

How to commission external DSL consultancy

Define responsibilities, authority, availability, reporting, records and organisational accountability.



Commission with clarity

An external DSL can provide experienced safeguarding leadership, advice and capacity where an organisation does not have the resources, expertise or need for a full-time internal safeguarding lead. However, commissioning an external professional does not transfer the organisation's safeguarding accountability to the consultant.

The most effective arrangements are clear about who is responsible for what, when the service is available, who the consultant reports to, what decisions they can make, and where the boundaries of the service sit.

This guide sets out the key points to agree before commissioning an external DSL consultancy.



The commissioning principle

External expertise can support safeguarding functions, but organisational accountability cannot be outsourced.

1

Start with the question: what do you need the service to do?

Before approaching a consultant, identify the gap you are trying to fill.

An external DSL might be commissioned to provide:

- day-to-day safeguarding advice and consultation;
- oversight and management of safeguarding concerns;
- advice about thresholds, referrals and escalation;
- safeguarding case review and quality assurance;
- support to the organisation's internal safeguarding lead or deputies;
- safeguarding supervision;
- policy and procedure review;
- safeguarding audits and assurance;
- training and workforce development;
- support with safeguarding governance and reporting;
- advice following a serious incident or significant concern;
- temporary or interim safeguarding leadership during recruitment or organisational change.

Be specific about whether you require operational case management, strategic advice and assurance, or both.

2

Do not outsource accountability

The organisation remains responsible for ensuring that its safeguarding arrangements are effective.

Commissioning an external DSL does not remove the responsibilities of:

- the board or trustees;
- the chief executive, headteacher, principal or equivalent;
- the organisation's senior safeguarding lead;
- managers and staff;
- volunteers;
- other people with specific safeguarding responsibilities.

The external professional provides an agreed service on behalf of the organisation. They do not become the organisation's governing body, employer, disciplinary authority or statutory safeguarding agency.

This distinction should be explicit in the contract and safeguarding policy.

Where an organisation has an internal DSL, the external consultant should normally support, advise and strengthen that role rather than create uncertainty about who is ultimately accountable.

The organisation that commissions an external Designated Safeguarding Lead (DSL) remains responsible for safeguarding and for ensuring that it meets all relevant statutory, regulatory and legal requirements. While safeguarding functions and expertise may be provided externally, accountability for safeguarding cannot be outsourced.

Organisations must consider the statutory and regulatory frameworks that apply to their specific organisation and ensure that appropriate safeguarding arrangements, governance, oversight and accountability are in place. The commissioning of an external DSL does not transfer or diminish the organisation's responsibility to protect those in its care and to comply with its safeguarding duties.

3 Define responsibilities in writing

A commissioning agreement should set out exactly what the external DSL will and will not do.

Responsibilities that may sit with the external DSL

Depending on the service commissioned, these could include:

- receiving safeguarding concerns through an agreed reporting route;
- providing safeguarding advice to staff and managers;
- supporting the assessment of concerns;
- advising on whether and how to make referrals;
- supporting communication with statutory safeguarding agencies;
- maintaining or quality-assuring safeguarding records;
- reviewing safeguarding cases and actions;
- providing safeguarding supervision;
- advising on safeguarding policies and procedures;
- providing management information and safeguarding reports;
- identifying themes, learning and organisational risks;
- advising senior leaders and trustees;
- contributing to safeguarding audits and assurance;
- delivering or arranging safeguarding training.

The precise responsibilities should reflect the organisation's size, activities, workforce, risk profile and legal/regulatory context.

Responsibilities that should remain with the organisation

The organisation should retain responsibility for:

- governance and oversight of safeguarding;
- appointing an appropriate safeguarding lead;
- ensuring sufficient resources and capacity;
- making organisational decisions arising from safeguarding advice;
- employment, disciplinary and performance decisions;
- implementing safeguarding policies and procedures;
- managing staff and volunteers;

- maintaining appropriate organisational records;
- ensuring concerns can be raised safely;
- deciding who has authority to act on behalf of the organisation;
- complying with its legal, regulatory and contractual duties.

A clear division of responsibilities helps prevent both over-reliance on the consultant and gaps in accountability.

4**Agree availability before you commission**

“External DSL support” can mean very different things. Agree the expected availability in advance.

Specify:

Routine availability

- Which days and hours is the consultant available?
- Is support by email, telephone, video call or in person?
- What is the expected response time for routine advice?

Urgent safeguarding concerns

- What constitutes an urgent concern?
- What telephone number should be used?
- What response time is expected?
- Is out-of-hours support included?
- If not, what is the organisation’s out-of-hours safeguarding arrangement?

Planned absence

- Who provides cover when the consultant is unavailable?
- How is annual leave communicated?
- Is there a deputy or alternative consultant?

Organisational activity outside normal hours

- Does the organisation operate evenings, weekends, holidays or residential activities?
- If so, how will safeguarding advice be accessed during those periods?

An organisation should not assume that an external consultant is available 24/7 simply because they provide a safeguarding service. Availability and cover should be explicitly agreed and clear arrangements should be in place for emergencies outside the agreed working period.

5 Establish clear reporting lines

The external DSL needs a named organisational contact with sufficient authority to commission the work, receive advice and act on recommendations.

Agree:

- Who does the external DSL report to?
- Who can instruct the consultant?
- Who receives safeguarding reports?
- Who has authority to accept or challenge professional recommendations?
- Who does the consultant contact if they have concerns about the senior leader?
- Who can authorise additional work?
- How will the consultant have direct access to the board or safeguarding trustee when necessary?

A useful arrangement is often:

External DSL > Chief Executive/Headteacher/Principal or nominated senior safeguarding lead > Board/Trustee safeguarding lead

However, the exact structure will depend on the organisation.

There should also be an escalation route if the consultant believes that safeguarding action is not being taken appropriately. Good safeguarding governance depends on clear accountability and access to an appropriate level of senior leadership.

6 Agree professional boundaries

The external DSL should be clear about the limits of their role.

For example, the consultant may:

- provide professional safeguarding advice;
- recommend actions;
- advise on referrals and escalation;
- support safeguarding decision-making;
- review records and practice;
- identify organisational safeguarding risks.

The consultant may not have authority to:

- make employment or disciplinary decisions;
- suspend or dismiss staff;
- determine the outcome of an investigation;
- replace the police, children's social care, adult safeguarding services or other statutory agencies;
- make decisions reserved to the organisation's governing body;
- provide legal advice unless specifically qualified and commissioned to do so;

- guarantee a particular outcome from a statutory referral.

Where a concern involves an allegation against a member of staff or volunteer, the commissioning agreement should be particularly clear about the relationship between safeguarding advice, HR processes, disciplinary procedures and referrals to relevant statutory bodies.

7

Be explicit about safeguarding referrals

One of the most important areas to clarify is who makes the referral.

Depending on the agreed model, the external DSL may:

- advise the organisation's DSL or manager;
- support the decision about referral;
- make a referral on the organisation's behalf;
- communicate with statutory agencies after the referral; or
- quality-assure the referral made by the organisation.

Do not leave this implicit.

The service specification should state:

- who can authorise a referral;
- who makes the referral;
- who records the decision;
- who communicates with the relevant agency;
- who follows up if there is no response;
- who informs senior leadership;
- what happens if the external DSL and organisation disagree.

8

Agree reporting and records

The contract should specify what information the organisation will receive and how often.

This might include:

Routine reporting

- safeguarding activity and themes;
- outstanding actions;
- referrals and significant concerns;
- training activity;
- policy and compliance issues;
- emerging risks;
- recommendations for improvement.

Immediate reporting

The consultant should have a clear route for escalating matters that require urgent attention, including significant safeguarding concerns, serious incidents, organisational safeguarding failures or situations where immediate action may be required.

Records

Agree:

- where safeguarding records will be stored;
- who owns the records;
- who has access;
- how information will be shared securely;
- retention arrangements;
- what happens to records when the contract ends;
- how data protection and confidentiality will be managed.

Safeguarding records should be handled through secure, agreed organisational systems rather than becoming dependent on an individual consultant's personal files.

9

Clarify confidentiality and information sharing

The consultant should understand the organisation's information governance arrangements and the circumstances in which safeguarding information may need to be shared.

The contract should address:

- confidentiality;
- data protection;
- secure communication;
- access to case records;
- information-sharing with statutory agencies;
- retention and deletion;
- data breaches;
- conflicts of interest;
- professional boundaries.

Confidentiality should never be described in a way that suggests information can never be shared. Safeguarding may require information to be shared to protect a child or adult from harm.

10 Commission the right level of service

Consider whether you need:

Advisory support

The organisation retains operational responsibility and accesses the consultant for advice.

Retained DSL consultancy

The consultant provides a defined number of hours or sessions each month and undertakes agreed DSL functions.

Operational DSL service

The consultant takes on specified day-to-day safeguarding responsibilities on behalf of the organisation.

Interim DSL service

A consultant provides temporary safeguarding leadership while the organisation recruits or restructures.

Audit and assurance service

The consultant reviews safeguarding arrangements, identifies gaps and provides recommendations but does not manage individual concerns.

These models have different implications for availability, cost, accountability and organisational capacity. The contract should name the model being commissioned rather than relying on the generic term “DSL consultancy”.

11 Ask prospective providers the right questions

Before commissioning, ask:

- What safeguarding experience does the consultant have?
- What sectors and types of organisation have they worked with?
- What children/adults safeguarding experience is relevant to our organisation?
- What qualifications, professional registration or memberships are relevant?
- How do they maintain current knowledge of legislation, statutory guidance and local procedures?
- How is professional supervision provided?
- Who provides cover during their absence?
- What happens outside contracted hours?
- What response times can they guarantee?
- How do they manage conflicts of interest?
- How do they manage safeguarding records and confidential information?
- What insurance cover do they hold?
- What references or examples of comparable work can they provide?
- What happens if we disagree with their professional advice?
- How will they escalate concerns about our organisation?

- What happens when the contract ends?

12**Put the arrangement into a written service specification**

A useful service specification should contain, at minimum:

Area	What to specify
Purpose	Why the external DSL is being commissioned
Scope	Services included and excluded
Responsibilities	Organisation versus external consultant
Authority	Decisions the consultant can and cannot make
Availability	Days, hours, response times and out-of-hours arrangements
Cover	Arrangements for absence
Reporting	Named reporting line and escalation routes
Referrals	Who decides, who refers and who follows up
Records	Systems, access, ownership and retention
Confidentiality	Information-sharing and data protection arrangements
Supervision	Professional supervision and support
Governance	Reports to senior leaders, trustees or board
Quality assurance	Review arrangements and performance measures
Fees	Retainer, hourly/day rates and additional work
Contract	Duration, review points and termination
Exit	Handover arrangements and transfer of records

13**Build in regular review**

Commissioning an external DSL should not be a “set and forget” arrangement.

At agreed intervals, review:

- Is the service being used as expected?
- Are response times appropriate?
- Are responsibilities still clear?
- Are there recurring safeguarding issues?
- Is the organisation becoming over-dependent on the external consultant?
- Does the consultant have sufficient access to decision-makers?
- Are recommendations being implemented?
- Are safeguarding records complete and secure?

- Does the organisation now need additional internal capacity?
- Does the service specification need to change?

A regular management and governance conversation is important because safeguarding responsibility remains an organisational responsibility.

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A simple commissioning test

Before signing a contract, ask:

Commissioning test



If a safeguarding concern arose tomorrow, would every person involved know who to contact, who would make the decision, who would make any referral, who the consultant reports to, what response time applies, and what happens if the consultant is unavailable?

If the answer is not clear, the service specification is not yet clear enough.

Key principle

An external DSL should add safeguarding expertise, capacity and challenge.

A well-designed arrangement gives the organisation access to professional safeguarding expertise while maintaining clear organisational ownership, governance, reporting lines and decision-making.

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Organisations must consider the statutory and regulatory frameworks that apply to their specific organisation and ensure that appropriate safeguarding arrangements, governance, oversight and accountability are in place. The commissioning of an external DSL does not transfer or diminish the organisation's responsibility to protect those in its care and to comply with its safeguarding duties.

Important information

SafeguardingLink helps organisations identify and compare safeguarding professional services. This guide is intended to support commissioning decisions; it is not advice about an individual safeguarding concern or a substitute for your organisation's procurement, legal or safeguarding procedures.

SafeguardingLink helps organisations define professional service requirements and compare independent safeguarding providers. Independent providers supply their own information; a listing is not accreditation, approval, endorsement or a suitability guarantee.

More commissioning resources: www.safeguardinglink.co.uk/resources