

# Fylde Coast Academy Trust



The best we can be

## Contractors Policy V2 2018 – 2020

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Electronic copies of this plan are available from	FCAT CENTRAL Academy group / shared drive
Hard copies of this plan are available from	FCAT CENTRAL
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Staff responsible for Policy / review	Gary Fletcher (GFL)
Checked by	FCAT H&S Premises Committee

# Statement

This Policy and these procedures has been drawn up to ensure the effective safeguarding of children where contractors are used in an academy caring for children or vulnerable adults.

This guidance is intended for use where academies use building contractors to construct new accommodation, undertake routine maintenance or emergency repairs

The objective of this Policy and Procedures is to ensure that effective systems are put in place to safeguard children when building works, routine maintenance and emergency repairs are undertaken in FCAT premises.

All people working with children and young people, including Principals and Site Leads 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.

## **Introduction**

Academies in England have a responsibility to safeguard and promote the welfare of children and vulnerable adults in its care\*.

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

Guidance issued by the DfE mainly relates to those who are *employed* to work with children. 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.

Guidance issued by the DfE mainly relates to those who are *employed* to work with children. 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 (previously CRB) checks are not required (Appendix 1).

This guidance considers what arrangements should be employed by Principals and Site Teams where building contractors are employed to work at their premises. Any reference to a Principal in this guidance should be taken to include any person that the Principal has designated as the person responsible for safeguarding children at the Academy.

#### **Responsibilities**

Principals 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 students whilst contractors are on the premises.

#### **Safeguarding measures**

The aim of the safeguarding measures will be to manage the risk of harm to students and vulnerable adults. The measures adopted shall be proportionate to the risk. Safeguarding measures to be considered will include the following:

#### **Segregate**

To avoid contact\* between contractors and students as far as possible

#### **Supervise**

To supervise any contact\* that does take place with a member of staff or a suitably vetted volunteer

#### **Code of conduct**

To require contractors to observe a code of conduct

#### **Regulate access**

To regulate access to the premises

#### **Checks**

To undertake checks where appropriate.

*\* 'Contact' in this context shall be taken to mean any opportunity for contractors' staff to converse with students 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.*

### **Segregate**

The risk of harm to students can be managed if contact between contractors' staff and students can be avoided altogether.

Segregation can be achieved by physical means and, or, Supervision (e.g. by a Contractor /Site Manager (DBS), or by a combination of both.

For larger building projects lasting a number of weeks physical separation would normally be achieved by the contractors' staff working within secure areas behind fencing, hoardings, barriers and the like where students 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 contact at break times and at the beginning and at the end of the Academy 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.

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. Should any contact between the contractors' staff and students occur then it should be supervised by a member of staff or suitably vetted volunteer.

Wherever any type of building/major work is undertaken of any duration, safeguarding measures shall always be implemented and include arrangements to segregate students from contractors' staff as far as is reasonably practicable (depending on the work being carried out and for any contact between them to be kept to a minimum).

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

Where works are to be undertaken outside Academy hours then safeguarding measures should be implemented for any student's attendance in Academy outside normal Academy hours.

### **Supervise**

Measures should always be instigated to segregate contractors' staff from students as much as is possible. However, where such measures to segregate are in place but some contact may occur between contractors' staff and students 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 students 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 students 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 Academy day. It is not necessary to monitor the building works themselves, only any contact that might take place between the contractors' staff and students.

### **Code of conduct**

A code of conduct will be used to inform contractors what might be considered inappropriate behaviour. It will enable any inappropriate behaviour to be recognised and challenged by all concerned.

### **Identify**

To ensure that as far as possible only bona fide personnel are afforded access, a means of identification could be agreed with contractors in advance of any works taking place. The means by which contractors' are identified will be determined in each case to suit the location and nature of the work being undertaken.

Typical methods may include:

- a) ID badges
- b) Photo ID
- c) Branded work wear
- d) Site Signing in Procedures

Identification should only ever be used as a supplementary measure to the principal safeguarding measures of segregation and supervision.

## Checks

FCAT will ensure that any contractor, or any employee of the contractor, who is to work at Academy has been subject to the appropriate level of DBS check.

Contractors engaging in regulated activity will require an enhanced DBS certificate (including barred list information).

For all other contractors who are not engaging in regulated activity, but whose work provides them with an opportunity for regular contact with children and/ or on negotiated permission, a DBS check (not including 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 a number of sites.

Under no circumstances will a contractor in respect of whom no checks have been obtained be allowed to work unsupervised, or engage in regulated activity. Each individual Academy is responsible for determining the appropriate level of supervision depending on the circumstances.

If a contractor working at an academy is self-employed, the academy should consider obtaining the DBS check on their behalf, as self-employed people are not able to make an application directly to the DBS on their own account.

The academy will always check the identity of contractors and their staff on arrival at the academy.

Contractor's staff e.g. builders or driver	Is the activity carried out under a contract for the purposes of the Academy and does it give the opportunity for contact with children	Yes	An enhanced DBS certificate (with barred list check) must be obtained
		No	No DBS check is required and no legal entitlement exists to obtain a check

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

Accordingly DBS checks would not be required where there would be **no contact** between contractors' staff and students; for example where a building was being built on a separate site, or where the works were to be undertaken outside academy hours or during academy holidays. 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 students and that any contact that did take place was supervised by the Academy.

However, where a member of the contractors' staff is likely to have either frequent or prolonged contact with students then it may 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 Academy 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 Academies to undertake routine maintenance (boilers, electrical tests and the like) then a check will be deemed appropriate in addition to measures to supervise any contact.

It should be noted that the preliminaries of contracts should contain the following clause:

**Requirement:**

The Contract will require Contractor's personnel and subcontractors to work in proximity to children and vulnerable adults.

Ensure that key personnel (i.e. site agent, main contractor's foreman) have all been the subject to disclosure checks in accordance with FCAT guidelines (namely a DBS check).

FCAT HR will be contacted whenever specific guidance around checks via the DBS or the Independent Safeguarding Agency (ISA) is needed.

### **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 Academy staff to be briefed on the supervision required and on the access arrangements agreed with contractor.

Where the works are being arranged by other parties the Principal shall determine what measures should be implemented in conjunction with the FCAT Central Services Team. This should be done at the beginning of the project to ensure that they can be included in the building contract.



## APPENDIX 1

Copy extract from 'Keeping Children Safe in Education 2015'

(DfE Publications)

53. For all other staff 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. This would include contractors (see paragraphs 91-94 for further information on contractors) that would have the opportunity for contact with children and who work under a temporary or occasional contract.

91. 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 will require an enhanced DBS certificate (including barred list information). For all other contractors who are not engaging in regulated activity, but whose work provides them with an opportunity for regular contact with children, an enhanced DBS check (not including 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 a number of sites.

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

93. If a contractor 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.

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

Contractor's staff e.g. builders or driver	Is the activity carried out under a contract for the purposes of the school and does it give the opportunity for contact with children	Yes	An enhanced DBS certificate (with barred list check) must be obtained
		No	No DBS check is required and no legal entitlement exists to obtain a check

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/447595/KCSIE\\_July\\_2015.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/447595/KCSIE_July_2015.pdf)

## **APPENDIX 2**

### **CONTRACTORS IN ACADEMIES**

#### **CODE OF CONDUCT**

#### **Code of Conduct / Induction and Rules When Undertaking contracted work or Construction Works**

The contractor named below will comply with this Code of Conduct, will induct all staff working on the site, and include the Code in their Health and Safety Plan, Method of Work Statements and Risk Assessments.

**Contractor / Company .....**

#### **CODE OF CONDUCT**

The following details form part of FCAT rules and information for contractors. The lead person (Contractor) must sign this form before commencement of work.

The contractor, its staff, sub-contract staff and its visitors to an Academy Site undertake to;

#### **Observe this Code at all times.**

- To ensure that contractors are competent, are aware of Academy site risks and do not create a risk to staff, student's and visitors to the school or the intended continuity of normal day to day business.

#### **Parking**

- Contractors are asked to park their vehicles within the parking bays at the front or rear of Unity Academy and not in disabled or delivery bays (unless for unloading).
- Vehicles and contents are left at owner's risk.

### **Deliveries**

- Contractors are advised that no deliveries will be offloaded or signed for by Academy staff.
- Delivery times of bulk items, plant and equipment must be pre-arranged with the Site team.

### **Access**

- Only use agreed access routes.
- Obtain consent from the Head of Estates / Estates Team / delegated H&S if alternative access routes are required (which may also require a formal review of the Child Protection Risk Assessment).
- Stay within the confines of the agreed site or work area.
- Sign-in each day at school reception as agreed.

### **Dress Code**

- Dress appropriately: no bare chest, no inappropriate imagery or wording on T-shirts etc. All Contractors must be dressed in corporate identifiable work wear (a high viz vest is acceptable where corporate work wear is not provided) and may be essential due to the nature of the work along with other PPE such as a Hard Hat.

### **Security**

- Contractor vehicles should remain locked at all times
- External doors and Fire doors must not be wedged open at anytime
- Material, tools and equipment left on site remain at the contractor's risk.

### **School Equipment**

- Contractors are requested to ensure they have all necessary plant and equipment to undertake the work they are contracted to carry out.
- Under no circumstances will Academy equipment be loaned.

### **Welfare facilities**

- Toilet facilities and Welfare facilities will be provided as required.
- Food cannot be purchased on site.

### **Fire Safety**

- All contractors must sign in and out on every visit. If leaving the site temporarily, you are required to inform a member of the Site team and give an approximate time of return.
- All equipment and materials are to be stored in a safe manner so as not to obstruct corridors, stairs and access routes.

- Fire doors must not be wedged open.
- No flammable materials or substances are to be stored on the premises.
- The fire alarm is tested on a regular basis. Please liaise with local Lead Site supervisor for further information. If you hear the fire alarm sound at any other times you should evacuate your work area immediately via the nearest fire exit and make your way to the nearest Assembly point.
- A copy of the fire plan is available and contractors are advised to familiarise themselves with this document.

## Health and Safety

Health and Safety at Work Act 1974, particularly sections 2, 3 and 4

The Management of Health and Safety at Work Regulations 1999

Control of Substances Hazardous to Health Regulations 1999, the Control of Lead at Work Regulations 1998 the Control of Asbestos at Work Regulations 2002, the Construction (Design and Management) Regulations 2007

- The Academy is a No Smoking Site. Contractors are asked to leave the site to smoke and to move at least 500m from the Academy site.
- The nearest first aid kit is located at the main reception.
- All accidents, incidents and near misses shall be reported and an accident form completed. (This is in addition to any contractor company requirements).
- Ensure that your work area does not create a hazard for academy users.
- Only Low Voltage equipment is to be used i.e.: 110v or battery operated.
- The contractor has had access to the Asbestos Risk Register and appropriate surveys have been carried out (If applicable).
- Only proprietary access equipment is to be used that meets the requirements of the Work at Height Regulations' 2005
- The following high risk work requires a permit to work (PTW) issued by Estates
  - Hot Work
  - Demolition
  - Excavation
  - Live Electrical Work
  - Overhead Work

## Safeguarding

- Avoid all contact with students as is reasonably practicable during building works..
- If spoken to by a student please be polite but do not enter into lengthy conversation and do not engage children in conversation.
- Do not engage in **any** physical contact with a child (it could easily be misinterpreted or misconstrued).
- Do not use inappropriate language on site.

- Keep staff informed of where you are and what you are doing.
- Report any matters out of the ordinary / of concern to Principal/Lead Site Supervisor/ immediately.
- Do not give your address or telephone number to children.
- Do not arrange to meet / contact children either inside or outside school.
- Do not offer to buy or sell items to children.
- Do not join in/play games with the children.
- Do not share food and drink with the children.
- Remember.....your actions, no matter how well-intentioned, could be misinterpreted.
- I have read, understand and will follow the guidance offered in the FCAT Safeguarding Leaflet.

**Signed**.....

**Estates Team** .....

**Signed**.....

**Contractor**.....

**Date**.....

**FCAT**

**Contractor Induction Form** (copy to be retained by contractor)

<b>Premises:</b>	
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<b>Your contact on site:</b>	
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*Your contact, detailed above is the person to whom you must report any accident or incident involving yourself, your employees, sub-contractors, premises staff, buildings and equipment or service users.*

<b>Hours of work agreed are:</b>	<b>From;</b>	<b>To;</b>	<b>From;</b>	<b>To;</b>
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*All workers must sign in and out of the premises unless the work site has been handed over to your control.*

**FIRST AID**

<b>First aid supplies located at:</b>	
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<b>Individuals designated as first aiders are:</b>
1.
2.
3.



**FIRE AND EMERGENCY**

<b>Fire alarm on this site is:</b>	<i>Premises management should describe sound etc here</i>
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<b>Fire alarm call points are located:</b>	
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<b>In an evacuation, your assembly point is:</b>	
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<b>Your route of evacuation is:</b>	<i>Premises management may wish to attach a plan of the premises to this form</i>
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**WELFARE**

<p><b>Welfare provision is available to your staff <i>only</i> at these locations:</b></p>	
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*These welfare restrictions will apply unless other arrangements are made with the premises management. Any amendments must be recorded here:*

<p><b>Date;</b></p>	
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<p><b>Contractor supplying own welfare facilities?</b></p>	<p><i>Detail arrangements here</i></p>
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<p><b>Contractor access is not permitted to these areas of the site:</b></p>	
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## DECLARATION

I hereby acknowledge that I have been shown a copy of the Asbestos Survey for these premises and understand my responsibilities regarding asbestos

I further give an undertaking to observe and follow the requirements of all relevant health and safety legislation and FCAT policies and associated procedures. If there is any information I do not understand, I undertake to enquire from my premises contact identified above.

I undertake to inform my premises contact of any hazardous activities required and to provide suitable and sufficient risk assessments and method statements for any such activities.

I will inform my premises contact immediately of any changes to work plans, schedules or specifications that may have an impact on health and safety.

I understand and agree that if I engage any sub-contractors I will ensure that they comply with the same requirements as detailed above.

<b>Contractor Name (Print):</b>	
<b>Contract Company:</b>	

	Tel:  Mobile:	
<b>Signed:</b>		<b>Date:</b>

**Further Information (Blank)**