



The Orchards Federation

Cherry Tree Primary School

Green Fold School

The Orchards Nursery School

Safeguarding, Disclosure & Barring Policy

Current version	Information
01 Jan 15	Approved By Governors: 11 Feb 2016
Review Date	Jan 2018 or as necessary due to statutory requirements

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1. INTRODUCTION

- 1.1 This policy has been designed to deliver The Orchards Federation's 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

- 1.2 The Federation 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 Federation.

2. SAFER RECRUITMENT AND VETTING

- 2.1 To fulfil the Federation's 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 Executive 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 Federation 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 Executive 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

- 2.2 This policy complements the Federation's recruitment and selection code of practice and ensures that the Federation's recruitment practices comply with recognised safer recruitment standards.
- 2.3 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
- 2.4 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

- 2.5 A central plank of the Safeguarding, Disclosure and Barring Policy is that the Federation 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 Executive Head Teacher.
- 2.6 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.
- 2.7 Any decision to appoint someone under these circumstances should be taken by the Executive Head Teacher/Chair of Governors, in conjunction with the Assistant Director Children's Services (Staying Safe)

- 2.8 All staff and casual workers who have had a break in service of over 12 weeks will be required to sign a disclaimer to confirm that they have had no involvement with the police during that break.

Safeguarding checks for Agency/Supply Staff

- 2.9 Staff engaged from recruitment Agencies including Federation supply agencies must have the relevant level of DBS clearance for the post.
- 2.10 Should a positive disclosure be returned the decision about whether to engage the individual is the responsibility of the Executive Head Teacher/Chair of Governors, in conjunction with the Assistant Director Children's Services (Staying Safe).
- 2.11 Recruitment Agencies are therefore obliged to refer details of positive disclosures to the Federation, through the recruiting manager, for decision.
- 2.12 It is important that the Federation ensures that agencies used apply best practice and that Executive Head Teachers ensure safer recruitment requirements are complied with.

3. RETENTION OF PERSONAL FILES

- 3.1 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 Federation, this is in accordance with the Council's retention guidelines.

4. THE SINGLE CENTRAL RECORD

- 4.1 In the Federation, a single central record of safeguarding checks for those who work within any school in the Federation on a paid or voluntary basis must be maintained.
- 4.2 The record, as prescribed by DfE guidance, should include details of all staff employed, in each school and, by the Federation, whether directly or through an agency.
- 4.3 This includes anyone else who is identified by the Federation 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.

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

5. DISCLOSURE & BARRING SERVICE (DBS) CLEARANCE

5.1 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 Federation.

Note

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

5.2 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 Executive 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

5.3 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 the Federation or one of its schools, 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.

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

5.5 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.

- 5.6 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.
- 5.7 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

- 5.8 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.
- 5.9 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.
- 5.10 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

- 5.11 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.
- 5.12 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.

6. POSITIVE DISCLOSURES

- 6.1 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.
- 6.2 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 Executive 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.
- 6.3 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.

6.4 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

6.5 The decision taken, based on the disclosure information received, will be recorded using the form at Appendix A.

6.6 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.

7. APPOINTMENT WITHOUT FULL DBS CLEARANCE

7.1 Following an offer and acceptance of employment, employees should not normally commence working at the Federation until full clearances of all relevant pre-employment checks, including DBS clearance, have been received and checked.

7.2 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 Executive 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.

7.3 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 Executive 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.

8. PORTABILITY

- 8.1 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.
- 8.2 It is not Federation policy to routinely re-check staff with current DBS clearance if they move between positions within the Federation, although an up to date check may be requested depending upon the requirements of the role.
- 8.3 Where employees with a positive disclosure move to a new role, a new risk assessment should be undertaken by the Executive 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.

9. RENEWALS OF ENHANCED DBS CERTIFICATES

- 9.1 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.
- 9.2 Checks for Federation posts will not be routinely renewed, however:
 - The council will renew around 10% of checks each year on a random sample basis – The Federation will also engage in this process to ensure adequate safeguards are in place
 - 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.

10. RECORDS OF DISCLOSURE INFORMATION

- 10.1 The Federation 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.
- 10.2 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.
- 10.3 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

10.4 Should the Federation 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.

10.5 The Council as a monitoring body will then require the Federation 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.

11. BARRING ROLE

11.1 Part of the Disclosure & Barring Service's role is to help prevent unsuitable people from working with children and vulnerable adults.

11.2 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.

11.3 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.

12. REFERRALS TO THE SERVICE

12.1 The Federation 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 Federation of their own accord prior to any hearing about conduct relevant to safeguarding.

12.2 The Federation 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).

School Business Manager to complete personal details AND either Section A or Section B

Name:	
Previous Names:	
Date of birth:	
Department/School:	
Position:	

Section A. Request for pre-employment start without DBS (the individual must not undertake any work until this risk assessment has been considered and approved)

List 99 check completed (to be requested from HR)	Yes / No	If no, please give details:
If yes, is List 99 check clear	Yes / No	
Have at least two satisfactory written references been received?	Yes / No	If no, please give details:
Has medical clearance been obtained for a new starter?	Yes / No	If no, please give details:
Will the person be supervised at all times until satisfactory DBS clearance is received?	Yes / No	If no, please give details:
Has the individual disclosed any cautions, convictions, warnings, etc?	Yes / No	If yes, please give details:
Details of proposed measures to manage the 'risk' of this individual commencing work prior to their DBS certificate being received. See 2.1.4 of policy for relevant criteria		

Section B. Positive Disclosure (the individual must not undertake any work until this risk assessment has been considered and approved)

DBS Certificate Issue date	
DBS Certificate Reference Number	

Details of positive disclosure information contained on certificate:

Include full details, as printed on the certificate, of offences, dates, fines/imprisonment	periods	etc.
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Section C. *to be completed by Assistant Director*

Do you give approval for this person to commence work in the position stated:	Yes / No
Comments:	
Signed:	

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

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 party

Federation

SAFEGUARDING, DISCLOSURE & BARRING POLICY

DECLARATION

NAME:.....

Class/Faculty:.....

EXTENSION:.....

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 Federation, 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:

EXECUTIVE HEAD TEACHER'S

SIGNATURE:.....

DATE:.....

DISCLOSURE & BARRING SERVICE (DBS) CHANGES

FREQUENTLY ASKED QUESTIONS

General FAQ's

What has changed?

From 29 May 2013 – a change in legislation means that certain old and minor convictions can be removed from the DBS certificate. Convictions that resulted in a custodial sentence will never be removed nor will certain serious convictions – more information can be found at <https://www.gov.uk/government/organisations/disclosure-and-barring-service> or within the Federation Model Safeguarding, Disclosure and Barring Policy.

From 17 June 2013 -

Update Service - is now live so you can subscribe for a continuous update to your status – employers will be able to check this online without the need for a new application form to be completed

Single Certificate – the applicant will receive a certificate but not the registered body. It's up to you to ensure your manager and HR know immediately that you have received your certificate so that they can keep your HR records up to date

How much is it to subscribe to the Update Service?

£13 per year.

Do I have to subscribe to the Update Service?

It depends on your job role – a small number of roles are designated as requiring a renewal check and these will be deemed as mandatory for staff to subscribe. For anyone else, it's optional although if you work/volunteer in another role which requires a DBS, doing so could be beneficial to you.

How do I subscribe to the Update Service?

- Please go to www.gov.uk/dbs-update-service and follow the subscription links
- You will need to enter either the form reference number of your DBS application before you send it off or the Certificate issue number providing its within 14 days of issue, along with certain personal details
- You will then need to pay the fee with a credit or debit card
- On completion of the reimbursement claim form, and verification of your subscription, subject to approval by your Executive Head Teacher, reimbursement will be made in your next available salary

What if I don't have a credit/debit card?

Please speak to your Federations Business Manager to see what other arrangements can be made.

Do I have to apply for a new DBS check?

If you are in one of the designated roles for mandatory subscription you must subscribe to the Update Service and apply for a new DBS check at the same time. You need a DBS certificate issued after 17 June 2013 to allow you to subscribe to the Update Service. You will be contacted when it's time for you to do this.

Who will pay for the subscription to the Update Service?

If you are in a role where subscription is mandatory, we will reimburse you. For all other roles, you will need to decide whether it is beneficial to you to subscribe to the Update Service and pay the applicable fee.

Does this mean that DBS certificates are now portable?

Not necessarily – if the person has subscribed to the Update Service then an online check can be made of their status. Otherwise, the guidance has not changed and we do not accept portability.

What do I do when I receive my DBS certificate?

On receipt, you must immediately inform your manager that you have received your certificate so that they can keep your records up to date. You will be required to show your Manager the certificate, and they will confirm the necessary details to HR.

Do I still need to renew my DBS check every 3 years?

It depends on the role – if you are working in one of the specified job roles in the Safeguarding, Disclosure and Barring Policy you must subscribe to the Update Service and consent to us undertaking an on-line check of your status at the appropriate time. Unless your status has changed, you will not have to undertake a new DBS application.

If your role is not one of the designated posts for renewal, you will not need to complete a renewal of your DBS check.

However the Council will be undertaking a random 10% sample of all other DBS 'eligible posts' on an annual basis. Routine renewals may also be undertaken for other posts, subject to a risk assessment by the relevant Assistant Director.

Do I need to tell someone if I am involved with the Police?

Yes – regardless of the role you are in. High standards of conduct are required from council officers and any member of staff in any role is required to notify their manager if they commit an offence which results in a caution, conviction, reprimand or warning from the police.

Where can I find more information?

By speaking to your nominated HR Advisor or HR Administrator.

Further information can be found on the HR Extranet and more detailed guidance documents on the DBS site: www.gov.uk/dbs

Federations Specific FAQ's

The following questions have been raised by Federations in the past few weeks – these will be added to as and when further questions are raised;

Would it be the council or Federation who would be able to check the status online, as the employer?

The consent form – attached at Appendix D of the Federations Model Safeguarding, Disclosure and Barring Policy, provides both the Council and individual Federation the authority to check the online status of an employee.

Do all employees have to authorise for the employer to have access to view their online information?

If your Federation wishes to use the online update service then all employees will be required to provide authorisation for the employer to have access to view their online information? (using the consent form – attached at Appendix D of the Federations Model Safeguarding, Disclosure and Barring Policy) Yes – all employees and volunteers.

Is there going to be a standard documentation to complete for employees to give consent?

Yes – The standard form to be used to obtain consent to view details stored on the online update service is attached at Appendix D of the Federations Model Safeguarding, Disclosure and Barring Policy.

Can we insist that all employees sign up, if we are willing to reimburse them?

This is a Federation by Federation decision and should be incorporated into your Federation Safeguarding Policy

What form do we use to reimburse staff expenses in respect of the update service fees?

The form for staff to use to reclaim the £13 fee for the update service is contained at Appendix E of the Safeguarding, Disclosure and Barring Policy, entitled Claim for Reimbursement of Subsistence and Travelling Expenses – please complete the 'Other Expenses' Section of the form and ensure it is signed and dated before sending to your Payroll Provider.

How often should Federations look on the update service to check for changes e.g. monthly, yearly or just as and when they have a concern?

Once an employee has provided consent to view their online status, Federations are free to decide how regularly they wish to view this to check if any changes have occurred. The Council will also be running a series of regular checks on all employees to highlight any changes in status which have occurred.

UPDATE SERVICE CONSENT FORM

In June 2013, the Disclosure & Barring Service introduced the Update Service which allows an employer to check an individual's DBS certificate is up to date, on-line via a secure log-in.

In order to be able to check your DBS status, I need to confirm that I have your consent to do so on the Disclosure and Barring Service system – the wording of the declaration is below for your information:

I confirm I have the authority of the individual to which this DBS Certificate number relates to receive up-to-date information (within the meaning of section 116A of the Police Act 1997) in relation to their criminal record DBS Certificate for the purposes of asking an exempted question within the meaning of section 113A of the Police Act 1997; or in relation to their enhanced criminal record DBS Certificate for the purposes of asking an exempted question for a prescribed purpose within the meaning of section 113B of the Police Act 1997.

Please therefore complete the declaration below, and return it to the Federation.

Name: _____

Date of birth: _____

DBS Issue date: _____

DBS Certificate number: _____

I consent to Bolton Council and (Federation Name) Federation making a check of my status on the DBS Update Service.

I understand that this consent document will be kept securely with other recruitment papers and held on my HR file for future reference and in accordance with the Data Protection Act.

Signed: _____

Date: _____

Claim for Reimbursement of Subsistence & Travelling Expenses

Bolton Council

Name		Pay No
Department	Section	

When submitting a claim for reimbursement which involves expenditure approved by a responsible officer, the claimant must attach the appropriate receipts (e.g. hotel bill, car parking ticket).

The person responsible for certifying the claim for payment should satisfy himself that the expenses are reasonable, and that prior approval has been obtained in appropriate cases.

All receipts must be stapled securely to the back of this form, and only original forms and receipts will be accepted.

Nature & Place of Business
Dates & Times of Journey

Subsistence - Meals

Please give details

£

Overnight Provisions

Travelling Expenses

Including mode of transport

Other Expenses

Total Claim

--

I certify that I have necessarily incurred additional expenditure, relating to the above claim, in the course of performing an official duty, and I acknowledge receipt of the above mentioned sum.

Signed	Date
Approved	Date

The completed form must be signed, and should be sent to
Payroll Shared Service Centre, 5th Floor, Paderborn House, Bolton BL1 1JW