

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 and South West Durham Training (thereafter to be termed 'the Organisation') 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 Organisation 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 Organisation 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), Keeping Children Safe in Education Guidance September 2016 and the Protection of Freedom's Act 2012, to give information on the Organisation's current arrangement 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 those who intend to cause harm are discouraged and prevented at every possible stage from entering the workforce. The Safer Policy works alongside the Organisation's Recruitment, Selection and Appointment of Staff Procedure (ref: BAC-HR-3-01), to allow the Organisation 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 Organisation are within a Further Education establishment and could involve regular contact with persons under the age of 18, the Organisation 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 Organisation 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 Organisation requires staff to disclose details of any criminal charges or convictions acquired during employment with the Organisation. The Organisation 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 Organisation is nevertheless committed to promoting equality of opportunity and welcomes applications from candidates with criminal records where these are not relevant to employment at the Organisation. The Organisation 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 and to maintain the integrity of the Organisation, whilst at the same time respecting human rights and privacy issues and complying with the requirements of the Data Protection legislation.
- 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 Organisation needs to maintain a culture of vigilance. Manager's 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 Organisation's Safeguarding 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 For most appointments at the Organisation 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:
- **Will be responsible, on a regular basis, in a school or college, for teaching, training, instructing, caring for or supervising children**
 - **Will carry out paid work, or unsupervised unpaid, work regularly in a school or college where that work provides an opportunity for contact with children** (*this applies to colleges that provide, exclusively or mainly, full-time education to children i.e. persons under the age of 18*)
 - **Engage in intimate or personal care or overnight activity even if this happens only once**
- Regulated Activity** – a) unsupervised activities, teaching, training, instructing, caring for or supervising children or b) providing advice/guidance on wellbeing, or c) driving vehicle that is being used solely for the purpose of transporting children and their carers/ escorts and d) work carried out in and for the purposes of a limited range of establishments where that work gives the opportunity to have contact with children e.g. schools, childcare premises. a) or b) is regulated activity only if done regularly. Provision of healthcare is always regulated.
- 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 guidance on supervision and regulated activity which the Organisation 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

Once the checks are complete, the Organisation 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, there will be a risk assessment in place which prohibits the individual from working in regulated activity)

For staff who work in childcare provision (nursery) or who are directly concerned with the management of this provision, the Organisation will ensure that appropriate checks are carried out to ensure that individuals are not disqualified under the Childcare (Disqualification) Regulations 2009. Further information on this can be found in Disqualification under the Childcare Act 2006 statutory guidance.

If the Organisation 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 Teacher prohibition orders

Teacher 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 from teaching must not be appointed to work as teacher in such a setting. The Organisation checks for any prohibition order using the Teacher Services system. Prohibition orders are described in the National College for Teaching and Leadership's (NCTL) publication 'Teacher misconduct: the prohibition of teachers.

Teacher prohibition orders are made by the Secretary of State following consideration by a professional conduct panel convened by NCTL. Pending such consideration, the Secretary of State may issue an interim prohibition order if it is considered in the public interest to do so.

4.0 Pre-appointment checks/safer recruitment key aspects

- 4.1 All interviews within the Organisation must have at least one panel member, from HR, who is trained in safer recruitment practices (the safer recruitment designate).
- 4.2 All Managers who sit on interview panels should be trained 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 Organisation's commitment to safeguarding and can assess the candidate's ability to support the Organisation'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 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 Organisation. Where an applicant is not currently working with children, but has done so in the past and is applying for a post in the Organisation, 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 Organisation will receive a fact sheet in safer recruitment and therefore should be aware of the checks involved.

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:

- Verifying a candidate's identity, preferably from current photographic ID and proof of address (guidelines will be used from the GOV.UK website)
- An enhanced DBS certificate (including barred list information, where applicable)
- A separate barred list check if an individual will start work in regulated activity before the DBS certificate is available
- 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
- Verification that where a candidate is to be employed as a teacher they are not subject to a prohibition order issued by the Secretary of State, using the Employer Access Online service

- 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.
- Further checks as appropriate where the person has lived outside the UK (see further information below)
- Verify professional qualifications, as appropriate
- References (see further information below)
- Gaps in employment

5.2.1 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, in the 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 in any post in a school since 2006; 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 Organisation reserves the right to contact the previous employer to confirm that the relevant checks have been followed up.

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

The Organisation 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 Organisation 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 Organisation places safeguarding as a priority and therefore will always request the highest eligible DBS check for all staff. The Organisation 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 Organisation 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 Organisation has a DBS Code of Practice and makes a copy available on request to all employees/potential employees from the HR Department.

The Organisation 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 initiate a Pre-Vetting Risk Assessment. This must be completed by HR and authorised by a Director. 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.

Where staff work in a childcare provision or are directly involved in the management of this provision (e.g. the nursery) the Organisation will carry out relevant checks to ensure that individuals are not disqualified under the Childcare (Disqualification) Regulations 2009. These checks will be carried out in accordance with the statutory guidance Disqualification under the Childcare Act 2008.

The Organisation 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

The Organisation will always ask for written information about previous employment history and check that information is not contradictory or incomplete. References will be sought on all short-listed candidates, including internal ones, before interview, so that any issues of concern they raise can be explored further with the referee and taken up with the candidate at interview.

The purpose of seeking references is to obtain objective and factual information to support appointment decisions. References will always be obtained and scrutinised and any concerns resolved satisfactorily, before any appointment is confirmed unconditionally. References will be

requested directly from the referee and the Organisation will not rely on open references, for example in the form of 'to whom it may concern', testimonials. If a candidate for a teaching post is not currently employed as a teacher, the Organisation will also seek references from a school, college or local authority at which they were most recently employed, to confirm details of their employment and their reasons for leaving.

On receipt, references will be checked to ensure that all of the specific questions have been answered satisfactorily. The referee may be contacted to provide further clarification as appropriate, for example if the answers are vague. They will also be compared for consistency with the information provided by the candidate on their application form. Any discrepancies will normally be discussed with the candidate.

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) who work at the Organisation and
- 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
 - A check to establish the persons right to work in the UK

For agency staff, the Organisation will also include whether written confirmation has been received that the employment business supplying the member of agency staff has carried out the relevant checks and obtained the appropriate certificates, and the date that confirmation was received and whether any enhanced DBS check certificate has been provided in respect of the member of staff.

Checks carried out on volunteers will also be recorded on the Single Central Record.

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

The Organisation 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 Organisation. In addition, the Organisation 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 Organisation will consider the circumstances that led to the restriction or sanction being imposed when considering a candidate's suitability for employment.

The Organisation 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 Organisation needs to be confident that staff employed by agencies or third-party staff have been subject to the appropriate checks. The Organisation 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 Organisation 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 should not be allowed to commence in regulated activity prior to confirmation of this. The Organisation 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 Organisation 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 Organisation.

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

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

For safeguarding checks in relation to partners, contractors and visitors, please refer to the Visitors and Contractors to the College Procedure or for further information, please contact the Pastoral and Welfare Manager.

Similarly, managers may receive requests for vetting information about Organisation staff who are engaged in activities with students from partner organisations e.g. staff working with 14-16 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 Organisation, 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 Organisation 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 Organisation to record details of fee-funded trainees on the single central record.

11.0 Existing staff

If the Organisation has concerns about an existing member of staff's suitability to work with children, the Organisation 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 Organisation 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 Organisation 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 Organisation will aim to renew DBS checks for nursery staff within a period of no longer than 3 years.

12.0 Existing students and volunteers / Corporate Board

Where a student who is already studying at the Organisation 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 left unsupervised or 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 Organisation, will be regulated activity. The Organisation 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 Organisation may conduct a repeat DBS (including barred list check) on any such volunteer should they have concerns.

The Organisation 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 Organisation are not legally permitted to request barred list information on a volunteer who, because they are supervised, is not in regulated activity. The Organisation 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.

13.0 All Corporate Board 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.

14.0 Contractors

The Organisation will ensure that any contractor, or any employee of the contractor, who is to work at the Organisation, 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 Organisation is responsible for determining the appropriate level of supervision depending on the circumstances.

If a contractor working at the Organisation is self-employed, the Organisation 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 Organisation will always check the identity of contractors and their staff on arrival at the Organisation.

15.0 Visitors

The Organisation 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 Organisation will use their judgement on the need to escort visitors.

16.0 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 Organisation 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; and

- 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 Organisation can ask the employer providing the work experience to ensure that the person providing the work experience is not a barred person

The Organisation 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.

17.0 DBS update service

17.1 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 Organisation can use this certificate

17.2 Before using the Update Service, the Organisation 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.

17.3 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.

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

18.1 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.

18.2 Disclosure information is only passed to those who are authorised to receive it in the course of their duties. The Organisation 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.

18.3 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.

- 18.4 Once a recruitment decision has been made the Organisation will not retain disclosure information for longer than is absolutely necessary. The usual conditions regarding safe storage and strictly controlled access will prevail.
- 18.5 Once the retention period has elapsed, the Organisation 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.

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

- 19.1 Ongoing awareness during employment is vitally important in order to protect children/students.
- 19.2 The Organisation requires employees to disclose to the HR Manager, details of any criminal charges or convictions acquired during the period of employment with the Organisation. The Organisation undertakes to treat any information so provided on a confidential basis.
- 19.3 Failure to disclose any such criminal charges or convictions may be deemed to be gross misconduct and lead to summary dismissal. The Organisation undertakes to discuss any such criminal charges or convictions with the employee before reaching a decision about any action to be taken.
- 19.4 Receiving a criminal record whilst employed at the Organisation does not automatically mean that the employee cannot continue in their role.
- 19.5 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).

20.0 Referral to the Disclosure and Barring Service (DBS)

- 20.1 The Organisation 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 Organisation's Safeguarding Policy (ref: POL-CP-01) and Safeguarding allegations against a staff member policy (ref: POL-HR-12), available from HR or the staff portal or SWDT's QMS.

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

21.0 Referral to other agencies/police

- 21.1 The Organisation has a duty to refer any suspected safeguarding issues to the Local Authority Designated Officer for Safeguarding. For details of how the Organisation would deal with an allegation against a member of staff, please see the Organisation's Safeguarding Policy and the Organisation'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.

21.2 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.

22.0 The Sexual Offences Act 2003

22.1 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.

23.0 Concerns about the level of check requested

23.1 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 HR Manager.

24.0 DBS Filtering rules

24.1 The Organisation 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.

25.0 Staff Training

25.1 All members of staff at the Organisation 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, normally every three years, however 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.

25.2 All members of the safeguarding team will be trained in safeguarding to a minimum of 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.

For further information contact:

Lisa Campbell
HR Manager; or

Clare Wray
Director of Service Standards

November 2017