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# SAFE RECRUITMENT & VETTING

# POLICY

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# Safe Recruitment and Vetting Policy

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## **1. INTRODUCTION**

- 1.1 The Council is committed to safeguarding the welfare of children and adults who may be considered vulnerable. We need to ensure that our recruitment policies and practices are robust and contain the necessary measures to enable us to employ a workforce that will fulfil its roles and responsibilities with full regard to this commitment. For clarity, “children” are defined as those under the age of 18. The new definition of regulated activity relating to adults no longer labels adults as ‘vulnerable’. Instead the definition identifies the activities which, if any adult requires them, lead to that adult being considered vulnerable at that particular time.
- 1.2 We have a formal policy and code of practice on recruitment and selection. This ensures compliance with legislation, and encompasses best practice to ensure that we are effective in attracting, recruiting and retaining an appropriately skilled and talented workforce. The process for checking and vetting potential employees is a critical part of this process.
- 1.3 This policy and guidance was originally written with full regard to the findings and recommendations of the Bichard Inquiry 2004.
- 1.4 This policy and guidance have been updated to reflect the changes to the law through the Protections of Freedoms Act 2012.

## **2. STATEMENT OF INTENT**

- 2.2 ***“Warrington Borough Council as an aware employer is committed to safeguarding and protecting the welfare of children and adults who may be considered vulnerable as a high priority.***

***This commitment to robust Recruitment, Selection and Induction procedures extends to organisations and services linked to the Borough Council on its behalf”.***

As an Authority we will:-

- Ensure that with all appointments to posts that include working with children/adults who may be considered vulnerable will be subject to the Enhanced Disclosure regime.
- Create a list of key posts in each Department which will need Enhanced Disclosure and Barred List checks
- Ensure that when a positive DBS check is received the judgements made are at the appropriate level and consistent.
- Ensure that an appropriate training programme is undertaken to ensure that those undertaking Recruitment and Selection processes are aware of safe and robust Recruitment and Selection procedures.

- Ensure that the robust Recruitment and Selection processes we rely on are communicated to all who provide services on our behalf e.g. contractors, sports coaches, music tutors.
- Ensure that the protection of children and adults who may be considered vulnerable is a condition of awards/grants and service level agreements.

### **3. WARRINGTON BOROUGH COUNCIL POLICY STATEMENT (SUMMARY)**

- 3.1 As an organisation using the Disclosure and Barring Service (DBS) to assess applicants' suitability for positions of trust, Warrington Borough Council complies fully with the DBS Code of Practice and undertakes to treat all applicants for positions fairly. It undertakes not to discriminate unfairly against any subject of a Disclosure on the basis of conviction or other information revealed.
- 3.2 We actively promote equality of opportunity for all with the right mix of talent, skills, and potential and welcome applications from a wide range of candidates, including those with criminal records. We select all candidates for interview based on their skills, qualifications, and experience.
- 3.3 Where a Disclosure is to form part of the recruitment process, we require all applicants to provide details of their criminal record at the application stage of the recruitment process.
- 3.4 Where a post is subject to DBS, the postholder must notify their line manager/Head teacher of any convictions incurred whilst employed with Warrington Borough Council/ the school.

### **4. POSTS REQUIRING CLEARANCE**

- 4.1 Each Directorate and Service/ school is required to review all posts on its establishment. It must identify and maintain a list of posts requiring DBS clearance indicating whether or not the position is in a regulated activity (a Barred List check is required) and those that do not. A process will also exist for identifying and recording this requirement when creating new posts. Upon identification of the status of all posts, an indicator must be included against that post on the Council's Payroll/HR system.
- 4.2 The decision as to whether or not a post necessitates clearance requires a consistent, sensible judgement across Directorates and reference to the new definitions of regulated activity as detailed below.
- 4.3 The criteria applies equally to all types of employment, whether or not an established post, such as permanent, temporary, casual, supply, volunteer/unpaid, or self-employed. If agencies are used, agency staff must be subject to the same checks as permanent staff, and it will be up to Head Teachers/manager to obtain and record confirmation from the agency that checks have been undertaken. The criteria also apply to non-employment

arrangements, acting on behalf of the Authority, such as school Governors, Elected Members, contractors.

## What is a ‘regulated activity’?

### 4.4 **The new definition of regulated activity (i.e. work that a barred person must not do) in relation to children comprises, in summary:**

(i) unsupervised activities: teach, train, instruct, care for or supervise children, or provide advice/ guidance on well-being, or drive a vehicle only for children;

(ii) work for a limited range of establishments (‘specified places’), with opportunity for contact: e.g. schools, children’s homes, childcare premises. Not work by supervised volunteers;

Work under (i) or (ii) is regulated activity only if done regularly: “regularly” is defined in detail in the full guidance note available on the Department for Education website.

HM Government has published statutory guidance on supervision of activity that would be regulated activity if unsupervised.

(iii) relevant personal care, e.g. washing or dressing; or health care by or supervised by a professional;

(iv) registered childminding; and foster-carers.

### 4.5 **The definition of regulated activity relating to adults no longer identifies adults as ‘vulnerable’.** Instead, the definition identifies the activities which, if any adult requires them, lead to that adult being considered vulnerable at that particular time. This means that the focus is on the activities required by the adult and not on the setting in which the activity is received, nor on the personal characteristics or circumstances of the adult receiving the activities. There is also no longer a requirement for a person to do the activities a certain number of times before they are engaging in regulated activity.

### 4.6 There are six categories of people who will fall within the new definition of regulated activity (and so will anyone who provides day to day management or supervision of those people). A broad outline of these categories is set out below. For more information please see the Safeguarding Vulnerable Groups Act 2006, as amended by the Protection of Freedoms Act 2012.

(i) Providing health care

(ii) Providing personal care

- (iii) Providing social work
- (iv) Assistance with cash, bills and/or shopping
- (v) Assistance in the conduct of a person's own affairs
- (vi) Conveying (transportation)

Please contact the Recruitment & Vetting or HR team if you are unsure whether a post requires DBS clearance.

## **5. CHILDCARE (DISQUALIFICATION) REGULATIONS**

- 5.1 The Childcare (Disqualification) Regulations 2009 set out the circumstances in which an individual will be disqualified for the purposes of the Childcare Act 2006. A person who is disqualified under the regulations may not provide relevant childcare provision or be directly concerned in the management of such provision.
- 5.2 Under the legislations a person is disqualified if they are found to have committed an offence which is included in the 2009 Regulations (including 'by association').
- 5.3 Staff covered by this legislation are those employed and/or provide early years childcare (this covers the age range from birth until 1 September following child's fifth birthday i.e. up to and including reception age) or later years childcare (this covers children above reception age but who have not attained the age of 8) in nursery, primary or secondary school settings, or if they are directly concerned with the management of such childcare. This includes:
- Early years provision – staff who provide any care for a child up to and including reception age. This includes education in nursery and reception classes and/or any supervised activity (such as breakfast clubs, lunchtime supervision and after school care provided by the school) both during and outside of school hours for children in the early years age range; and
  - Later years provision (for children under 8) – staff who are employed to work in childcare provided by the school outside of school hours for children who are above reception age but who have not attained the age of 8. This does not include education or supervised activity for children above reception age during school hours (including extended school hours for co-curricular learning activities, such as the school's choir or sports teams) but it does include before school settings such as breakfast clubs and after school provision.
- 5.4 All staff in relevant settings must be asked to complete a declaration affirming that they are not disqualified. Confirmation of the return of the declaration must be recorded on the single central record.

5.5 Services/schools must ensure that any external agency providing relevant staff in relevant settings carry out these checks prior to placing them in school.

## **6 ASSESSMENT AND SELECTION PROCESS**

6.1 This Policy does not seek to replicate the Council's guidance and code of practice on recruitment and selection, which comprehensively outlines the legislation and best practice on this subject. It is, however, essential that the assessment and selection of candidates for posts working with, or having regular contact with, children or adults who may be considered vulnerable is robust and directly addresses matters relating to the client group in question.

6.2 The following checklist provides the minimum essential requirements when recruiting to such positions, including voluntary and unpaid positions as referred to above:

- That all shortlisted applicants have face-to-face interviews;
- Applicants are asked specific questions at interview examining attitudes towards children, young people, or adults who may be considered vulnerable (as applicable);
- There is effective scrutiny of the information provided by applicants, such as references, gaps in employment or educational history;
- Discrepancies and qualifications are checked and followed up;
- With regard to overseas staff, the same checks will be made as for all other staff, but should additionally include a certificate of good conduct from their home police force or embassy, as well as from other countries where they have worked. DBS disclosures do not detail offences committed abroad. (see paragraph 8. for further information)
- Applicants receive an induction and appropriate training in Child Protection issues and adult safeguarding; and
- Applicants' attitudes and behaviour should continue to be monitored and supervised post-appointment.

6.3 Other requirements exist under the code of practice, which will be supported by comprehensive and compulsory training. Additionally, any officer, Elected Member, Head Teacher or Governor involved in recruitment to posts with access to children or adults who may be considered vulnerable, are strongly encouraged to participate in the safe recruitment training provided by the Council or an appropriately qualified and registered safe recruitment trainer.

## **7 THE PRE-EMPLOYMENT CHECKING PROCESS**

- 7.1 Following the offer and acceptance of employment, employees should not commence working for the Council until full clearances have been received and checked by the employer, other than in exceptional circumstances (see below).

This relates to:

- DBS clearance
- barred lists,
- qualification checks,
- professional statutory registration, i.e. HCPC (formerly GSCC), NCTL (Employer Access Service)list of prohibited teachers (all schools should be registered with Employer Access Services), \*Section 128 direction for management in an independent/academy School. \*\*EEA Checks
- Disqualification by association (anyone who provides or manages childcare for children under 8) See Appendix 6
- medical clearance (related to the specific post applied for),
- verification of entitlement to work in the UK (Asylum & Immigration Act)
- satisfactory references.

This also applies to internal appointments, in that staff should not transfer to a post requiring DBS clearance, until such clearance and statutory checks have been received.

- 7.2 There would need to be exceptional and justifiable circumstances for employment to commence prior to DBS clearance. Such a decision can only be taken by a Head Teacher/Principal, Assistant Director or Executive Director, following risk assessment. There must be a record of this process and decision, including “sign off” by the Head Teacher/Principal/Assistant Directory/Executive Director, to ensure audit and accountability of the judgement. The judgement is an assessment of the risk versus the consequences of the decision. Furthermore, the employee must never commence prior to the submission of their completed disclosure application to the DBS.

### **Risk Assessment - Key Questions for Consideration**

1. What are the reasons for considering commencement of employment prior to receiving clearance?  
*This should not be a natural default position, and should be exceptional and clearly linked to the circumstances identified in response to questions 2 and 3 below.*
2. What would be the consequences to service delivery, of waiting until clearance is received?  
*Again these should be exceptional and have a demonstrable substantial impact on service users (e.g. partial or full school closure). You should*

*be able to demonstrate how you have used effective planning to avoid/minimise this disruption, and clearly show where this has been unavoidable.*

*\*Section 128 of the Education and Skills Act 2008 provides for the Secretary of State to direct that a person may be prohibited or restricted from participating in the management of an independent school (which includes academies and free schools).*

*\*\* Individuals who have lived or worked outside the UK must undergo further checks to 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.*

3. If the employee commenced in their role, what would be their normal level of access to children/vulnerable adults?
- i) Unsupervised access one-to-one
  - ii) Unsupervised access to a group
- Neither of these would be acceptable arrangements in any circumstances during this “waiting period”.*
- iii) Supervised access one-to-one
  - iv) Supervised access to a group
  - v) No direct access, but based within premises
  - v) No direct access, but access to sensitive and confidential information

**A DBS barred list check must be completed as part of the risk assessment.**

**If an employee does commence employment prior to DBS clearance being received, their access must be supervised at all times. The level of risk declines as the list above progresses, however, there continues to be a risk with each of these scenarios.**

4. Has the employee left employment to take up the post?  
*The employee themselves runs a risk if they leave existing employment to take up a post that remains subject to clearance. This should be made clear to them.*
5. Is there previous satisfactory DBS clearance documentation available?  
*If a previous disclosure/verification of clearance is available, consider how recent it is and whether the employee has continued to work for that employer continuously since then. This **does not** offer any guarantee of current clearance, however, it may reduce the likelihood of convictions, complaints, investigations, etc., having occurred in the intervening period. See also “Portability”, paragraph 9.*
6. Are the other checks and clearances in place?  
*Again, the existence of other checks and clearances does not eliminate risk, or conclusively verify a candidate’s suitability to commence employment. However, a candidate for whom we have verified qualifications, professional registration, reliable references from existing*

*employer, and has provided a complete employment history, etc., is potentially less of a risk than someone for whom we have not yet completed any checks with regard to identity or background, or who has gaps in employment/education history.*

- 7.3 A pro-forma is attached at Appendix 1, to act as an auditable record of the decision made following risk assessment, and should contain the signature of the accountable Head Teacher/Principal, Assistant Director or Executive Director. This responsibility cannot be delegated. **A copy of the form/confirmation must be received by the Recruitment & Vetting Team in Employee Services as part of the payroll information, otherwise pay cannot be authorised.**
- 7.4 If a decision is taken to commence an employee prior to receiving DBS clearance, their contract of employment should remain subject to this condition being met. The employee must have completed and submitted their completed disclosure application to the DBS. The application's progress within the DBS system should be checked and monitored on a regular basis.
- 7.5 As referred to above, robust and reliable supervision arrangements must be put into place during the "waiting period". The employee must be clearly notified of the supervision arrangements that are in place. The situation must be checked and monitored at least every two weeks. The Head Teacher, Assistant Director or Executive Director remains accountable during this time, until the DBS clearance is received, checked and suitability confirmed.
- 7.6 The appointment remains subject to receipt of satisfactory clearances including DBS to enable the individual to undertake the full duties of the post. This will be reviewed on a regular basis.

## **8 OVERSEAS CHECKS**

- 8.1 The Disclosure and Barring Service cannot access overseas criminal records or other relevant information. Therefore if an applicant has resided in any one country (other than the UK) for six months or more in the previous five years, a certificate of good conduct or other references must be obtained from that country.
- 8.2 It is an individual's responsibility to obtain this certificate and references. The time it takes to obtain such documents varies depending upon the country being applied to. Employment must not commence until the certificate or references have been received and verified.
- 8.3 Any existing employees who have to attend the Foreign & Commonwealth Office may claim the appropriate financial compensation, i.e. travel expenses, time off etc.
- 8.4 The Foreign and Commonwealth Office has an overseas information service at [www.fco.gov.uk](http://www.fco.gov.uk) and contact details for various countries can be obtained on the website or tel: 020 7008 1500

## **9 PORTABILITY**

### **New employees or volunteers joining Warrington Borough Council/ Schools**

- 9.1 It is for an employer to determine whether to accept previously issued DBS checks, 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 only reflects information that was available at the time of its issue. As a responsible employer, we will therefore exercise caution in the portability of disclosures. Portability carries a risk and should **only** be considered as part of an overall risk assessment process, and reserved for exceptional circumstances. Further information on the limitations and risks of portability can be obtained from the DBS. Further guidance should be sought from The Recruitment & Vetting Team or your HR Business Partner on specific cases.

### **Existing Warrington Borough Council / School employees moving job roles**

- 9.2 Where a current employee takes up a new job role within the Council or a school within Warrington local authority control, a new DBS check is not required provided that there has been no break in service, a DBS check has previously been obtained at the required level and the new job does not give the employee greater access to children or significantly more responsibility. For further guidance see **Appendix 6**.

## **10 DBS UPDATE SERVICE**

- 10.1 For a small annual subscription applicants can enrol with the DBS update service and have their DBS certificate kept up-to-date so they may take it with them from role to role, within the same workforce, where the same type and level of check is required.
- 10.2 If an applicant is a member of the update service, with their permission, it is possible to check their current DBS status instantly online, without the need to apply for a new DBS certificate.

## **11 CHECKING AND RE-CHECKING OF EXISTING EMPLOYEES**

- 11.1 There are various elements to the process of checking and re-checking existing employees. The Council has determined that the following will apply:
- i) All existing employees who transfer from a post that does not require clearance, to one that does, will be subject to an enhanced DBS.
  - (iv) A Head Teacher/Principal, Assistant Director or Executive Director may deem at any time that an employee should be subject to an enhanced

DBS check, provided that they can justify that the employee has “given cause for concern” and is employed in a position that requires a DBS check.

11.2 Managers/Headteachers will be responsible for ensuring that all DBS checks are completed

## **12 AGENCY WORKERS**

12.1 Although it is the responsibility of Reed or other agencies to undertake the DBS check, it is the managers responsibility to check with that agency that the DBS is clear and that they have seen evidence of identification. Refer to Section 16 for information on how to record this information.

12.2 If the DBS check has a positive trace then this will need to go through the same process as any other current or potential employee (see Section 12 below)

## **13 POSITIVE DISCLOSURES**

13.1 The term “positive disclosure” refers to a disclosure containing information relating to convictions, cautions, reprimands, etc., plus “soft information” relating to non-convictions, but which police forces deem relevant. If a positive disclosure is received for an employee who has already commenced work, the individual should be immediately withdrawn from duties pending further enquiries.

13.2 It is essential that Council directorates follow a consistent process for considering such disclosures and for making subsequent judgements regarding an applicant’s suitability for employment. Therefore all positive disclosures will be considered by a ‘Review Panel’.

13.3 The following key stages must occur in the process (process map at Appendix 2):

- Positive disclosure should be passed to the HR Advisory Services Manager.
- A centralised Review Panel will then look at all positive disclosures. The panel will consist of the Service Manager Targeted Services, a representative from Adult Social Care and a representative from the HR Advisory Service. At least two out of the three must be present to make any decisions.
- If offences were not declared, this will automatically warrant an interview with the applicant.

13.4

- If the Review Panel recommends that the offence(s) is not sufficiently serious to warrant an interview, the decision to employ will be signed off by the Panel.

- If it is judged that an interview is necessary, or that further information is required from the individual concerned, this should be undertaken by an appropriate manager with advice from the HR Advisory Team.
- The meeting is an essential part of the process, as it is necessary to verify that the information contained on the disclosure does indeed relate to the individual concerned. This verification must be sought prior to any judgements being made. There have been occasions where DBS system errors have occurred and information supplied has been wrongly attributed to individuals.
- The disclosure should be discussed with the prospective employee. The discussion will aid the decision-making process, and should broadly focus around the following:
  - The seriousness and nature of the offence(s)
  - The nature of the appointment
  - Length of time since the offence(s) occurred
  - Number and pattern of offences
  - The applicant's age at the time, circumstances/explanation
  - Concealment of offences at application stage
  - Degree of remorse
- Based upon the findings of the interview, the Review Panel will undertake a risk assessment with regard to the suitability of the employee. Judgements regarding suitability are not wholly confined to the disclosure revealing offences against children or adults considered vulnerable. Other types of offences may render a prospective employee unsuitable. In addition to convictions or cautions, this may also include having harmed or placed children or adults considered vulnerable at risk of harm; or having exhibited behaviour, which leads to the belief that there may be a child or adult who may be considered vulnerable at risk of harm in the future.
- There should be a clear record made of the decision, bearing the judgement and signatures of those attending the Review Panel (see "Record Keeping", Section 16, and appendix 3). This judgement should not contain details of the offences.

## **14 NOTIFICATION RELATING TO A CURRENT EMPLOYEE**

- 14.1 If an employee comes into contact with the criminal justice system as a suspect or offender, they are required to advise their Line Manager as soon as possible. The manager will treat this sensitive information as strictly confidential, if this has to be disclosed to another party, they will maintain confidentiality.
- 14.2 Once the manager has been informed they will need to inform the HR Advisory Services Manager in order that the Review Panel can consider the nature of the

offence and determine whether this affects the employee's duties. The Panel will need to decide:

- if the employment can continue (if it cannot the Disciplinary Procedure should be followed);
- whether suspension from work may be appropriate
- to remove some or all of the duties of the exempt post
- if the employee can continue to work unsupervised
- if the employee should be re-deployed temporarily

14.3 A written record should be made of the steps taken in response to the information, the decision made and who has made the decision.

14.4 If the employee fails to notify their line manager and this later comes to the manager's attention this may lead to disciplinary action being taken against the employee for failing to inform the designated manager (Refer to the Council's Disciplinary Procedure).

## **15 REFERRALS TO THE DBS**

15.1 Following the implementation of the Protection of Freedoms Act 2012, the legal duty to share information remains and will continue to do so in the future. Employers, social services and professional regulators are required to notify the DBS of relevant information so that individuals who pose a threat to vulnerable groups can be identified and barred from working with these groups.

15.2 A referral must be made if a person ceases to work for the authority because they have either harmed a child or an adult considered vulnerable, or placed them at risk of harm or have resigned prior to the completion of an investigation following an allegation

15.3 Referral forms can be obtained from the DBS website <https://www.gov.uk/government/publications/dbs-referrals-form-and-guidance>

15.4 Advice must be sought from the HR Advisory Team and LADO before making a referral to the DBS.

## **16 RECORD KEEPING**

16.1 Each individual school and registered care establishment must keep a single, central record collating when and by whom checks on the identity, qualifications, professional registration, and outcomes of DBS checks on staff were made. Each WBC Directorate must also keep similar records. The appendices to this policy provide guidance and a pro-forma for this purpose.

- 16.2 There is a requirement to request full details of DBS checks carried out on staff supplied through an agency and the need for each school and WBC to keep a record that checks have been verified, when and by whom.
- 16.3 Information disclosed as part of a DBS check must be treated as confidential. The disclosure must be kept in secure conditions and must be destroyed, by secure means, as soon as it is no longer needed. It should not normally be kept more than six months after the decision is taken.
- 16.4 However, before the disclosure is destroyed, records need to be kept detailing the date the disclosure was obtained, who obtained it (i.e. school, WBC, supply agency), the level of the disclosure and the unique reference number. The DBS Header which details name, address, disclosure number and date should be retained and the rest of the disclosure document destroyed. The Head Teacher/Principal, Assistant Director or Executive Director will also record the judgement and decision reached by the Review Panel (a central copy will be held with Human Resources). See appendices for guidance and pro-forma.

## **17 CLIENT ORGANISATIONS**

- 17.1 The Council takes measures to ensure that client organisations are aware of their obligations under the DBS Code of Practice and that they adhere to this policy and associated practices when working with Warrington Borough Council.

## **18 SOURCES OF INFORMATION**

DBS Customer Services Information Line 0870 90 90 811

Useful websites

[www.gov.uk/government/organisations/disclosure-and-barring-service](http://www.gov.uk/government/organisations/disclosure-and-barring-service)

[www.direct.gov.uk](http://www.direct.gov.uk)

[www.education.gov.uk](http://www.education.gov.uk)

[www.ofsted.gov.uk](http://www.ofsted.gov.uk)

The Keeping Children Safe in Education document can be found at the following link: <https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>

**RISK ASSESSMENT - CONSIDERATION OF COMMENCEMENT OF EMPLOYMENT PRIOR TO DBS CLEARANCE**

<b>Name of prospective employee:</b>		<b>Name of Head Teacher/Assistant Director/Executive Director:</b>	
<b>Proposed Post Title:</b>		<b>Date of Risk Assessment:</b>	
<b>Service/School:</b>			

RECORD OF FINDINGS – Should be completed in conjunction with the risk assessment key questions contain within the Policy on Safe Recruitment & Vetting

<u>Reasons for considering commencement of employment prior to receiving clearance:</u>	<u>Consequences, to service delivery, of waiting for clearance:</u>	<u>Level of access during “waiting period”:</u>
<u>Supervision arrangements during “waiting period” and any other control measures:</u>	<u>Pre-employment checklist:</u> Has barred lists been checked Y / N Has the employee left employment? Y / N Medical clearance received? Y / N Asylum & Immigration check completed? Y / N Qualifications verified? Y / N Professional Registration complete? Y / N References? Y / N Satisfied with general background & employment history checks Y / N	<u>Previous CRB clearance:</u>  Is a previous disclosure available? Y / N Has it been seen by you? Y / N  What is its date? _____ (see section on ‘Portability’ within Policy)

**Assessment of Risk following control measures:**

HIGH

MEDIUM

LOW

**Options:**

- 1) This prospective employee will not commence work prior to satisfactory clearances.
- 2) Following risk assessment, I have determined that the above named may commence employment with the identified control measures. I undertake to personally review this situation at intervals of no less than every two weeks.

**Signed:** \_\_\_\_\_ **Date:** \_\_\_\_\_ **Review Dates:** \_\_\_\_\_

**FLOWCHART - POSITIVE DISCLOSURES**  
**(this must be read in conjunction with paragraph 13 of the policy)**

Positive disclosure received



Information sent to HR Advisory Services Manager



NO ← Were the offence(s) declared at application stage → YES



Interview arranged



At the interview:

- the information should be verified prior to any judgements
- the disclosure should be discussed with the applicant, in particular:
  - the seriousness and nature of the offence(s)
  - the nature of the appointment
  - length of time since the offence(s) occurred
  - number and pattern of offence(s)
  - the applicant's age at the time of offence
  - explanation of the circumstances (if already given)
  - the concealment of offences at application (if applicable)



Information to go back to Review Panel for consideration



No offer made



Decision formally recorded



Job offered



If already commenced employment, instigate probationary or disciplinary procedure

NO  
↓

Decision to employ signed off



### **SCHOOL GUIDANCE ON RECORD KEEPING FOR SAFE RECRUITMENT AND VETTING**

In addition to the various staff records, which are kept as part of normal business, schools must also keep and maintain a single central record of recruitment and vetting checks.

A sample spreadsheet and supporting information for schools to use, which records the required information for the single central record is available from Employee Services.

Schools must have a record of the following people:

- All staff who are employed to work at the school providing education;
- All staff who are employed as supply staff to the school whether employed directly by the school or local authority or through an agency;
- The record should include all others who have been chosen by the school to work in regulated or controlled activity within the school. This will cover cleaners, caretakers, volunteers, governors who also work as volunteers within the school, and people brought into the school to provide additional teaching or instruction for pupils but who are not staff members, e.g. a specialist sports coach or artist.

It is vitally important that you ensure your record of checks are in place and readily available for Ofsted and HMI.

For the purposes of creating the record of checks for supply staff provided through a supply agency (whether local authority or commercial), the school will need written confirmation from the supply agency that it has satisfactorily completed the checks. The school does not need to carry out or see the checks itself except where there is information contained in the DBS Disclosure. However, identity checks must be carried out by the school to confirm that the individual arriving at the school is the individual that the agency intends to refer to them. Information disclosed as part of a DBS Disclosure must be treated as confidential. It is an offence for DBS Disclosure information to be passed to anyone whom does not need it in the course of their duties. A Disclosure may be passed from agency to agency, between local authorities and agencies and between schools/colleges and agencies if the subject gives written consent. The Disclosure information must be kept in secure conditions and must be destroyed, by secure means, as soon as it is no longer needed.

However, before the Disclosure is destroyed, records need to be kept detailing the date the Disclosure was obtained, whom obtained it (i.e. school, local authority, supply agency, college), the level of Disclosure, and the unique reference number. The headteacher and/or local authority will keep a note of what other information was used to assess suitability.

Where the governing body provides services or activities directly under the supervision or management of schools staff, the school's arrangements for staff appointments will apply. Governors need to be aware that it is their responsibility to ensure that proper records are kept.

**Sample pro-forma for each staff member / agency and supply staff / volunteer / governor entry into the Single Central Record:**

Schools should ensure the single record is kept in a secure format and is fully completed and updated ready for Ofsted Inspections.



**Single Central Record File Checklist**

BASIC EMPLOYEE INFORMATION			
Name:		EE No.	
Employee	<input type="checkbox"/>	Agency	<input type="checkbox"/>
		Volunteer	<input type="checkbox"/>
		Contractor	<input type="checkbox"/>
Post Title:		Hours:	
		School:	

PRE-EMPLOYMENT CHECKS			
	Date requested / Sent	Date received	Signed off? (Date)
Current/ Previous Employer Reference			
Secondary Reference			
Offer letter sent (attached PEQ / Pension Booklet - YES / NO)			
Bank & Pension Form			
Essential Information Form			
Car User Documentation and Forms			

Detail to be checked	Evidence (ID Form etc)	Checked by (initials)	Date
Name			
Address			
D.O.B			
Photo ID			
Barred List Check (Children/Adults)			
DBS Check Is the cert. clear? <b>YES</b> or <b>NO</b> - Has Panel Approval been given to proceed with recruitment? <b>YES/NO</b>	Disclosure No:		Date of Issue:
Rehabilitation of Offenders Disclosure	State ID seen:		
Employment Gaps explored			
Right to work in the UK			

<b>Overseas Police Check/Certificate of Good Conduct (where applicable)</b>			
<b>Fitness to Work (Occupational Health Check) Referral Date (if required): _____</b>			
<b>Essential Qualifications (as stated on the person specification)</b>			
<b>QTS (NCTL) or QTLS (IFL) status</b>			
<b>Disqualification by Association</b> (for anyone who provides or manages childcare for children under the age of 8)			
<b>Local Government Continuous Service (for employees moving from another LA)</b>			
<b>CLEARED TO START EMPLOYMENT OR VOLUNTEER</b>			
<b>All pre-employment checks complete &amp; cleared</b>			
<b>Start Date agreed by Manager as:</b>			
<b>Contract / Casual Employment Letter issued</b>			

## Appendix 5

### Portability of Warrington Borough Council DBS criminal record checks

This guidance applies to : -

- **Employees moving job roles within Warrington Borough Council**
- **Schools within Warrington local authority control**

It is a legal requirement that individuals working in regulated activity with children or adults considered to be vulnerable are DBS checked. DBS checks are a vital safeguarding tool and the Council is committed to ensuring that our HR policies and practices are robust.

Where an applicant or a volunteer has a DBS certificate in place that has been undertaken by Warrington Borough Council, and which meets certain criteria, then it may be 'Portable'. 'Portability' allows the use of an existing DBS check carried out for one school, to be used for a similar role in another school. This also applies to employees moving jobs within the Council. 'Portability' reduces the costs of unnecessary DBS checks, but the requirement that certain robust criteria are met ensures safeguarding is maintained.

The following criteria must be satisfied:

1. The individual must be able to present their original full DBS certificate (employers are required to comply with the DBS code of practice which requires the disposal of certificates within 6 months of their issue date)
2. The DBS check must have been carried out by Warrington Borough Council' as the Registered Body
3. The 'Position applied for' on the DBS certificate must be for contact with the same client group (children or adults considered to be vulnerable) and have the relevant Barred List check/s
4. It is an OFSTED requirement that the person must not have had a break in service exceeding 3 months. (This does not apply to maternity leave or long term sickness absence)
5. The DBS certificate presented by the individual does not contain information relating to convictions, cautions, reprimands, etc. or 'soft information' from the police (referred to as a 'positive disclosure'). Should the disclosure contain information, the individual will be required to complete a new DBS application
6. Where a volunteer is moving to paid employment, portability can be accepted providing that the above criteria is met, the initial free of charge volunteer check was undertaken in good faith and the person has been volunteering in practice.

If you believe that the DBS check satisfies the criteria and you would like to use it, it is essential that you contact the Recruitment & Vetting Team (R&V) to confirm the DBS check is 'Portable'. R&V will carry out some additional checks and confirm that a check is 'Portable' by issuing to the school/manager a confirmation email with the Disclosure number and date, in order that the Single Central Record can be updated where appropriate.

The DBS have introduced an update service which individuals can subscribe to for a small annual fee (this is free of charge for volunteers). If an individual has signed up to the service the employer can access the service to carry out free, instant online checks with the permission of the individual.

**How do you access the update service?**

After viewing the original DBS certificate, if you are entitled to carry out a status check and have the individual's permission go to [www.gov.uk/dbs-update-service](http://www.gov.uk/dbs-update-service).

**To carry out a status check:**

Enter your:

- organisation name
- forename
- surname

**Information required for DBS certificate being checked:**

Enter the

- DBS certificate number
- current surname of the DBS certificate holder - as specified on their DBS certificate
- date of birth of the DBS certificate holder - as recorded on the DBS certificate

**Results**

The result will be returned instantly

The individual will be able to see who has carried out a status check on their DBS certificate and when the status check was carried out

## Staff Disqualification Declaration

<b>School/Academy</b>	
<b>Name:</b>	
<b>Post:</b>	

In October 2014, the Department for Education (DfE) issued an update to its Statutory Guidance "Keeping Children Safe".  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/362919/Keeping\\_children\\_safe\\_in\\_education\\_childcare\\_disqualification\\_requirements\\_-\\_supplementary\\_advice.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/362919/Keeping_children_safe_in_education_childcare_disqualification_requirements_-_supplementary_advice.pdf)

This update requires schools which provide care for pupils under the age of 8, to ensure that staff and volunteers working in these settings are not disqualified from doing so under the Childcare (Disqualification) Regulations 2009. Reference:  
<http://www.legislation.gov.uk/ukxi/2009/1547/schedule/3/made>

A person may be disqualified through

1. having certain orders or other restrictions placed upon them
2. having committed certain offences
3. living in the same household as someone who is disqualified by virtue of 1 or 2 above (this is known as disqualification by association)

**You are required therefore to sign the declaration below confirming that you are not disqualified under those Regulations from working in this school.**

If you fail to complete and return the form, this will be regarded as a serious disciplinary matter for staff and in the case of volunteers (where required to sign), may mean that you can no longer work at the school.

A disqualified person is not permitted to continue to work in a setting providing care for children under age 8, unless they apply for and are granted a waiver from OFSTED.

Reference: <http://www.ofsted.gov.uk/resources/applying-waive-disqualification-early-years-and-childcare-providers>.  
 Support will be provided with this process.

*Please circle one option for every question*

<b>Section 1 – Orders or other restrictions</b>	
Have any orders or other determinations related to childcare been made in respect of you?	YES / NO
Have any orders or other determinations related to childcare been made in respect of a child in your care?	YES / NO
Have any orders or other determinations been made which prevents you from being registered in relation to child care, children's homes or fostering?	YES / NO
Are there any other relevant orders, restrictions or prohibitions in respect of you as set out in the Schedule 1 of the Regulations? Available from the school office or at the link below: <a href="http://www.legislation.gov.uk/ukxi/2009/1547/schedule/1/made">http://www.legislation.gov.uk/ukxi/2009/1547/schedule/1/made</a>	YES / NO
Are you barred from working with Children (Disclosure and Barring (DBS))?	YES / NO
Are you prohibited from Teaching?	YES / NO

<b>Section 2 – Specified and Statutory Offences</b>	
Have you been cautioned (including a reprimand or warning) since 6 April 2007 or have you ever been convicted of:	
<ul style="list-style-type: none"> <li>Any offence against or involving a child? (A child is a person under the age of 18)?</li> </ul>	YES / NO
<ul style="list-style-type: none"> <li>Any violent* or sexual offence against an adult? *a violent offence in this context is murder, manslaughter, kidnapping, false imprisonment, ABH, GBH</li> </ul>	YES / NO
<ul style="list-style-type: none"> <li>Any offence under the Sexual Offences Act?</li> </ul>	YES / NO
Any other relevant offence? Available from the school office or at the links below: <a href="http://www.legislation.gov.uk/ukxi/2009/1547/schedule/2/made">http://www.legislation.gov.uk/ukxi/2009/1547/schedule/2/made</a> <a href="http://www.legislation.gov.uk/ukxi/2009/1547/schedule/3/made">http://www.legislation.gov.uk/ukxi/2009/1547/schedule/3/made</a>	YES / NO
Have you ever been cautioned, reprimanded, given a warning for or convicted of any similar offence in another country?	YES / NO

<b>Section 3 – Disqualification by association</b>	
To the best of your knowledge, is anyone in your household* disqualified from working with children under the Regulations? <i>*household – includes family, lodgers, house-sharers, household employees</i> <i>I.e. Does anyone in your household have an Order or Restriction against them as set out in Section 1 or have they been cautioned, reprimanded, given a warning for or convicted of any offence in Section 2.</i>	YES / NO

<b>Section 4 – Provision of Information</b>	
If you have answered YES to any of the questions above you should provide details below in respect of yourself, or where relevant the member of your household. You may supply this information separately if you so wish, but you must do so without delay.	
Details of the order, restriction, conviction, caution etc.	
The date(s) of these	
The relevant court(s) or body(ies)	
You should also provide a copy of the relevant order, caution, conviction etc. In relation to cautions/convictions a DBS Certificate may be provided.	

<b>Section 5 – Declaration</b>
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In signing this form, I confirm that the information provided is true to the best of my knowledge and that:			
<ul style="list-style-type: none"> <li>• I understand my responsibilities to safeguard children.</li> <li>• I understand that I must notify my headteacher immediately of anything that affects my suitability including any pending court appearances, cautions, warnings, convictions, orders or other determinations made in respect of me or a member of my household that may render me disqualified from working with children</li> </ul>			
<b>Signed</b>			
<b>Print Name</b>		<b>Date</b>	