

## Safeguarding for Contractors

### Introduction

**The Independent Safeguarding Authority (ISA)** is a new Non Departmental Public Body which has been set up in response to the Bichard Report. ISA will decide who is 'banned' from working with vulnerable adults and children. It will be illegal for employing organisations to engage anyone in **regulated** activity without checking their registration first with ISA.

There are two types of activity, **regulated and controlled**.

**Regulated** activity involves contact with vulnerable children and adults and is: of a specified nature ie teaching, transport on a frequent or intensive basis and is carried out in a specified place ie school, on a frequent or intensive basis.

**Controlled activity** is defined as ancillary workers working for specified organisations ie Local Authorities with frequent access to sensitive records about children or vulnerable adults.

**Frequent activity** is defined as once a week or more and **intensively** is where the activity takes place on four or more days within any thirty day period.

**Implementation:** From July 26<sup>th</sup> 2010 all new entrants to roles working with vulnerable groups and those switching jobs to a new provider within these sectors will be able to register with the Vetting and Barring Service (VBS). Employers will be able to check registration status online and will be able to subscribe to be notified if an employee's registration status changes.

**From April 1<sup>st</sup> 2010** existing staff or volunteers will be able to apply for ISA registration at the point that their current enhanced CRB is due for renewal. Existing staff and volunteers in regulated activity, that have never been CRB checked or whose CRB disclosure is out of date, will be registered first. All staff will be checked by 2015

**From 1<sup>st</sup> November 2010** it will be a legal requirement for all new employees and those moving jobs to register with ISA and for employers to check their status

The matrix below defines the kind of activity of services most used by schools

## ISA Registration Matrix for Contractors in Schools

Service	Description	Regulated or controlled Activity
Supply Staff: Teaching	Relief classroom teachers in schools	Regulated
Supply staff : Admin	Temporary school admin staff working in the school admin office	Regulated
Catering Staff	All catering staff providing meals in school	Regulated
Cleaning Staff	All cleaning staff in school	Regulated
Bus Drivers	<ul style="list-style-type: none"> <li>• Involved in driving school buses – collecting and delivering children from home to school each day.</li> <li>• Coach Drivers for 'one off' trips</li> </ul>	Regulated  Not Required
Taxi Drivers	<ul style="list-style-type: none"> <li>• Drivers who collect and deliver children from home to school each day ie from PRUs</li> <li>• Back office staff who have access to names and home details of the children</li> </ul>	Regulated  Controlled
Waste/recycling contractors	<ul style="list-style-type: none"> <li>• Empty bins from the school grounds at least once per week</li> <li>• Collect recycling from schools once every two weeks</li> </ul>	Regulated  Not required
ICT Support Staff	<ul style="list-style-type: none"> <li>• Possibility of staff in school for more than 4 days in any 30 day period</li> </ul>	Regulated
Language and Speech Therapy Teachers	<ul style="list-style-type: none"> <li>• Contracted usually from PCT to provide the service.</li> </ul>	Regulated
14-19 providers	<ul style="list-style-type: none"> <li>• External providers, colleges, firms</li> </ul>	Regulated
Grounds Maintenance	<ul style="list-style-type: none"> <li>• Contractors for grass and hedge cutting; maintenance of playing fields</li> </ul>	Regulated
Building Maintenance and Repairs	<ul style="list-style-type: none"> <li>• Only if the staff are in school for more than 4 days in any 30 day period or once a week or more</li> </ul>	Regulated
Sports Coaches	<ul style="list-style-type: none"> <li>• Individuals and companies commissioned to run sports programmes in schools</li> </ul>	Regulated
Before and After School Clubs	<ul style="list-style-type: none"> <li>• Private contractors commissioned to run before and after school provision in schools</li> </ul>	Regulated
Extended Services – summer activity programmes	<ul style="list-style-type: none"> <li>• Providers commissioned to run activities in the summer holidays</li> </ul>	Regulated

There is no legal requirement for 3 yearly CRB checks, although some organisations and local authorities chose to do this as 'good practice' further checks are not required of any staff unless the person has a break in service of more than three months. **See Appendix 1 Ofsted Guidance**

Where schools have an SLA with the traded services of Leeds City Council and/or Education Leeds, Education Leeds has advised that where the Director of Children's Services has previously advised that CRB checks should be carried out every 3 years this is now unnecessary. **See Appendix 1 Human Resources Update Jan 2010**

**Specific provisions written into contracts with suppliers of services for whom an enhanced CRB check is appropriate these include:**

The PQQ (Pre Qualification Questionnaire) which is issued as part of the tendering process, checks potential providers for appropriate experience, insurance cover, financial stability and seeks references. Providers are also asked to submit health and safety policies with their application. With regard to services categorised as a regulated activity all PQQs and the specification ask for staff to have enhanced CRBs and ISA registration. **See Appendix 2** for a current example of the questions asked in the PQQ and the statement regarding CRB checking in a specification.

The procurement of services regarded as a regulated activity that the Commissioning, Procurement and Business Development have been involved in also ask for safeguarding policies, there are separate questions which ask providers to outline the procedures they have in place for identity checks and enhanced CRB vetting and, in recent tendering processes, ISA registration. All contract terms and conditions have been changed to include ISA registration. **See Appendix 2**

**Auditing and Compliance of checks**

The auditing of compliance is carried out by the client. In the case of contracts for services driven by the school such as catering and cleaning, contract monitoring arrangements are specified these include arrangements for staffing the service and ensuing issues but not specifically CRB checks.

In the case of the framework contract for the provision of passenger transport services – which includes the provision for transporting pupils to school. All applicants must be licensed by Leeds City Council's Taxi and Private Hire, which includes a CRB check, before completing the tendering process. The framework contract stipulates that random checks on providers will be carried out.

**The changing requirements driven by ISA being incorporated into existing contracts**

The law states that it will be illegal for employers to engage anyone in a regulated activity who is not ISA registered. Leeds City Council's current standard terms and conditions for services awarded to successful contractors contains clauses which relate to the change in the law ie

Clause 6 Legislative Change *The contractor shall bear the cost of complying with all such statutes, enactments, orders, regulations or other similar instruments as are referenced in this Agreement and any agreements thereto except where any such amendment necessitates a change to a Service and provided that that amendment could not be foreseen .....*

Adherence to this clause should be monitored by the client.

## **Appendix 1**

### **Ofsted guidance – safeguarding**

Visiting staff or contractors who do have unsupervised access to children and young people – such as educational psychologists, social workers, supply teachers, trainee teachers, nurses, sports coaches, and inspectors should be CRB checked by their ‘providing’ organisation: the supply agency, the university, primary care trust, local authority and so on.

It is sufficient for schools and colleges to seek written confirmation that appropriate checks, including CBR checks have been carried out and by whom – most commonly the relevant human resources department. For more information [click here](#)

### **HR Update – January 2010**

Within Education Leeds, we have reviewed the most recent clarification of safeguarding and Single Central Record guidance issued by OfSTED in November 2009. This is now available on InfoBase; go to (QuickLink D3226).

We are mindful that the Independent Safeguarding Authority (ISA) registration scheme will come fully on stream on Monday 1 November 2010 but also note that in relation to criminal vetting the ISA system is now in operation. In practice, this means that we are increasingly being informed of police cautions and/or convictions relating to current employees.

Rosemary Archer, the previous Director of Children's Services in Leeds, had the view that all staff in children's services should undertake CRB disclosure renewals on every three years - this includes school employees.

However, we want to make it clear that this is not a statutory requirement and therefore individual governing bodies or headteachers may choose to rely on ISA returns.

### **Appendix 2 PQQ Questions**

Please outline the Safeguarding procedures you have in place this should include procedures for identity checks and CRB checks. A copy of your Child Protection/Safeguarding policy should accompany this application.

What arrangements are in place with regard to ISA (Independent Safeguarding Authority) registration for employing new staff and registering existing staff on this contract after November 2010

### **Specification (taken from a school catering specification 2009)**

The provider is responsible for carrying out of CRB checks and ISA registration of all staff to be utilised in the service. Access should be given to authorised officers to inspect CRB checks. The contractor will be required to ensure that the enhanced level of vetting is carried out through the Criminal Records Bureau for all it's employees who will have contact with children to determine the exist in the service. Access should be given to authorised officers to inspect CRB checks. The ence and content of any criminal record or other information relating to their suitability to have contact with children. The contractor must not provide employees with previous convictions relating to offences involving children. Neither shall the contractor provide employees where information has been provided indicting that they are unsuitable to work with children. (ISA registration of all new staff should take place from July 2010. This will become a legal requirement from November 2010