


# Safer Workforce



<b><i>Policy Ratified on</i></b>	17.3.21.
<b><i>Signed Chair of Governors</i></b>	Angela M. Wighton.
<b><i>Signed Head Teacher</i></b>	



## **Safer Workforce Policy**

At Sidestrand Hall School we believe that the welfare of children is of paramount concern, and that their individual needs and rights should be respected. With those adults working with children being sensitive to the diversity of children's circumstances and backgrounds. Statutory guidance makes it a statutory duty that all people working within education and schools to safeguard and promote the welfare of children.

### **Recruitment**

At Sidestrand Hall School we believe that safer recruitment contributes to our aim of being a safer school. We always consider the welfare of the children and young people that we provide education for when recruiting staff. We will always seek to prevent inappropriate people from seeking employment or volunteering to work with such a vulnerable group as the children and young people attending Sidestrand Hall School. Our safe recruitment practices mean we at all times scrutinize applicants, obtain professional and character references, check previous employment history, interview and obtain mandatory enhanced Disclosure and Barring Service (DBS) Check.

### **Recruitment - selection processes**

At Sidestrand Hall School we will;

- ensuring our recruitment adverts indicates our commitment to safeguarding children
- stating clearly that rigorous checks on those recruited to work within our school will be undertaken
- shortlist to job specification
- always undertake face to face interviews
- interview with a panel of 3 or 5 persons which will include a minimum of one school senior leadership team member and one school governor that are both trained in safer recruitment
- within interview explore a candidate's motivation to work with children
- within interview use safeguarding questions to consider a candidate suitability to work with children

### **Recruitment - vetting checks**

At Sidestrand Hall School we will;

- seek two written references, including the current or most recent employer
- follow up candidate's references by telephone
- always undertake enhanced DBS checks
- when the results of the enhanced DBS check has been considered and only when satisfied that the candidate is suitable for the role, will they be allowed to have contact with children
- check teacher qualification/registration with the General Teaching Council

### **Recruitment – appointment of candidate**

At Sidestrand Hall School we will;

- support all newly appointed staff to understand the aims, objectives and boundaries of the role
- provide induction to all newly appointed staff and issue clear guidance on expected behaviour and personal conduct
- make all newly appointed staff aware of school policies and procedures

- ensure that explicit guidelines are given to all newly appointed staff regarding codes of conduct (values/expectations/standards)
- provide all newly appointed staff with guidance, support and awareness of the Designated Safeguarding Lead within the school who have responsibility for all matters relating to safeguarding

### **Ongoing training and support**

At Sidestrand Hall School we will;

- ensure all staff are aware of policies and procedures including update as appropriate
- ensure that explicit guidelines are given regarding codes of conduct (values/expectations/standards)
- ensure staff receive training in Safeguarding including child protection training which is recognised by the Norfolk Safeguarding Children's Board on an annual to 18 month basis (minimum requirement is once every three years)
- ensure all staff have direct access to guidance and support from Designated Safeguarding Lead's within the school who have responsibility for all matters relating to safeguarding

### **Safer recruitment training**

Safer recruitment training is mandatory for the recruitment of school staff. This means a recruitment panel must have at least one member who has completed the training; or where an individual is in charge of recruitment, that individual must have completed the training. It is the responsibility of the school to comply.

The training for the school's sector looks at best practice that should be adopted when recruiting and selecting adults to work with children in schools. It sets out procedures and strategies to help those involved in the recruitment process to deter, identify and reject applicants who are unsuitable to work with children. It also seeks to strengthen safeguards for children in schools by helping to deter and prevent abuse, with the aim of creating an environment where concerns can be raised on poor or unsafe practice.

The online training is supported by the guidance document, Safeguarding children and safer recruitment in education.

### **Recruitment of ex-offenders**

It is a requirement that all registered bodies must treat DBS applicants who have a criminal record fairly and do not discriminate because of a conviction or other information revealed.

- As an organisation using the DBS checking service to assess applicants' suitability for positions of trust, Sidestrand Hall School complies fully with the Code of Practice and undertakes to treat all applicants for positions fairly. It undertakes not to discriminate unfairly against any subject of a DBS check on the basis of a conviction or other information revealed.
- Sidestrand Hall School is committed to the fair treatment of its staff, potential staff or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background.
- 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.
- All application forms, job adverts and recruitment briefs will contain a statement that an enhanced DBS check will be required in the event of the individual being offered the position.

- As a DBS check is to form part of the recruitment process, we encourage all applicants called for interview to provide details of their criminal record at an early stage in the application process. We request that this information is sent under separate, confidential cover, to a designated person within Sidestrand Hall School and we guarantee that this information will only be seen by those who need to see it as part of the recruitment process.
- Unless the nature of the position allows Sidestrand Hall School to ask questions about your entire criminal record, we only ask about 'unspent' convictions as defined in the Rehabilitation of Offenders Act 1974.
- We ensure that all those in Sidestrand Hall School who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. We also ensure that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974.
- At interview, or in a separate discussion, we ensure that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.
- We make every subject of a DBS check aware of the existence of the Code of Practice and make a copy available on request.
- We undertake to discuss any matter revealed in a DBS check with the person seeking the position before withdrawing a conditional offer of employment.

### **Criminal record checks for individuals who have lived and worked overseas.**

Individuals who have lived or worked outside the UK must undergo the same checks as all other staff in school. This includes obtaining (via the applicant) an enhanced DBS certificate (including barred list information, for those who will be engaging in regulated activity) even if the individual has **never** been to the UK.

In addition, school must make any further checks they think appropriate so that any relevant events that occurred outside the UK can be considered. These checks could include, where available:

- criminal records checks for overseas applicants - Home Office guidance can be found on GOV.UK; and for teaching positions
- obtaining a letter of professional standing from the professional regulating authority in the country in which the applicant has worked. Advice about which regulatory or professional body applicants should contact is available from the National Recognition Information Centre for the United Kingdom, UK NARIC.

Where available, such evidence can be considered together with information obtained through other pre-appointment checks to help assess their suitability. Where this information is not available school should seek alternative methods of checking suitability and or undertake a risk assessment that supports informed decision making on whether to proceed with the appointment.

Although sanctions and restrictions imposed by another regulating authority do not prevent a person from taking up teaching positions in England, school should consider the circumstances that led to the restriction or sanction being imposed when considering a candidate's suitability for employment. Further information can be found in DfE Guidance: Recruit teachers from overseas.

### What school need to do

- Ensure that all staff who undertake pre-employment checks and have responsibility for maintaining and updating the Single Centre Record have read about and understand the changes.
- Ensure that there is a robust risk assessment completed to support decision making and a copy of this held on the individual's personnel file.

### Managing allegations of abuse against teachers and support staff

At Sidestrand Hall School we will ensure that children and adults are able to raise worries and concerns, in order to achieve this, we will:

- have in place a whistle-blowing policy and procedures
- ensure allegations are managed fairly by following NSCB procedures
- Have a named lead and deputy person who will be the contact point with the Local Authority Designated Officer (LADO) in the event of an allegation being made
- cooperate and contribute fully to any investigation undertaken by the statutory agencies
- make sure that all staff understand what happens when an allegation is made, who will be involved and what support is available to those involved
- make sure that all volunteers have access to and are familiar with our whistle-blowing policy/procedures. Including an awareness of how to apply whistle-blowing procedures to any concerns that they have about the conduct of a colleague

### Recording and information sharing

At Sidestrand Hall School we are aware of the importance of recording any information about an adult working with children, which may impact upon their welfare. We will always follow;

- data protection guidance, recording information relating to allegations against staff
- retain information about an adult against whom an allegation has been made
- make sure that records are accurate, proportionate and securely held
- share information about an adult with statutory partners
- ensure confidentiality is maintained and information is shared with those appropriate people i.e. statutory partners
- make appropriate referral to the Disclosure and Barring Service (DBS)

### Monitoring and reviewing

At Sidestrand Hall School we will continually promote our culture of safeguarding children and will therefore always be alert to our need to learn from others and seek advice and guidance from our partners within NSCB. We will review the policy, procedures and practices relating to safe recruitment, induction, training and the management of allegations at least once every two years.

### Making Safeguarding Referrals to the Disclosure and Barring Service

If you dismiss or remove a person from regulated activity (or may have done so had they not left) because they have harmed or posed a risk of harm to a child or vulnerable adult, then you have a LEGAL duty to refer the person to the DBS.

The DBS' role is to make barring decisions about people who are referred to it (usually following an employer's disciplinary process), with the possible consequence of the person being barred from working or volunteering with children and/or vulnerable adults.

The DBS uses a fair, thorough and consistent process that ensures that the decision it reaches is both proportionate and appropriate to the risk the person poses to children or vulnerable adults.

## **The role of the DBS**

The primary role of the Disclosure and Barring Service (DBS) is to help employers in England and Wales make safer recruitment decisions and prevent unsuitable people from working with vulnerable groups including children.

Regulated activity describes the kind of work to which barring applies and is fully set out in the Safeguarding Vulnerable Groups Act.

## **The DBS statutory responsibilities**

- Processing requests for criminal records checks as defined by Part V of the Police Act 1997; for applications made in England and Wales
- Deciding whether it is appropriate for a person to be placed on or removed from a barred list under the Safeguarding Vulnerable Groups Act 2006
- Maintaining the DBS children's barred list and the DBS adults barred list, for England, Wales and Northern Ireland.

## **Accountability of the DBS**

The DBS is a Non-Departmental Public Body (NDPB) sponsored by the Home Office. The DBS has certain statutory responsibilities and are accountable to Parliament. This means that the DBS operates within defined areas of autonomy and operational discretion however the DBS effectiveness and efficiencies are closely scrutinised by ministers, officials and stakeholders.

## **DBS referrals**

Sidestrand Hall School as an employer who at anytime has concerns that an individual has caused harm or poses future risk of harm to vulnerable groups including children, will complete a DBS referral as is our legal duty.

## **Penalties**

- an employer or volunteer manager is breaking the law if they knowingly employ someone in a regulated activity with a group from which they are barred from working
- a barred person is breaking the law if they seek, offer or engage in regulated activity with a group from which they are barred from working, be it paid or voluntary

## **When to make a referral to the Disclosure and Barring Service (DBS)**

General guidance on when an employer of people who work (paid or unpaid) with children is required to make a referral to the DBS. A referral is information regarding a person working in regulated activity with children which notifies DBS of concerns that harm or risk of harm has occurred to a child. A referral is made on the DBS Referral Form and is usually provided to the DBS by an employer.

For more detailed information, see the DBS Referral Guidance and the Referral Form on the DBS website: [www.homeoffice.gov.uk/DBS](http://www.homeoffice.gov.uk/DBS) or call the DBS Helpline on 01325 953 795.

## **When to refer - specifics**

The Safeguarding Vulnerable Groups Act (SVGA) 2006, place a duty on employers of people working with children to make a referral to the DBS in certain circumstances.

- this is when an employer has dismissed or removed a person from working with children (or would or may have if the person had not left or resigned etc.) because the person has:
- been cautioned or convicted for a relevant offence; or

- engaged in relevant conduct in relation to children and/or vulnerable adults (i.e. an action or inaction (neglect) that has harmed a child or vulnerable adult or put them at risk of harm); or
- satisfied the Harm Test in relation to children and/or vulnerable adults. [i.e. there has been no relevant conduct (i.e. no action or inaction) but a risk of harm to a child or vulnerable adult still exists].

### **Caution or conviction for a relevant offence**

If an employee who works with children in regulated activity has been cautioned or convicted for a relevant offence the employer must make a referral to the DBS.

This should be done as soon as the employer is aware of the caution or conviction.

A relevant offence is a serious offence that will, subject to consideration of representations where permitted, automatically bar a person from working with children. Relevant offences are defined in secondary legislation.

### **Relevant conduct or harm test is satisfied**

An employer must make a referral to the DBS if the following criteria have been met:

- They have dismissed or removed the person from working with children (or would or may have done so if they had not left or resigned etc.); because
- The person has engaged in relevant conduct; or the Harm Test is satisfied.

A referral should not be made when an allegation is first made. The employer must first undertake an investigation and evidence gathering in order to establish if the allegation has foundation. Without evidence or information for the DBS to consider, many allegations will be quickly closed down as there will be no basis on which the DBS can proceed.

A referral should be made when the employer has gathered information and evidence to support the allegation and decided that the criteria for making a referral to the DBS has been met.

### **Points to note**

- If you suspect that a crime has been committed you should contact the Police.
- The DBS has no investigatory powers and relies upon the evidence provided with referrals and any other evidence that it may gather.
- It is crucial that employers do not make a referral to the DBS without providing supporting evidence. The DBS Referral Form details the information you should provide if you have it.
- Employers should, as far as possible, complete their investigations (even if the person has left their employment). This will ensure that the DBS has all available information and evidence on which to base its decision.
- If additional relevant information becomes available to an employer after making a referral, this should also be provided to the DBS.
- In all cases, the referral should be made on the DBS Referral Form and posted to the DBS enclosing all relevant information that the employer holds.

### **DBS contacts**

Disclosure helpline 0870 90 90 811

Website: [www.homeoffice.gov.uk/DBS](http://www.homeoffice.gov.uk/DBS)

Email: [customerservices@dbs.gsi.gov.uk](mailto:customerservices@dbs.gsi.gov.uk)

Post: S customer services, PO Box 110, Liverpool. L69 3JD



## **Malicious and False Allegations**

DBS' operations that help to ensure that malicious or false allegations do not lead to the DBS barring a person from working with children.

## **Referrals to the DBS**

Referrals to the DBS are governed by the DBS Referral Guidance available on the DBS website. In particular:

- Employers of people who work (paid or unpaid) with children or vulnerable adults are directed to only make a referral to the DBS when a person is dismissed or removed from work due to harm or the risk of harm they pose (or may have been dismissed or removed if they had not left), or if they have been cautioned for, or convicted of, a relevant (automatic barring) offence. Additionally, the employer must have gathered sufficient evidence and information to make an informed decision i.e. when it is clear to the employer that the allegation has foundation.
- The DBS does not have investigatory powers and therefore members of the public should initially direct any safeguarding concerns to the police, local authority or the person's employer. Following investigation and assessment of evidence, if appropriate, information will then be referred to the DBS for consideration. This helps to ensure that only genuine safeguarding cases – based on sound evidence - are referred to the DBS.

## **DBS Caseworker training and experience**

All DBS case workers undergo a university accredited training programme in order to consider cases. This training includes evidence evaluation and identifying malicious and false allegations.

## **DBS Barring decision-making process**

The DBS' barring decision-making processes are designed to ensure all decisions are made on a fair, consistent and thorough basis. The DBS gathers and considers facts and information from a number of sources including employers, police, local authorities and professional regulators with the aim of getting an accurate picture of the person and the case from all available information.

All information is carefully assessed and evaluated. For a case to progress through the barring decision-making process it must be backed by verified evidence. The DBS can only make a barring decision where the person is involved in regulated activity and there is sound evidence and where the person poses a future risk of harm to children.

## **Representations**

If the DBS reaches a point in its barring decision-making process where it considers it may bar a person, the person is contacted and informed that the DBS has reached a position that it is 'minded to bar' the person. The DBS will then share with the person all the information that it has relied upon in reaching that position. The person has eight weeks to provide 'representations' (or put forward their version of events) which could include new information or material which could support the rebuttal of any information that they consider to be inaccurate, false or malicious. Following representations, the case is reassessed by the DBS and the 'minded to bar' position is reviewed in light of the information provided. A decision to bar or not is then made.

## **Appeals**

If a person is barred by the DBS (or a previous ISA decision) they have the right to seek an appeal on the grounds of an error in law or finding of fact. Appeals are dealt with by the Administrative Appeals Chamber of the Upper Tribunal.

### **New DBS powers to review a bar**

In addition, new legislative powers that commenced on 10 September 2012 gave the DBS the power to review a bar at any time. However, this can only happen if (and only if) the DBS is satisfied that:

- In the light of new information not available at the time of barring, or
- Any change of circumstances relating to the person, or;
- Any error by the DBS

It is not appropriate for the person to be included in a barred list the DBS can remove a person following such a review.

DBS may also remove a person from a barred list if the person has not previously engaged in regulated activity with the group they are barred from and there is no indication that they will do so in future. However, this provision does not apply to auto-bar without representations cases.

### **Penalties for providing malicious or false information**

A person found guilty of providing malicious or false information to the DBS may be subject to defamation and damages claims. Fines and criminal sanctions may also follow.

### **Referring a teacher to the Teaching Agency**

If the person was being referred to the DBS is a teacher, we will also refer the case for Professional Conduct Panel Hearing for the regulation of the teaching profession. The Executive Agency of the Department for Education is responsible for the regulation of teachers in respect of serious misconduct.

Further information can be found at,

<http://www.education.gov.uk/schools/leadership/teachermisconduct/b00203674/referring>

Contact details;

Teaching Agency: Teaching regulation division, 53-55 Butts Road, Earlsdon Road, Earlsdon Park, Coventry. CV1 3BH

Telephone: 0207 593 5393

Email: [regulation.division@education.gsi.gov.uk](mailto:regulation.division@education.gsi.gov.uk)

### **Associated documents**

- Safeguarding Policy
- 'Whistle-Blowing' by Staff Policy
- Single Equalities Policy

### **Appendixes**

The DBS has produced a range of factsheets, information and guidance to assist in making referral.

Appendix 1: DBS Fact Sheet 4, the DBS and professional regulators

Appendix 2: DBS Fact Sheet 5, relevant offences

Appendix 3: DBS Fact Sheet 6, data protection and security

Appendix 4: DBS decision flow chart

Appendix 5: DBS referral guide for employers

Appendix 6: DBS referral guidance completing the form

Appendix 7: DBS referral form

Appendix 8: DBS additional information form