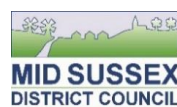




**shared
procurement
service**

Safeguarding in Procurement



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About this Guide

This guidance note aims to explain how to incorporate the requirement for safeguarding of children, young people and vulnerable adults (CYPVA) into council commissioning, purchasing and procurement decisions.

Each of the Councils has produced a Safeguarding Policy which sets out the details of the Council's commitment to safeguarding across the organisation and our undertaking in respect of partners, contractors and service providers. Please refer to these documents for more information about the key legislation.

Why is safeguarding important in Procurement?

Each year councils enter into contracts with suppliers and service providers for the supply of goods, works and services. For example, the nature of the service provision of a Leisure Management or Household Clinical waste collection contract may mean that the service provider's staff have direct and unsupervised contact with children, young people and vulnerable adults.

We have the duty to ensure that these third parties which provide services on behalf of the councils (Private Sector suppliers, Voluntary Sector Organisations, charities, trusts or other public bodies) comply with the Councils' Procurement Rules and all relevant legislation including safeguarding responsibilities. This can be achieved when commissioners and contract managers set the right requirements in the procurement stage and review compliance on a regular basis.

When are safeguarding considerations applicable?

Generally, safeguarding is most likely to apply to the provision of services but it could also apply to works contracts or supply of goods.

There is no "one size fits all" approach to safeguarding so it is important to ensure the safeguarding requirements included in the commissioning or procurement exercise are relevant and proportionate for the specific requirements of that service.

To determine the level of safeguarding risk in a contract, ask yourself these questions:

- How significant is the level of contact with CYPVA?
- What is the frequency of the service?
- What is the frequency of the contact between the service provider's staff with CYPVA?
- Is the intensity of each contact with CYPVA high (e.g. 8 h or more)?
- Is the CYPVA alone when the service is delivered or who else is around / on premises?
- Is there access to confidential and sensitive information about CYPVA?

If you answered "Yes" or "Significant" for most of the questions then you will have to establish more comprehensive safeguarding requirements and/ or monitoring arrangements. Please contact the lead safeguarding officer for advice.

REMEMBER

Safeguarding may apply to any service area irrespective of the contract value. It may be as equally applicable to a £5,000 low value requirement as it is to a multi-million-pound contract.

How to consider safeguarding in the Procurement documentation?

Explain clearly to potential bidders in the “Invitation to Tender” or “Request for Quotation” document what will be required of them in relation to safeguarding duties:

- As a mandatory requirement ask them to self-declare they have a safeguarding policy in place that has been communicated widely within the organisation (if appropriate to the contract).
- Outline any specific safeguarding requirements in the specification and, if necessary, any monitoring requirements. This should include any minimum safeguarding requirements e.g. the need to have Disclosure & Barring Service (DBS) checks, risk assessments, etc.
- If safeguarding is relevant to the service, consider asking a question around this subject area as part of the quality assessment. For example, you could ask the bidder to detail how they (and their sub-contractors, if relevant) will deliver the specification on safeguarding responsibilities.
- Liaise with the Procurement team to ensure the contract covers safeguarding.

How to consider safeguarding at the “Preferred Bidder” / “Due Diligence” stage?

Prior to making the formal contract award you should seek documentary evidence that the contractor/ service provider has the policies and procedures in place stated in their bid submission.

Check that the supplier has provided the following before the contract award:

- A copy of the service provider/contractor’s Safeguarding Policy, which covers the organisation’s arrangements for safeguarding children, young people and vulnerable adults along with any relevant risk assessments.
- Evidence that the service provider/contractor has produced written procedures on safeguarding in recruitment, selection, and training of staff.
- Evidence that the service provider/contractor has undertaken DBS checks (including Enhanced Checks if required) on the appropriate staff, and volunteers, if required.

Lead Safeguarding Officers can provide further advice on the questions which can be asked and how to undertake the evaluations.

NOTE

All contracts/services must be that the contractor/service provider complies with the safeguarding duties to a level comparable to that which each of the Councils would expect if it was providing the service itself.

How to monitor safeguarding requirements after the contract has been awarded?

As part of the contract review, make sure you have:

- A copy of the Safeguarding Risk Assessment for the service in question. Ensure this is reviewed and updated at least annually.
- An updated and reviewed copy of the Service Provider's Safeguarding Policy which reflects changes to any of the company's procedures or legislations and progress in adopting appropriate safeguarding arrangements.
- Up-to-date evidence/ written confirmation that the service provider has provided safeguarding training to staff, and volunteers.
- Up-to-date evidence/ written confirmation that the relevant staff, and volunteers have undergone DBS checks and records regarding the arrangement for the renewal of DBS disclosures.
- Up-to-date evidence/ written confirmation of the service provider's checking and monitoring arrangements for any sub-contractors they use in the delivery of the contract.

If the monitoring reveals areas of concern, work with the service provider/contractor to determine remedial actions and report these concerns to your Service Manager and the Council's Lead Safeguarding Officer.

NOTE

Make sure you highlight safeguarding as a key item in the first post-contract award meeting and thereafter. You should carry a contract review at least annually. All monitoring reports or examples asked for as part of the contract review will be required to be submitted at each review.

A quick word on grants...

Whilst grants are not subject to a tender process, their service level agreements need to include a safeguarding consideration as users of the services provided tend to be CYPVA. Ask the third party to provide a copy of their safeguarding policy as part of issuing the grant.

Lead Safeguarding Officers

If you need any further information on your Council's Safeguarding Policy, contact the Safeguarding lead at your Council.

General Advice from the Procurement Shared Service

Email: procurement@horsham.gov.uk - Tel: 01403 215299