

9.0 CHILD PROTECTION ISSUES DURING BUILDING WORKS

9.1 General

- 9.1.1 All Schools must comply with Disclosure and Barring Service Guidance (DBS) and DfE guidance 'Keeping Children Safe in Education' (July 2015)
<https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>
Please note that the use of the term 'Contractors' in the DBS documentation has a much wider use than just building contractors. The DBS approach looks at the activity being performed and, through that activity, the potential for unsupervised access to children. A Regulated Activity requires close and unsupervised contact with on a regular basis.
- 9.1.2 Where building works (either revenue or capital funded) are undertaken in a VA school the Governing Body must assess and seek to control safeguarding risks to children. This assessment should be methodical, consistent and **a written record must be kept**. We would strongly recommend that this written record is retained **as part of the school's Single Central Record (SCR)** so as to provide evidential proof of the school's approach to safeguarding in this particular matter.

9.2 Safeguarding in Schools and Construction Work – Overview and Discussion

- 9.2.1 It is vital that all safeguarding measures employed are proportionate to the risk, are specific to the circumstance that exists and are 'deliverable' in practice.
- 9.2.2 Construction works on all sites (including at schools) must be undertaken in compliance with current Health and Safety legislation. Health and Safety issues must be assessed and addressed for all construction works and this works 'hand in hand' with safeguarding of children and vulnerable adults. The issue of Child Protection and safeguarding must be included in all construction works specifications/instructions alongside all other Health and Safety issues.
- 9.2.3 In simple term, children should not be allowed in areas where builders are working for health and safety reasons. Where a building site is physically separated from the school and the site entrance is separate from the school's, a DBS check will not be required.
- 9.2.4 Although prepared in relation to the earlier CRB structure, we believe Norfolk County Council's guidance (12 Dec 2009) is helpful in summarising a balanced approach for and is consistent with the Disclosure and Barring requirements;
"Checks are required on anyone who is likely, through the normal course of their work, to have unsupervised contact with children. Construction staff would never be expected to be alone with children. Their work will be contained within a specifically demarcated area of the school to which pupils have no access at any time. They should be expected to sign in on arrival and have clearly visible identification at all times. Where contractors need to work in other areas of a school, this must be agreed in advance with the Headteacher and managed appropriately and reasonably. Casual visitors that need access to the school should sign a visitors book, wear an identification badge and be accompanied by a member of staff for the duration of their visit. Such visitors might include surveyors, utilities representatives, etc.

Governors are advised to be clear about these policy areas and the practices they have adopted. This should enable them to provide [Ofsted] inspectors with the assurances they require in demonstrating they are taking reasonable steps to ensure that children and learners are safe.

9.3 Risk Assessment

9.3.1 From *Section 9.2* above it can be seen that in assessing a safeguarding risk to children during building works on a school site the key issues to assessed are;

- 1 **Contact between contractors and children,**
and
- 2 **The extent of the contact.**

9.3.2 All building contracts and their associated Child Protection risks must be assessed individually. Issues such as location, timing, extent of separation, supervision, numbers of persons on site, past knowledge, school management systems, construction management systems, numbers of children, school layout and the like will all impact on the specific risk and the control measures possible to manage the risk. The adequate consideration of the issues and control measures suitable for the specific project requires a Child Protection Risk Assessment.

9.4 Contractors and Professional Codes of Conduct when on school sites

9.4.1 All visitors to site will need to comply with the school's Child Protection policies and procedures and the school will need to ensure this information is advised and made available to contractors and consultants alike.

9.4.2 Plymouth City Council has issued a **Code of Conduct** for Contractors undertaking work on Plymouth City premises which we recommend as the basis of good practice for schools to adopt as to expectations when undertaking works on site (see Plymouth City Council's recommended *Code of Conduct* overleaf).

9.4.3 We also recommend to you Plymouth City Council's underlying principle to child protection during construction works at schools detailed in their guidance document *Safeguarding Children and Young People: Guidance for Engaging Contractors* (Jan 2009) which is "**SEGREGATE OR SUPERVISE**". Although this was prepared at the time the CRB system was in place, the basic principles still apply in relation to the management of building contractors on school site and issues of potential unsupervised contact with children.

www.plymouth.gov.uk/safeguarding_childing_and_young_people_-_guidance_for_engaging_contractors.pdf

Code of Conduct for Contractors undertaking work on Plymouth City Council premises:

CODE OF CONDUCT

- 1) observe this code at all times
- 2) stay within the confines of the agreed site or work area
- 3) obtain consent if access is required outside the site or work area
- 4) use only the agreed access routes
- 5) obtain consent if alternative access routes are required
- 6) avoid contact with children/young people
- 7) **NEVER** be in contact with children/young people without the contracting organisation's supervision
- 8) if you are spoken to by a child/young person, be polite but do not engage in lengthy conversation
- 9) if spoken to by a child/young person, avoid over familiar physical contact (the actions of a 'touchy feely' person could be easily misinterpreted or misconstrued)
- 10) do not initiate lengthy conversation with the children/young people
- 11) do not use inappropriate or profane language
- 12) dress appropriately – shirts to be worn at all times (eg. no bare chests)
- 13) keep staff informed of where you are and what you are doing
- 14) report any matters out of the ordinary or of concern, involving children/young people, immediately to the site manager
- 15) do not give out addresses or mobile phone numbers to the children/young people
- 16) do not arrange to meet with children/young people either inside or outside of the organisation site
- 17) do not offer to buy items from children/young people
- 18) do not sell items to children/young people
- 19) do not bring alcohol on the organisation's site
- 20) do not join in games with children/young people
- 21) do not share food or drinks with children/young people (think of allergies and grooming implications)
- 22) remember that your actions no matter how well-intentioned could be misinterpreted

This code of conduct should be written into the building contract, form part of the pre-contract meeting agendas, displayed on site and where appropriate issued in card form to site workers.

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9.5 Child Protection Risk Assessment for Construction Works at VA Schools

- 9.5.1 Overleaf is a template for the Child Protection Risk Assessment during construction works on the school site which may be helpful in recording your approach to safeguarding in a systematic and consistent manner during building works at the school.
- 9.5.2 We recommend that the Risk Assessment should be discussed and completed at the Pre Contract meeting when the follow parties are present;
- Contract Administrator*
 - Design Team*
 - CDM Principal Designer*
 - Head Teacher (or other staff members with Child Protection training)*
 - Governor/s*
 - Contractor's contract manager and foreman.*

This approach will ensure all parties are able to fully understand the building programme of works and methodology, and the child protection issues at each stage. All parties are named on the child risk assessment and all are responsible for the information contained therein and the compliance with control measures identified. Any party is authorised to reconvene the group to review the risk assessment should any circumstances / risks change on site or if control measure require review.

- 9.5.3 The Child Protection Risk Assessment is designed to first identify the 'Risk Rating' inherent in the type and vulnerability of premises users. This initial 'Risk Rating' is then either increased, decreased or remains unaffected by a series of 'Other Factors' pertaining to the type and location of the building works, the schools' knowledge of contractor, programme/timings of work, etc. Once this adjusted risk has been identified, a series of 'Control Measures' can be identified and applied to reduce or (ideally) eliminate the risk to children.
- 9.5.4 The application of this guidance requires a degree of judgement in establishing the level of risk and the control measures to be applied. The assessment team must feel free to add additional Risk Factors or Control Measures to the template to suit the particular circumstances at the school and that apply to the building project / maintenance works.
- 9.5.5 We recommend that the Code of Conduct is also appended to Risk Assessment and the contractor signs it to agree to abide by its content. The completed Risk Assessment and Code of Conduct is appended to the minutes of the pre-contract meeting and circulated to all parties.
- 9.5.6 Please note that although the Child Protection Risk Assessment template has been prepared for capital works projects at school for VA Governing Bodies supported by the Diocese, it is essential that the same principles of **SEGREGATE OR SUPERVISE** apply to the smaller building works (possibly revenue funded) as it is often these works (undertaken by local handymen/contractors direct for the school) where the contact between contractors and children and the extent of that contact is potentially greater, and therefore the child protection risk is enhanced.

9.6 Child Protection Risk Assessment During Building Works at VA Schools

Page 1

School: **Building Project:**

Date: **Assessors:**

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Item	Issue	Risk Rating	Risk Eliminated	Low Risk	Medium Risk	High Risk	V. High Risk	Comments
1	Premises Purpose Group							
1.1	Primary School	Medium						
1.2	Secondary School	Medium						
1.3	Nursery/Play Group/Pre-school	Medium						
2	Vulnerability of Purpose Group							
2.1	Male or female under 16 years old	Increased						
2.2	Pupils with disability	Increased						
3	Location of Works							
3.1	External works that can be observed.	Reduced						
3.2	Ext works that cannot be continuously observed.	Even						
3.3	Plant rooms accessed externally	Reduced						
3.4	Plant rooms accessed internally	Even						
3.5	Common areas (classrooms, corridors etc)	Even						
3.6	Low occupancy areas (ICT/library, SEN room etc)	Increased						
3.7	Welfare areas (toilets, showers etc)	Increased						
3.8	Isolated Areas	Increased						
4	Duration of Works							
4.1	Maintenance or servicing (less than 1 day)	Reduced						
4.2	Works (up to one week duration)	Even						
4.3	Works (over one week duration)	Increased						

School: Building Project:

Item	Issue	Risk Rating	Risk Eliminated	Low Risk	Medium Risk	High Risk	V. High Risk	Comments
5	Nature of Works							
5.1	New works on defined area of site	Reduced						
5.2	Refurbishment etc accessed from outside	Even						
5.3	Refurbishment etc accessed from inside	Increased						
5.4	Works requiring access to many areas in school	Increased						
6	Contract Team and Supervision							
6.1	Lone working with random supervision	Increased						
6.2	Small teams with working supervisor	Even						
6.3	Teams where individuals work unsupervised	Increased						
6.4	Sub-contract labour supervised by named manager	Even						
6.5	Sub-contract labour generally unsupervised	Increased						
7	Working Knowledge of Contractor							
7.1	No past working experience of contractor	Increased						
7.2	Past knowledge but intermittent use	Even						
7.3	Past knowledge, frequent use and no problems	Reduced						
8	Welfare							
8.1	Contractor providing own welfare facilities in site area.	Even						
8.2	Contractor to use school's welfare facilities.	Increased						
ASSESSMENT OF OVERALL RISK								

See Page 3 & 4 for Control Measures

School: Building Project:

Item	Issue	Risk Rating	Risk Eliminated	Low Risk	Medium Risk	High Risk	V. High Risk	Comments
Overall Risk from Previous Page								
Control Measures to Reduce Risk								
9	School Supervision							
9.1	Children supervised at all times	Reduced						
9.2	Children supervised on frequent basis	Even						
9.3	Children generally unsupervised	Even						
10	School Occupancy & Timing of Works							
10.1	Normal hours – school occupied	Even						
10.2	Normal hours – school unoccupied	Eliminated						
10.3	Outside normal hours but school occupied	Even						
10.4	Outside normal hours and school unoccupied	Eliminated						
10.5	Works in school holidays and unoccupied	Eliminated						
11	Site Separation							
11.1	Separation of site and children by school / contractor management procedures.	Even						
11.2	Site separation but access to work area and welfare facilities by management procedures.	Reduced						
11.3	Full site separation by secure fencing (including access and welfare facilities) from children.	Eliminated						
RISK ASSESSMENT FOLLOWING CONTROL MEASURES								If risks assessment is still within shaded area, apply additional control measures to reduce risk

School: Building Project:

Item	Issue	Risk Rating	Risk Eliminated	Low Risk	Medium Risk	High Risk	V. High Risk	Comments
	<i>Overall Risk from Previous Page</i>							
12	Additional Site Specific Control Measures (to be developed and agreed)							
12.1	(One possible consideration): DBS checks on contract staff	Reduced						But only if deliverable and can be adequately managed.
12.2								
12.3								
	RISK ASSESSMENT FOLLOWING CONTROL MEASURES							

Signed: Position: Date:
 (must have Child Protection Training) (Must be a member of school leadership team)

Append Code of Conduct and ensure signature by Contractor's Contracts Manager or Director

Circulate to all present and to Chair of Governing Body of School

CHILD PROTECTION CODE OF CONDUCT WHEN UNDERTAKING CONSTRUCTION WORKS AT SCHOOLS

The building contractor named below will comply with this Code of Conduct, will induct all staff working on the site, include the Code in the Construction Phase Health and Safety Plan and/or Method of Work Statements and display it in office and welfare facilities on site.

CODE OF CONDUCT

The contractor, its staff, sub-contract staff and its visitors to the building site undertake to;

- 1 Observe this Code at all times.
- 2 Stay within the confines of the agreed site or work area.
- 3 Sign-in each day (either in site hut or at school reception as agreed).
- 4 Obtain consent from the Headteacher if access is required outside the area of work (*which may also require a formal review of the Child Protection Risk Assessment*).
- 5 Only use the agreed access routes.
- 6 Obtain consent from the Headteacher if alternative access routes are required (*which may also require a formal review of the Child Protection Risk Assessment*).
- 7 Avoid contact with children.
- 8 **Never** come into contact with children without school supervision.
- 9 If spoken to by a child please be polite but do not enter into lengthy conversation and do not engage children in conversation.
- 10 Do not engage in **any** physical contact with a child (it could easily be misinterpreted or misconstrued).
- 11 Do not use inappropriate language on site.
- 12 Dress appropriately: no bare chest, no inappropriate imagery or wording on T-shirts, etc.
- 13 Keep staff informed of where you are and what you are doing.
- 14 Report any matters out of the ordinary / of concern to the site manager, immediately, (site manager to inform the Headteacher or member of the school leadership team).
- 15 Do not give your address or telephone number to children.
- 16 Do not arrange to meet / contact children either inside or outside school.
- 17 Do not offer to buy or sell items to children.
- 18 Do not bring alcohol or cigarettes onto the school site.
- 19 Do not join in/play games with the children.
- 20 Do not share food and drink with the children.
- 21 Remember that your actions, no matter how well-intentioned, could be misinterpreted.

Signed:..... **Organisation:**

Dated: