

Safeguarding

Guidance note for officers



Incorporating Safeguarding Children and Adults at Risk into Contracts

Risk Assessed Approach

Ashford Borough Council has a duty to safeguard children and adults at risk. This extends to parties that carry out services on the council's behalf.

Contracts and grant award agreements give the council the opportunity to state their expectations and place obligations on the contractor about how we expect them to act.

Rather than applying a 'catch all' clause to all agreements, which in many cases would not be relevant to service being provided, it is instead recommended that the council adopts a risk assessed approach. Depending on the level of risk, the council can then include safeguarding clauses relevant to the service.

Please indicate which level you feel applies to your contract;

Safeguarding Level	Description Staff, Members, volunteers or contractors with;
Nil <input type="checkbox"/>	Contract irrelevant to safeguarding No contact with children/young people/vulnerable adults and/or parents/carers No safeguarding policy required
Category 1 <input type="checkbox"/>	Ad hoc contact in public places (e.g. Customer Services, back-office support services). Would never be left alone with a child, young person or adult at risk. Safeguarding Policy required and staff should be aware of and have access to the policy
Category 2 X	The likelihood of coming into contact with 0-18 year olds, young people or adults at risk through the nature of the role and could be exposed to lone contact, but no responsibility for supervision (e.g. housing officers, home visiting, site workers). Safeguarding Policy required. Policy should name safeguarding lead and process for reporting concerns and staff should be aware of and have access to the policy
Category 3 <input type="checkbox"/>	Responsibility for the supervision of 0-18 year olds, young people or adults at risk as part of their role (e.g. youth workers, lifeguards, events staff). Safeguarding Policy present and accessible to all staff. Policy must name safeguarding lead and process for reporting concerns

Questions for Contractors

Q No.	Question	Yes	No
1(a)	<p>Does your organisation have a Safeguarding Policy that is up-to-date with current legislation?</p> <p>If yes please answer parts (b) and (c)</p>	<input type="checkbox"/>	<input type="checkbox"/>
1(b)	Does this safeguarding policy detail the process of referring any concerns for adults and children?	<input type="checkbox"/>	<input type="checkbox"/>
1(c)	Does such policy name the safeguarding lead for the organisation and a contact for this person	<input type="checkbox"/>	<input type="checkbox"/>
2(a)	Does your organisation regularly offer safeguarding training to staff ?	<input type="checkbox"/>	<input type="checkbox"/>
2(b)	If you use sub-contractors, do you have processes in place to check whether these other organisations have a safeguarding policy ?	<input type="checkbox"/>	<input type="checkbox"/>
3(a)	Please self-certify that your organisation carries out Disclosure and Barring Service checks where relevant	<input type="checkbox"/>	<input type="checkbox"/>
3(b)	Does your organisation have a process in place for managing allegations?	<input type="checkbox"/>	<input type="checkbox"/>
4	If you use sub-contractors, do you have processes in place to check whether any of these other organisations adhere to DBS procedures?	<input type="checkbox"/>	<input type="checkbox"/>

Suggested Clause in Contracts

- 1.1 The Contractor shall carry out appropriate pre-employment checks, prior to the appointment of an individual in connection with the Services, (including but not limited to references (last 3 years), medical clearance, proof of right to work in the UK, professional registration/qualifications and an appropriate Disclosure and Barring Service Check (DBS) (where relevant).

Prior to making any offer of employment, the Contractor shall carry out a risk assessment coupled with a criminal records check in relation to any non-UK citizen and any UK citizen who requires a DBS check and who has lived abroad for six (6) months or more in the five (5) year period prior to being considered for appointment in connection with the Services. As the DBS is unable to access criminal records overseas, then the employee can arrange for a 'Certificate of Good Character' to be supplied from their country of origin, or their employer applies to the relevant embassy or High Commission of the country in question in the UK, with the employee's permission. (This process varies from country to country).

Note: The DBS cannot access criminal records held overseas, a criminal record check may not provide a complete picture of an individual's criminal record (hence the requirement for a risk assessment).

- 1.2 The Contractor shall obtain consent, prior to the commencement of any work of each Staff member employed to work in connection with this Contract, to carry out all necessary checks under this Clause and shall obtain consent of the Staff member to provide evidence upon the request of the Council that such checks have been carried out.
- 1.3 Any Staff member whose conduct places any of the Council's personnel, any member of the public and/or any third party [or any Service User] at risk or which might bring the Council into disrepute when working in connection with the provision of the Services shall be the subject of immediate investigation by the Contractor and dealt with to the satisfaction of the Council which might direct that the Staff member be removed from working in connection with the Services,.
- 1.4 The Contractor through monitoring of its compliance with this Clause shall ensure that the Council is kept advised at all times of any Staff member who, subsequent to his/her commencement of and during employment as a Staff member, commits any criminal act whatsoever or whose previous convictions become known to the Contractor or commits any act which puts or could put a Service User at risk or could bring the Council into disrepute.
- 1.5 The Council reserves the right to visit the Contractor's Premises to audit and check disclosure information as specified in this Clause to ensure and confirm evidence provided by the Contractor of compliance with this Clause. The Contractor should be aware of the process detailed in the Data Protection Act in relation to handling and storage of data.