:** | | | |
| 1. The area (with clearly defined access arrangements) as indicated on the above mentioned drawing will be transferred to (named supervisor):   ………………………………………………………………………   1. No RDP construction plant/personnel will enter the area during the above period without permission 2. Site signage including a copy of the handover documentation to be displayed at the entrance to the site 3. Upon completion of the works, the area will be reinstated to ensure all excavations are suitably backfilled and the area is safe for RDP plant / equipment / personnel to enter. 4. Details of newly installed apparatus to be marked out on site and drawings provided so that project drawings can be appropriately updated. | | | |
| **Section 3 – Receipt:** | | | |
| I hereby acknowledge receipt of this Work Area Handover notice accept full occupancy of the site described above for the stated period. | | | |
| Signed: Print name: Date: Time:  (SU/Contractor Agent/Supervisor) | | | |
| **Section 4 – Contacts:** | | | |
| SU/Contractor Representative  (print names) | | RDP Representative | |
| Telephone number (include emergency) | | Telephone number (include emergency) | |
| **ALL** visitors including RDP staff and their contractors must report to the SU/Contractor’s Site Agent/Representative if they wish to enter site during the transfer period | | | |
| **Section 5 – Cancellation:** | | | |
| I hereby declare this Work Area transfer is now cancelled and occupancy of the site returns to the RDP | | | |
| Signed:  (SU/Contractor Agent/Supervisor) | Print name: | Date: | Time: |
| Signed:  (RDP Agent) | Print name: | Date: | Time: |