

Quality System

Policy Number

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Policy Title

Safer Recruitment Policy

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Safer Recruitment Policy

1.0 Introduction and Overview

- 1.1 Bishop Auckland College Group, comprising of Bishop Auckland College, College Nursery, Durham Gateway and South West Durham Training (hereafter to be termed 'the Group'), has a duty of care to all of its students and staff to create a culture of safe recruitment. Safeguarding describes the broad preventative and precautionary approach to planning procedures that the Group feels are necessary to have in place in order to protect its students. Safer recruitment is an important aspect of safeguarding.
- 1.2 It is vital that the Group creates a culture of safe recruitment and as part of that, adopts robust staff recruitment and selection procedures and other Human Resources (HR) management processes that help to deter, reject or identify people who might abuse children or are otherwise unsuited to work with learners. Safer recruitment is key to the effective application of safeguarding practice in further education. This policy has been prepared with reference to the Disclosure and Barring Service (DBS) and Keeping Children Safe in Education Guidance, to give information on the Group's current arrangements for vetting job applicants and existing staff.
- 1.3 The Safer Recruitment Policy is designed to ensure that those who are known to be unsuitable do not gain access to students and children and those who intend to cause harm are discouraged and prevented at every possible stage from entering the workforce. The Safer Recruitment Policy works alongside the Group's Recruitment, Selection and Appointment of Staff Procedure (ref: BAC-HR-3-01), to allow the Group to act responsibly in making decisions about the suitability of a prospective employee based on checks and evidence including: criminal record checks, barred list checks and prohibition checks together with references and interview information.
- 1.4 Positions at the Group are within a Further Education establishment and could involve regular contact with persons under the age of 18; the Group needs to know about any criminal convictions and/or pending prosecutions in relation to new and existing staff. All job applicants are therefore asked, through the application form, to provide information about criminal convictions and prosecutions pending. The Group is entitled to ask for, and job applicants are not entitled to withhold, information about convictions which, for other purposes, are "spent" under the provisions of the Rehabilitation of Offenders Act 1974. A check as to the existence of, and content of, a criminal record will be requested from the DBS. Similarly, the Group requires staff to disclose details of any criminal charges or convictions acquired during employment with the Organisation. The Group is entitled to receive and act on information received from the police and safeguarding authorities. The Organisation will check to see that appointed staff are not barred from working with children or vulnerable adults wherever eligible to do so.
- 1.5 The Group is nevertheless committed to promoting equality of opportunity and welcomes applications from candidates with criminal records where these are not relevant to employment within the Organisation. The Group undertakes to comply fully with the DBS Code of Practice and does not automatically exclude applicants on the basis of convictions or other information received (unless there is a legal bar). Candidates are selected for interview and for appointment based on their skills, qualifications and experience.
- 1.6 The Recruitment, Selection and Appointment of Staff Procedure (ref: BAC-HR-3-01) and this policy are therefore designed to prevent unsuitable people from gaining access to students/children and to maintain the integrity of the Group, whilst at the same time respecting human rights and privacy issues and complying with the requirements of Data Protection legislation including GDPR.

- 1.7 Safer recruitment checks do not eradicate the need for ongoing safeguarding awareness. Ongoing awareness during the course of employment is essential. Recruitment checks can only pick up the small percentage of people who may cause harm whom have been convicted, come to the attention of the police or who have been listed. The majority of individuals who are unsuited to work with children, young people or those who are vulnerable will not have any previous convictions or appear on the barred lists.
- 1.8 The Group needs to maintain a culture of vigilance. Managers need to ensure that they adhere to the Safer Recruitment Policy (ref: POL-HR-05) and Recruitment, Selection and Appointment of Staff Procedure (ref: BAC-HR-3-01), as well as be alert to any warning signs identified through normal line management activities or the Performance Management process. The Group's Safeguarding/Child Protection Policy (ref: POL-CP-01) gives details about the arrangements for receiving and passing on concerns.
- 1.9 The HR Department maintains a single central record. This holds confirmation of DBS and other relevant checks. It is essential therefore that the HR department is made aware of any new employee, volunteer or agency worker prior to them commencing with the Organisation so that the relevant checks can be carried out.
- 1.10 The level of DBS certificate required, and whether a check for any prohibition, direction, sanction, or restriction is required will depend on the role that is being offered and duties involved. For most appointments within the Group, an enhanced DBS check with barred list information will be appropriate as the majority of staff will be engaging in regulated activity.

A person will be considered to be in **regulated activity** if as a result of their work, they are:

- a) Teaching, training, instructing, caring for (see c below) or supervising children if the person is unsupervised, or providing advice or guidance on physical, emotional or educational well-being, or driving a vehicle only for children:
- b) Work for a limited range of establishments (known as 'specified places', which include schools and colleges), with the opportunity for contact with children, but not including work done by supervised volunteers.

Work under (a) or (b) is regulated activity only if done regularly*. Some activities are always regulated activities, regardless of frequency or whether they are supervised or not. This includes:

- c) Relevant personal care, or health care provided by or provided under the supervision of a health care professional:
 - Personal care includes helping a child with eating and drinking for reasons of illness or disability or in connection with toileting, washing, bathing and dressing for reasons of age, illness or disability.
 - Health care means care for children provided by, or under the direction or supervision of, a regulated health care professional.

For further information, please refer to the Department of Education's 'Keeping Children Safe in Education' Annex F: Statutory Guidance - Regulated Activity (children- Supervision of activity with children which is regulated activity when unsupervised) or contact the HR department.

- 1.11 For all other staff who have an opportunity for regular contact with children who are not engaging in regulated activity, an enhanced DBS check which does not include barred list information will be appropriate. This will include contractors who would have the opportunity for contact with children and who work under a temporary or occasional contract (see later for further details).

- 1.12 In a school or college, a supervised volunteer who regularly teaches or looks after children is not in regulated activity. There is separate statutory guidance on supervision in relation to regulated activity which the Group will have regard to when considering which checks should be undertaken for volunteers.
- 1.13 In addition to obtaining the DBS certificate, anyone who is appointed to carry out teaching work will require an additional check to ensure they are not prohibited from teaching.

Please see section 4.0 for further information on employment checks.

- 1.14 As this policy can involve processing of personal data, data protection regulations will be adhered to. Please refer to the General Data Protection Regulation Policy (ref: POL-DP-01) for further information.

2.0 Types of check

Disclosure and Barring Service (DBS) checks.

Three types of DBS checks are referred to in this policy:

Standard: this provides information about convictions, cautions, reprimands and warnings held on the Police National Computer (PNC), regardless or not of whether they are spent under the Rehabilitation of Offenders Act 1974. The law allows for certain old and minor matters to be filtered out.

Enhanced: This provides the same information as a standard check, plus any additional information held by the police which a chief officer reasonably believes to be relevant and considers ought to be disclosed; and

Enhanced with barred list check: where people are working or seeking to work in regulated activity (or with vulnerable adults), this allows for an additional check to be made as to whether the person appears on the children's barred list (or adults barred list)

More information is available on the DBS website

The DBS maintains 'barred lists' of individuals who are unsuitable to work with children and vulnerable adults. Where barred list information is requested, and 'children's workforce independent schools' is specified in the parameters for that check, the certificate will also detail whether the applicant is subject to a direction made under section 128 of the Education and Skills Act 2008. Such a direction prohibits an individual from taking part in the management (including being a governor) of independent education institutions in England and Wales respectively. A person prohibited under section 128 is also disqualified from holding or continuing to hold office as a governor of a maintained school.

Where barred list information is not required for a member of the Corporate Board, a request will be made via Secure Access Portal to check whether the person is barred as a result of being subject to a section 128 direction.

Once the checks are complete, the Group will have access to the details online (via the e-safeguarding website). This will be seen prior to an applicant taking up the post or as soon as reasonably practicable afterwards. (Please note that if the Organisation is unable to view a suitable DBS check prior to an applicant taking up the post, the applicant will either not be able to start work or there will be a risk assessment in place which prohibits the individual from working in regulated activity).

If the Group knows or has reason to believe that an individual is barred, it commits an offence if it allows the individual to carry out any form of regulated activity. There are penalties of up to five years in prison if a barred individual is convicted of attempting to engage or engaging in such work.

3.0 Prohibitions, directions, sanctions and restrictions

Secretary of State and teacher prohibition, and interim prohibition, orders

Teacher prohibition, and interim prohibition, orders prevent a person from carrying out teaching work. In schools, sixth form colleges, 16 to 19 academies, relevant youth accommodation and children's homes in England. A person who is prohibited must not be appointed to a role that involves teaching work.

Teacher prohibition orders are made by the Secretary of State following consideration by a professional conduct panel convened by the TRA. Pending such consideration, the Secretary of State may issue an interim prohibition order if it is considered to be in the public interest to do so. The TRA's role in making prohibition orders and the process used to impose them are described in more detail in its publication 'Teacher Misconduct: The Prohibition of Teachers'.

Historic General Teaching Council for England (GTCE) sanctions and restrictions

There remain a number of individuals who are still subject to disciplinary sanction, which were imposed by the GTCE (prior to its abolition in 2012).

European Economic Area (EEA) regulating authority teacher sanctions or restrictions

These sanctions are imposed by EEA professional regulating authorities on or after 18 January 2016 and which have been notified to the TRA.

Where relevant all prohibition checks will be made on staff who are offered and accept a position within the organisation via Secure Access/DfE portal. Where applicable, the system will also be used to check the status of Qualified Teaching Status.

Childcare Disqualification

For staff who work in childcare provision or who are directly concerned with the management of such provision (the nursery), appropriate checks will be carried out to ensure that those individuals are not disqualified under the Childcare (Disqualification) Regulations 2018.

4.0 Pre-appointment checks/safer recruitment key aspects

- 4.1 All interviews within the Group must have at least one panel member, from HR, who is trained in safer recruitment practices (the safer recruitment designate).
- 4.2 It is expected that managers who sit on interview panels will have received training in Safer Recruitment.
- 4.3 The 'safer recruitment designate' sitting on the interview panel is responsible for addressing any gaps/concerns such as discrepancies with references, checking the reasons for gaps in employment etc (where relevant).

Note: The 'safer recruitment designate' is a person who is trained in safer recruitment and takes responsibility for ensuring all safer recruitment practices are followed.

- 4.4 A standard question should be incorporated into all interviews regarding safeguarding. This reinforces the Group's commitment to safeguarding and can assess the candidate's ability to support the Group's aims and responsibilities with regard to safeguarding.
- 4.5 The 'safer recruitment designate' on the interview panel must ensure that any identified criminal prosecution pending, caution or conviction is fully explored (before, during or after the interview as appropriate) in order to assess suitability for appointment (this would normally be discussed in private with the applicant).
- 4.6 At least two references are taken up and others may be requested at the discretion of the Group. Where an applicant is not currently working with children, but has done so in the past and is applying for a post in the Group, a reference may also be obtained from the employer by whom the person was most recently employed in work with children.
- 4.7 Application forms will be scrutinised prior to interview and any issues such as gaps in employment will be discussed, prior to interview, at interview or prior to appointment.
- 4.8 All applicants for a position at the Group should receive a fact sheet in safer recruitment and therefore should be aware of the checks involved. A copy of the Safer Recruitment policy should be available to be viewed on the each of the organisations websites.

5.0 Safeguarding/DBS Checks for new staff

- 5.1 Any offer of employment made to a successful candidate, including one who has lived abroad, will be conditional on satisfactory completion of the necessary pre-employment checks

The following checks will be carried out when appointing new staff:

- 1. Verifying a candidate's identity, preferably from current photographic ID and proof of address (guidelines will be used from the GOV.UK website)**
- 2. An enhanced DBS certificate (including barred list information, where applicable)**
- 3. A separate barred list check if an individual will start work in regulated activity before the DBS certificate is available**
- 4. Verification of the candidate's mental and physical fitness to carry out their work responsibilities. A job applicant can be asked relevant questions about disability and health in order to establish whether they have the physical and mental capacity for the specific role**
- 5. Verification that where a candidate is to be employed to do teaching work, they are not subject to a prohibition order issued by the Secretary of State, or any sanction or restriction imposed (that remains current) by the GTCE before its abolition in March 2012).**
- 6. Verify the person's right to work in the UK. If there is uncertainty about whether an individual needs permission to work in the UK, the guidance will be followed on the GOV.UK website.**
- 7. Further checks as appropriate where the person has lived outside the UK (see further information below)**

- 8. Verify professional qualifications, as appropriate. The Teacher Services' system will be used to verify any award of qualified teacher status (QTS) and the completion of teacher induction or probation, where relevant.**
- 9. References (see further information below)**
- 10. Gaps in employment**

5.2 Further information on checks:

There is no requirement to obtain an enhanced DBS certificate or carry out checks for events that may have occurred outside the UK if, during a period which ended not more than three months prior to their appointment, the applicant has worked:

In a school in England in a post:

- which brought them into regular contact with children or young persons
- to which the person was appointed on or after 12 May 2006 and which did not bring the person regularly into contact or young persons, or:
- In an institution within the further education sector in England or in a 16-19 Academy, in a post which involved the provision of education which brought the person regularly into contact with children or young persons.

In this situation, the Group reserves the right to contact the previous employer to confirm that the relevant checks have been followed up.

Almost all positions at the Group give opportunity for regular contact with children, it is therefore envisaged that all positions at the Group will require a minimum of an enhanced DBS check and wherever eligible all staff will be checked against the barred list/s.

The Group will assess each role and consider what DBS checks are eligible for that particular role. This will be clearly displayed on the Person Specification/Job Description which is issued with each application form. All offers of employment to these posts are conditional upon the Group receiving a satisfactory check.

The HR Department is registered to process DBS checks and uses an online provider (e-safeguarding) to do this on their behalf. This does reduce the time it takes to receive a DBS check. It is essential that all new applicants complete their DBS check as soon as they receive it to ensure that there are no unnecessary delays within the recruitment process. Where a criminal conviction is disclosed through the checking process, HR will liaise with the relevant Line Manager/Director on a confidential basis to jointly assess the relevance of any convictions or other matters revealed and determine whether an appointment can be confirmed.

A Disclosure will generally reveal court convictions (including spent convictions) and cautions that have not been the subject of court proceedings. Where eligible, it will also involve cross checking with the two barred lists for Children and Vulnerable Adults and the Sex Offenders Register. The Barred Lists are lists of people barred from working with children and vulnerable adults and allow a record to be maintained of individuals who will not be permitted to work in regulated activity and who can only work in certain other activities with safeguards. In Disclosures the Police may also provide additional concerns about the subject that they may have, or currently be investigating. Criminal penalties were introduced from October 2009 for barred individuals who seek to undertake work with vulnerable groups and for any employers who knowingly take them on.

The Group places safeguarding as a priority and therefore will always request the highest eligible DBS check for all staff. The Group therefore encourages all applicants called for interview to provide details of their criminal record at an early stage in the application process.

At interview, or in a separate discussion, the Group ensures that an open and measured discussion takes place on the subject of any offences or other matters that might be relevant to the position. Failure to reveal information could lead to the withdrawal of an offer of employment or the termination of employment if an appointment has already taken place.

The Group has a DBS Code of Practice and makes a copy available on request to all employees/potential employees from the HR Department.

The Group undertakes to discuss any matter revealed in a Disclosure (unless this would be contrary to DBS guidance) with the person seeking the position before confirming or withdrawing a conditional offer of employment.

DBS arrangements also apply for Agency Staff and third-party staff, where these are used, HR will make the necessary arrangements.

For people who have lived outside the UK within the previous five years, additional background checks must be considered and may be required.

Due to business efficiency reasons, it is not always possible to complete the DBS checking arrangements prior to the projected starting date. Therefore, all appointments are made on a conditional basis. Where a DBS check has not been carried out prior to a projected start date, the Manager requiring the person to start must complete a Risk Assessment. This must be completed by HR and authorised by the relevant manager. The form must be signed by the relevant Line Manager who will take responsibility for putting the appropriate interim arrangements in place e.g. supervision, limited IT access, sign in as visitor – ***please note by agreeing for the staff member to be in a supervised capacity, the Line Manager is signing to confirm that the staff member will not be working in regulated activity prior to the checks being cleared.***

It is essential that no person commences a position of regulated activity prior to a DBS or Barred List check.

The Group reserves the right to withdraw an offer of employment to anybody who does not satisfactorily meet any of the above checks and therefore any offer of employment will be conditional until all checks are complete and are satisfactory.

5.3 Employment history and references

When seeking references, the Group will:

1. Always ask for written information about previous employment history and check that the information is not contradictory or incomplete
2. Use the reference to obtain objective and factual information to support appointment decisions
3. Obtain a reference from the current employer. Where the candidate is not currently employed, the organisation will seek a reference from the most recent employer or as a minimum, verify their most recent period of employment and reasons for leaving with the organisation.
4. Scrutinise references and resolve any concerns satisfactorily before the appointment is confirmed
5. Seek references for internal candidates as well as external applicants
6. Obtain references before interview wherever possible so that any concerns raised can be explored further at interview.

7. Seek references directly from the referee and preferably from a senior person with appropriate responsibility, not just a colleague
8. Open references will not be relied upon, for example 'to whom it may concern', without verifying the information with the relevant organisation
9. Where electronic references are received, the organisation will ensure they have originated from a legitimate source
10. On receipt of references they will be checked to ensure that all specific questions have been answered satisfactorily
11. The referee may be contacted to provide further information, where appropriate, for example missing or vague information
12. Compare the references for consistency with the information provided by the candidate on their application form (any discrepancies will be followed up with the candidate)
13. Any information about past disciplinary action or allegations that are disclosed, will be considered carefully when assessing the applicant's suitability for the post (including information obtained from the Teacher Services' checks)
14. Seek at least two references (ideally to cover employment for at least the previous 3 years)
15. Seek references, where applicants have previously worked with children/education and have provided referees which do not include these organisations

Additional information can be found on the ACAS website.

6.0 Single Central Record

The Organisation keeps a single central record (the register) which holds information on checks carried out within recruitment for the following people:

- All staff, including agency staff, teacher trainees on salaried routes and third-party supply staff who work within the Group, this means those providing education.
- The information held includes the checks carried out during recruitment, including the following:
 - An identity check
 - A barred list check
 - And enhanced DBS check/certificate
 - A prohibition from teaching check
 - Further checks on people who have lived or worked outside the UK; this will include recording checks for those European Economic Area (EEA) teacher sanctions and restrictions
 - A check of professional qualifications, where required; and
 - A check to establish the person's right to work in the UK
 - Whether the person's position involves 'regulated activity'
 - Section 128 check where relevant
 - For supply agency and third-party staff, whether written confirmation has been received that the employment business supplying the member of supply staff has

carried out the relevant checks and obtained the appropriate certificates, and the date that confirmation was received and whether any enhanced DBS certificate check has been provided in respect of the member of staff

Checks carried out on volunteers working in regulated activity will also be recorded on the Single Central Record.

The Group will keep records in accordance with Regulations 20-25 and the Schedule to the Further Education (Providers of Education) (England) Regulations 2006

The Group will not necessarily keep DBS certificates. If there is a situation where this is need to be kept, this will be retained for no longer than six months. A copy of other documents used to verify the successful candidate's identity, right to work and required qualifications will be kept on the personnel file.

7.0 Individuals who have lived or worked outside the UK

Individuals who have lived or worked outside the UK will undergo the same checks as all other staff in the Group. In addition, the Group will make any further checks they think are appropriate so that any relevant events that occurred outside the UK can be considered. These further checks will include a check for information about any teacher sanction or restriction that an EEA professional regulating authority has imposed, using the NCTL Teacher Services system. Although restrictions imposed by another EEA regulating authority do not prevent a person from taking up teaching positions in England, the Group will consider the circumstances that led to the restriction or sanction being imposed when considering a candidate's suitability for employment.

The Group will refer to the Home Office guidance on criminal records checks for overseas applicants, when carrying these out.

8.0 Agency and third-party staff

The Group needs to be confident that staff employed by agencies or third-party staff have been subject to the appropriate checks. The Group will obtain written notification from any agency, or third-party organisation that they have carried out the checks (in respect of the enhanced DBS certificate, written notification that confirms the certificate has been obtained by either the employment business or another such business), on an individual who will be working at the Group that the Organisation would otherwise perform. Where a barred list check is required, this must be obtained by the agency or third party prior to appointing that individual. The agency staff member will not be allowed to commence in regulated activity prior to confirmation of this. The Group will also be required to check that the person presenting themselves for work is the same person on whom the checks have been made.

Any contractor or any employee of a contractor who engages in work at the Group will be subject to the same level of DBS check as Organisational staff. Any contractor who engages in regulated activity will require an enhanced DBS check which includes a barred list check. For all other contractors who will have the opportunity for contact with children, an enhanced DBS check will be sought.

Under no circumstances will a contractor for whom checks have not been carried out be permitted to work in regulated activity at the Group.

If required, the Group will request DBS checks for contractors/self-employed people.

The Group will check the identity of contractors on their arrival at the Group.

For safeguarding checks in relation to partners, contractors and visitors, please refer to the Visitors, Contractors and Commercial Delegates Procedure (ref: BAC-SS-05) or for further information, please contact the Pastoral and Welfare Manager.

Similarly, managers may receive requests for vetting information about Organisational staff who are engaged in activities with students from partner organisations e.g. staff working with Pre -16 students from local schools. Any such requests should be referred to HR who will require a list of affected staff, and will be able to confirm the relevant information to the partner organisation.

9.0 Trainee/student teachers

Where applicants for initial teacher training are salaried by the Group, it will be ensured that all necessary checks are carried out. As trainee teachers are likely to be engaging in regulated activity, an enhanced DBS check (including barred list information) will be obtained.

Where trainee teachers are fee-funded, it is the responsibility of the initial teacher training provider to carry out the necessary checks. The Group will obtain written confirmation from the training provider that these checks have been carried out and that the trainee has been judged by the provider to be suitable to work with children. There is no requirement for the Group to record details of fee-funded trainees on the single central record.

10.0 Existing staff

If the Group has concerns about an existing member of staff's suitability to work with children, the Group should carry out all relevant checks as if the person were a new member of staff. Similarly, if a person working at the school or college moves from a post that was not regulated activity into work which is regulated activity, the relevant checks for the regulated activity will be carried out.

Positions at the Group are assessed for eligibility for DBS checks and Barred List checks. Where a position is eligible for a DBS check/ Barred List check the Organisation will endeavour to renew these checks on a regular basis. The Group reserves the right to renew these checks whenever it sees fit, however, will aim to do renewals within a period no longer than 5 years. There are certain positions where checks will be done more regularly, for example the Group will aim to renew DBS checks for nursery staff within a period of no longer than 3 years.

11.0 Existing students and volunteers

Where a student who is already studying within the Group and is approved to do a work placement at the Organisation; the manager who is supervising that placement can do a student volunteer risk assessment (available from HR) and assuming that they can agree to the stipulations in place on the risk assessment then the Organisation will need to do no further checks. Please note that this is only applicable where the volunteer is NOT working in regulated activity.

Under no circumstances should a volunteer in respect of whom no checks have been obtained be allowed to work in regulated activity.

Volunteers who on an unsupervised basis teach or look after children regularly, or provide personal care on a one-off basis in the Group, will be in regulated activity. The Group will obtain an enhanced DBS certificate (including barred list information) for all volunteers who are new to working in regulated activity. Existing volunteers in regulated activity do not have to be re-checked if they have already had a DBS check which includes barred list information. However, the Group may conduct a repeat DBS (including barred list check) on any such volunteer should they have concerns.

The Group may obtain an enhanced DBS certificate (not including barred list), for volunteers who are not engaging in regulated activity but have the opportunity to come into contact with children on a regular basis e.g. supervised volunteers. The Group are not legally permitted to request barred list

information on a volunteer who, because they are supervised, is not in regulated activity. The Group will undertake a risk assessment and use their professional judgement and experience when deciding whether to seek an enhanced DBS check for any volunteer not engaging in regulated activity. In doing so, the following things will be considered:

- The nature of the work with children;
- What the establishment knows about the volunteer, including formal or informal information offered by staff, parents and other volunteers;
- Whether the volunteer has other employment or undertakes voluntary activities where referees can advise on suitability; and
- Whether the role is eligible for an enhanced check.

12.0 Corporate Board/Executive Council

All Corporate Board/Executive Council members will require an enhanced DBS check, and if applicable a Barred List check.

The Protection of Freedoms Act amended the Safeguarding Vulnerable Groups Act 2006, removing supervised volunteers from regulated activity. If the volunteer is to be supervised while undertaking an activity, which would be regulated activity if it was unsupervised, statutory guidance issued by the Secretary of State will be followed. The guidance requires that:

- There must be supervision by a person who is in regulated activity
- The supervision must be regular and day to day; and
- The supervision must be 'reasonable in all circumstance to ensure the protection of the children/students.

The DBS cannot provide barred list information on any person, including volunteers, who are not in, or seeking to enter, regulated activity.

12.1 Associate members

Associate members are appointed by the governing body to serve on one or more governing body committees. The School Governance (Constitution and Federations) (England) (Amendment) Regulations 2016 made enhanced DBS checks mandatory for maintained school governors but not associate members.

13.0 Contractors

The Group will ensure that any contractor, or any employee of the contractor, who is to work at the Group, has been subject to the appropriate level of DBS check. Contractors engaging in regulated activity will require an enhanced DBS certificate (including barred list check). For all other contractors who are not engaging in regulated activity, but whose work provides them with an opportunity for regular contact with children/students, an enhanced DBS check (not including barred list information) will be required. In considering whether the contact is regular, it is irrelevant whether the contractor works on a single site or across a number of sites.

Under no circumstances will a contractor in respect of whom no checks have been obtained be allowed to work unsupervised, or engage in regulated activity. The Group is responsible for determining the appropriate level of supervision depending on the circumstances.

If a contractor working at the Group is self-employed, the Group will consider obtaining a DBS check, as self-employed people are not able to make an application directly to the DBS on their own account.

The Group will always check the identity of contractors and their staff on arrival at the Group.

14.0 Visitors

The Group does not have the power to request DBS checks and barred list checks, or ask to see DBS certificates, for visitors (i.e. parents, relatives of students). The Group will use their judgement on the need to escort visitors.

15.0 Adults who supervise children on work experience

Barred List checks and enhanced DBS checks might be required on some people who supervise a child under the age of 16 on a work placement. The Group will consider the specific circumstances of the work experience, the nature of the supervision and the frequency of the activity being supervised, to determine what, if any checks are necessary. These considerations will include whether the person providing the teaching/training/instruction/supervision to the child will be:

- Unsupervised
- Providing the teaching/training/instruction frequently (more than three days in a 30-day period, or overnight)

If the person working with the child is unsupervised and the same person is in frequent contact with the child, the work is likely to be regulated activity. If so the Group can ask the employer providing the work experience to ensure that the person providing the work experience is not a barred person

The Group is not able to request an enhanced DBS check with barred list information for staff supervising children aged 16 to 17 on work experience.

If the activity undertaken by the child on work experience takes place in a 'specified place', such as a school or college, and gives the opportunity for contact with children, this may itself be regulated activity. In these cases, and where the child is 16 years of age or over, the work experience provider should consider whether a DBS enhanced check should be requested for the child/young person in questions. DBS checks cannot be requested for children under the age of 16.

16.0 DBS update service

16.1 Individuals can join the DBS update service at the point an application for a new DBS check is made, enabling future status checks to be carried out to confirm that no new information has been added to the certificate since its issue. This allows for portability of a certificate across employers.

DBS checks can also be done online at a small cost to the individual employee. Where an applicant/employee has a certificate and subscribes to the online service, they can provide the HR department with this information. If the DBS check they have is the same level as required, then the Group can use this certificate

16.2 Before using the Update Service, the Group will:

- Obtain consent from the applicant to do so
- Confirm the certificate matches the individual's identity; and
- Examine the original certificate to ensure that it is for the appropriate workforce and level of check.

Where a status check online reveals a change(s) to the certificate then the Organisation reserves the right to apply for a new certificate.

- 16.3 A printed copy of the status check will be taken and stored in accordance with the DBS Code of Practice and the Data Protection Act.

17.0 Secure Storage, handling use, retention and disposal of Disclosure information

- 17.1 Disclosure information will be kept securely, in lockable, non-portable, storage containers with access strictly controlled and limited to those entitled to see it as part of their duties.
- 17.2 Disclosure information is only passed to those who are authorised to receive it in the course of their duties. The Group will maintain a record of all those to whom disclosure information has been revealed and recognises that it is a criminal offence to pass this information to anyone who is not entitled to receive it.
- 17.3 Disclosure information is only used for the specific purpose for which it is requested and for which the applicant's full consent has been given.
- 17.4 Once a recruitment decision has been made the Group will not retain disclosure information for longer than is absolutely necessary. The usual conditions regarding safe storage and strictly controlled access will prevail.
- 17.5 Once the retention period has elapsed, the Group will ensure that any disclosure information is immediately and suitably destroyed by secure means i.e. by shredding, pulping or burning. While awaiting destruction, disclosure information will not be kept in any insecure receptacle. The Organisation will not keep any photocopy or other image of the disclosure or representation of the contents of a disclosure. However, notwithstanding the above, the Organisation will (as required by law) keep a record of the date of issue of a disclosure, the name of the employee, the position for which the disclosure was requested, the unique reference number of the disclosure the details of, and the name of the person recording the Disclosure.

18.0 Receiving a criminal record/ conviction whilst in employment at the Organisation

- 18.1 Ongoing awareness during employment is vitally important in order to protect children/students.
- 18.2 The Group requires employees to disclose to the Head of HR, details of any criminal charges or convictions acquired during the period of employment with the Group. The Group undertakes to treat any information so provided on a confidential basis.
- 18.3 Failure to disclose any such criminal charges or convictions may be deemed to be gross misconduct and lead to summary dismissal. The Group undertakes to discuss any such criminal charges or convictions with the employee before reaching a decision about any action to be taken.
- 18.4 Receiving a criminal record whilst employed at the Group does not automatically mean that the employee cannot continue in their role.
- 18.5 Where necessary, any action deemed necessary by the Organisation as a result of an employee receiving a criminal charge or conviction will be pursued with reference to the relevant provisions within the Organisation's Disciplinary Procedure (ref: BAC-HR-1-01).

19.0 Referral to the Disclosure and Barring Service (DBS)

- 19.1 The Group has a duty to refer anyone to the Disclosure and Barring Service who has harmed, or poses a risk of harm, to a child or vulnerable adult; where the harm test is satisfied in respect of that individual; where the individual has received a caution or conviction for a relevant offence, or if there

is reason to believe that individual has committed a listed relevant offence, and that individual has been removed from working (paid or unpaid) in regulated activity, or would have been removed had they not left. For further information, please see the Group's Safeguarding/Child Protection Policy (ref: POL-CP-01) and Safeguarding allegations against a staff member policy (ref: POL-HR-12), available from HR, the staff portal or SWDT's QMS.

In this situation, the Group must also consider whether it is appropriate to refer the case to the Secretary of State.

20.0 Referral to other agencies/police

- 20.1 The Group has a duty to refer any suspected safeguarding issues to the Local Authority Designated Officer for Safeguarding. For details of how the Group would deal with an allegation against a member of staff, please see the Group's Safeguarding/Child Protection Policy and the Group's Safeguarding – Allegations against a staff member Policy, available from HR or the staff portal or SWDT's QMS. This includes any concern under the Prevent Agenda in relation to radicalisation or extremism.
- 20.2 Where the Organisation ceases to use the services of a teacher because of serious misconduct, or would have dismissed them had they not left first, the Organisation will consider whether to refer the case to the Secretary of State, as required by the Education Act 2002. The Secretary of State may investigate the case, and may then decide to make a prohibition order in respect of the person.

21.0 The Sexual Offences Act 2003

- 21.1 The Sexual Offences Act 2003 makes it a criminal offence for a person in a position of trust to engage in any sexual activity with a person aged under 18 with whom they have a relationship of trust, irrespective of the age of consent and even if the basis for their relationship is consensual. A relationship of trust exists where a member of staff or volunteer is in a position of power or influence over a student by virtue of the work or nature of the activity being undertaken. For further information, please refer to the Relationships at Work Policy (ref: POL-HR-07) available from the HR Department or staff portal or SWDT's QMS.

22.0 Concerns about the level of check requested

- 22.1 Where any person subject to a DBS/Barred List check has any concerns about the level of check which is being requested, they should speak to the Head of Human Resources.

23.0 DBS Filtering rules

- 23.1 The Group would like to make all applicants aware of the new DBS filter rules and the list of offences that will always be disclosed on a criminal record certificate. For further information on these, please go to the DBS website.

24.0 Staff Training

- 24.1 All members of staff at the Group will be expected to take safeguarding training within the first six weeks of taking up their position. This training will be updated on a regular basis and general awareness updates will be given at least annually. Where it is felt appropriate, staff will be encouraged to do additional training on safeguarding issues.
- 24.2 All members of the safeguarding team will be trained in safeguarding to a minimum of Safeguarding Process training/Level 2 and this will be updated regularly, normally no less than every two years. Where necessary, the safeguarding team will receive additional safeguarding training.

- 24.3 All Human resources staff are expected to attend Safer Recruitment Training through the Durham Safeguarding Children Partnership (DSCP) or other relevant safeguarding training.

For further information contact:

Lisa Campbell
Head of Human Resources; or

Clare Wray
Director of Service Standards

September 2020