



Special
Partnership
Trust

Guidance on Contractors working In Schools and Educational Establishments

1.0 SUMMARY

This guidance has been drawn up to ensure the effective safeguarding of children where contractors are used in schools or at premises caring for children or vulnerable adults. This will apply to all contractors irrespective of whether they are appointed by Cornwall Council, SPT or an agent of or direct by the school themselves.

2.0 SCOPE

This guidance is intended for use where employment of contractors to construct new buildings, undertake routine maintenance or emergency repairs are needed. This guidance will also apply to consultants employed on the building or maintenance project, and the term contractor shall mean contractor or consultant.

3.0 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 School premises.

4.0 INTRODUCTION

All local authorities, schools, nurseries, and children's centres in England have a responsibility to safeguard and promote the welfare of children and vulnerable adults in its care*.

The Department for Education have issued guidance in its document (updated annually):

[Keeping children safe in education 2023 \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/781126/Keeping-children-safe-in-education-2023.pdf)

The guidance is mainly concerned for those who are employed to work with children and vulnerable adults.

However, it also advises on 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 and the like.

It cites examples of good practice where contact is on an ad hoc or irregular basis and indicates where DBS checks are not required (Appendix 1).

This guidance considers what arrangements should be employed by Headteacher's and premises managers where contractors are employed to work at their premises.

Any reference to a Headteacher in this guidance should be taken to include any person that the Headteacher has designated as the person responsible for safeguarding children at the school.

* The Children Acts 1989 & 2004; the Education Act 2002

5.0 RESPONSIBILITIES

All people working with children and young people, including Headteacher's and premises 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.

6.0 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 the following depending on the outcomes identified by the school in their security 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 time, or by a combination of both.

For larger building projects lasting a few 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 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 would be useful (Appendix 2).

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, using the principles illustrated in Appendix 2. Should any contact between the contractors' staff and pupils occur then it should be supervised by a member of staff or 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 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 member of 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 member of staff or suitably vetted volunteer to monitor conversation or communication 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 recognized and challenged by all concerned.

A suggested code of conduct for contractors would be:

- a) 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.
- b) It is the responsibility of all adults to safeguard and promote the welfare of children and young people.
- c) Avoid contact with children. **Never** give your personal contact details to children or young people, including mobile telephone number
- d) Work and be seen to work, in an open and transparent way.

- e) Never be in contact with children without school supervision.
- f) Stay within the agreed work area and access routes.
- g) Obtain permission if you need to go outside the agreed work area or access routes.
- h) Keep staff 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 otherwise contentious slogans.
 - Is not considered to be discriminatory and is culturally sensitive.
- k) Observe the code at all times.
- l) Remember your actions no matter how well intentioned could be misinterpreted. Be mindful of the need to avoid placing yourself in vulnerable situations.

Any order for works or building contracts should be let with a clear condition that failure to observe the code will entitle Special Partnership Trust or Doubletrees School the 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 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.

6.4 Identify

To ensure that as far as possible only bona fide personnel are afforded access, a 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) ID badges
- b) Photo ID
- c) Branded workwear
- d) Signing in book

Identification should only ever be used as a supplementary measure to the principal safeguarding measures of segregation and supervision. Red badged visitors may not be left unsupervised on site.

6.5 Checks

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

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 to obtain a check in addition to measures to supervise any contact. For example, a check may be appropriate where a contractors' representative (e.g., foreman, site manager, etc.) needs to liaise with school staff on a day-to-day basis.

A check 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 a check may be deemed appropriate in addition to measures to supervise any contact.

Appendix 4 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 to the school/educational provider that these are in place and the nature of these checks).

However, under no circumstances should a member of a contractor's staff be allowed to have any unsupervised contact with pupils, even those who have undergone a DBS check.

It should be noted that whilst all directly employed staff i.e. Special Partnership Trust or Doubletrees School will have a DBS check undertaken, not all contractors engaged by us will have been vetted in any way and DBS checks are not routinely requested unless specifically required due to the nature of the work they are undertaking.

7.0 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 and, on the access, arrangements agreed with contractor and enable checks where necessary to be completed and in place before works start.

Where the works are being arranged through Cornwall Council, SPT or Doubletrees School as part of a larger building project, the Headteacher or Premise Supervisor shall determine what measures should be implemented in conjunction with that individual Department. This should be done well in advance of any works starting on site to ensure that they can be included in the building contract.

8.0 SUMMARY

Wherever any type of building related work is undertaken of any duration, safeguarding measures shall always be implemented and include arrangements to segregate pupils from contractors' staff as far as reasonably practicable and for any contact between them to be supervised by a member of staff or suitably vetted volunteer.

Other steps such as codes of conduct, identification and DBS checks should be considered as supplementary measures where appropriate.

APPENDIX 1

[Keeping children safe in education 2023 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

Considering which type of check is required –

238. Most staff in a school and those in colleges working with children will be engaging in regulated activity relating to children, in which case an enhanced DBS check which includes children's barred list information, will be required.

239. For all other staff (e.g. contractors) who have an opportunity for regular contact with children who are not engaging in regulated activity, an enhanced DBS certificate, which does not include a barred list check, will be appropriate.

Contractors –

289. Where schools and colleges use contractors to provide services, they should set out their safeguarding requirements in the contract between the organisation and the school or college. 290. 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 relating to children will require an enhanced DBS check (including children's barred list information).

291. For all other contractors who are not engaging in regulated activity relating to children, but whose work provides them with an opportunity for regular contact with children, an enhanced DBS check (not including children's barred list information) will be required. In considering whether the contact is regular, it is irrelevant whether the contractor works on a single site or across several sites. In cases where the contractor does not have opportunity for regular contact with children, schools and colleges should decide on whether a basic DBS disclosure would be appropriate.

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

293. If an individual 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.

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

APPENDIX 2

CONTRACTORS IN SCHOOLS CODE OF CONDUCT 'BLUE CARD'

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. Always observe the code.
12. Remember your actions no matter how well intentioned could be misinterpreted. Be mindful of the need to avoid placing yourself in vulnerable situations.

APPENDIX 3

CHECKS ON CONTRACTORS WORKING IN SPT & DOUBLETREES SCHOOL OR EDUCATIONAL ESTABLISHMENTS

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 always wear Company ID. • <u>no</u> DBS required. 	<ul style="list-style-type: none"> • undertakes a risk assessment. • requires contractor to adopt code of conduct. • requires to contractor sign in and out of premises. • requires contractor 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 always wear Company ID. • <u>no</u> DBS required (may be necessary for some individuals in particular area's) 	<ul style="list-style-type: none"> • undertakes a risk assessment. • agrees arrangements with LA if LA contractors to be used. • ensures segregation arrangements in place. • ensures arrangements for any contact to be supervised. • requires contractor to adopt code of conduct. • requires contractor to sign in and out of premises. • requires contractor 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., foremen 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. • agrees arrangements with LA if LA contractors to be used. • ensures segregation arrangements in place. • ensures arrangements for any contact to be supervised. • requires contractor to adopt code of conduct. • requires contractor to sign in and out of premises. • requires contractor to wear ID on site. • ensures any required DBS check completed before works start. • reviews and amends arrangements to accommodate any change.

