

# SAFER RECRUITMENT POLICY



## VANTAGE ACADEMY TRUST

Document Name	Safer Recruitment Policy
Document written by	L. Jones
Date for next revision*	11 <sup>th</sup> September 2019
Responsibility	Trustees
Approved by	

\*subject to any relevant changes in legislation or other appropriate guidelines

Version	Date	Reviewed	Approved	Signature
1.0	01/08/2017	L. JONES		
1.1	16/10/2017	L. JONES		
1.2	11/09/2018	L. JONES		

## CONTENT

		Page No
1.	Introduction	3
2.	Safer Recruitment & Vetting: Overview of Policy Framework	3
3.	Safer Recruitment Standards	4
4.	The Applicant / Employee's Duty to Disclose Information	4
5.	Safeguarding Checks for Agency/Supply Staff	5
6.	Retention of Personal Files	5
7.	The Single Central Record for School Based Staff	5
8.	Disclosure & Barring Service (DBS) Clearance	6
9.	Additional Police Information – 'Brown Envelope' Disclosures	9
10.	Appointment Without Pre-Employment Checks	9
11.	Portability of DBS	10
12.	Records of Disclosure Information	10
13.	Safer Recruitment & Vetting: Roles & Responsibilities	11
	Appendix A – <i>Record of Safeguarding Risk Assessment</i>	13

## INTRODUCTION

- 1.1 This policy has been designed to deliver the Vantage Multi Academy Trust's (herein the 'Trust') commitment to safer recruitment of staff working with children and vulnerable adults. It complements the Trusts recruitment and selection code of practice and ensures that our recruitment processes comply with current safeguarding legislation and regulations including the Disclosure & Barring Service (DBS).
- 1.2 The Trust is committed to safeguarding and promoting the welfare of children, young persons and vulnerable adults and we expect all staff and volunteers to share that commitment. Fair and thorough recruitment, selection and interview processes are in place throughout the Council.

## SAFER RECRUITMENT & VETTING: OVERVIEW OF POLICY FRAMEWORK

- 2.1 To fulfil the Trust's commitment to safeguarding recruitment we will, under the terms of this policy:
  - Ensure the Trust's statement of intent is included in appropriate school publicity and management materials including, advertisements, candidate information packs, person specifications, job descriptions and competency frameworks.
  - Undertake a rolling programme of 3 yearly renewals of Enhanced DBS checks.
  - Ensure that, when a positive DBS check is received, the appointment decision is made by the School Principal/Chair of the Local Advisory Board (LAB).
  - Ensure that the protection of children and vulnerable adults 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 for the Trust 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 School Principal/Chair of the LAB.

## SAFER RECRUITMENT STANDARDS

- 3.1 This policy complements the Trusts recruitment and selection code of practice and ensures that the Trust's recruitment practices comply with the DBS safer recruitment standards.
- 3.2 In summary, all recruitment to posts that involve working with or have access to information about 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 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 an organisation which has knowledge of the applicant's work or volunteering with vulnerable adults, children or young people
  - Consent to an Enhanced DBS check
  - 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 their role
- 3.3 Staff from overseas should be checked in the same way as for all other staff but should additionally provide a certificate of good conduct from their home police force or embassy, as well as from other countries where they have worked. DBS checks do not detail offences committed abroad, nor does it check whether an applicant is permitted to work in the UK.

## THE APPLICANT/EMPLOYEE'S DUTY TO DISCLOSE INFORMATION

- 4.1 A central plank of the safer employment policy is that the Trust requires all applicants and existing employees to disclose any convictions/cautions within their application forms and, via an ongoing duty, to their School Principal.
- 4.2 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. Any decision to appoint someone under these circumstances should be taken either by the School Principal or Chair of the LAB.

## SAFEGUARDING CHECKS FOR AGENCY/SUPPLY STAFF

- 5.1 Staff engaged from recruitment agencies including school supply registers must have the relevant level of DBS clearance, if applicable, for the post. Should a positive disclosure be returned the decision about whether to engage the individual is the responsibility of the School Principal. School supply registers are therefore obliged to refer details of positive disclosures to the school, through the recruiting manager, for decision.

## RETENTION OF PERSONAL FILES

- 6.1 All personal files of those staff who have an enhanced DBS will be retained for 25 years following the termination of their employment with the Trust.

## THE SINGLE CENTRAL RECORD FOR SCHOOL-BASED STAFF

- 7.1 A single central record of safeguarding checks for those who work within a school on a paid or voluntary basis must be maintained. The record, as prescribed by DfE guidance, should include:
- Details of all staff employed within a school, whether directly or through an agency and anyone else i.e. volunteers who are identified by the school as 'working in regular contact with children'
  - Confirmation of identity to ensure that the name, address and date of birth have been checked and verified
  - Evidence of qualifications; where the qualification is a requirement of the job, i.e. posts where a person must have qualified teacher status
  - Proof of permission to work in the UK for those who are not nationals of a European Economic Area country and that steps have been taken to check their suitability
  - The date and number 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, including List 99 check for all those who require a check under the guidance and regulation applying at the time they were recruited

- 7.2 A copy of all documents used to verify identity, right to work & qualifications held should be filed and retained by HR.

## DISCLOSURE & BARRING SERVICE (DBS) CLEARANCE

- 8.1 All staff in posts that have access to children or vulnerable adults or information about them require the appropriate level of DBS clearance before they can commence employment. Outlined below is the detail of how this policy and process will operate. In order to ensure consistency of decision making across the school, decisions relating to a number of aspects of the policy will be made either by the School Principal or Chair of the LAB, with reference to the relevant Trustee.

### 8.2 **ENHANCED DBS CHECKS**

Enhanced DBS checks are required for posts that involve:

- Regularly caring for, supervising, training or being in sole charge of children, young people or vulnerable adults

and/or

- Regular access to information relating to vulnerable groups, such as that held on the Contact Point database and the Integrated Children's Services Index (ICS) index

Enhanced checks contain the same information as standard checks but with the addition of any local police force information considered relevant. This could include information relating to someone who is currently under investigation or previous unsubstantiated allegations, etc.

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.

### 8.3 **STANDARD DBS CHECKS**

Standard DBS checks are required for posts that do not involve working with children, young people and vulnerable adults regularly but which may come into contact with vulnerable groups and/or have access to information relating to them.

Standard DBS checks contain details of all convictions, cautions, reprimands and warnings held on the police national computer. They also contain information from the Protection of Children Act List (POCA) and information from the Protection of Vulnerable Adults List (POVA), along with information

held by the Department for Children, Schools and Families (DCSF) under section 142 of the Education Act 2002, detailing those considered unsuitable or banned from working with children.

Should an individual move from a position for which an enhanced check is required, into a position in which no check or a standard check is required, that person should be removed immediately from the renewals database. This check will be valid for the 3 years and exempt the individual from standard checks during this period. However, should the individual choose to return to a post requiring an enhanced disclosure check after a period of 12 months or more, an additional enhanced disclosure check will be required.

#### **8.4 ENHANCED WITH A BARRED LIST CHECK**

The enhanced check with barred list check(s) is only available for those individuals who are carrying out regulated activity and a small number of positions listed in Police Act 1997 (Criminal Records) regulations.

An enhanced level certificate with barred list check(s) contains the same Police National Computer (PNC) information and check of information held by police forces as an enhanced level check but in addition will check against the children's and/or adult's barred lists (<https://www.gov.uk/disclosure-barring-service-check/dbs-barred-lists>)

If an application includes a request to check the barred list(s) the DBS has a statutory duty to consider any information that suggests someone may pose a risk of harm and will write to the applicant if they are affected.

#### **8.5 CHECKS FOR “UMBRELLA BODY” ORGANISATIONS**

Where requested, the Council may act as an “Umbrella body” to countersign applications and receive disclosure information on behalf of other related employers or voluntary organisations. When acting as an umbrella body the Council makes a charge to cover administrative costs.

The appointment decision for staff in “umbrella organisations”, based on disclosure information received, is the responsibility of the School Principal and not the Council.

#### **8.6 POSITIVE DISCLOSURES**

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. Positive disclosures will be referred to the School Principal who will be responsible for completing a risk assessment of whether the offence(s) listed is/are

sufficiently serious to cause concern. To aid the decision making process it may be appropriate to interview the applicant to verify the information received, prior to any judgements being made.

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

The decision taken, based on the disclosure information received, will be recorded using the form at Appendix A. Where appointment proceeds, the record of decision will be retained permanently on the individual's personnel file and the DBS information will be retained securely for 6 months.

If a positive disclosure is returned through the DBS renewal process about an existing member of staff who is employed in a high risk post, they should be suspended from duty immediately pending an investigation led by the School Principal:

- To facilitate the potential redeployment of the individual into a non-risk post or
- Recommend disciplinary action.

The decision will be made with reference to the criteria set out above and with reference to the School Principal.



## ADDITIONAL POLICE INFORMATION - 'BROWN ENVELOPE' DISCLOSURES

- 9.1 On rare occasions, the police may provide additional confidential information under a separate cover letter, known as a "Brown Envelope" disclosure. This disclosure will contain information which, in the Chief Police Officer's opinion:
- Might be relevant in considering the applicant's suitability to work with children or vulnerable adults (whether paid or unpaid)
  - Ought not to be included in the certificate in the interests of the prevention or detection of crime
  - Can without harming those interests be disclosed to the Registered Person
- 9.2 Should the police intend to provide this information, the DBS check will contain the words "Please refer to letter sent under separate cover". The 'Brown Envelope' will only be sent to the Counter Signatory who requested the Disclosure, who will be responsible for referring it to the School Principal. The information should be handled, stored, retained and used in the same way as any other disclosure information and must not be disclosed to the applicant, recruiting manager or to any other person not involved with the recruitment decision, without the written permission of the Chief Police Officer.
- 9.3 If the additional information reveals details that are unsatisfactory to the post, the job offer should be withdrawn but the reasons for doing so should not be revealed to the applicant. If the situation is difficult, advice should be sought on this issue before proceeding and the DBS and Chief Police Officer should be advised as soon as practicable of the situation.

## APPOINTMENT WITHOUT PRE-EMPLOYMENT CHECKS

- 10.1 Following an offer and acceptance of employment, employees should not commence working for the Trust until full clearances of all relevant pre-employment checks, including DBS clearance, have been received and checked. The payroll team will ensure that all necessary clearances have been received before making the first month's salary payment for new starters.
- 10.2 Any decision for employment to commence prior to receipt of full pre-employment checks can only be taken by the School Principal with reference to the Chair of the LAB, following a risk assessment based on the nature of work; the level of exposure to children and vulnerable adults and the information provided on the application form.

- 10.3 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 School Principal 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 School Principal will remain accountable for this decision until the DBS clearance has been granted.

## PORTABILITY OF DBS

- 11.1 Neither the DBS nor the Trust endorse the use of 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. A disclosure carries no formal period of validity and reflects information that was available at the time of its issue only. Portability should therefore only be considered as part of an overall risk assessment process and reserved for exceptional circumstances.
- 11.2 It is not Trust policy to routinely re-check staff with current DBS clearance if they move between positions within the Authority, although an up to date check may be requested depending upon the requirements of the role.
- 11.3 Enhanced checks will be renewed on a 3 yearly basis as part of the rolling programme of quality assurance.

## RECORDS OF DISCLOSURE INFORMATION

- 12.1 The Trust 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.
- 12.2 It is not Trust policy to retain disclosure information routinely. In exceptional circumstances, for example where an individual with a positive disclosure has been appointed, the information will be kept by the School Principal for 6 months in a secure, locked place.
- 12.3 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 name of the subject
  - The type of Disclosure requested

- The position for which the Disclosure was requested
  - The reference number of the Disclosure
- 12.4 Should any school or Further Educational establishment 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 of DBS and vetting checks containing the information set down in 12.3 above. The Council as a monitoring body will then require the school to confirm in writing to the Council that it wishes to hold its own records and that they will be held and disposed of in accordance with the requirements above.

## SAFER RECRUITMENT & VETTING: ROLES AND RESPONSIBILITIES

### 13.1 THE SCHOOL PRINCIPAL

The School Principal with reference to the Chair of the LAB is responsible for:

- Considering positive disclosure information when received from the DBS and determining and recording whether appointment should proceed
- Ensuring relevant partner agencies and organisations are aware of their responsibilities under safeguarding, through communication and training where appropriate
- Undertaking and recording a risk assessment where appointments are requested prior to receiving DBS clearance and determining whether appointment may proceed
- Ensuring that the protection of children and vulnerable adults 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.

13.1.1 The School Principal may delegate the responsibilities above to a small number of suitably trained and experienced staff, however they remain accountable for advice given and decisions made.

### 13.2 RECRUITMENT ADMINISTRATORS

Recruitment administrators are responsible for:

- Progressing all DBS checks for new starters

- Ensuring the Trust's statement of intent is included in appropriate recruitment materials including the recruitment website, advertisements, candidate information packs, person specifications, job descriptions and competency frameworks

### **13.3 THE SAFER EMPLOYMENT TEAM**

The Safer Employment Team is responsible for:

- Undertaking a rolling programme of 3 yearly renewals of Enhanced Disclosure checks
- Ensuring that, when a positive DBS check is received, the appointment decision is referred to the School Principal.
- Undertaking DBS checks for any non-employed groups, e.g. LAB Representatives.

## APPENDIX A: RECORD OF SAFEGUARDING RISK ASSESSMENT

Issue (Please Tick)

Portable DBS clearance request	
Positive Disclosure	
Appointment prior to receipt of full DBS clearance	
Other (please describe)	

Disclosure No: \_\_\_\_\_ Date Obtained: \_\_\_\_\_

Safer Recruitment Administrator: \_\_\_\_\_

Applicant/Employee Name: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Proposed position: \_\_\_\_\_

Department/School Name: \_\_\_\_\_

Status (employed/self-employed/voluntary etc.): \_\_\_\_\_

Summary of Risk Assessment Outcome (see section 8.6 for relevant criteria)

Please confirm whether the above named person is approved to be employed in the position stated above. It is crucial to note that this approval to proceed is isolated to this position and the circumstances as judged by the authorised signatory. This judgment is therefore not transferable to other recruitment decisions.

Proceed ☐

Do Not Proceed ☐

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Authorised signatories:

- Assistant Director Children's Services (Staying Safe)
- Chief Officer Social Care
- Director Children's Services
- Director Adult & Community Services

Disclosure information & documents relating to convictions should be retained by the Authorised signatory pending any appeal and for secure disposal thereafter.

This trace must be kept safe and not disclosed to a third party.