



Basingstoke  
and Deane

## Basingstoke and Deane Borough Council Safeguarding Guidelines for External Providers

### Introduction

Basingstoke and Deane Borough Council is committed to meeting its statutory and moral duties to safeguard and promote the welfare of children, young people under 18 years of age and adults at risk<sup>1</sup> who are the recipients of its services and/or activities. Further information about the Council's role and approach to dealing with safeguarding issues can be found in its [Safeguarding Policy](#).

Safeguarding is about protecting the health, wellbeing and human rights of children, young people and adults' at risk, and enabling them to live free from harm, abuse and neglect. Safeguarding is everyone's responsibility.

We have a duty to safeguard children, young adults and vulnerable adults. This duty extends to external providers that have been contracted by the council to carry out specific functions on our behalf.

Contractual agreements – including service agreements, grant agreements give us the opportunity to state expectations and place obligations on the contractor/ service provider about how we expect them to act in relation to safeguarding obligations.

As a tier two district authority, rather than applying 'catch all' clauses to all agreements, which in many cases would not be relevant to the service being provided, the council instead adopts a risk-based approach, and depending on the level of risk, we can include safeguarding clauses or specific references relevant to the service.

### Requirements

The conditions placed within the contract should provide meaningful controls which are proportionate to the risk level and nature of the contract. Where controls need to be applied, they should require the contractor/service provider to take positive actions (such as, providing safeguarding training to their staff) rather than passive action (for example, provide a copy of their safeguarding policy).

All external organisations and contractors providing services to the council are required to comply with the councils Safeguarding Policy as a minimum standard. Where relevant, the contractor/ service provider/ recipients of grant funding and strategic partner contributions/ building operator should have their own safeguarding policy and procedures in place.

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<sup>1</sup> Care Act 2014 -change in terminology - from 'vulnerable adults'

Where a contractor / service provider outsources or sub-contracts any part of the service being supplied to a third party the third party is required to have adequate safeguarding procedures in place; and the main contractor should be responsible for monitoring compliance of these for sub-contractors.

## **Risk Levels**

### **Level 1**

Services where there is no contact with children, young people or adults at risk.

### **Level 2**

Services delivered to the public generally but in the process of delivery the provider may come into contact with children/ adults at risk. This includes where contact is indirect, peripheral and in public space or environment. Contact may be regular in nature e.g. waste and recycling collections but does not relate to direct communication with those at risk, nor should contact be conducted in private residences.

Providers of Level 2 contracts are advised as a matter of good practice to have safeguarding policies in place consistent with the Council's Safeguarding policy. If no safeguarding policies are in place for the external provider, they should have regard to the Council's Safeguarding Policy.

Contractors/ service providers should as a matter of best practice create and maintain a risk assessment of their operation in relation to the requirement to safeguard children, young people and/or vulnerable adults. The contractor/ service provider should assess the level of responsibility and contact their staff will have with children and vulnerable adults and undertake reasonable checks. Staff training or DBS (Disclosure and Barring Service) checks may be appropriate for some staff based on the assessment.

For Level 2 contracts during the procurement stage the Council may consider and reference safeguarding, though typically this will relate to compliance with a safeguarding policy.

Where the Council holds regular contract management meetings with a Level 2 provider safeguarding may be raised as a standing discussion point for information sharing.

### **Level 3**

Services where the council directly contracts a third party to deliver services directly to children, young people and/ or adults at risk. Responsibility for compliance to safeguarding legislation and best practice rests with the provider, and they must have their own safeguarding arrangements in place with a policy, training programme, named representative and referral procedure in place as the minimum. External providers must have a named person identified in their safeguarding policy, in addition to the named, relevant safeguarding authority to whom all allegations should be initially referred.

Safe recruitment practices should be in place and DBS checks are likely to apply, with the possibility of enhanced level DBS certificates being required for some roles.

External providers should ensure a practice of regularly reviewing and updating safeguarding policies is in place, to ensure they capture the most recent legislative compliance requirements and up-to-date guidance.

Information sharing is vital to safeguarding and promoting the welfare of children, young people and adults at risk. Serious case reviews often highlight failures to record information, to share information, to understand its significant and take appropriate action. The Council therefore expects Level 3 external providers to comply with their contractual obligations on referrals.

For Level 3 contracts during the procurement stage consideration for safeguarding must be made and evidence submitted by the provider. Resulting contracts must also include provision for specific safeguarding contractual clauses.

The Council will hold regular contract management meetings with all Level 3 providers and safeguarding will be recorded as a standard agenda item.

The Council reserves the right to monitor external providers' safeguarding arrangements at any time, on reasonable notice.

Further background information can be found within ANNEX 1.

Perceived Risk Level	Description (examples below)	Seriousness and Likelihood	Preventative Action
1	Contract that involves external service provision only and there is no contact with children/ adults at risk e.g. professional consultants to the council.	Low	No specific action required, though it should be ensured that there is not risk of child or forced labour.
2	Contract delivered to the public generally, where a provider may, in the process come into contact with children/ adults at risk but contact is not direct and typically in public areas e.g. waste & recycling, play area construction work.	Medium	Procurement processes should highlight the nature of safeguarding and details of the councils Policy. External providers should be made aware of the Councils Safeguarding Policy, and where the provider does not hold their own policy the Councils should be complied with.  Providers should assess the responsibility and access levels of staff and take reasonable action based on the level and nature of contact. Providers may look to undertake staff safeguarding training, and should ensure staff have access to the Councils Safeguarding Policy (where the organisations own policy does not exist) contract has relevant process in place to ensure safety and robust DBS check.

Perceived Risk Level	Description (examples below)	Seriousness and Likelihood	Preventative Action
3	Contract delivered directly to children/ adults at risk e.g. leisure facility management or contracts involving direct access to people's homes.	High	<p>Ensure procurement process covers relevant areas and that relevant clauses are adequately captured within contract agreement.</p> <p>External providers must be able to provide evidence of their own safeguarding policies and procedures as they are responsible for direct referrals. Processes for recruiting staff should take account of any safeguarding needs including DBS or enhanced DBS checks as required. There should be processes in place for staff training in relation to safeguarding and evidence of training completion.</p> <p>The Council may monitor and request evidence of compliance throughout the contract term, in order to ensure compliance and that a process of regular review is in place.</p> <p>Safeguarding should be an ongoing consideration for contract management and providers should ensure that accurate and efficient systems are available for reporting safeguarding data so this information can be made available for sharing if required.</p>

## ANNEX 1 Useful Sources of Information

The following sections outline further guidance and sources of content which external providers may find useful.

1. External providers contracted to deliver Level 2 and/or Level 3 Services should be aware of and adopt best practice as far as possible - advice on this is available from a number of knowledgeable sources, some of which are listed below.

Additional resources, including training and toolkits, are also available through the Hampshire Safeguarding Children's Partnership and Hampshire Safeguarding Adults Board.

- [Hampshire Safeguarding Children's Partnership](#)
- [Adults Safeguarding Adults Board](#)
- [Hampshire County Council](#)
- Hampshire Escalation Protocols [for Adults](#) and [Children](#)
- [Working Together to Safeguard Children \(Department of Education\)](#)
- What to do if you're worried a child is being abused (HM Government)
- [Care and Support Statutory Guidance \(Department of Health\)](#)
- [NSPCC safeguarding standards and guidance for the Community and Voluntary Sector](#)
- ChildLine
- Action on Elder Abuse
- Age UK

### 2. Safeguarding Policies

Policies should detail the procedures for:

- safer recruitment.
- training, including induction and monitoring details.
- process for reporting safeguarding concerns to the relevant authority.
- supervision and safeguarding procedure.
- management of allegations, including, where required the process for reporting to the Local Authority Designated Officer.
- whistleblowing.
- information sharing and data protection.
- escalation.
- timescale and process for review of the policy

### 3. Safer Recruitment

Safer recruitment is an important part of identifying whether an individual is suitable for the role they are to undertake. External providers engaged in a Level 3 Service must ensure

that the relevant safeguarding, recruitment/ selection, and barring checks have been undertaken for their employees and that appropriate training records are maintained.

These checks may include:

- face-to-face interviews
- checking self-declaration forms for relevancy to the role
- undertaking criminal records checks (in line with [Disclosure and Barring Service guidelines](#))
- undertaking barred list checks
- checking references before confirming appointment
- a probationary and supervision period for new staff
- conducting personal development reviews
- monitoring conduct in the role
- conducting in-role risk assessments

When undertaking criminal record checks external providers must be aware of the various levels and legislation relating to checks. Guidance is available on the [DBS Government website](#).

#### **4. Training**

As a minimum, training should always include an explanation of the external provider's safeguarding policies, including the context and implementation - this will usually be carried out during staff induction and should be supported by regular refresher sessions. Training for employees should cover:

- being aware of the importance, and their responsibility in appropriately sharing their concern where they are worried that a child, young people or adult at risk may be suffering, or at risk of, abuse.
- being aware of how to report concerns when concerned about the behaviour of a colleague/member of staff.
- understanding and being able to implement safe working practices for individual employees.
- knowing who in the external provider's organisation, has safeguarding lead responsibility.
- External providers engaged in Level 3 Services are required to ensure that all employees on the contract have undertaken appropriate and up to date safeguarding training.

#### **5. Whistleblowing**

External providers working on council premises or external suppliers providing services for the Council on their own premises must immediately report any safeguarding suspicions of abuse etc. by their employees to the Council's safeguarding lead or raise their concerns through the Council's [Whistleblowing Policy](#).