

Policy document control box	
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## **Purpose**

The purpose of this policy and procedure is to ensure that RB Worthing complies fully with its duties and powers under the Safeguarding Vulnerable Groups Act 2006 as amended by the Protection of Freedoms Act 2012, in using the DBS process to make safer recruitment decisions. It does this by identifying those who may be unsuitable for certain work – particularly work involving vulnerable groups, including children.

## **Scope**

This policy and procedure applies to the recruitment and engagement of staff, agency workers and volunteers across RB Worthing. It should be followed when recruiting, both internally and externally, to all posts which have been identified as providing access to children (persons under the age of 18) or to other defined posts of trust, within RB Worthing

## **Policy statement**

This policy sets out RB Worthing's approach to using Disclosures & Barring Service (DBS) Checks and implications arising from their use for employees and workers. It relates to checks carried out upon recruitment and during the lifetime of their employment or work placement.

## **Posts which require a criminal records and barred list check**

RB Worthing will ensure that it has relevant and up-to-date DBS checks and barred list checks if applicable, for all staff undertaking regulated activity.

All RB Worthing staff are required to have at least a current standard DBS in place.

Whether or not an enhanced DBS check and a barred list check is required, it is essential that thorough employment checks and safeguards are followed for all recruitment. RB Worthing will remain vigilant at all times, ensuring crucial ongoing day-to-day management is effective, in order that unusual or concerning behaviour is picked up at the earliest opportunity.

## **Recruitment**

All recruitment, both internal and external, will be in line with RB Worthing's Recruitment and Selection Policy and Procedure, which follows Safer Recruitment guidelines.

Prior to advertising, the Head of Centre should identify the level of DBS check required for the post. The job advertisement and selection criteria will highlight the checks as an essential requirement of the job role and will include a clear statement about RB Worthing's commitment to safeguarding children and vulnerable adults.

All external applicants for any post are required to complete an application form. It is RB Worthing's policy to not interview or appoint anyone who has not first completed a RB Worthing application form. Internal applicants for posts will follow a separate process as defined for each vacancy. This could include expressions of interest and shortened application forms.

Applicants will also be required to provide details of spent convictions, cautions, reprimands or final warnings that are not 'protected'. Any gaps in employment histories will be explored prior to and at the interview, by the Head of Centre. At least two referees should be provided and contacted prior to any appointment.

Shortlisted candidates might be asked to bring original identity documents, including those required for a DBS check, to their interview. All paperwork and qualifications will be checked prior to any offers of jobs being made.

The Head of Centre will reiterate the need for a criminal records check (and barred list check if relevant) to each candidate at the interview, and may clarify any details regarding the information provided by a candidate on their application form at this stage. However, any conviction information disclosed must be treated confidentially within the interview process and no decisions will be taken at this stage.

The Head of Centre will work with the Centre Business Manager to ensure the required DBS check is undertaken. No staff can start in any role until the DBS check is received. If a DBS comes back with disclosures on them, then a risk assessment must be completed detailing each and every disclosure and be signed off by the Head of Centre before proceeding.

### **Procedure for applying for a DBS check**

Once a conditional offer is made, the recruiting manager should check whether the applicant is registered with the DBS Update Service.

For new applicants who already have a DBS check and who have registered with the online update service, the recruiting manager will accept this disclosure, and carry out an online status check to ensure that their disclosure is still valid.

<https://www.gov.uk/government/publications/dbs-update-service-employer-guide>.

In addition, the applicant will be required to bring in their original certificate for the recruiting manager to see. If the online status check reveals a change in the disclosure status, then a new check will be required and a risk assessment completed, as detailed above.

For candidates offered a post but who do not hold a current DBS (less than 3 years old), or are not on update service, the Centre Business Manager will advise the preferred candidate on the process to complete the disclosure application.

The Centre Business Manager is responsible for checking and verifying the ID required for the DBS check from the applicant.

The Centre Business Manager must ask the applicant to bring in their original certificate, and should record they have seen the certificate and record the disclosure number and the date of disclosure on the DBS verification form and stored on the personnel file of the candidate.

Individuals appointed will not be set up as a new staff member or allowed to commence their employment until a valid current DBS check (and barred list check if relevant) has been seen and documented.

In very exceptional circumstances, the requirement for a satisfactory DBS check prior to commencement may be waived by the Head of Centre, verifying that a written supervision plan is in place. No individual will be allowed to engage in any regulated activity, in any circumstances, until a suitable DBS and barred list check has been completed.

### **Dealing with positive criminal records disclosures**

If the disclosure certificate shows cautions, warnings and convictions, spent and unspent, the Head of Centre is responsible for taking all decisions on whether to employ. A record of the rationale for reaching a decision and the final decision should be kept on file. A DBS risk assessment must also be completed, as detailed above. The Chair of Trustees will be

informed of the decision.

Before a decision is reached on whether to withdraw a conditional offer, the individual will be offered the opportunity to discuss the content of the disclosure with the Head of Centre. Notes of any discussions with the individual will be made and retained confidentially on file.

The decision on whether to or not to confirm the appointment will take into account a range of factors, including:

- Whether they are barred from appointment under the DBS lists (and therefore it is unlawful to employ them in specific roles involving regulated activity)
- whether the conviction is relevant to the position
- the circumstances surrounding the offence, and any explanations given by the applicant
- the seriousness of the offence
- the length of time since the offence occurred
- whether there is a pattern of behaviour, or whether it was a one off
- whether the applicant's circumstances have changed
- whether the applicant disclosed the information on convictions, cautions, warnings or bind overs at the application / interview stage.

Decisions will be made based on an assessment of any possible risk to children or vulnerable groups, rather than the simple fact that a conviction or other information is disclosed, and managers must apply discretion based on the full circumstances of each case. However, where there is doubt, the decision will always favour the welfare and safeguarding of children and vulnerable groups.

Any positive disclosures on criminal records checks must be signed off by the Head of Centre via the agreed risk assessment process before any employment can commence.

Where a candidate has not declared a criminal record on their application form and the disclosure check reveals the existence of a criminal record, the Head of Centre will discuss the matter with the applicant, but it will normally result in the offer of employment being withdrawn. If the applicant is already an employee of RB Worthing, the matter will be investigated under RB Worthing's Disciplinary Procedure before any decision or action is taken.

### **Handling and storage**

The information provided by the DBS is highly confidential and will only be used to assess the suitability or otherwise of the applicant for the job in question.

The Head of Centre will store any information, including the applicant's application form, risk assessments, reasonable adjustment forms, notes of any discussions with the candidate and rationale for the decision-making process, securely, electronically on RB Worthing's system or in lockable storage.

### **Existing staff and rechecks**

As a disclosure is a snapshot in time and has no ongoing validity, it is RB Worthing's policy that staff will have their DBS renewed in a cycle not exceeding 3 years.

The Centre Business Manager will be responsible for maintaining records of checks undertaken and dates, and will inform relevant staff when rechecks are due.

### **Overseas applications and applicants who have lived abroad**

The DBS can only check applicants from the date they arrive in the UK, or the time the applicant has lived in the UK. The DBS cannot currently access overseas criminal records or other relevant information held overseas as part of its Disclosure service. Therefore, a DBS check will not, in most cases, reveal if an individual has a criminal record held in another country. If the Head of Centre wishes to appoint an individual from overseas, or an individual who has lived abroad in recent years prior to the appointment, and the post requires a DBS disclosure, RB Worthing will need to contact the relevant Foreign Embassy.

RB Worthing is committed to doing all it can to ensure that every individual appointed to relevant posts is suitable to work with vulnerable people, including children.

### **Other workers**

Agency workers, contractors, subcontractors and volunteers must be assessed against the same criteria as those employed directly for RB Worthing in relation to DBS check.

### **Agency workers**

Agency workers in roles which would require an employee to have a criminal records check must also have an up-to-date DBS check. The agency is required to inform RB Worthing of any issues which arise from the checks. Whilst the agency might recommend a worker, it is RB Worthing who takes the final decision about whether an agency worker is suitable for engagement.

Adopting robust recruitment and vetting procedures is essential to minimise the risks of engaging individuals who may prove a risk to vulnerable groups, including children. Therefore, in addition to ensuring that the checks undertaken by the agency are satisfactory, RB Worthing also requires the agency worker to bring their up-to-date DBS check (original copy) with them on their first day, to be checked and verified by the Head of Centre.

Workers engaged via an agency must be rechecked annually.

### **Volunteers, learners and work placements**

Where volunteers, those on work placement, or learners are working with children or vulnerable people in specified establishments but are under the day to day supervision of another person engaging in regulated activity, in most cases, they will be exempt from the DBS checks. In any circumstances where volunteers or work placement learners are undertaking regulated activity unsupervised, the same stringent checks must be applied as for staff, including a DBS disclosure check before commencement.

### **Contractors**

A standard clause relating to DBS disclosure requirements has been developed and should be included into any contract which involves work with, or providing services for children and/or vulnerable adults.

It is the responsibility of the Group administrator to put appropriate measures in place to validate and ensure contract compliance.

### **Reporting to the DBS**

RB Worthing will forward information to the DBS in all cases where an individual is dismissed or removed from regulated activity (or would have been removed had they not already left) because they harmed or posed a risk of harm to vulnerable groups including

children. In cases where RB Worthing believes the person has committed a criminal offence, information will also be forwarded to the police at the earliest opportunity.

### **The Single Central Register - legal requirements**

The School Staffing (England) Regulations 2009 require maintained schools to keep a register (the Single Central Register - SCR) showing, in relation to each member of staff appointed after 1 January 2007 or before that date but still in post on 1 April 2007, whether various checks have been carried out, and the date on which each such check was completed. RB Worthing is fully compliant with this requirement and an up-to-date SCR is held at each RB Worthing site.

### **Records management**

The Head of Centre is responsible for the safekeeping of this policy. This policy will be available for all staff on the staff drive.

### **Related legislation and documents**

External Documents

The Safeguarding Vulnerable Groups Act 2006

Protection of Freedoms Act 2012

