

## Dartford Borough Council Safeguarding Guidelines for External Providers

### 1. Introduction

- (1) Dartford Borough Council is committed to meeting its statutory and moral duties to safeguard and promote the welfare of children, young people under 18 years of age and adults at risk<sup>1</sup> who are the recipients of its services and/or activities. Further information about the Council's role and approach to dealing with safeguarding issues can be found in its [Safeguarding Policy \(Children and Adults\)](#).
- (2) Safeguarding is about protecting children, young people and adults' at risk health, wellbeing and human rights, and enabling them to live free from harm, abuse and neglect. Safeguarding is everyone's responsibility.
- (3) External providers may be contracted to the Council to carry out specific functions, such as the provision of sheltered housing or housing related support for people who need help to live independently in the community. These services involve regular close and unsupervised contact with vulnerable groups, categorised by law as a 'regulated activity' and by the Council, as Level 1 Services, which require the external provider to have their own safeguarding policy in place and to undertake enhanced adults' barred list checks (see Annex 3).
- (4) Many of the Council's functions are carried out by external providers who may come into contact with children, young people and adults at risk on an ad hoc or irregular basis, for short periods of time e.g. planned maintenance works to Council tenanted properties. These functions are categorised by the Council as Level 2 Services, which require the external provider to report their safeguarding concerns to the Council (see Annex 3).
- (5) The Council expects external providers contracted to deliver Level 1 Services to be aware of the relevant legislation (the Rehabilitation of Offenders Act (ROA) (Exceptions Order) 1975 and the Police Act 1997 (Criminal Records) Regulations 2002 (as amended), how it applies to their organisation and to comply where appropriate.
- (6) External providers contracted to deliver Level 1 and/or Level 2 Services should be aware of and adopt best practice as far as possible - advice on this is available from a number of knowledgeable sources, some of which are listed below.
  - GOV.UK
  - Working Together to Safeguard Children (Department of Education)
  - What to do if you're worried a child is being abused (HM Government)
  - Care and Support Statutory Guidance (Department of Health)
  - ChildLine
  - NSPCC
  - Action on Elder Abuse
  - Age UK
  - Kent Safeguarding Children Board

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<sup>1</sup> Care Act 2014 -change in terminology - from 'vulnerable adults'

- Kent & Medway Safeguarding Adults Board

(7) External providers engaged in Level 1 and/or Level 2 Services are required to have regard to this guidance, including the 'Code of Conduct' at Annex 2.

## **2. Criminal Records Checks**

- (1) Contractual terms between the Council and external providers delivering Level 1 Services will stipulate the level of criminal record check required, relevant to the service being provided under the contract. As such, external providers must have a policy on employing ex-offenders.
- (2) There are separate processes for obtaining criminal records checks for overseas individuals and UK individuals who have lived abroad. As the processes vary between countries, external providers are referred to guidance issued by the Home Office from time to time.

## **3. Safeguarding policies - child protection/ adults at risk**

- (1) To ensure all employees are safely recruited, trained and managed, external providers providing Level 1 Services *must* have robust, well managed safeguarding arrangements in place, which are compliant with legislation and consistent with the Council's Safeguarding Policy (Children and Adults).
- (2) External providers who are engaged in providing Level 2 Services are advised as a matter of good practice, to have safeguarding policies in place consistent with the Council's Safeguarding Policy (Children and Adults). If no safeguarding policies are in place, then external providers should have regard to the Council's Safeguarding Policy (Children and Adults).
- (3) Policies should detail the procedures for:
  - (i) safer recruitment;
  - (ii) training, including induction;
  - (iii) supervision and safeguarding procedure;
  - (iv) management of allegations;
  - (v) whistleblowing;
  - (vi) information sharing and data protection;
  - (vii) escalation.
- (4) External providers will not be entitled to any additional payment from the Council for compliance with the Council's Safeguarding Policy (Children and Adults).

## **4. Safer recruitment**

Safer recruitment is an important part of identifying whether an individual is suitable for the role they are to undertake. External providers engaged in a Level 1 Service must ensure that the relevant safeguarding, recruitment and barring checks have been undertaken for their employees and that appropriate training records are maintained.

These checks may include:

- face-to-face interviews
- checking self-declaration forms for relevancy to the role
- undertaking criminal records checks
- undertaking barred list checks
- checking references before confirming appointment
- a probationary and supervision period for new staff
- conducting personal development reviews
- monitoring conduct in the role
- conducting in-role risk assessments

## **5. Training**

As a minimum, training should always include an explanation of the external provider's safeguarding policies, including the context and implementation - this will usually be carried out during staff induction and should be supported by regular refresher sessions. Training for all employees should cover:

- being aware of the importance, and their responsibility in appropriately sharing their concern where they are worried that a child, young people or adult at risk 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 employees;
- knowing who in the external provider's organisation and at the Council, has safeguarding lead responsibility.

External providers engaged in Level 1 Services are required to ensure that all employees have undertaken appropriate and up to date safeguarding training.

## **6. Managing and reporting allegations**

External providers engaged in Level 1 Services must have a clear procedure in place for handling safeguarding concerns. Responsibility for compliance rests with the external provider who will have a named senior manager identified in their safeguarding policy, to whom all allegations should be initially referred.

External providers engaged in Level 1 and/or 2 Services must comply with the Council's referral procedure.

## **7. Whistleblowing**

External providers must immediately report any safeguarding suspicions of abuse etc. by their employees to the Council's safeguarding lead or raise their concerns through the Council's [Whistleblowing Policy](#).

## **8. Information Sharing and Data Protection**

Information sharing is vital to safeguarding and promoting the welfare of children, young people and adults at risk. A key factor in many serious case reviews has been a failure to record information, to share it, to understand its significance and then take appropriate action. The Council expects external providers engaged in Level 1 and/or Level 2 Services to comply with their contractual obligations on referrals (see section 6 above).

## **9. Escalation of concerns (where appropriate)**

On rare occasions, external providers may feel that the course of action outlined in the Council's referral process does not represent, in their opinion, the best course of action in relation to a particular safeguarding concern. If so, then concerns should be raised in the first instance with the Council representative managing the contract and, if escalation is deemed necessary, to the Safeguarding Lead.

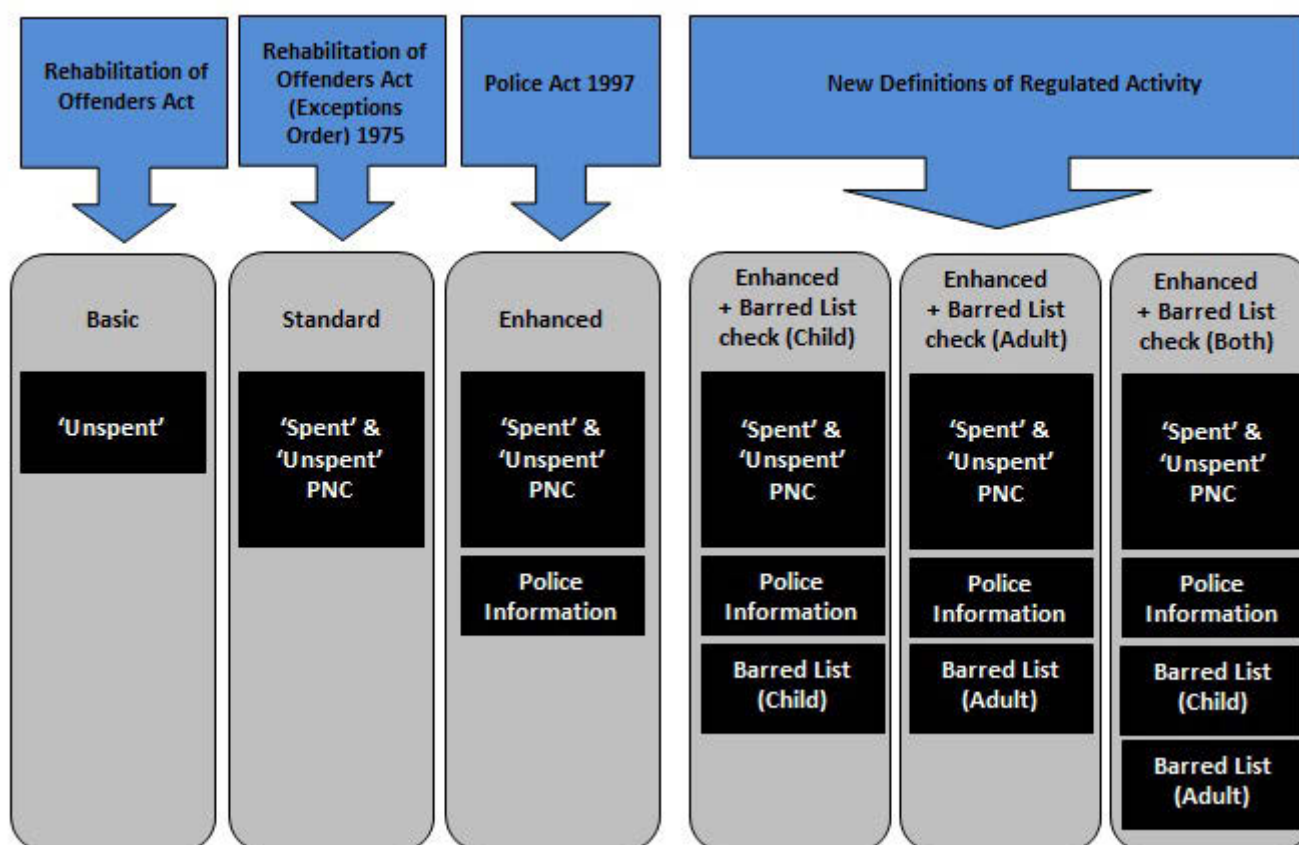
## **10. Monitoring arrangements**

- the Council reserves the right to monitor external providers' safeguarding arrangements at any time, on reasonable notice;
- external providers should regularly review and update their safeguarding policies to ensure they capture the most recent legislative and compliance requirements and up-to date guidance.

## ANNEX 1

### Levels of criminal record check available<sup>2</sup>

- **standard checks** – To be eligible for a standard level DBS certificate, the position **must** be included in the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975.
- **enhanced checks** – To be eligible for an enhanced level DBS certificate, the position **must** be included in both the ROA Exceptions Order **and** in the Police Act 1997 (Criminal Records) regulations.
- **enhanced checks with children’s and/or adults’ barred list check(s)** – To be eligible to request a check of the children’s or adults’ barred lists, the position **must** be eligible for an enhanced level DBS certificate as above **and** be specifically included in the Police Act 1997 (Criminal Records) Regulations 2002 (as amended).



<sup>2</sup> Extract from 'A guide to eligibility for DBS checks' (produced by the Disclosure and Barring Service – January 2016)

### CODE OF CONDUCT FOR CONTRACTORS/SUB-CONTRACTORS

Everyone has responsibility for safeguarding and promoting the welfare of children, young persons under 18 years of age and adults at risk. As an external provider of Council services, you are asked to ensure that any person engaged on the contract, either directly employed by you or through sub-contract arrangements, agrees to comply with the following:

1. to work safely and take responsibility for their own actions and behaviour;
2. to avoid any contact with a child, young person under 18 years of age or vulnerable adult which would lead any reasonable person to question their motivation and intentions;
3. not be in contact with a child, young person under 18 years of age or adult at risk whilst on site, unless accompanied by a colleague;
4. not give their personal contact details (including mobile number) to children, young people under 18 years of age or adults at risk;
5. not to make contact via social network sites with children, young people under 18 years of age or adults at risk;
6. to work and be seen to work in an open and transparent manner;
7. to use approved means of identification which include a photograph;
8. to remain within the agreed work area and/or access locations;
9. to keep colleagues informed of their whereabouts;
10. to not use profane or inappropriate language;
11. to 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.**

## Annex 3

### PROCUREMENT SUBMISSION FORM (to be completed by the Council's Project Manager)

Safeguarding Consideration	Yes, No or N/A	Actions Required	Actions Complete
<b>Level 1 - Services</b> delivered directly to children/ adults at risk e.g. leisure facility management.		The external provider must have their own safeguarding policy in place. Project Team to include a question in the PQQ and/or ITT to assess this. Ensure the standard safeguarding clause is included in the contract, including requirement for criminal records' checks and compliance with the Council's Guidelines for External Providers.	
<b>Level 2 - Services</b> delivered to the public generally but in the process is likely to come into regular contact with children/adults at risk e.g. housing repairs, waste & recycling.		Ensure contract includes the requirement to comply with the Council's Safeguarding Guidelines for External Providers.	
<b>Level 3 - Services</b> where there is no contact with children/ adults at risk		No action required	