

**Safeguarding, Disclosure & Barring Policy**

**St Stephen’s (Kearsley Moor)**

**C E Primary School**

**Reviewed 2019**

ST STEPHEN’S (KEARSLEY MOOR) C E ScHOOL

SAFEGUARDING, DISCLOSURE & BARRING POLICY

1. **Introduction**
2. This policy has been designed to deliver St Stephen’s (Kearsley Moor)( CE Primary School (‘the school’) commitment to safer recruitment of staff working with children. It is written to complement the recruitment and selection code of practice and ensures that our recruitment and management practices comply with current safeguarding legislation and regulations including the Disclosure & Barring Service (DBS).

**Statement of Intent**

1. The school is committed to safeguarding and promoting the welfare of children and young persons and we expect all staff and volunteers to share that commitment. Fair and thorough recruitment, selection and interview processes are in place throughout the school.
2. **Safer recruitment and vetting**
3. To fulfil the schools commitment to safeguarding in recruitment and employment we will, under the terms of this policy:

* Ensure all relevant pre-employment checks are completed for prospective new starters
* Maintain a risk profile of posts that involve working with children and/or young people and will therefore be subject to an Enhanced Disclosure
* Ensure that, when a positive DBS check is received, the appointment decision is made by the Head Teacher/Chair of Governors in conjunction with the Assistant Director Children’s Services (Staying Safe)
* Ensure that the protection of children is a condition of awards/grants and service level agreements when planning the commissioning/contracting of services and that inspection mechanisms are in built as part of normal contracting arrangements as a means of auditing compliance
* Ensure that prospective employees do not normally commence working at the school until full clearances of all relevant pre-employment checks have been received and verified. Any decision for employment to commence prior to receipt of full pre-employment checks can only be taken by the Assistant Director Children’s Services (Staying Safe) with reference to the Head Teacher/Chair of Governors
* Routinely renew DBS checks in very high risk posts every 3 years and undertake random sample renewals of posts in other areas
* Require staff to disclose any convictions, cautions, reprimands or warnings that arise during the course of employment, in order that we can put any appropriate safeguards in place, according to the nature of job they do

**Safer Recruitment Standards**

1. This policy complements the schools recruitment and selection code of practice and ensures that the schools recruitment practices comply with recognised safer recruitment standards.
2. In summary, all recruitment to posts that involve working with vulnerable people must require the successful applicant to:

* Complete a detailed application for the post
* Provide at least two pieces of identification, one of which should be photographic, which should identify name, current address and date of birth. Normally for proof of identification the individual should present their photo driving license and/or passport
* Provide at least two written references, which will be followed up before a post is offered. One reference should be from the last employer or from an organisation which has knowledge of the applicant’s work or volunteering with vulnerable adults, children or young people if the last employer was from a different sector
* Be aware that they have a responsibility to disclose any subsequent convictions, cautions etc.
* Undergo an interview which assesses the applicant’s suitability for the particular role, his/her attitude towards vulnerable adults and/or children and young people and their ability to perform the role

1. Overseas staff should be checked in the same way as for all other staff but should additionally endeavour to provide a certificate of good conduct from their home police force or embassy, as well as from other countries where they have worked, where this is available. DBS disclosures do not detail offences committed abroad.

**The applicant / employee’s duty to disclose information**

1. A central plank of the Safeguarding, Disclosure and Barring Policy is that the School requires:

* all applicants to disclose any convictions/cautions within their application forms and
* existing employees to disclose any convictions and cautions that arise during the course of their employment, to the Head Teacher.

1. Any failure to disclose relevant information will be regarded as a potentially serious breach of trust and confidence and may result in disciplinary action, potentially leading to dismissal of existing staff or non-appointment of applicants.
2. Any decision to appoint someone under these circumstances should be taken by the Head Teacher/Chair of Governors, in conjunction with the Assistant Director Children’s Services (Staying Safe)

**Safeguarding checks for Agency/Supply Staff**

1. Staff engaged from recruitment Agencies including school supply agencies must have the relevant level of DBS clearance for the post.
2. Should a positive disclosure be returned the decision about whether to engage the individual is the responsibility of the Head Teacher/Chair of Governors, in conjunction with the Assistant Director Children’s Services (Staying Safe).
3. Recruitment Agencies are therefore obliged to refer details of positive disclosures to the school, through the recruiting manager, for decision.
4. It is important that schools ensure that agencies used apply best practice and that Head Teachers ensure safer recruitment requirements are complied with.
5. **Retention of personal files**
6. All personal files of those staff who have worked with children or young people will be retained for 25 years following the termination of their employment with the School, this is in accordance with the Council’s retention guidelines.
7. **The single central record**
8. In schools, a single central record of safeguarding checks for those who work within the school on a paid or voluntary basis must be maintained.
9. The record, as prescribed by DfE guidance, should include details of all staff employed at the school, whether directly or through an agency.
10. This includes anyone else who is identified by the school as “working/volunteering in regular contact with children”. The record should confirm:

* Proof of identity- confirmation that name, address and date of birth have been checked and verified
* Evidence of qualifications, where the qualification is a requirement of the job, ie posts where a person must have Qualified Teacher Status
* evidence of permission to work in the UK for all staff and for those who are not UK nationals, evidence that steps have been taken to check their suitability
* the date of a List 99 check, if appropriate as a separate item where the person has started in post prior to a DBS check being completed
* the date and number of DBS enhanced disclosure for all those who require a check under the guidance and regulation applying at the time they were recruited.

1. A copy of all documents used to verify identity, right to work and qualifications held should be retained on the school’s HR file.

1. **Disclosure & Barring service (DBS) clearance**
2. The Safeguarding, Disclosure and Barring framework requires relevant staff to have adequate clearance from the Disclosure & Barring Service (DBS), before they commence work with the school.

*Note*

*Guidance about the posts that should be subject to clearance is provided by the DBS themselves and both the school and Local Authority have limited discretion to vary this.*

1. In order to ensure consistency of decision making across the borough, decisions relating to a number of aspects of the policy will be made by the Assistant Director Children’s Services (Staying Safe), with reference to the relevant Head Teacher/Chair of Governors. In their absence, decisions can only be made by the Director of Children’s and Adults Services.

**Enhanced DBS checks**

1. In line with DBS guidance, Enhanced DBS checks are required for posts that involve:

* ***Adults*** – an enhanced DBS with barred list check is only available for those providing social care, health care or transport to/from a place providing one of these
* ***Children’s*** – an enhanced DBS with barred list check is only available for those undertaking unsupervised activities in a school, children’s home or other childcare premises, including teaching, training, providing personal care or driving a vehicle solely for children; Child-minders and foster carers.

1. Enhanced DBS checks contain details of all convictions, cautions, reprimands and warnings held on the police national computer.

1. They also contain information from the DBS Children’s Barred List and the DBS Vulnerable Adults Barred List, along with information held by the Department for Education under section 142 of the Education Act 2002, detailing those considered unsuitable or banned from working with children.
2. In addition, an Enhanced check will show any local police force information considered relevant. This could include information relating to someone who is currently under investigation or previous unsubstantiated allegations, etc.
3. Should an individual move from a position in which no check or a Standard check is required into a position for which an Enhanced check is required, this Enhanced check should be completed prior to the commencement of the post.

**Standard DBS checks**

1. Standard DBS checks are typically required for posts that do not involve working directly with children, young people or vulnerable adults but may be required as part of a licence for accessing certain databases eg Department for Work and Pensions.
2. The standard DBS does not include a check of the DBS barred lists so, for this reason, would only be requested in a very small number of cases.
3. The council will also complete standard checks for positions which have access to data concerning vulnerable groups and are listed in the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975.

**Checks for “Umbrella Body” organisations**

1. Where requested, Bolton Council may act as an “Umbrella Body” to countersign applications and receive disclosure information on behalf of other employers or voluntary organisations. When acting as an umbrella body the Council makes a charge to cover administrative costs.
2. The appointment decision for staff in “umbrella organisations”, based on disclosure information received, is the responsibility of the relevant Chief Executive Officer of the organisation concerned and not Bolton Council unless the person is being recruited to work within Bolton Council.
3. **Positive disclosures**
4. The term “positive disclosure” refers to a disclosure containing information relating to convictions, cautions, reprimands and so on, plus “soft information” relating to non-convictions but which the police deem as relevant.
5. Positive disclosures concerning either job applicants or employed staff will be referred to the Assistant Director Children’s Services (Staying Safe) who will, with reference to the Head Teacher/Chair of Governors, be responsible for completing a risk assessment of whether the offence(s) listed is/are sufficiently serious to cause concern.
6. To aid the decision making process it may be appropriate for the recruiting manager to interview the applicant to verify the information received, prior to any judgements being made.
7. The assessment of the positive disclosure will be in accordance with the following checklist:

* the likely impact that the positive disclosure could have on the individual’s ability to carry out the job role;
* the seriousness and nature of the offence(s);
* the nature of the appointment;
* the length of time since the offence(s) occurred;
* the number and pattern of offences;
* the applicant’s age at the time;
* any explanation of the circumstances of the offence(s) that may already have been given
* concealment of the offence(s) at the application stage/non-disclosure of offences that occurred during employment

1. The decision taken, based on the disclosure information received, will be recorded using the form at Appendix A.
2. Where appointment or continued employment of an individual with positive disclosures proceeds, the record of decision will be retained permanently on the individual’s personnel file and the DBS disclosure information will be retained securely for 6 months from the decision being made, in accordance with DBS Policy.
3. **Appointment without full DBS clearance**
4. Following an offer and acceptance of employment, employees should not normally commence working at the school until full clearances of all relevant pre-employment checks, including DBS clearance, have been received and checked.
5. Any decision for employment to commence prior to receipt of full pre-employment checks can only be taken by the Assistant Director Children’s Services (Staying Safe) or, with reference to the relevant Head Teacher/Chair of Governors as appropriate, following a risk assessment based on the nature of work, the level of exposure to children/young people and the information provided on the application form.
6. The contract of any employee appointed prior to receiving clearance should remain subject to this condition being met. Until such time as the DBS clearance is received, the employee will remain subject to robust control measures of which they will be notified. The Head Teacher is responsible for monitoring the individual until clearance is received and ensuring progress on the DBS check is pursued at least every 14 days. The Assistant Director Children’s Services (Staying Safe) remains accountable for this decision until the DBS clearance has been granted.
7. **Portability**
8. The DBS Update Service will now allow portability, i.e. the re-use of a DBS disclosure obtained for a position in one organisation and later used for another position in another organisation. This will only be possible however where the individual has subscribed to the Update Service and gives consent for their status to be checked.
9. It is not School policy to routinely re-check staff with current DBS clearance if they move between positions within the School, although an up to date check may be requested depending upon the requirements of the role.
10. Where employees with a positive disclosure move to a new role, a new risk assessment should be undertaken by the Head Teacher/Chair of Governors, in conjunction with the Assistant Director Children’s Services (Staying Safe). A copy of the new risk assessment should be retained on the employee’s personnel file.
11. **Renewals of enhanced DBS certificates**
12. All checks of persons in posts within Children’s or Adults adoption, fostering, residential care or supported living settings will be renewed routinely on a 3 yearly basis, to ensure that their on-going employment in their position of trust is appropriate.
13. Checks for School posts will not be routinely renewed, however:

* The council will renew around 10% of checks each year on a random sample basis.
* Routine renewals may also be undertaken for other posts, subject to a risk assessment by the relevant Assistant Director in accordance with the policy template.
* All staff in posts subject to Enhanced DBS clearance will be reminded of their duty to disclose convictions in line with the provisions of this policy.

1. **Records of disclosure information**
2. The School recognises its obligations in relation to the handling, safe keeping and disposal of disclosed information and is committed to complying fully with the DBS Code of Practice in relation to safeguarding information received.
3. The Code of Practice states that disclosure certificates are to be retained for 6 months in a secure locked place or until the outcome of any recruitment decisions where there is positive information.
4. The following details of all DBS and vetting checks will be maintained for employed staff on Oracle:

* the date of issue of a Disclosure;
* the type of Disclosure requested;
* the position for which the Disclosure was requested, where the holder has more than one post;
* the reference number of the Disclosure

1. Should any school wish to conduct its own DBS and vetting checks and keep its own records, they are required by law to keep and maintain their own Single Central Record containing the information set down above.
2. The Council as a monitoring body will then require the school to confirm in writing to the Council that it wishes to hold its own records and that they will be held and disposed of in accordance with the requirements above.
3. **Barring role**
4. Part of the Disclosure & Barring Service’s role is to help prevent unsuitable people from working with children and vulnerable adults.
5. Referrals are made to the DBS when an employer or organisation, such as a regulatory body, has concerns that a person has caused harm, or poses a future risk of harm, to children or vulnerable adults.
6. The DBS maintains the lists of people who are barred from working with children and/or vulnerable adults. This work was previously undertaken by the Independent Safeguarding Authority, prior to its merger with the CRB.
7. **Referrals to the service**
8. The School is under a positive duty to refer relevant information to the Service if an employee:

* receives a formal warning for conduct relevant to safeguarding or
* has their employment terminated following the conclusion of disciplinary action for conduct relevant to safeguarding or
* leaves the School of their own accord prior to any hearing about conduct relevant to safeguarding.

1. The School will advise an individual who is to be referred to the Service of the referral in writing and suggest that they seek legal representation due to the possible outcome of the referral and the impact on their future employment.

**Appendix A**

**Record of Safeguarding Risk Assessment**

**for pre-employment (A) and positive DBS checks (B)**

***Line Manager to complete personal details and either Section A or B***

**Name**:

**Previous Names**:

**Date of birth**:

**Department/School**:

**Position:**

**Section A**

**Request for pre-employment start without DBS**: Yes / No

If yes, complete items 1-5 below.

**1. List 99 completed**: Yes / No

**2. Have at least two satisfactory written references been received?**: Yes / No

**3. Has medical clearance been obtained for a new starter?**: Yes / No

**4. Will the person be supervised at all times until satisfactory DBS clearance is received?** Yes / No

**5. Has the individual disclosed any cautions, convictions, warnings, etc?**Yes/No

**If yes, please give details or details of positive disclosure information below:**

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| --- |
|  |

**Section B**

**Positive Disclosure**

**DBS Certificate Issue date:**

**DBS Certificate Reference:**

**Please give details or details of positive disclosure information below:**

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**Section C**

**to be completed by Assistant Director.**

**Summary of Risk Assessment Outcome** (See Section 6 for criteria to be completed.)

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**Please confirm whether the above named person is approved to be employed in the position stated above.**

This approval to proceed is isolated to this position only and the circumstances as judged by the authorised signatory. This judgment is not transferable to other recruitment decisions.

**Proceed Not Proceed**

Signed: Date:

**Please send the completed form to your HR Adviser 4th Floor, Paderborn House**

Authorised signatories: Director Children’s & Adult’s Services or Assistant Directors Children’s Services (Staying Safe) and Care Management

Disclosure information & documents relating to convictions should be retained by the Authorised signatory pending any appeal and for secure disposal thereafter. This form should be retained securely on the HR File for employees.

**This trace must be kept safe and not disclosed to a third part**

**APPENDIX B**

**St Stephen’s (Kearsley Moor) CE Primary School**

**SAFEGUARDING, DISCLOSURE & BARRING POLICY**

**DECLARATION**

**NAME:**

I confirm that I have received and read the Safeguarding, Disclosure & Barring Policy.

I understand that failure to disclose criminal convictions, cautions, reprimands, bind-overs and any other police involvement that occurs during my employment with the school, both within and outside of working hours, may result in disciplinary action being taken and may ultimately lead to my dismissal.

**SIGNED: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**DATE: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

I confirm that I have not had any undisclosed criminal convictions, cautions, reprimands, bind-overs and any other police involvement within the past twelve months.

**SIGNED: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**DATE: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**HEAD TEACHER’S SIGNATURE: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**DATE: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

*Please hand your completed declaration to the Head Teacher*