



Guidance for all Building Contractors working in premises catering for young people and vulnerable children

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Department of Children's Services

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Approvals

The endorsement of the content of this document will be minuted at the relevant Board meeting / Steering Group. This document will be approved by the following people.

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Distribution

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1.0 SUMMARY

This guidance is to ensure the effective safeguarding of children where building contractors are appointed to carry out any works in schools or in any council premises caring for children or vulnerable adults, at a time when these premises are also occupied by minors.

2.0 SCOPE

This guidance is intended for use where either Community Schools directly or relevant services within the City of Bradford Metropolitan District council (CBMDC) employ building contractors to construct new, refurbish and/or extend accommodation or undertake either routine maintenance or emergency repairs in premises where there are, at the time, children and young people present on site .

3.0 OBJECTIVES

The objectives of this guidance are to ensure that effective systems are put in place to provide the adequate safeguarding, safety and security to all people when building works, routine maintenance and emergency repairs are undertaken in premises for which CBMDC is ultimately responsible.

4.0 INTRODUCTION

All local authorities, schools and further education (FE) colleges in England have a responsibility to safeguard and promote the welfare of children and vulnerable adults in their care*.

The Department for Education has issued guidance in its document:

- 1- *“Safeguarding Children and Safer Recruitment in Education”*
- 2- *“Working together to safeguard children”*

(DfES Publications: www.education.gov.uk)

These guidance are 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 Disclosure and Barring Service (DBS) checks are or are not required (Appendix 1).

This guidance considers what arrangements should be employed by Headteachers and Premises Managers where building 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 or Principal has designated as the person responsible for safeguarding children at the school.

- the Children Acts 1989 & 2004; the Education Act 2002; the Protection of Freedoms (POF) Act 2012

5.0 RESPONSIBILITIES

Head Teachers 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 should include the following:

- **Segregate**

To avoid contact¹ between contractors and pupils as far as possible and eliminate all opportunities for construction site access by anyone not entitled to enter.

- **Supervise**

To supervise any contact that does take place by a member of staff or a suitably vetted volunteer and ensure that no minor is left on his/her own with contractors.

- **Code of conduct**

To require contractors to observe a code of conduct

- **Regulate Access**

To regulate and agree access to the premises for both contractors and deliveries

- **Checks**

To undertake checks where appropriate.

7.0 SEGREGATE

The risk of harm to pupils can be managed if contact between 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 construction projects lasting a number of weeks, physical separation should be achieved by the contractors' staff working within secure and clearly defined areas behind fencing, hoardings, barriers and the like where pupils would 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 any contact at any time throughout the school day.

In this context a marked up plan should be agreed between the parties (including school representative and the authority 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. Again, such arrangements should be devised and agreed with the school representative

prior to work commencing. 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 taking into consideration any pupil attendance in school outside normal school hours.

8.0 SUPERVISE

Measures should always be instigated to segregate contractors' staff from pupils as much as possible. However, where such measures to segregate are in place but some contact may occur between contractors' staff and pupils, then any such contact should always be supervised by a member of staff or suitably vetted volunteer.

As noted previously, 'contact' shall be understood as 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.

The notion of 'Supervision' should be understood as contractors not being left alone and for a member of staff or suitably vetted volunteer to monitor interaction or communication of any kind between contractors' staff and pupils and to intervene where necessary.

The requirement to supervise could be limited to specific 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 however not necessary to monitor the building works themselves, only the contacts that might take place between the contractors' staff and minors.

9.0 CODE OF CONDUCT

A code of conduct should be used to inform contractors 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 to:

- avoid contact with children
- never be in contact with children without school supervision
- stay within the agreed work area and access routes
- obtain permission if you need to go outside the agreed work area or access routes.
- keep staff informed of where you are and what you are doing
- do not use profane or inappropriate language

- dress appropriately – shirts to be worn at all times
- observe the code at all times
- remember your actions no matter how well intentioned could be misinterpreted

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

To ensure the effectiveness of any code, this guidance shall be:

- issued to contractors when quotations or tenders are invited;
- stated as a condition on any order for works or building contract;

Additionally, where appropriate, the code should be:

- highlighted and safeguarding arrangements agreed at the pre- start meetings;
- posted on the building site;
- included as part of any contractors site safety briefings or inductions;
- issued to contractors staff in the form of a card (the 'Blue Card' Appendix 3)

10.0 IDENTIFY

To ensure that as far as possible only bona fide personnel are given access, a means of identification could be agreed with contractors in advance of any works taking place.

The means by which contractors' staff are identified will be determined in each case to suit the location and nature of the work being undertaken.

Typical methods may include:

- ID badges
- Photo ID
- Branded work wear
- Signing in book
- Identification should only ever be used as a supplementary measure to the principal safeguarding measures of segregation and supervision.

11.0 CHECKS

Whether or not contractors' staff should undergo a Disclosure and Barring Service (DBS) check (previously known as CRB check) should be determined by a risk assessment.

The risk assessment should take account of the likely amount of contact that the contractors' staff might have with pupils, given that measures to segregate and to supervise should irremediably be in place.

Accordingly, 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.

Similarly, DBS checks would not normally be required for contractors' staff working on site building an extension or undertaking repairs where they are physically and absolutely segregated/separated from all 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 may be appropriate to carry out a DBS 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.

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 contractors engaged by CBMDC have not been vetted in any way and DBS checks are not routinely requested.

Should DBS checks be required, this would need to be requested from the contractor at the earlier possible stage, preferably at tender stage and no later than the pre-start meeting to avoid any potential delay to construction once instructed.

12.0 PLANNING

The safeguarding measures should be determined and agreed with the contractor well in advance of the works 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.

Where the works are being arranged by CBMDC, the Head Teacher shall determine and approve in conjunction with CBMDC all measures to be implemented. This should be done at the beginning of the project to ensure that they can be included in the building contract.

13.0 REPORTING

Contractors should note that where their staff behave in a way that has harmed a child or may have harmed a child, possibly committed a criminal offence against or related to a child, or behaved towards a child in a way that indicates s/he is unsuitable to work with children then appendix 4 of Working Together to Safeguard Children applies and the matter should be discussed with the Local Authority Designated Officer on telephone **01274 434343**.

This contact should address 3 key issues:

- whether there should be a police investigation into a possible criminal offence,
- whether a child is in need of protection services or not
- whether there needs to be disciplinary action in respect of staff.

14.0 SUMMARY

Irrespective of the type of building work undertaken and the duration of such contract, 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 checks should be considered as supplementary measures where appropriate.

Should the contractor(s) omit to implement safeguarding arrangements whilst on site, CBMDC reserves the right to stop all works and terminate the contract de-facto.

Depending upon the severity of the case, CBMDC will also consider whether or not to retain the contractor on the council list of approved contractors and ascertain whether criminal pursuit will be required.

APPENDIX 1: DFE SAFEGUARDING & RECRUITMENT EXTRACT

Copy extract from 'Safeguarding Children and Safer Recruitment in Education' (DfES Publications: www.education.gov.uk):

Building Works:

4.74

Children should not be allowed in areas where builders are working, for health and safety reasons, so these workers should have no contact with children. However schools and FE colleges should ensure that arrangements are in place with contractors, via the contract where possible, to make sure that any of the contractors' staff that come into contact with children undergo appropriate checks.

See paragraph 4.23 for emergency call out contractors.

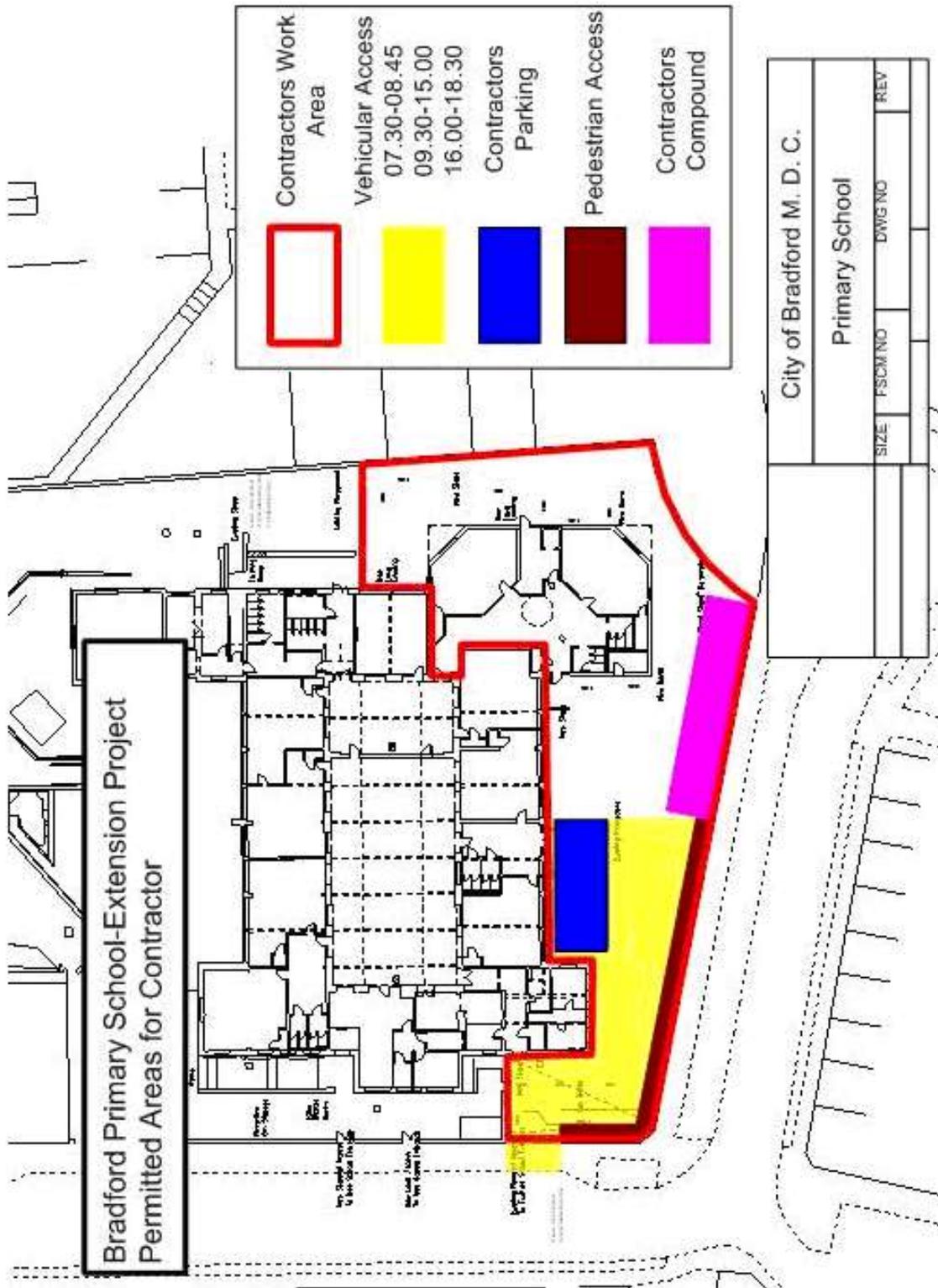
Emergency call out contractors / service visits:

4.23

It is not necessary to obtain a DBS Disclosure for visitors who will only have contact with children on an ad hoc or irregular basis for short periods of time, or secondary pupils undertaking voluntary work or work experience in other schools. However, it is good practice to ensure that visitors sign in and out, and are escorted whilst on the premises by a member of staff or appropriately vetted volunteer. Examples of people who do not need to apply for a DBS Disclosure include:

- visitors who have business with the head teacher, principal or other staff or
- who have brief contact with children with a member of staff present;
- visitors or contractors who come on site only to carry out emergency repairs or service equipment and who would not be expected to be left unsupervised on school or FE college premises;
- volunteers or parents who only accompany staff and children on one off outings or trips that do not involve overnight stays, or who only help at specific one off events e.g. a sports day, school fête, college open day;
- secondary pupils on Key Stage 4 work experience in other schools, FE colleges or nursery classes; secondary pupils undertaking work in another school or FE college as part of voluntary service, citizenship or vocational studies; or Key Stage 5 or sixth form pupils in connection with a short careers or subject placement. In these cases the school placing the pupil should ensure that s/he is suitable for the placement in question;
- people who are on site before or after school or college hours and when children are not present,

APPENDIX 2: EXAMPLE OF A SEGREGATION PLAN



APPENDIX 3: CODE OF CONDUCT FOR CONTRACTORS IN SCHOOLS

‘BLUE CARD’

CONTRACTORS IN SCHOOLS

CODE OF CONDUCT

- avoid contact with children
- never be in contact with children without school supervision
- stay within the agreed work area and access routes
- obtain permission if you need to go outside the agreed work area or access routes
- keep staff informed of where you are and what you are doing
- do not use inappropriate or profane language
- dress appropriately – shirts to be worn at all times
- observe this code at all times
- remember - your actions no matter how well intentioned could be misinterpreted

APPENDIX 4: CHECKS ON CONTRACTORS WORKING IN SCHOOLS

LEVEL OF CONTACT WITH PUPILS	RECOMMENDED MEASURES	HEADTEACHER/DESIGNATED PERSON RESPONSIBILITIES
<p>Nil</p> <p>[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 ○ No DBS check required 	<ul style="list-style-type: none"> ○ Undertakes a risk assessment ○ Requires contractors to adopt code of conduct ○ Requires to contractors sign in and out of premises ○ Requires contractors to wear ID on site
<p>Minimal</p> <p>[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 ○ No DBS check required 	<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 DBS checks completed before works start ○ Reviews and amends arrangements to accommodate any change
<p>Regular</p> <p>[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 ○ DBS check required 	<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 DBS checks completed before works start ○ Reviews and amends arrangements to accommodate any change