|  |  |
| --- | --- |
| External Consultant Questionnaire (ECQ)  | A green and white text on a black background  Description automatically generated |

**If you are considering engaging a Consultant, this form must be completed by the Commissioning Manager and prospective Consultant, and approved by the Commissioning Manager’s Manager before the commencement of any assignment. This is to ensure a Consultant’s self-employed status is assessed and verified by Barnardo’s so that the correct status is determined for tax purposes and all required processes are complete.**

All relevant paperwork including a copy of the Status Determination Statement (SDS) ECQ, Insurance Cover[[1]](#footnote-2), Welcome Pack declaration and a copy of the CEST result must be returned to your Recruitment Team. If it is not completed and returned, Accounts Payable Team will not process the payment of any invoices for work undertaken by the Consultant. Please refer to the ECQ Q&A before completing this form at [Contingent worker recruitment](https://inside.barnardos.org.uk/people-and-culture/recruiting-employees-and-apprentices/contingent-worker-recruitment).

**e-procurement system**

Please also note that you are required to follow the procurement policy and process via the e-procurement system when procuring consultancy services **where the total value is above £5k (Band 1)**. It is necessary for all procurements to adhere to the rules. In doing so, Barnardo’s ensures compliance with internal and external policies, and enables a charity-wide view of spend and suppliers. When registration via the e-procurement system is complete (where relevant), a confirmation email will be sent to the Commissioning Manager and People Team by the Procurement Team advising that the Consultant is now on the system.

For more detail on procurement requirements and support please visit <https://inside.barnardos.org.uk/procurement> or the Business Services Hub <https://hub.barnardos.org.uk/support/solutions/26000035320>

**This ECQ form should not be changed or modified**

**under any circumstances.**

**Name of Consultant**:.………………………..……..……….……….…………………………………….

**Role to be undertaken by Consultant**: …………………………………………………………..

**Name of**

**Service/Dept**: .......................................................................................

**Name of Commissioning Manager**: …………………………………………………………………

**Name of**

**Service/Dept**: .......................................................................................

**Section A – Establishing Status**

The [**Check Employment Status for Tax (CEST)**](https://www.gov.uk/guidance/check-employment-status-for-tax) tool must be used to determine the status of an individual for tax purposes in relation to the work that they may be doing for Barnardo’s. HMRC will stand by any result determined via the tool provided it has been used in accordance with their [guidance](https://www.gov.uk/hmrc-internal-manuals/employment-status-manual/esm11000) and all information has been correctly entered so please ensure all questions are answered accurately. The manager should then complete and issue a [Status Determination Statement Template](https://inside.barnardos.org.uk/sites/default/files/2023-10/Status%20Determination%20Statement%20Template.docx) (attaching a copy of the CEST result) to the worker and agency/or other organisation.

Only if the applicant is determined as being **self-employed**, and **‘outside’ of IR35**, can they be paid gross via their invoice. See section E for further information on payment process. If an assessment of **‘inside’ IR35** is determined **or** an **‘unable to determine’** result is given, the manager should contact the People Team for advice and refer to the guidance for managers and People Teams, see [Off Payroll Working (IR35).](https://barnardosorguk.sharepoint.com/sites/RecruitmentInformationandResources/Shared%20Documents/Forms/AllItems.aspx?OR=Teams%2DHL&CT=1697703910391&id=%2Fsites%2FRecruitmentInformationandResources%2FShared%20Documents%2FOff%20Payroll%20Working%20%28IR35%29&viewid=2842feb1%2D358e%2D4444%2Db65c%2D112f0f2e2f1a)

### Section B

**To the Consultant**

**Welcome Pack**
Prior to starting at Barnardo’s or on your first day of engagement, you will be issued with a [Welcome Pack](https://inside.barnardos.org.uk/sites/default/files/2021-06/Welcome%20Pack.pdf) that includes the following policies and Codes:

* Basis and Values
* Equality and Diversity Code of Conduct
* Safeguarding Code of Conduct
* Confidentiality Agreement
* Declaration\*

\*You are required to read the policies and codes located within the Welcome Pack and confirm your acceptance to the Safeguarding Code of Conduct and Confidentiality Agreement as part of the Declaration, prior to your services being engaged.

**Barnardo’s Safeguarding Code of Conduct**Barnardo’s Safeguarding Code of Conduct forms part of your agreement and you are expected to conduct yourself in accordance with the Code. Any breach of the Code may result in the termination of your assignment and/or a report to registering bodies and/or the police. A copy of the Code is included in the Welcome Pack.

**Barnardo’s Confidentiality Policy**You have a duty of confidentiality to Barnardo’s under common law that applies during and after your assignment. A copy of Barnardo’s confidentiality agreement is located in the Welcome Pack.
 **Data Protection Act**

The Data Protection Act 2018 regulates the protection of information about individuals. You have legal responsibility to adhere to the Act.

Barnardo’s Privacy Statement (<http://www.barnardos.org.uk/privacy_statement.htm>) explains how we use the personal data that you provide, or which is provided to us by third parties.

You agree to comply with the requirements of Barnardo’s [Data Protection Policy](https://inside.barnardos.org.uk/resources-and-guidance/information-governance-and-data-protection/data-protection-policy) which may be amended from time to time. This includes complying with the Policy’s requirements when handling personal data and sensitive personal data in the course of your engagement.

**Barnardo’s IT Code of Practice**

Barnardo’s IT Code of Practice forms part of your agreement and you are expected to conduct yourself in accordance with the Code. Any breach of the Code may result in the termination of your assignment. You will be required to read and confirm your acceptance of the IT Code of Practice when you first log on to Barnardo’s system and each time updated versions are issued.

**Declaration by the Consultant**

I understand that this agreement will only become effective upon formal approval by Barnardo’s. Such approval will only be granted upon Barnardo’s determining self-employed status via the HMRC CEST tool and therefore entitled to receive payments without deduction of income tax or national insurance, and upon receipt of this signed declaration.

I confirm that I have received a status determination statement.

I recognise that in the event of any issues arising in determining the correct status, Barnardo’s may discuss the circumstances with the statutory authorities, if appropriate. I further understand that the records of any payments paid to me and/or status assessments conducted may be made available by Barnardo’s to the statutory authorities, if so required.

I confirm that I have read and will abide by Barnardo’s Basis and Values, Data Protection Policy, Equality and Diversity Code of Conduct, Safeguarding Code of Conduct, IT Code of Practice and Barnardo’s Confidentiality Agreement. I confirm that the information I have given is correct and complete and that any false statements or omissions may lead to the termination of my engagement.

Signed: ………………………………………………………………………………..

Print Name: ………………………………………………………………………………..

Date: ...........................................

### Section C - Information and Documentation Required

**Please ensure the following documents are submitted with this application:**

**1. Consultant’s payment details (Section E) including:**

Bank Account details [ ]

National Insurance Number [ ]
VAT Number [ ]

 **2. Terms of consultancy agreement (Section F)**Period of engagement – start and end date [ ]

Consultant name and address [ ]

Agreed rate [ ]

**3. Proof of liability insurance cover (see P1)**  [ ]

**Please also ensure you check for the following:**

Satisfactory criminal records check (from the Disclosure & Barring Service, Disclosure Scotland, Access NI) (where appropriate) [ ]

Satisfactory references in accordance with [Barnardo’s obtaining references policy](https://inside.barnardos.org.uk/employee-and-volunteer-support/recruiting-employees-and-apprentices/getting-references-policy) (for regulated services also see [additional reference requirements)](https://inside.barnardos.org.uk/sites/default/files/uploads/Additional%20reference%20requirements.pdf)  [ ]

Proof of professional registration (where applicable) [ ]

Copy of relevant qualifications [ ]

Signed copy of Welcome Pack Declaration [ ]

Signed copy of Criminal Records, Disqualification & Declaration  [ ]

Completed [Temporary Colleague Onboarding Services](https://hub.barnardos.org.uk/support/catalog/items/142) form [ ]

These checks are essential for everyone who works for Barnardo’s, including the self employed. These documents do not need to be sent with the ECQ to Finance, Accounts Payable but should be completed in conjunction with the relevant Recruitment Team, who will securely retain the appropriate records.

**Section D – Authorisation to hire** 

**Section E - Personal Details**

Following authorisation to hire, the [New Supplier Set Up](https://customervoice.microsoft.com/Pages/ResponsePage.aspx?id=GR8bF2d1PE27mnSK0D8wGsWEjAEN5blAkGBxkTHpddRUOTA0MU9OT1VYODFORFRCUFVOWFZJSllYRi4u) process on D365 should be completed by the Recruitment Team for the Consultant, enabling their invoices to be processed.

**Section F – Information required for consultancy agreement – to be completed by Commissioning Manager**

**To: Recruitment Team**

Consultant Name: ……………………………………………………………………...................................

Address: ……………………………………………………………………...................................

……………………………………………………. Post code: ……….………………………….

Start date of engagement: ……………………………………………………………………………………..

End date of engagement: ……….…………………………………........................................

Agreed rate: ……………………………………………………………………………………………………………..

### Section G - Criminal Records and Disqualification

**To be completed by the prospective Consultant**

With some exceptions having a criminal record will not necessarily bar an individual from working with us. This will depend on the nature of the position sought and the circumstances and background of the offence. If you have declared a criminal record, which we believe is relevant to the post we will discuss this with you before confirming any work with Barnardo’s.

You are asked to declare any criminal record on the page marked Criminal Records, Disqualification & Declaration in accordance with the following:

* The Rehabilitation of Offenders legislation does not cover roles that involve working with children and/or vulnerable adults. Therefore, any convictions or cautions (spent or unspent) that are not "protected" as defined by the Rehabilitation of Offenders legislation (i.e. that are not filtered out) and/or legal proceedings must be declared. For further information on filtering, please refer to the Nacro Website and/or the Disclosure and Barring Service website, Disclosure Scotland or the Department of Justice Northern Ireland website, as appropriate.
* For all other roles, i.e. those that do not involve working with children, and are covered by the Rehabilitation of Offenders legislation, you must declare only ‘unspent’ convictions.
* For regulated roles requiring an Enhanced Disclosure, details of criminal record information not subject to filtering rulesshould be noted on the page marked Criminal Record/Disqualification/Other, which should be removed and returned separately in a sealed envelope marked CONFIDENTIAL, with your name and details of the engagement. Any information declared will be kept confidential and in line with data protection principles and as set out in Barnardo’s Privacy Statement (<http://www.barnardos.org.uk/privacy_statement.htm>).

**Engagements working with children or vulnerable adults**

If you are barred from working with children or vulnerable adults we are unable to consider you for work that involves working with these groups and it is a criminal offence to apply for such work. You are therefore asked to declare whether you are barred on the next page marked ‘Criminal Records, Disqualification & Declaration’. This section must be completed.

**Childcare Disqualification**The [2018 Regulations](http://www.legislation.gov.uk/uksi/2018/794/regulation/2/made) that support childcare disqualification are made under section 75 of the [Childcare Act 2006](http://www.legislation.gov.uk/ukpga/2006/21) applicable to **England**. They set out the circumstances under which a person may be disqualified from providing [https://www.gov.uk/government/publications/disqualification-under-the-childcare-act-2006/disqualification-under-the-childcare-act-2006](https://www.gov.uk/government/publications/disqualification-under-the-childcare-act-2006/disqualification-under-the-childcare-act-2006#staff-covered)[relevant childcare provision](https://www.gov.uk/government/publications/disqualification-under-the-childcare-act-2006). A disqualified person may not provide relevant childcare provision or be involved in the management of such provision, unless they have received a waiver from Ofsted.

People are disqualified from relevant childcare provision if:

1. They have been included on the Disclosure and Barring Service (DBS) Children’s Barred List;
2. They have been cautioned or convicted of certain violent and/or sexual offences against an adult or child
3. they have been cautioned or convicted for any offence involving death or bodily injury to a child
4. their child or children has/have ever been taken into care or been the subject of a child protection order or [certain other orders](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/741597/APPENDICES-Disqualification_under_the_childcare_act_statguidance__4_.pdf)
5. they have previously been refused registration relating to childcare, children’s homes or had such registration cancelled, or been prohibited from private fostering
6. they have committed an offence overseas which would meet the disqualification criteria if it had been committed in the UK.

A full list of the relevant offences and orders, as referred to in the [disqualification criteria](https://www.gov.uk/government/publications/disqualification-under-the-childcare-act-2006/disqualification-under-the-childcare-act-2006#disqualification-criteria), that lead to the disqualification under the 2018 regulations is set out in tables A and B in the [Appendices.](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/741597/APPENDICES-Disqualification_under_the_childcare_act_statguidance__4_.pdf)

If you are seeking engagement to work in relevant childcare (in England) which is early years childcare (i.e. up to and including reception age), or later years childcare (for children under 8 years), or being directly concerned with the management of such childcare, as set out in the Childcare (Disqualification) Regulations 2018 and Childcare Act 2006, please complete the Declaration at Appendix A to the best of your knowledge in order to confirm that you are not disqualified from providing relevant childcare.

**Criminal Records, Disqualification & Declaration – The appropriate sections must be completed below.**

Section A – All Applicants
Are you subject to any current or outstanding disciplinary action or legal proceedings?

[ ]  Yes [ ]  No
If yes, please give details

Section B– **General posts** (e.g. those that do not involve working with children or vulnerable adults)

**Criminal Convictions**(please refer to Barnardo’s policy on the recruitment of ex-offenders)

Do you have any unspent convictions? [ ] Yes [ ]  No
If yes, please give us details of all offences, penalties and dates on the separate page below marked Criminal Record/Disqualification/Other.

**Once completed, please read and sign the declaration below.**

Section C – **Regulated activity working with children and/or vulnerable adults**

Please read the above guidance notes before answering the questions listed below:

Has there ever been any cause for concern regarding your conduct with children, young people or vulnerable adults? [ ]  Yes [ ] No

If yes, please give details

Are you aware of any police or social services enquiries undertaken following allegations made against you that may have a bearing on your suitability for the post applied for? [ ] Yes [ ] No

If yes, please give details

**Complete as appropriate, where the engagement involves working in regulated activity with one or both of these groups**:

Are you barred from working in regulated activity with children? [ ]  Yes [ ] No

Are you barred from working in regulated activity with vulnerable (protected) adults? [ ]  Yes [ ] No

**Criminal Convictions**(please refer to Barnardo’s policy on the [Recruitment of ex-offenders policy](https://inside.barnardos.org.uk/people-and-culture/recruiting-employees-and-apprentices/recruitment-ex-offenders-policy))

Do you have any convictions or cautions (spent or unspent) that are not "protected" as defined by the Rehabilitation of Offenders legislation? [ ] Yes [ ] No

If yes, please give full details, including any relevant dates on the separate page below marked Criminal Record/Disqualification/Other.

**Once completed, please answer the next question under Regulatory body sanctions**

 **Regulatory body sanctions**

Are you subject to any sanctions imposed by a regulatory body?

E.g. HCPC, NISCC, SSSC, CIW, GTC? [ ] Yes [ ] No

If yes please give details on the page marked

Criminal Record/Disqualification/Other in this application form.

**Declaration - To be completed by all applicants**

I confirm that the information I have given is correct and complete and that any false statements or omissions may lead to the termination of my engagement and in some instances, referral to the police and/or Regulatory bodies.

I understand and agree that the data provided in this questionnaire will be used and processed for hiring purposes. I agree to Barnardo’s holding and processing this information, in accordance with the principles of the Data Protection Act 2018.

Signed       Dated

**Criminal Records/Disqualification/Other**

Please read the guidance above before completing this sheet.

**Details of** **Declaration of Criminal Convictions**

Please give details below:

**Please remove this page and return to the Commissioning Manager in a sealed envelope marked CONFIDENTIAL along with your name and engagement details.**

**Appendix A**

|  |
| --- |
| **Disqualification under the Childcare Act Declaration****Name:** **Service: Post/Role:** |
| Please complete this Declaration Form to the best of your knowledge to confirm that you are not disqualified from providing relevant childcare which is early years childcare (i.e. up to and including reception age), or later years childcare (for children under 8 years), or being directly concerned with the management of such childcare, as set out in the Childcare (Disqualification) Regulations 2018 and Childcare Act 2006. <https://www.gov.uk/government/publications/disqualification-under-the-childcare-act-2006/disqualification-under-the-childcare-act-2006>Barnardo’s handles personal information fairly and lawfully in accordance with Data Protection Rules (please see our [Privacy Notice).](https://www.barnardos.org.uk/privacy-notice) Please note that a disqualified person is not permitted to work in relevant setting unless they apply for and are granted a waiver from Ofsted. If Barnardo’s receives information and is satisfied that an individual working (or applying to work) in a relevant setting falls within one of the disqualification criteria in the 2018 regulations, the implications of disqualification will be explained and what action will need to be taken, including whether they can apply to Ofsted for a waiver of disqualification and making it clear what information the individual will need to share with Ofsted and why (see Ofsted fact sheet: [Applying to waiver disqualification: early years and childcare providers).](https://www.gov.uk/government/publications/applying-to-waive-disqualification-early-years-and-childcare-providers) Please answer ‘yes’ or ‘no’ to each question. When completing this form please have regard to the information set out in the links provided at the end of the form. |
| **Section 1 - Specified Offences Against Children and Adults**  |  |
| Have you been ‘found to have committed’ a violent and/or sexual offence against a child or adult as referred to in Regulation 4 and Schedules 2 and 3 of the Childcare (Disqualification) Regulations 2018? Have you been ‘found to have committed’ any offence involving death or bodily injury to a child?Have you been ‘found to have committed’ an offence overseas which would constitute an offence regarding disqualification under the 2018 Regulations if committed in any part of the UK? *‘found to have committed’ – means (a) being convicted of a relevant offence; or (b) on or after 6 April 2007, being given a caution for a relevant offence; or (c) on or after 8 April 2013, given a youth caution for a relevant office.* | YES / NOYES / NOYES / NO |
| **Section 2 – Orders Made in Relation to the Care of Children**  |  |
| Have any orders or other determinations related to the care of children been made in respect of you or a child in your care? (As referred to in Regulation 4 and listed at Schedule 1 of the 2018 Regulations) Have you been refused registration, or had registration cancelled, in relation to childcare or children’s homes? (As specified in Schedule 1 of the 2018 Regulations) Have you been prohibited from private fostering? (As specified in Schedule 1 of the 2018 Regulations)  | YES / NOYES / NOYES / NO |
| **Section 3 - Provision of Information** |
| You should be aware that, if you have answered ‘yes’ to any of the above questions, Barnardo’s may be required to inform Ofsted. You may be able to apply to Ofsted for a waiver. (However, you should be aware that Ofsted cannot grant a waiver in all circumstances, for example, if someone is on the DBS Children’s Barred List). Where the information is available or known, you will be required to provide: * Details of the order, determination, caution, conviction or other ground for disqualification from registration under the 2018 Regulations;
* The date of the order, determination, caution, conviction, or the date when the other ground for disqualification arose;
* The body or court which made the order, determination, caution or conviction, and the sentence/disposal (if any) imposed; and
* A certified copy of the relevant order (in relation to an order or conviction).

You do not need to provide details about any convictions that are not relevant to the childcare disqualification legislation. For advice, please contact Nacro on 0300 123 1999 or email helpline@nacro.org.uk |
| **Section 4 – Declaration** |
| In signing this form, I confirm that the information provided in Sections 1 to 3 above is true to the best of my knowledge and that:* I understand that I must notify Barnardo’s immediately of anything that may be deemed to affect my suitability, including any cautions, warnings, convictions, orders or other determinations that would render me disqualified from working with children.
* I understand that if I have answered ‘yes’ to any of the questions in Sections 1 to 3 above, or if I later need to declare anything that may be deemed to affect my suitability, Ofsted may need to be informed and I may be required to provide further information.
 |
| **Signed** |
| **Print Name** | **Date** |

**Document history**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  **Version** | **Date** | **Author** | **Status** | **Comment** |
| 1.0 | 01.05.14 | Policy & Advice Team | Final | Approved by CMT |
| 1.1 | 10.10.14 | New format |  |  |
| 1.2 | 25.01.17 | Policy & Advice – updated to incorporate Welcome Pack |  |  |
| 1.3 | December 2019 | ECQ reviewed in preparation for off payroll working April 2020 changes  |  |  |
| 1.4 | 04.03.21 | People Strategy & Projects Team – updated in preparation for April 2021 change in legislation regarding off payroll working (IR35) and use of CEST tool/ SDS | Final  |  |
| 1.5 | October 2023 | Updated due to new D365 supplier set up process, ECQ moving to Recruitment Team and inclusion of additional reference requirements for regulated services  |  |  |
| 1.6 | May 2024 | Updated to reflect Recruitment Team completing new supplier set up process, not manager, and liability insurance requirements.New branding. |  |  |

**Owner**

People Strategy and Projects, Corporate People

1. Public Liability Insurance, (sometimes referred to as personal liability) is ALWAYS required with a minimum cover of £5million. When the role is within Clinical Health additional Professional Indemnity Insurance (sometimes referred to as personal indemnity) is also required, again with a minimum cover of £5million [↑](#footnote-ref-2)