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Contractors Guidance

Working on North Yorkshire County Council (NYCC) sites which are 'specified establishments'.

Definitions:

A contractor is defined as 'a person contracted to provide occasional or temporary services. Examples of the services provided by contractors include repairs and maintenance activity, hygiene services and specialist sports coaching.

Specified Establishments include:

These include: schools, nurseries, pupil referral units, children's centres, childcare premises, institutions for the detention of children.

Introduction

The purpose of this guidance is to assist specified establishments in understanding the recent changes in eligibility for DBS (formerly CRB - Criminal Records Bureau) checks and the measures that should also be implemented to ensure the safety of children, staff and other adults visiting school.

Background

Following the Protection of Freedoms Act 2012, the concept of controlled activity has been repealed and the definitions of regulated activity have been scaled back. This means that the eligibility criteria for Disclosure and Barring Service (DBS - formerly known as CRB Criminal Records Bureau) and barred list checks has changed.

- DBS checks will now only be available where the activity fits the previous or current definition of regulated activity. The barred list element of the check will only be available where the activity fits the current, revised, definition of regulated activity.
- An enhanced DBS check will reveal criminal information from the Police. A barred list check will only reveal details of whether an individual is barred.
- The Protection of Freedoms Act 2012 outlines the new definitions of regulated activity and exceptions - Further information is available [here](#).
- Whilst there is reduced ability to make DBS checks, our overall safeguarding responsibility and commitment to protecting children and ensuring that unsuitable persons do not have access to them in our schools and settings is still of paramount importance. We must therefore ensure all of the measures available to us to are in line with safeguarding best practice.

New guidance

In order to help both contractors and schools understand these changes the following guidance has been prepared. This guidance should be read alongside the full DBS guidance which includes the definitions of regulated activity. ([See DBS Important Changes to Disclosure and Barring](#))

Please note that in order to fit either definition of regulated activity and therefore eligibility for checks due to working in a 'specified establishment' **all conditions** must be met **including frequency and opportunity for contact with children. Work**

undertaken by contractors (other than for specified activities involving direct work with children,) **on an occasional or temporary basis in the same establishment is not regulated activity.**

Contractors are required to attend a number of different types of buildings throughout North Yorkshire County Council which are defined as 'specified establishments' for the purposes of the Safeguarding Vulnerable Groups Act 2006 and the Protection of Freedoms Act 2012 to carry out work which can vary from a minor one off repair to major works.

Where a contractor is working at a site when children are not present e.g. during summer holidays or out of school hours, there is no eligibility to undertake a DBS or barred list check as the contractor does not have opportunity for contact with children.

In most cases there will be no eligibility to carry out a DBS or barred list check, as although children may be present on the premises the contractor will not have opportunity for contact with them, as for health and safety reasons children should not be allowed in the same vicinity. It is the responsibility of the head teacher, manager or designated member of staff who is engaged in regulated activity to supervise any contractor whilst at the establishment and to ensure children are not in the same vicinity whilst work is carried out.

Only in exceptional circumstances would there be eligibility to carry out a DBS or barred list check e.g. frequent attendance at a specified establishment with opportunity for unsupervised contact with children.

School/Setting Responsibilities:

1. Ensure all contractors attending the site have been authorised to carry out work.
2. Ensure an appointment has been made prior to visit as this can be refused if not arranged.
3. Ensure the worker signs the visitors register at the start of the visit and also on leaving the premises.
4. Ensure that their full name is printed and is legible.
5. Ensure that the worker provides proof of identity and that this is checked, recorded and in line with the entry in the visitors register.
6. Ensure that any worker who is not eligible for a DBS check (see circumstances below), is supervised at all times during the visit. This would require handing the contractor over to the appropriate supervising person whilst moving around site.
7. Ensure that guidance has been issued to the contractor on appropriate conduct whilst on site which is agreed signed.
8. As far as is possible, ensure that contact between the contractor and children on site is avoided.

Contractor Responsibilities:

In all circumstances the contractor must comply with the following:

1. The 'specified establishment' will be notified of the intended contractors visit wherever possible. In those circumstances when a contractor is attending for a

one off repair, this would normally be at the request of the establishment. Where an appointment has not been made, the establishment is able to refuse entry.

2. A risk assessment should be completed prior to the visit to understand any additional safeguarding requirements, including DBS/barred list check.
3. The worker attending must report to reception at the start of the visit in order to sign in and also sign out when the work is completed.
4. The worker attending must provide proof of identification in the form of an ID card from their employer. Failing this, the letter advising of the visit should include the full name of the worker; this can then be checked against another form of photographic ID provided on the day e.g. passport, driving licence.
5. Guidance on appropriate conduct should be issued by the contractor to their employee prior to attendance. The worker should act appropriately at all times whilst at the establishment.
6. The Contractor should ensure they are in the presence of the supervising person who is engaged in regulated activity when moving around the establishment.
7. Consideration should always be given to the type of contract (in terms of nature of work, frequency and potential opportunities for contact with children,) in order to ensure that where a DBS check is required, this is obtained in advance of the visit.
8. Any order for works or building contracts should ONLY be with a clear condition that failure to observe the Code will entitle NYCC and/or the establishment to exclude a member of the contractor's staff from the premises.

Please refer to the flowchart below for a step by step guide on when it is appropriate to carry out a DBS check.

Working Examples:

1. The personal hygiene contractor visits once a week to remove nappies from the nappy bin at a nursery. There is a possibility of contact with children. This person is supervised at all times whilst the task is completed. There is no eligibility for a DBS check.
2. A contractor attends the same school once a week to undertake work (e.g. gardener). The work involves moving around the grounds and provides opportunity for contact with children. The circumstances mean that they cannot be supervised at all times. A DBS check is required.
3. A contractor attends a children's centre to maintain the central heating system, they are present for just one day and have opportunities for contact with children. There is no eligibility for a DBS check, they must be supervised at all times. If this is not possible the work should be carried out when children are not present.
4. A group of contractors are engaged in a new build on a school site for some weeks. The area is cordoned off and children are not permitted in the area. There is no eligibility for a DBS check; staff should ensure that children have no access to the area of work.
5. A school contracts a private individual to offer a counselling service to pupils. A DBS check is required and the person must be fully compliant with all school policies, including child protection.

Guide to DBS checking requirements for specified establishments.

