

SAFEGUARDING, DISCLOSURE AND BARRING POLICY



VANTAGE ACADEMY TRUST

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1. Introduction

This policy has been designed to deliver the trusts commitment to safer recruitment of staff working with children and vulnerable adults.

It complements the corporate recruitment and selection code of practice and ensures that our recruitment and management practices comply with current safeguarding legislation and regulations including the Disclosure and Barring Service ('DBS').

2. Statement of Intent

Vantage Academy 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.

3. Overview of policy framework

To fulfil the trusts 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 in each department that involve working with children, young people or vulnerable adults 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 principal.

Ensure that the protection of children and vulnerable adults is a condition of awards or grants and service level agreements when planning the commissioning or contracting of services and that inspection mechanisms are inbuilt 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 Chief Executive Officer or Principal.

Routinely renew 10% of DBS checks every year.

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.

4. Safer recruitment standards

This policy complements the corporate recruitment and selection code of practice and ensures that the trusts recruitment practices comply with recognised safer recruitment standards.

The School Staffing (England) Regulations 2009 require all employees who are on any appointment panel has undertaken safer recruitment training.

In summary, all recruitment to posts that involve working with children must require the successful applicant to.

- 4.1. Complete a detailed application form for the post.
- 4.2. Provide at least two referees, which will be contacted prior to a post being offered. One reference should be from the last substantive 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
- 4.3. Consent to an Enhanced DBS check and barred list check
- 4.4. Be aware that they have a responsibility to disclose any subsequent convictions, cautions etc.
- 4.5. 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.
- 4.6. 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.

5. The applicant or employee's duty to disclose information

The Safeguarding, Disclosure and Barring Policy is that the trust requires.

- 5.1. All applicants to disclose any convictions, cautions, reprimands or final warnings that are not "protected" as defined by the Rehabilitation of offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013) to the trust within their application forms, and
- 5.2. Existing employees to disclose any convictions, cautions, reprimands or final warnings that arise during the course of their employment, to their manager or departmental HR adviser
- 5.3. 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.

5.4. Any decision to appoint someone under these circumstances should be taken in consultation with the Principal, HR.

6. Safeguarding checks for agency or supply staff

6.1. Staff engaged from recruitment Agencies including school supply agencies must have the relevant level of DBS clearance and this must be provided prior to the start of their supply.

6.2. Recruitment Agencies are therefore obliged to refer details of positive disclosures to the trust, through the recruiting manager, for decision.

6.3. It is important that schools ensure that agencies used apply best practice and that Head Teachers ensure safer recruitment requirements are complied with.

7. Retention of personal files

7.1. All personal files of those staff who have worked with children, young people or vulnerable adults will be retained within the trust retention guidelines.

8. The single central record - school level

8.1. In schools, a single central record of safeguarding checks for those who are employed through an agency, contractors and volunteers will be collated.

8.2. 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.

9. The single central record - trust level

9.1. The record, as prescribed by Department for Education ('DfE') guidance, should include details of all staff employed by the trust, including trustees.

9.2. proof of identity - confirmation that name, address and date of birth have been checked and verified

9.3. evidence of qualifications, where the qualification is a requirement of the job, i.e. posts where a person must have Qualified Teacher Status

9.4. 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

9.5. the date of a Barred List check, if appropriate as a separate item where the person has started in post prior to a DBS check being completed

9.6. 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

9.7. the date of a prohibition from teaching check (teachers only)

- 9.8. date of European Economic Area (EEA) teacher sanctions and restrictions check on teachers who have lived or worked outside the UK
- 9.9. Section 128 Prohibition from Management of an independent school check (applicable to Academy and Free Schools only).
- 9.10. A copy of all documents used to verify identity, right to work and qualifications held should be retained on their HR file.

10. Enhanced DBS checks

In line with DBS guidance, enhanced DBS checks are required for posts that involve.

- 10.1. Children's – an enhanced DBS with barred list check is only available for those undertaking unsupervised activities in a school.
- 10.2. Enhanced DBS checks contain details of all convictions, cautions, reprimands and warnings held on the police national computer that have not been 'filtered' out.
- 10.3. They also contain information from the DBS Children's Barred List and the DBS 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.
- 10.4. 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.
- 10.5. 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.

11. Standard DBS checks

- 11.1. Standard DBS checks are typically required for posts that do not involve working directly with children, young people or vulnerable adults but may be required as part of a licence for accessing certain databases e.g. Department for Work and Pensions.
- 11.2. The standard DBS does not include a check of the DBS barred lists so, for this reason, would only be requested in a very small number of cases.

12. 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.

All positive disclosures concerning either job applicants or employed staff will be referred to the school principal and CEO.

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.

The assessment of the positive disclosure will be in accordance with the following checklist.

- 12.1. the likely impact that the positive disclosure could have on the individual's ability to carry out the job role.
- 12.2. the seriousness and nature of the offence(s);
- 12.3. the nature of the appointment.
- 12.4. the length of time since the offence(s) occurred.
- 12.5. the number and pattern of offences.
- 12.6. the applicant's age at the time.
- 12.7. any explanation of the circumstances of the offence(s) that may already have been given
- 12.8. concealment of the offence(s) at the application stage/non-disclosure of offences that occurred during employment
- 12.9. The decision taken, based on the disclosure information received, will be recorded on the individual's HR record.
- 12.10. The manager is responsible for fully completing and submitting a risk assessment detailing the information documented on the DBS certificate.
- 12.11. 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.

13. Appointment without full DBS clearance

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

Any decision for employment to commence prior to receipt of full pre-employment checks can only be taken, following consideration of a completed Risk Assessment Form based on the nature of work, the level of exposure to children, young people or vulnerable adults and the information provided on the application form.

- 13.1. 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.