

## DBS and Safeguarding Policy

Policy Code:	HR16
Policy Start Date:	April 2019
Policy Review Date:	July 2020

Please read this policy in conjunction with the policies and guidance listed below:

- HR4 Recruitment and Selection Policy
- HR9 Positive Handling Policy
- HR12 Staff Disciplinary Policy
- SW5 Safeguarding and Child Protection (Promoting Students Welfare) Policy
- Duty to Refer Guidance Documents May 2016
- Recruitment of Ex-Offenders Policy Statement
- NCTL Guidance
- Disclosure and Barring Service Guidance
- HR6 Data Protection Policy
- HR33 Records Management Policy
- HR6A Data Breach Policy

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## **1. Policy Statement**

- 1.1 The Disclosure and Barring Service (DBS), launched on 1<sup>st</sup> December 2012, merged the services previously provided by the Criminal Records Bureau (CRB) and the Independent Safeguarding Authority (ISA).
- 1.2 Wherever referred to, Academy or Trust throughout this policy includes The Robert De Cheney Boarding House at The Priory Academy LSST, the Keyworth Centre at The Priory City of Lincoln Academy, the Early Years Setting at The Priory Witham Academy, Priory Training and the French Centre.
- 1.3 The safeguarding of children and young people is paramount, and the Trust is fully committed to the rigorous implementation of the DBS requirements. It is a statutory requirement that all new appointments to the Trust's workforce must have an enhanced DBS disclosure under the School Staff (England Amendment) Regulations 2009. This includes those recruited to the academies from overseas, where additional checks will also be made (see section 6).
- 1.4 There is also a requirement under the above regulations for the Trust to keep a single central record detailing a range of checks carried out on Trust employees, trustees and others who have regular contact with children and young people (see section 11). All employees of the Trust and all regular helpers must have an up-to-date DBS Enhanced Disclosure Certificate prior to taking up their post or role. If the DBS is not in place before the employee's start date, they must have a completed Children's Barred List certificate and be accompanied on academy sites at all times. (See section 1.4). A DBS Enhanced Disclosure will also indicate if an individual has been barred from working with children.
- 1.5 The Trust's policy is to renew DBS checks for all employees and volunteers every five years. The Trust reserves the right to undertake a DBS check on an employee at any time whilst they are employed by the Trust.
- 1.6 For new Academies joining the Trust, all employees must be enhanced DBS checked within the first two years following the transfer date. Priority will be given to those employees whose DBS clearance date exceeds five years.

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## **2. Responsibility and Implementation**

- 2.1 The Pay, Performance and HR Committee has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. The Pay, Performance and HR Committee delegates day-to-day responsibility for operating the policy and ensuring its implementation, review and maintenance to the Human Resources Director.
- 2.2 Leaders and managers have a specific responsibility to ensure the fair application of this policy. All members of staff are responsible for supporting colleagues in ensuring its success.

## **3. Audit Requirements**

- 3.1 A single central record (SCR) of all applications for DBS clearance and subsequent clearances will be held at Trust headquarters. For new employees, updates or renewals, Academies will complete the appropriate application form and forward it to Federation headquarters. The responsible persons at the Federation will check the form for completion, submit the form to the authorised signatory for signing and then forward it to the relevant authorities for clearance. The DBS certificate will be sent directly from the DBS to the applicant. The applicant must bring the original certificate to the relevant Academy/Federation headquarters for recording of the certificate details. The SCR which records relevant information about employees, including DBS applications and status, will be maintained by the Academy/Federation headquarters in line with Ofsted requirements. The Head is assured by both the DSO/DSL and PA that the SCR is compliant and up to date on a termly basis.

## **4. Selection and Screening Process**

- 4.1 It is vital that the Trust has robust recruitment and vetting procedures to ensure that children and young people are safeguarded. This includes the prevention of unsuitable persons entering Trust premises. It is therefore essential that Academies check the identity, relevant qualifications, Enhanced DBS Disclosure, medical clearance, Right to Live & Work in the UK, Prohibition from Management Check, EEA Check and references for all staff, prior to the individual starting work. For management positions, a section 128 check will be conducted to establish whether the candidate has been barred from education in a management position by the secretary of state. Advice on all of these checks can be sought from the Human Resources Department. In addition, for teaching and teaching assistant positions, a prohibition from teaching check must be conducted.

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- 4.2 When interviewing, interviewers will always adhere to the Safer Recruitment process. There must always one member of the interviewing panel that is safer recruitment trained.
- 4.3 References will always be taken up and must be obtained directly from the referee. Two written references are required, the first of which must be from the current employer, or most recent employer if the applicant is not currently employed.
- 4.4 If an enhanced DBS certificate has not been returned before the start date of an employee, an early employment risk assessment (EERA) must be carried out. This includes:
- an Early Employment Risk Assessment;
  - a Safeguarding induction by the Designated Safeguarding lead
  - a completed and submitted enhanced DBS application;
  - a Children’s barred list (previously List 99) check;
  - pre-employment checks as outlined in the Recruitment and Selection Policy;
  - sufficient safeguards are introduced by the employee’s manager for the employee not to have unsupervised access to children or adults until a clear enhanced DBS check has been returned
  - For management positions, a section 128 check will be conducted to establish whether the candidate has been barred in a management position by the secretary of state.

## **5. DBS Enhanced Disclosures Provided by the Individual.**

### **5.1 Photocopying**

The photocopying of any DBS Disclosure is only actioned when approval has been given by the owner. (See section 10 for storage and destruction requirements).

Information disclosed as part of a DBS check will be treated as confidential. It is an offence for information in a disclosure to be passed to anyone who does not need it in the course of their duties. The details will be taken and recorded on the Federation’s/ Academy’s single central registers.

## **6 Obtaining a Disclosure**

When completing a DBS application form, the applicant must confirm they have read and understood the DBS privacy notice. The form to confirm that they have read this will be kept on file at the Academy site.

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A new declaration will need to be completed upon renewal of their DBS every 5 years.

### 6.1 Employees

All Trust employees must have an Enhanced Disclosure prior to taking up their post or role. This also applies to any other individuals, who is a regular visitor to any Trust site and has unsupervised access to children or young people. If an Enhanced Disclosure has not been returned before employment commences see 4.4.

### 6.2 Volunteers

The Trust ensures all regular volunteers have an enhanced DBS disclosure, along with two satisfactory references, ID copies are provided, qualification certificate copies are provided (if applicable), Safeguarding and Prevent Training has been undertaken and a Trust checklist is signed covering Trust policies, data protection and confidentiality.

Volunteers helping with single events and infrequent visitors to the sites who do not have unsupervised access to children will not be checked. Many other volunteers fall between these two extremes and the Chief Executive, in consultation with the Human Resources Director, will make a risk assessment and apply their professional judgement in deciding whether a disclosure is required. The DBS definition of a volunteer is:

*“A person engaged in an activity which involves spending unpaid (except for travel and other approved out-of-pocket expenses), doing something which aims to benefit some third party and not a close relative.”*

### 6.3 Governors and Trustees

All Governors and Trustees are required to obtain an Enhanced Disclosure. The Chair of Trustees DBS Application Form is required to be signed by the secretary of state. The Trust's Human Resources team will process this.

### 6.4 Supply/Agency Staff

The Chief Executive must be satisfied that all supply/agency staff, who are working on any Trust site, have obtained an enhanced disclosure (with barred list information), have satisfactory references, ID copies are provided, qualification certificate copies are provided (if applicable), Safeguarding and Prevent Training has been undertaken (if required)

and a Trust checklist is signed covering Trust policies, data protection and confidentiality.

All supply/agency staff should renew their DBS every 5 years, the Trust should receive a copy of their new disclosure number every 5 years. The Chief Executive will ask supply agencies to verify that the checks have been made and this verification must be in writing, along with a signed checklist covering Trust policies. If the agency cannot confirm the enhanced DBS (with barred list information) has been conducted, the Trust can do this check on their behalf at a cost to the agency. The supply agency can be asked to confirm that the checks have been undertaken at the point of confirming terms of the contract of supply.

## 6.5 Contractors

The Trust will seek assurances that any contractor, or any employee of the contractor, who is to work on any of the Trust sites has been subject to the appropriate level of DBS check and the necessary recruitment checks.

The Trust recognises that there will be different types of contractors working on its sites and as such different levels of DBS clearance will be required. Contractors engaging in regulated activity will require an enhanced DBS (with barred list information). For those contractors who will come into contact with children but whose primary work is something else (and as such their work is not regulated activity), an enhanced DBS (not including barred list information) will be required. An enhanced DBS (not including barred list information) will also be required for those contractors who will come into contact with children, but whose work is not regulated.

In considering whether the contractor is regular, it is irrelevant whether the contractor works on a single site or across a number of the Trust sites. Please see table below for clarification.

A central record is held at Trust headquarters to record these verifications for regular contractors who work across all sites.

In determining whether or not an activity is regulated, the Trust adheres to the DfE's guidance *Regulated activity in relation to children: scope*.

The Trust is an approved DBS agent and is able to apply for enhanced DBS clearance (with barred list information) on behalf of self-employed contractors and suppliers, for which we may make a charge.

<b>Type of contractor</b>	<b>Example</b>	<b>Required DBS</b>
Contractors engaging in regulated activity	Self-employed leader running an after-school club Counsellor Some site workers	Enhanced DBS with Barred List Check
Contractors whose work provides them with an opportunity for regular contact with children but whose work is primarily something else	Builders Plumbers Landscapers	Enhanced DBS (no Barred List Check)
Contractors who we know will have contact with children but whose work is not regulated	Educational Psychologists Consultants Inspectors	Enhanced DBS (no Barred List Check)
Contractors who do not have unsupervised contact with children	Builders Service people	Enhanced DBS is preferred. If the contractor does not have a DBS then they must be supervised or work in an area separate from children.

#### 6.5 Teachers and Support Staff from Abroad

The same pre-employment checks will be made on Trust employees who have previously lived abroad. A UK disclosure for employees who have lived overseas will not necessarily detail offences committed whilst abroad. Therefore, the Trust will ask the member of staff to apply to their home police force or embassy for a certificate of good conduct, as well as from other countries where they have worked. The Trust is aware that the level of information contained in these certificates varies between countries, from complete to only partial extracts of a record. A risk assessment will be completed in this case. In these instances the individual would not be permitted to start before receiving DBS clearance.

6.6 UK nationals returning to the UK having lived or worked abroad will also be asked to obtain a certificate of good conduct from the country or countries in which they have worked, and an EEA, working and living abroad check will be conducted.

6.7 Agencies providing overseas trained teachers will be asked to give full details of the checks obtained. Where an applicant is from a country

where criminal record checks cannot be made for child protection purposes, the Trust will take extra care in taking up references and carrying out other checks on a person's background and will refer to the Human Resources Director. A risk assessment will be conducted in these circumstances.

## **7. People Not Requiring an Enhanced Disclosure**

7.1 Examples of people who do not require a disclosure include:

- a) visitors who have business with Trust staff or who have only occasional or brief contact with children with a teacher present;
- b) visitors, including building and other contractors; who come on site only to work in an area where no children are present; or if in an area where children are present, the visitor is accompanied by an appropriate Trust employee;
- c) secondary school students on work experience in their schools or nursery classes. The Academy placing the student will ensure that they are suitable for the placement. The host Academy is responsible for their supervision;
- d) people who are on site before or after teaching hours when children are not present, e.g. local groups who hire premises for community or leisure activities. Note: if children are participating in the activity during the hire period, whether students of the school or not, then a DBS disclosure will be required.

## **8. When a Conviction or Caution is Revealed**

When a conviction or caution is revealed, the Chief Executive or Human Resources Director will speak to the Head of Academy in confidence and offer advice on how to proceed. Following these discussions, the Human Resources Director will write a confidential letter to the employee concerned, a copy of which will be put on their personnel file with any notes, including the action taken. This will state whether any further action will be taken or not.

## **9. Children's Barred List (previously List 99) Checks**

- 9.1 A barred list check is a service provided by an external agency to check whether the applicant has been placed on the sex offenders register.
- 9.2 This check can be carried out when an employee/volunteer is starting their role at an Academy within a time period which is too short for a DBS check to be processed and returned. It is carried out as an additional part of the DBS in this case.



- 9.3 An Enhanced DBS check must also be completed even if the barred list check is returned as clear and the employee must not work unsupervised with children until their DBS check has been returned and the Trust is satisfied with the outcome of the check. An Early Employment Risk Assessment (EERA) will be carried out in this situation. (see 4.3).
- 9.4 If a barred list check is returned showing that there is a risk, the Human Resources Director will follow national guidance from the DBS service.

## **10. Trust-Record Keeping of Recruitment and Vetting Checks**

### **10.1 Single Central Record**

The DfE requires all schools to be able to demonstrate that they have robust and accurate records of all pre-employment recruitment and vetting checks that they have carried out. This information must be compiled in a single central record of completed checks in each Academy. Each individual Academy will hold their own single central record and a central one for Trust employees is held centrally at Federation headquarters.

### **10.2 Individual Records**

A record will be held for all individuals within the following categories on each academy SCR unless they operate a Trust role:

- a) all staff who are employed by the Trust;
- b) all staff employed by the Trust as supply staff, and having regular contact with children; and
- c) all others who work for the Trust who have regular contact with children, including volunteers, Governors and Trustees who also work as volunteers within the Trust, and people brought into the Trust to provide additional teaching or other experience to students, but who are not staff members e.g. a specialist sports coach or artist.

The Federation headquarters holds centrally a single central record for external contractors and visitors who visit multiple sites and who have authorised the Trust to hold their DBS check on file.

## **11. Information Held**

### **11.1 The following information will be held on the academy's central record:**

- identity – name, address and date of birth;
- photo ID verification and date seen;
- qualifications – where the qualification is a requirement of the job role, e.g. those posts where a person must have QTS;

- evidence of permission to work for those who are not nationals of a European Economic Area (EEA) country;
- Living and Working Abroad Checks
- DBS Enhanced Disclosure and date the check was evidenced and date of renewal;
- Pre-employment medical clearance;
- Details of two satisfactory references;
- Safer Recruitment Training
- Safeguarding Training – date taken and date of renewal
- Teachers Prohibition Check (Applicable to Teachers and teaching assistants only).
- A section 128 check for management positions
- Further checks for living / working abroad including an EEA check and risk assessment if appropriate
- Childrens Barred List Check
- Date of EERA

The Human Resources team will monitor any updates to the information required to be held and will update the Academy regularly.

## 11.2 Identity

For identity, the information to be held is name, address and date of birth. The Trust must ask to see proof of identity, such as a birth certificate, driving licence or passport, combined with evidence of address. Some form of photographic ID must be seen. Individuals must provide details of any other names by which they may have been known i.e. maiden names or names changed by deed poll.

## 11.3 Qualifications

The information should record evidence of only those qualifications which are a regulatory requirement for the post concerned and are noted in the personal specification for the position. The Trust is not expected to include in the record of checks all the qualifications which staff have declared in their job applications, only those relevant to the job role.

## 11.4 Overseas Staff

For those from overseas for whom the Trust needs a record of their permission to work in the UK, this should be verified where the Academy does not already have a record of this.

## 11.5 DBS Certificate Date and Number

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The DBS certificate date and disclosure number will be recorded on the Academy's/Federation's single central register.

#### 11.6 Medical Clearance

The date the clearance was received will be recorded on the single central register.

#### 11.7 Employment References

Details of two satisfactory references (see section 4 and the Trusts Reference Policy).

### 12. Counter-signatures for the Trust

12.1 The Human Resources Director and the Clerk to the Trust are the lead signatories for all DBS applications for the Trust. Applications must be signed by one of the Lead signatory before they are sent to the DBS for processing.

### 13. Duty to Refer (Refer to Secretary of State 121 (KCSIE))

13.1 A referral to the DBS should be made when an employee or volunteer has harmed or poses a risk of harm to a child.

13.2 Employers and volunteer managers of people working in 'regulated activity' in England, Wales and Northern Ireland are called 'regulated activity providers', and the legal duty to refer applies to them.

13.3 When making a referral, the Human Resources Director must complete and sign a referral form and include any information that has been requested on the form, and is held by the Trust, then post to the DBS.

13.4 Referrals must be made to the DBS when two conditions have been met. These conditions are:

- Condition 1 - The Trust withdrew permission for a person to work in regulated activity with children and/or adults either through dismissal or by moving the person to another area that is not regulated activity.\*
- Condition 2 - The Trust **thinks** the person has carried out one of the following:
  - Been cautioned or convicted of a relevant (automatic barring) offence; or,

- Engaged in relevant conduct in relation to children and/or adults (i.e. an action or inaction (neglect) that has harmed a child or vulnerable adult or put them at risk or harm); or,
- Satisfied the Harm Test in relation to children or vulnerable adults. (i.e. there has been no relevant conduct (i.e. no action or inaction) but a risk of harm to a child still exists).

\*Condition one includes situations where an employer/volunteer manager would or may have dismissed the person or moved them to other duties, if the person had not resigned, retired or otherwise left their work.

#### **14 Disclosure of Information**

All staff shall immediately inform the Trust if they are the subject of a criminal investigation and / or convicted of a criminal offence (including motoring offences) at any stage during their employment. A failure to inform the Trust may result in disciplinary action.

#### **15. Data Protection**

The Trust will ensure that sensitive personal information is held securely, and only seen by those entitled to see it in the course of their duties. All personal information will only be stored for as long as necessary, and then confidentially destroyed. For further information see HR6 Data Protection Policy.

#### **16. Policy Changes**

This policy may only be amended or withdrawn by The Priory Federation of Academies Trust.



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## **The Priory Federation of Academies Trust DBS and Safeguarding Policy**

This Policy has been approved by the Pay, Performance and HR Committee:

Signed..... Name..... Date:.....

Chair of the Committee

Signed..... Name..... Date:.....

Trustee

Signed..... Name..... Date: .....

Chief Executive Officer

Signed.....Name..... Date:.....

Designated Member of Staff

Please note that a signed copy of this agreement is available via Human Resources.