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Arrangements for Contractors Working in Schools Policy

Policy reference:	A48
This policy is to be reviewed:	3 yearly
The next review date is:	May 2025
Review is the responsibility of:	Trust Board

Review History

Review ratified:	May 2022
Review ratified:	
Review ratified:	

Authorised by: Full Trust Board

Revisions made:

1 Summary

This guidance has been drawn up to ensure the effective safeguarding of children where contractors are used in the Trust's schools. This will apply to all contractors irrespective of whether they are appointed by the Trust or directly by the school themselves.

2 Scope

This guidance is intended for use where the Trust, the Schools themselves or third parties employ contractors to undertake building work, routine maintenance and/or emergency repairs, or carry out periodic and/or routine inspections of premises, buildings and plant. This guidance will also apply to consultants employed on the building or maintenance project, and the term contractor shall mean contractor or consultant.

3 Objective

The objective of this guidance is to ensure that effective systems are put in place to safeguard children when building works, routine maintenance and emergency repairs are undertaken in Aspire Learning Trust (ALT) premises.

4 Introduction

The Trust and its schools adhere to the Statutory guidance for schools and colleges contained in Keeping Children Safe in Education (KCSiE) September 2021 in regard to carrying out their duties to safeguard and promote the welfare of children (this includes everyone under the age of 18). Whilst the guidance is mainly concerned with those who are employed to work with children, it also advises on how to manage those who come into contact with children on an ad hoc or irregular basis for short periods of time such as building contractors, maintenance companies, delivery personnel, etc – see [appendix 1](#)

5 Responsibilities

All people working with children and young people, including Headteacher's and site managers are responsible for the safeguarding of the children and vulnerable adults in their care and they shall be responsible for ensuring that adequate measures are in place to safeguard pupils whilst contractors are on the premises.

6 Safeguarding Measures

The aim of the safeguarding measures will be to manage the risk of harm to pupils and vulnerable adults. The measures adopted shall be proportionate to the risk.

Safeguarding measures to be considered will include any or all of the following depending on the outcomes identified by the school in their risk assessment:

1) Segregate

To avoid contact between contractors and pupils as far as possible*

2) Supervise

To supervise any contact that does take place with a member of staff or a suitably vetted volunteer*

3) Code of conduct

To require contractors to observe a code of conduct

4) Regulate Access

To regulate access to the premises

5) Checks

To undertake checks where appropriate.

* 'Contact' in this context shall be taken to mean any opportunity for contractors' staff to converse with pupils or to communicate with them in any other way, e.g. by passing messages, without a member of staff or suitably vetted volunteer being able to monitor the contact and intervene where necessary.

6.1 Segregate

The risk of harm to pupils can be managed if contact between non-vetted contractors' staff and pupils can be avoided altogether.

Segregation can be achieved by physical means or by scheduling, or by a combination of both.

For larger building projects lasting a number of weeks, physical separation would normally be achieved by the contractors' staff working within secure areas behind fencing, hoardings, barriers and the like where pupils would normally be excluded for routine health and safety concerns.

Outside such secure areas, separation can be maintained by confining the movements of the contractors' staff to specific areas and to specific times so as to avoid contact at break times and at the beginning and at the end of the school day. In this context a marked up plan agreed with the contractor to show where and at what times during the day access will be permitted will be put in place.

For routine maintenance visits or for emergency repairs lasting less than a day physical separation can be achieved by simply confining the movements of contractors to within clearly defined areas and specific times. Should any contact between the contractors' staff and pupils occur then the member of contractors' staff in question must have been suitably vetted, or they should be supervised by a member of Trust or school staff, or a suitably vetted volunteer.

Where works are to be undertaken outside school hours then safeguarding measures should be implemented for any pupil attendance in school outside normal school hours.

6.2 Supervise

Measures should always be instigated to segregate non-vetted contractors' staff from pupils as much as is possible not just in the context of this document but also for H&S reasons. However, where such measures to segregate are in place but some contact may occur between non-vetted contractors' staff and pupils then any such contact should always be supervised by a member of the contractors' staff who has been suitably vetted, or a member of Trust or school staff, or suitably vetted volunteer.

As noted above, 'contact' shall be taken to mean any opportunity for contractors' staff to converse with pupils or to communicate with them in any other way, e.g. by passing messages, without a suitably vetted member of the contractors' staff, or a member of Trust or school staff, or suitably vetted volunteer being able to monitor the contact and to intervene where necessary.

'Supervise' will be taken to mean the ability for a suitably vetted member of the contractors' staff, or a member of Trust or staff, or suitably vetted volunteer to monitor conversations or communications of any kind between contractors' staff and pupils and to intervene where necessary.

The requirement to supervise can be limited to the times when contact is likely to occur, e.g. at break times, class changeover times and at the beginning and at the end of the school day. It is not necessary to monitor the building works themselves, only any contact that might take place between the contractors' staff and pupils.

6.3 Code of Conduct

A code of conduct should be used to inform all contractors (both vetted and non-vetted) what might be considered inappropriate behaviour. It will enable any inappropriate behaviour to be recognised and challenged by all concerned. The code of conduct can be found at [appendix 2](#).

Any order for works or building contracts should be let with a clear condition that failure to observe the code will entitle ALT or the individual school to exclude a member of a contractors' staff from the premises.

To ensure the effectiveness of any code it shall either be:

- a) Issued to contractors when quotations or tenders are invited
- b) Stated as a condition on any order for works or building contract no matter how or by whom the contractor is appointed.
- c) Issued to all contractors direct by the school/educational establishment when they first attend site and before any work has commenced.

Additionally, where appropriate, the code should be:

- d) Highlighted and discussed in any pre- start meetings for larger building contracts
- e) Posted on the building site
- f) Posted on the school staff notice board
- g) Included as part of any contractors site safety briefings
- h) Issued to contractors' staff in the form of a card)

6.4 Regulate Access

To ensure that as far as possible only bona fide personnel are afforded access, two suitable means of identification shall be provided by all contractors and be agreed and produced for checking by the school in advance of any works taking place. If a contractor fails to produce such ID they shall be refused entry to the site.

The means by which any contractors' staff are to be identified will be determined in each case to suit the location and nature of the work being undertaken. In the case of school issued ID badges or contractors' own photo ID, these shall be worn and be visible at all times when the contractor is on the site.

Typical methods may include:

- a) Contractors' issued staff ID badges
- b) Photo ID e.g. driving licence or passport

Identification should only ever be used as a supplementary measure to the principal safeguarding measures of segregation and supervision.

6.5 Checks

Whether or not contractors' staff should undergo a DBS check should be determined by a suitable risk assessment, undertaken by the individual school, and advice may be sought from the Trust.

The risk assessment should take account of the likely amount of contact that the contractors' staff might have with pupils, and after other measures such as segregation and supervision have been considered. In some cases, where measures to segregate and supervise are in place it may still be necessary to consider checks.

DBS checks would not be required where there would be no contact between contractors' staff and pupils; for example, where a building was being built on a separate site, or where the works were to be undertaken outside school hours or during school holidays. Although consideration must of course be given to extended activities on the school site.

Similarly, DBS checks would not normally be required for contractors' staff working on site building an extension or undertaking repairs where they are segregated from pupils and that any contact that did take place was supervised by the school.

However, where a member of the contractors' staff is likely to have either frequent or prolonged contact with pupils then it would be appropriate for that member of the contractors' staff to have an Enhanced DBS Disclosure. This may be appropriate, for example, were a contractors' representative (e.g. foreman, site manager, etc.) needs to liaise with school staff on a day to day basis.

Possession of an Enhanced DBS Disclosure may also be considered appropriate in the case of a contractors' representative where such staff are responsible for ensuring compliance with other safeguarding measures such as segregation, identification, code of conduct etc.

Similarly, where contractors' staff regularly visit schools to undertake routine maintenance (boilers, electrical tests and the like) then possession of an Enhanced DBS Disclosure may be deemed appropriate in addition to measures to supervise any contact.

[Appendix 3](#) gives guidance as to when such checks may be deemed appropriate but is in no way comprehensive.

Where checks are necessary, then the contractor must confirm in writing on company headed paper what vetting has been completed and for whom (see model letter at [appendix 4](#)). The contractors' staff member must bring their DBS certificate to the school for inspection on their first visit to the school, along with the ID mentioned in 6.4 above.

7 Planning

The safeguarding measures should be determined and agreed with any contractor well in advance of any planned works e.g. building contracts, starting on site. This will enable sufficient time for school staff to be briefed on the supervision required, on the access arrangements agreed with contractors, and enable checks to be completed where necessary.

8 Summary

Wherever any type of building related work is undertaken of any duration, safeguarding measures shall always be implemented in accordance with the guidance set-out under section 6 of this document i.e. segregate, supervise, code of conduct, regulate access and checks.

Contractors

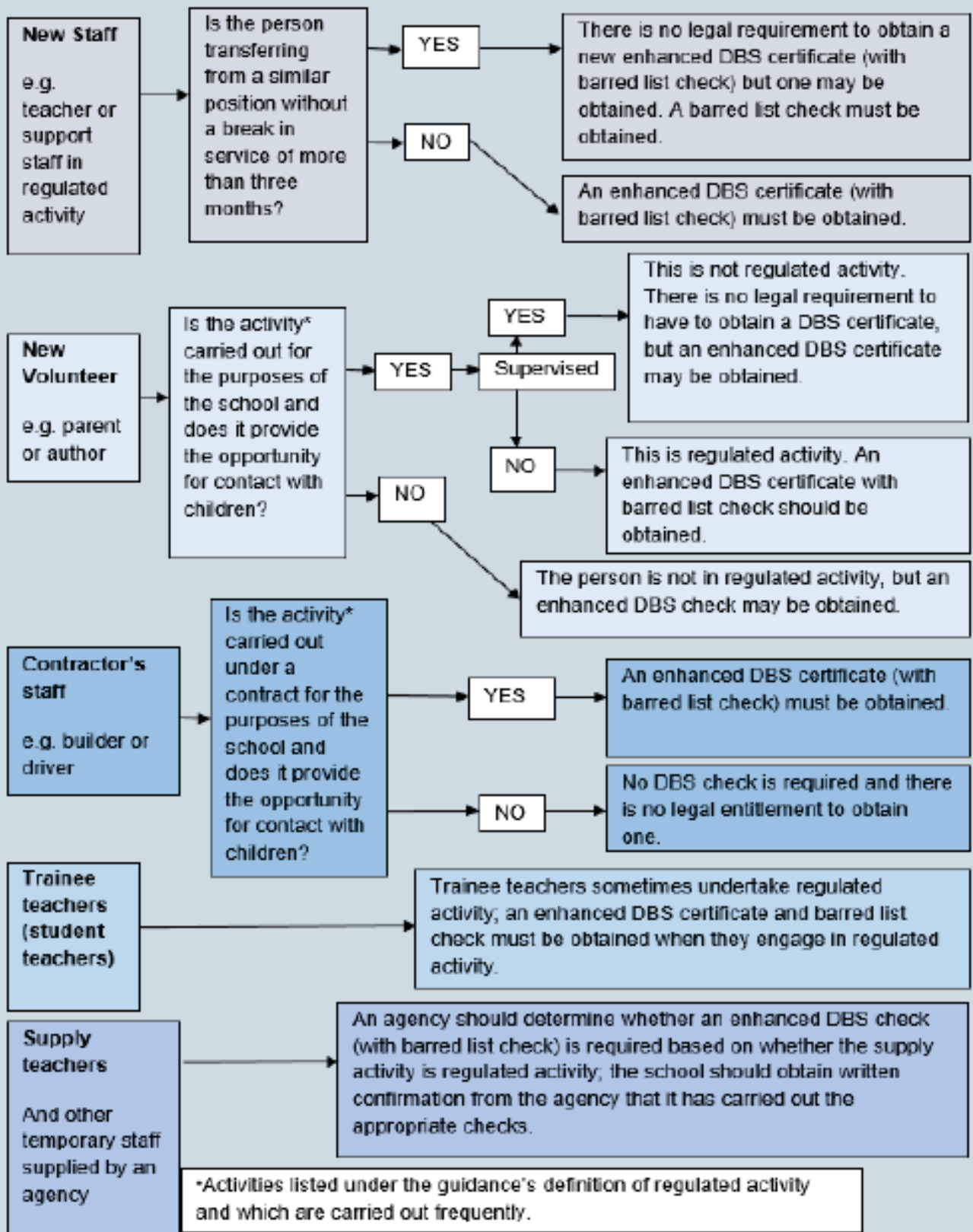
169. Schools and colleges should ensure that any contractor, or any employee of the contractor, who is to work at the school or college, has been subject to the appropriate level of DBS check. Contractors engaging in regulated activity will require an enhanced DBS certificate (including barred list information). For all other contractors who are not engaging in regulated activity, but whose work provides them with an opportunity for regular contact with children, an enhanced DBS check (not including barred list information) will be required.⁸⁴ In considering whether the contact is regular, it is irrelevant whether the contractor works on a single site or across a number of sites.

170. Under no circumstances should a contractor in respect of whom no checks have been obtained be allowed to work unsupervised, or engage in regulated activity. Schools and colleges are responsible for determining the appropriate level of supervision depending on the circumstances.

171. If a contractor working at a school or college is self-employed, the school or college should consider obtaining the DBS check, as self-employed people are not able to make an application directly to the DBS on their own account.

172. Schools and colleges should always check the identity of contractors and their staff on arrival at the school or college.

FLOWCHART OF DISCLOSURE AND BARRING SERVICE CRIMINAL RECORD CHECKS AND BARRED LIST CHECKS



CONTRACTORS IN SCHOOLS

Code of Conduct

- 1 Work safely and responsibly and be aware of responsibility for own actions and behaviour. Avoid any conduct which would lead any reasonable person to question their motivation and intentions.
- 2 It is the responsibility of all adults to safeguard and promote the welfare of children and young people.
- 3 Avoid contact with children. Never give your personal contact details to children or young people, including mobile telephone number.
- 4 Work and be seen to work, in an open and transparent way.
- 5 Never be in contact with children without school supervision.
- 6 Stay within the agreed work area and access routes.
- 7 Obtain permission if you need to go outside the agreed work area or access routes.
- 8 Keep staff informed of where you are and what you are doing.
- 9 Do not use profane or inappropriate language.
- 10 Dress appropriately i.e. dress in a way such that it:
 - is not likely 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 otherwise contentious slogans;
 - is not considered to be discriminatory and is culturally sensitive.
- 11 Observe the code at all times.
- 12 Remember your actions, no matter how well intentioned, could be misinterpreted. Be mindful of the need to avoid placing yourself in vulnerable situations.

CONTACT WITH PUPILS	RECOMMENDED MEASURES	HEADTEACHER /DESIGNATED PERSON RESPONSIBILITIES
<p>Nil [e.g. works undertaken on a separate site, during out of hours or in school holiday periods]</p>	<ul style="list-style-type: none"> • contractors' staff to comply with code of conduct • contractors' staff to sign in and out of premises • contractors' staff to wear Company ID at all times • <u>no</u> DBS required 	<ul style="list-style-type: none"> • undertakes a risk assessment • requires contractor to adopt code of conduct • requires contractors to sign in and out of premises • requires contractors to wear ID on site
<p>Minimal [where contractors' staff are segregated from pupils and any contact that does occur is supervised e.g. new build and major repair projects]</p>	<ul style="list-style-type: none"> • segregate • supervise any contact • contractors' staff to comply with code of conduct • contractors' staff to sign in and out of premises • contractors' staff to wear Company ID at all times • <u>no</u> DBS required (may be necessary for some individuals in particular areas) 	<ul style="list-style-type: none"> • undertakes a risk assessment • ensures segregation arrangements in place • ensures arrangements for any contact to be supervised • requires contractors to adopt code of conduct • requires contractors to sign in and out of premises • requires contractors to wear ID on site • reviews and amends arrangements to accommodate any change
<p>Regular [e.g., where contractors' staff are segregated from pupils but there is likely to be regular supervised contact, e.g. foreman liaising with schools on new build or major repair projects, service engineers making routine maintenance visits]</p>	<ul style="list-style-type: none"> • segregate • supervise any contact • contractors' staff to comply with code of conduct • contractors' staff to sign in and out of premises • contractors' staff to wear Company ID at all times • consider DBS (undertake a risk assessment) 	<ul style="list-style-type: none"> • undertakes a risk assessment • ensures segregation arrangements in place • ensures arrangements for any contact to be supervised • requires contractors to adopt code of conduct • requires contractors to sign in and out of premises • requires contractors to wear ID on site • ensures any required DBS checks completed before works start • reviews and amends arrangements to accommodate any change

Dear Headteacher

Re. Contractors' Pre-employment Checks

I write to confirm that[insert company name]..... maintains records of the pre-employment checks undertaken for its employees working in schools.

To aid you in your Single Central Record requirements, I can confirm that the following named person is an employee of [insert company name] and that the appropriate pre-employment checks have been carried out due to their role requiring regular contact with children.

Employee name: [insert employee name].....

The pre-employment checks conducted by[insert company name]..... are as below (tick as appropriate).

1.
 - Police check (*for staff employed before March '02*), or
 - CRB check (*for staff employed between March '02 and December '12*), or
 - Enhanced CRB check (*for staff employed between March '02 and December '12*), or
 - Enhanced DBS check, or
 - Enhanced DBS check with Barred List check.
2.
 - Certificate of Good Conduct (*required when the individual has ever lived and/or worked abroad*).
3.
 - Satisfactory employment references.

** please tick all which apply*

Individuals employed by[insert company name]..... and who regularly attend your school / establishment should have their names included on your Single Central Record and reference should be made to this letter.

If you have any questions, then please do not hesitate to contact me on the number shown above.

Yours sincerely