Schedule 9b – Safeguarding Agreement

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1. Key Personnel

Person	Role
Project Commissioning Officer	The person who is responsible for the commissioning of the party undertaking the works / services and is ultimately responsible for their performance under the contract.
Supplier	The party undertaking the relevant works and/or services, the undertaking of which is subject to this safeguarding schedule.
Contract Manager	The person who has been appointed by the Project Commissioning Officer to manage the project and undertake the project manager /contract administrator duties under the contract formed with the party undertaking the works / services.

Other Key Terms

Person	Role
Children	Is anyone who has not yet reached the official minimum school leaving age (MSLA).
Young Person	Any person aged under 18 years
Adult	Any person aged over 18 years

2. Declaration

1. At the commencement of the Contract / Framework Agreement, or at any stage during the Contract / Framework period if as a result of an amendment, and prior to any works or services being undertaken, the **Supplier** will sign and return this agreement to: **the Project Commissioning Officer**

2. **The Supplier** shall comply with the requirements of this safeguarding Schedule.

3. Purpose of Agreement

1. The **Supplier** must 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 **Supplier** responsibility to ensure all staff and volunteers employed, engaged or working under the directions of the **Supplier** (the "Employees") are safely recruited,

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trained, managed and supervised to ensure compliance with the above mentioned requirements.

2. This Schedule will be held as part of the safeguarding arrangements for the Council in order to fulfil its duties to safeguard and protect Children, Young People and Adults who may be vulnerable. This agreement will be renewed on an annual basis to ensure that it remains current and up-to-date.

4. Child Protection/Safeguarding Adults Policies

1. The **Supplier** shall have a Safeguarding Policy in place with detailed procedures, covering the protection / safeguarding of Children, Young People and adults, for.

    - Safer recruitment and selection
    - Training, including induction
    - Supervision and Safeguarding Procedure
    - Management of allegations against staff and making referrals
    - Whistleblowing

2. The **Supplier** shall ensure that all Employees and Volunteers have read and understood the policies and guidance that are in place. The **Supplier** must ensure the employees have read and understand the Code of Conduct outlined in Appendix A.

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

4. Cornwall Council may at any time require additional checks for contracts undertaken on premises where Children, Young People or Adults who may be vulnerable are, or might be present (e.g. Schools & Day Care Centres) as detailed below.

5. For all positions that fall within the definition of Regulated Activity (defined in Appendix C) as currently set out within the Safeguarding Vulnerable Groups Act 2006 (and as amended by the Protection of Freedoms Act 2012), the **Supplier** shall be required to carry out an

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Enhanced Disclosure and Barring Service Check either, depending on the specific facts, with or without a check of the barred lists.

6. The Disclosure and Barring Service provides clear guidelines relating to posts that fall within definition of Regulated Activity and that are eligible for an Enhanced Disclosure.

7. Unless specifically permitted under the terms of the **Supplier's** employment, the **Supplier** shall not be entitled to any additional payment from Cornwall Council for carrying out the checks.

8. The **Supplier** 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 **Supplier** is prevented, for reasons outside of their control, from obtaining commensurate checks then the **Supplier** shall inform Cornwall Council and carry out such checks as Cornwall Council may reasonably require.

9. 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 Cornwall Council's HR Safeguarding Team on 01872 324130 or email hrsafeguardingteam@cornwall.gov.uk

10. In addition, **Suppliers** 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 **Supplier** shall notify **Contract Manager** and the **Contract Manager** shall inform the **Supplier**, in writing, which policy takes precedence. The **Supplier** shall not be entitled to any additional payment from Cornwall Council for compliance with the on-site policies.

5. Training, including induction

1. As a minimum, training/inductions 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 Adult who may be vulnerable may be suffering, or at risk of, abuse or neglect;

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- being aware of how to record and 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 lead responsibility for safeguarding.

2. **Suppliers** are required to ensure all Employees have undertaken appropriate and up to date training, including where required to comply with all relevant legislation. The **Supplier** will keep a record that details all Employees and against each Employee the **Supplier** shall record the policies which the Employee has been given copies of and the date such policies were provided to the Employee. This record can be requested at any time by Cornwall Council.

6. Supervision and Safeguarding Procedure

1. When working on the delivery of this contract / framework agreement, the **Supplier** shall comply with all current and in force statutory guidance for their sector and any site specific policies that are in place.

2. The **Supplier** shall comply with the Code of Conduct shown in Appendix A.

7. Management of allegations against staff and making referrals

1. If the **Supplier** is working in environments where Children, Young People or Adults who maybe venerable are present, they must be mindful of the South West Safeguarding and Child Protection Procedures 'managing allegations' procedures, (www.swcpp.org.uk)

2. Additionally, Employees must be made aware of the process for seeking advice and guidance or making referrals to the Multi Agency Referral Unit (MARU) service detailed in Appendix B and the **Supplier** shall keep a centralised register evidencing this fact.

3. The **Supplier** 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 'No to Abuse' (www.cornwall.gov.uk/safeguardingadults).

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4. 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.

8. Monitoring Arrangements

1. Where the Supplier is working on a site which is not their own; the site representative shall be responsible for monitoring the safeguarding arrangements in place for any project taking place on the site for which they are responsible against that sites safeguarding policy.

2. Cornwall Council will monitor the safeguarding arrangements of **Supplier's** should it be felt necessary.

3. All **Supplier's** policies shall be regularly reviewed and updated to ensure they capture the most recent and in-force guidance, compliance and legislative requirements

4. Further safeguarding checks may be undertaken and information requested from the **Supplier** as Cornwall Council deems appropriate

5. The **Supplier** shall forward any statutory safeguarding report[s] to Cornwall Council within 48hrs of such report being created and/or received by the **Supplier**.

9. Subcontracting Arrangements

1. Both those directly employed or engaged by the **Supplier**, including sub-Contractors, shall comply with the above requirements.

2. It is the **Supplier's** 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 **Supplier** for the duration of their work on this contract.

3. The **Supplier** is liable for the performance of all subcontractors appointed by them. Any failure by the subcontractor to comply with the requirements of this Schedule shall be deemed a failure by the **Supplier**.

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10. Attestation

Supplier's Agreement to Schedule

On behalf of the organisation stated below, I hereby agree to comply with contents of this document and to complete all the required checks in respect of all workers deployed to work under this agreement and that I will provide Cornwall Council with the information required.

Name of organisation _____

Name _____

Position held _____

Signature _____ **Date** _____

Cornwall Councils Agreement to Schedule

Signed on behalf of Cornwall Council.

Name of organisation: Cornwall Council

Name _____

Position held _____

Signature _____ **Date** _____

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Appendix A – CORNWALL COUNCIL'S CODE OF CONDUCT FOR SUPPLIERS

Please Display on Site

Please help us to ensure the safety of our service users by ensuring that all personnel working on the project are notified of and comply with this code of conduct. It is the responsibility of all adults to safeguard and promote the welfare of Children, Young People and Adults who may be vulnerable. The Supplier is asked to ensure that any person directly employed by them (or through each sub-Contractor) or any volunteer acting on behalf of the supplier agrees to comply with the following:

a) Sign in and out of site each day in the notebook/work log provided (where appropriate to do so).
b) Work safely and take responsibility for own actions and behaviour.
c) Avoid any contact with persons which would lead any reasonable person to question your motivation and intentions.
d) Unless during the course of contract delivery; avoid all contact with Children, Young Person or Adults, who may be vulnerable.
e) NEVER give your personal contact details to children, young people or adults who may be vulnerable, including your mobile phone number. Contact via social network sites is also unacceptable.
f) Work and be seen to work, in an open and transparent way.
g) Stay within the agreed work area and access routes (where appropriate)
h) Keep your Employer informed of where you are and what you are doing.
i) Do not use profane or inappropriate language.
j) 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 for all Employees / sub-Contractors / visitors should be agreed by the Supplier in advance of contract commencement and be worn at all times.

Signed Supplier: _____

At pre-contract meeting on (insert date):_____

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Appendix B

The Multi-Agency Referral Unit (MARU) and The Multi –Agency Advice Team (MAAT)

1. Contact Details for the Multi Agency Referral Unit (MARU)

   Telephone: 0300 1231 116
   Email: MultiAgencyReferralUnit@cornwall.gcsx.gov.uk
   Fax: 01872 323653
   Online Referral :
   https://db.cornwall.gov.uk/referrals/referform1.asp

2. Successive case reviews show that the quality of information sharing is a critical factor in making good decisions. The effectiveness of the MARU and MAAT (see 3) is dependent upon the quality of the information provided by other professionals at the point of Contact. The Local Safeguarding Children's Board (LSCB) has set the standard for the quality of information at the point of Contact by providing an Inter-Agency Referral Form. The form is available through the LSCB website or on request and must be used when making Contact with the MARU.

3. The Multi-Agency Advice Team (MAAT) is a multi-disciplinary team within the Multi-Agency Referral Unit (MARU). The MAAT provides advice and consultation in cases where the needs do not meet the Local Safeguarding Children's Board threshold for statutory social work intervention at Level 3/4. The MAAT also gathers more information and considers those cases that are on the cusp of the threshold criteria for Level 3. The MAAT advises on how best to meet the needs of children and families, including through the Common Assessment Framework (CAF) and a Team Around the Child (TAC). The MAAT supports the LSCB strategy to prevent escalation of needs by providing the right help at the right time by the right service.

4. The MAAT provides a Consultation Line for practitioners where the safeguarding need may not be clear. Practitioners may seek advice and guidance using the Consultation Line set out below. There is an expectation, however, that practitioners will have first consulted their line manager/supervisor and designated safeguarding lead before contacting the MAAT.

5. If you have clear evidence about actual harm or the risk of harm to a child Contact the MARU without delay.

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The Multi-Agency Referral Unit– the right help at the right time by the right service

Professional:

- Request for social work intervention due to escalating child protection concerns.
- Concerns for unborn baby, child or young person deemed to be at risk of significant harm.

Public:

- Concerns about the welfare or safety of a child or young person from members of the public
- Requests for support from family members, the child or

Multi-Agency Referral Unit (MARU)

Tel: **0300 1231 116** **Email:** MultiAgencyReferralUnit@cornwall.gcsx.gov.uk

- Not child protection but Level 2 needs
- Further information required to make threshold decision
- Advice and consultation to person making contact

Early Help Hub

- Supporting Families or
- Children in Need Service or

- Work completed and Step Down to Targeted/Preventative or Universal/Community Services

- Young person/risk of family breakdown
- Young person presenting as homeless
- Young person requiring independent return home interview

- Children in Need Service or
- 16+ Service and GTY
- Child Exploitation Prevention Officer

- Child protection (Levels 3/4 needs)
- Child with severe and enduring disabilities or life threatening illness

Children's Social Work Services

- Social Work Assessment (Child in Need) or
- Strategy Discussion and
- Social Work Assessment (Child Protection)

- Work completed and Step Down to Children in Need Service, Targeted/Preventative/Community

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Tel: 0300 1231 116 **Email: MultiAgencyReferralUnit@cornwall.gcsx.gov.uk**

Post: N3 NCH, Truro, TR1 3HA

NB: Urgent referrals after 17.30 or at the weekend call the Out of Hours Service on 01208 251 300

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Appendix C

Definition of Regulated Activity

1. Children

1.1. The full legal definition of regulated activity is set out in Schedule 4 (part 1) of the Safeguarding Vulnerable Groups Act 2006 as amended by the Protection of Freedoms Act 2012 for Children. HM Government has produced a Factual note on regulated activity in relation to children this can be located at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/550197/Regulated_activity_in_relation_to_children.pdf (Last accessed 12 October 2016)

1.2. Regulated activity includes:

A. teaching, training, instructing, caring for (see 1.3 below) or supervising children if the person is unsupervised, or providing advice or guidance on well-being, or driving a vehicle only for children,
B. work for a limited range of establishments (known as 'specified places', which include schools and colleges), with the opportunity for contact with children, but not including work done by supervised volunteers;

1.3. Work under (A) or (B) is regulated activity only if done regularly (See 1.4 below) Some activities are always regulated activities, regardless of their frequency or whether they are supervised or not. This includes:

C. relevant personal care, or health care provided by or provided under the supervision of a health care professional:

i. personal care includes helping a child, for reasons of age, illness or disability, with eating or drinking, or in connection with toileting, washing, bathing and dressing;33
ii. health care means care for children provided by, or under the direction or supervision of, a regulated health care professional.

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1.4. The Safeguarding Vulnerable Groups Act 2006 provides that the type of work referred to at (A) or (B) will be regulated activity if "it is carried out frequently by the same person" or if "the period condition is satisfied". Paragraph 10 of Schedule 4 to this Act says the period condition is satisfied if the person carrying out the activity does so at any time on more than three days in any period of 30 days and, for the purposes of the work referred to at (A), apart from driving a vehicle only for children, it is also satisfied if it is done at any time between 2am and 6am and it gives the person the opportunity to have face to face contact with children.

2. Adults

2.1. The full legal definition of regulated activity relating to Adults is set out in Schedule 4 (part 2) of the Safeguarding Vulnerable Groups Act 2006 as amended and can be found electronically at: http://www.legislation.gov.uk/ukpga/2006/47/pdfs/ukpga_20060047_en.pdf (lased accessed 12 October 2016)

2.2. The definition of regulated activity for adults from 10th September 2012 will identify the activities provided to any adult which, if any adult requires them, will mean that the adult will be considered vulnerable at that particular time.

2.3. There is no longer a requirement for a person to carry out the activities a certain number of times before they are engaging in regulated activity. Any time a person engages in the activities set out below, they are engaging in regulated activity

2.4. Regulated activities are:

I. The provision to an adult of health care by, or under the direction or supervision of, a health care professional
II. the provision to an adult of relevant personal care
III. the provision by a social care worker of relevant social work to an adult who is a client or potential client,
IV. the provision of assistance in relation to general household matters to an adult who is in need of it by reason of age, illness or disability,
V. any relevant assistance in the conduct of an adult's own affairs,
VI. the conveying by persons of a prescribed description in such circumstances as may be prescribed of adults who need to be conveyed by reason of age, illness or disability,
VII. such activities—

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A. involving, or connected with, the provision of health care or relevant personal care to adults, and
B. not falling within any of the above paragraphs, as are of a prescribed description.

Schedule Approval

Name	Role	Signature	Date

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