

Safeguarding

Introduction

Contractors shall ensure they have robust and well managed safeguarding arrangements in place. The safeguarding arrangements must be compliant with the current and in force regulations and legislation. It is the Contractors responsibility to ensure all staff and volunteers employed, engaged or working under the directions of the Contractor (the "Employees") are safely recruited, trained and managed to ensure compliance with the above mentioned requirements.

Child Protection/Safeguarding Adults Policies

Contractors shall have a Safeguarding Policy in place with detailed procedures, covering the protection / safeguarding of both children and adults, for:

- Safer recruitment
- Training, including induction
- Supervision and Safeguarding Procedure
- Management of allegations
- Whistle blowing

The Contractor shall ensure that all Employees have read and understood the policies that are in place.

The Contractor shall keep a register of all Employees and against each Employee the Contractor shall record the policies which the Employee has been given copies of and the date such policies were provided to the Employee. The Contractor shall also ensure the Employee signs and dates the register to attest the fact that they have read and understood such policies.

Safer Recruitment

Safer recruitment is an important part of making sure someone is suitable for the role they are undertaking.

Contractors shall ensure all the relevant safeguarding, recruitment and barring checks have been undertaken for all Employees and keep appropriate training records on a centralised register.

These checks shall, without limitation, for all Employees include:

- Application forms
- Checking self-declaration forms for relevancy to role
- Face-to-face interviews
- Undertaking qualifications checks and ID checks
- Checking references before confirming appointment

- A probationary and supervision period for new staff
- Observation and peer feedback
- Conducting personal development reviews
- Monitoring conduct in the role
- Conducting in-role risk assessments

For all positions that come within the definition of Regulated Activity (summary found in Appendix B) as currently set out within the Safeguarding Vulnerable Groups Act 2006 (and as amended by the Protection of Freedoms Act 2012), the Contractor shall be required to carry out an Enhanced Disclosure and Barring Service Check either, depending on the specific facts, with or without a check of the barred lists. All checks must be undertaken by Cornwall Council's HR Safeguarding Team (through the 'EBulk' system or via the DBS update service) and contractors must comply fully with the Council's process for handling 'positive' disclosures. This includes the Council making decisions on the clearance of such staff through a risk assessment procedure which will include conversations with the staff themselves to provide context around any information included on the DBS certificate.

The Disclosure and Barring Service (formerly the CRB) provides clear guidelines relating to posts that meet the definition of Regulated Activity and that are eligible for an Enhanced Disclosure.

Unless specifically permitted under the terms of the Contractor's employment, the Contractor shall not be entitled to any additional payment from the Employer for carrying out the additional checks.

The Contractor shall carry out checks to a commensurate standard to the ones required for all UK nationals for Employees that are not UK Nationals. In circumstances where the Contractor is prevented, for reasons outside of their control, from obtaining commensurate checks then the Contractor shall inform the Employer and carry out such checks as the employer may reasonably require.

Information, advice and guidance relating to criminal record checking; positive disclosures and suitability decisions; providing services prior to a Supplier receiving a disclosure and any legislative changes as a result of the recent Protection of Freedoms Act (2012) can be obtained from the HR Safeguarding Team on 01872 324130 or email hrsafeguardingteam@cornwall.gov.uk.

In addition, Contractors are required to liaise with and comply with any on-site policies that are in place. Where such policies conflict with the requirements set out within this document the Contractor shall notify the Employer and the Employer shall inform the Contractor, in writing, which policy takes precedence. The Contractor shall not be entitled to any additional payment from the Employer for compliance with the on-site policies.

Training

As a minimum, training should always include an explanation of the organisation's safeguarding policies including the context and implementation;

this will usually be carried out during staff induction and will be supported by regular refresher sessions. Training for all staff and volunteers should cover:

- Being aware of the importance, and their responsibility in appropriately sharing their concern where they are worried that a child, young person or vulnerable adult may be suffering, or at risk of, abuse;
- Being aware of how to report concerns when concerned about the behaviour of a colleague/ member of staff;
- Understanding and being able to implement safe working practices for individual workers;
- Knowing who in the organisation has safeguarding lead responsibility.

Contractors are required to ensure all personnel have undertaken appropriate and up to date training, including where required to comply with all relevant legislation.

Supervision and Safeguarding Procedure

When working on the delivery of this contract, the Contractor shall comply with all current and in force statutory guidance for their sector and any site specific policies that are in place. The Contractor shall also comply with the Code of Conduct shown in Appendix A for all on-site works.

Management of Allegations

Contractors working in environments where children may be present must comply with the South West Safeguarding and Child Protection Procedures 'managing allegations' procedures, (www.swcpp.org.uk). Additionally, Managers involved in the delivery of the contract must be made aware of the [MARU service](#) and the [Multi Agency Advice Team](#) and the Contractor shall keep a centralised register evidencing this fact. Information on these can be found at <http://www.cornwall.gov.uk/health-and-social-care/childrens-services/cornwall-childrens-trust/working-together/multi-agency-referral-unit-maru/>.

Contractors must have a clear procedure in place for handling concerns/allegations of abuse or neglect which is consistent with the multi-agency safeguarding adults policy and the Safeguarding Adults Alerter's Guide 'Say No to Abuse' (<http://www.cornwall.gov.uk/media/14709574/say-no-to-abuse-leaflet.pdf>).

Responsibility for compliance rests with the contracted organisation which should have a named senior manager, identified in the Safeguarding Policy, to whom all allegations should be initially referred.

Whistle Blowing

Safeguarding concerns about colleagues or managers may be difficult for staff to raise because of potential repercussions. External commissioned services shall have their own internal whistle blowing procedures in line with the Council's own and their staff should be aware of these procedures.

Monitoring Arrangements

- The Commissioning Body may monitor the safeguarding arrangements of Contractor's should it be felt necessary

- All Contractor’s policies shall be regularly reviewed and updated to ensure they capture the most recent and in-force guidance, compliance and legislative requirements
- Further safeguarding checks may be undertaken and information requested from the Supplier as the Commissioning Body deems appropriate
- The Contractor shall forward any statutory safeguarding report[s] to the Commissioning Body within 48hrs of such report being created and/or received by the Contractor.

Subcontracting Arrangements

Both those directly employed or engaged by the contractor, including sub-contractors, shall comply with the above requirements. It is the Contractors responsibility to ensure that all subcontractors have in place a commensurable safeguarding policy and procedure as detailed above or that the subcontractor adopts the policy and procedure of the primary contractor for the duration of their work on this contract.

This letter will be held as part of the safeguarding arrangements for the Council in order to fulfil its duties to safeguard and protect children and vulnerable adults. This agreement will be renewed on an annual basis to ensure that it remains current and up-to-date.

Reviewed / accepted by (Supplier):

Supplier.....

Name

Signed

Date.....

Appendix A – Code of Conduct for Contractors

Please help us to ensure the safety of our service users by ensuring that all personnel working on the project comply with the code of conduct and sign in and out each day in the notebook/work log provided.

It is the responsibility of all adults to safeguard and promote the welfare of children and vulnerable adults. The contractor is asked to ensure that any person directly employed by them or through a sub contractor agrees to comply with the following:

- Work safely and take responsibility for own actions and behaviour. Avoid any contact which would lead any reasonable person to question your motivation and intentions
- Avoid contact with children/vulnerable adults,. NEVER give your personal contact details to children or young people, including your mobile phone number. Contact via social network sites is also unacceptable
- Work and be seen to work in an open and transparent way
- Never be in contact with children without supervision unless you have the appropriate pre-employment checks in place
- Keep staff informed of where you are and what you are doing
- Do not use profane or inappropriate language
- Dress appropriately, i.e. dress in a way that:
 - Is unlikely to be viewed as offensive, revealing or sexually provocative
 - Does not distract, cause embarrassment or give rise to misunderstanding
 - Is absent of any political or contentious slogans
 - Is not considered to be discriminatory and is culturally sensitive

REMEMBER: Your actions, however well intended could be misinterpreted. Be mindful of the need to avoid placing yourself in vulnerable situations.

Identification

A suitable means of identification should be provided by all contractors/sub contractors and be agreed and produced for checking by the site administrator in advance of any works taking place.

Appendix B - Definition of Regulated Activity as of September 2012

Regulated Activity excludes any family arrangements and personal, non-commercial arrangements.

Children

Regulated activity relating to children comprises in summary:

Unsupervised activities: teach, train, instruct, care for or supervise children, or provide advice/guidance on well-being, or drive a vehicle only for children

Work for a limited range of establishments ('specified places') with opportunity for contact, e.g. schools, children's homes, childcare premises. Not work by supervised volunteers.

Work under the above is regulated activity only if done:

By the same person

Frequently (once a week or more often); or on 4 or more days in a 30-day period; or overnight

Relevant personal care, e.g. washing or dressing or health care by or supervised by a professional

Registered childminding and foster-carers

Adults

Regulated activity relating to adults - the focus is on the activities required by the adult, not on the setting, frequency, personal characteristics or circumstances of the adult requiring the activities.

The following people (or anyone providing day to day management or supervision of those people) fall within the new definition:

Any health care professional (or anyone under supervision of a health care professional) providing health care to an adult.

Anyone providing personal care because of an adult's age, illness or disability, relating to eating, drinking, going to the toilet, washing, bathing, getting dressed, care for mouth, skin, hair or nails.

A social care worker providing social work in connection with any health care or social services to an adult.

Anyone providing assistance with cash, bills, and/or shopping to an adult because of their age, illness or disability.

Anyone providing assistance in the conduct of a person's own affairs.

Anyone conveying or who transports an adult because of their age, illness, disability to receive health, personal or social care. This will not include family and friends or taxi drivers.