

United Learning Safeguarding Children Policy and Procedure

Scope

The guidance set out in this document apply to all United Church Schools Trust (UCST) and United Learning Trust (ULT) employees; including teaching, support, fixed-term, part-time, full-time, permanent and temporary staff. The two companies (UCST and ULT) are referred to in these guidelines by their trading name, 'United Learning'.

Where these guidelines refer to 'School' or 'Head' within Central Office this should be interpreted to refer to the department where a member of staff works and their Head of Department.

This guidance must be used in conjunction with the school Child Protection (Safeguarding) Policy and the United Learning Child Protection Statement.

As a values-led organisation our values of ambition, confidence, creativity, respect, enthusiasm and determination are key to our purpose and underpin all that we do.

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A: THE SINGLE CENTRAL RECORD (SCR)

1. Background to the SCR.

- 1.1 In accordance with '**Keeping Children Safe in Education**' April 2014 (KCSIE 2014), it is a statutory requirement for all schools and academies to undertake certain recruitment and vetting checks on individuals working within their establishment and to maintain a live Single Central Record (SCR) of these checks. The SCR produced via the EIP website must be the **only** form of SCR document produced, as this meets the requirements of Ofsted. These are very precise and any deviation could lead to a School failing its inspection. For further information on the guidelines that Ofsted Inspectors are working to see checklist in Appendix 1 'Briefing for section 5 inspectors on safeguarding children' 2014.
- 1.2 As the title suggests, the SCR is a record of all pre-employment vetting checks held in one place for all employees and other appropriate individuals.
- 1.3 The SCR is a record of the presence of documents, information and correct vetting checks within the School's filing system. Therefore schools must be able to demonstrate that all original identification, personal information, qualifications, registrations, vetting checks, proof of right to work in the UK, medical clearance and references for employees noted in the SCR are copied and kept on file in a secure and confidential manner. The exception to this is the DBS certificates, please refer to 2.3 b) for further guidance.
- 1.4 A SCR must be able to be produced in its entirety for all employees and [non-employees](#) (Governors, agency workers and contractors) working or volunteering within your School.
- 1.5 A SCR is produced from the information that has been entered for an individual onto the [Pre-Employment Checks](#) Screen of the HR system. See link for [guidance on the SCR report](#).

2. Components of the Single Central Record

The SCR requires the following checks to have been carried out and recorded for all relevant individuals, on the Pre-Employment Checks Screen on the HR system (See Appendix 2: 'Pre-Employment Checks Screen' and Appendix 3: 'Inserting Non-Employees on the HR System'). For consistency in presentation of your SCR please ensure that all data entry is in lower case (except for initial capitals). This is also important for generating letters and labels from the system.

It is also important that an entry is made for all boxes even if the area does not apply e.g. qualifications when N/A must be entered.

2.1 Identity Checks

- a) The SCR must record the individual's name (forename and surname), address, date of birth, the date employment started with the School and the position held. The SCR must also record what evidence has been seen (include document reference number) to confirm the individual's identity, the date this evidence was seen and by whom.

- b) Proof of identity can include: birth certificate, photo driving licence with paper counterpart or passport combined with evidence of address e.g. utility bill or P45/60 issued within the last 3 months. Some form of photographic identification must be seen. If this proves difficult to obtain, then ask the individual to produce a photograph which meets all the stipulations required for a passport application.
- c) Ideally identification should be checked at the interview stage, but can also be seen as part of the DBS process. This check must be completed before the appointment is confirmed. I think that checking ID at interview stage should be encouraged.
- d) Photocopies of the identification documents seen should, if possible, be kept on the individual's personnel file. This is not a legal requirement so we cannot insist on doing so, but it is considered to be best practise and it is the policy of United Learning to request the permission of the individual to our doing so.

2.2 Children's barred list (Previously List 99)

- a) Is a list maintained by the Disclosure and Barring Service (DBS) (formerly the Independent Safeguarding Authority) of individuals who are barred from working with children. The children's barred list replaces:
 - List 99 (individuals barred from working in education under section 142 of the Education Act 2002)
 - Protection of Children Act list (Ponca)
 - Disqualification orders operated by the criminal justice system.
- b) A Children's Barred List check (formerly List 99) must be undertaken on all staff working in schools. If an enhanced DBS (formerly CRB) check has been made this will include a check against the Children's barred list. If by virtue of their start date and continuity of service, a member of staff has not been DBS checked (pre September 2012), then the school must have undertaken a Children's Barred List check.
- c) The SCR must record: Date Evidence Seen, Evidenced By, Date Check Requested, Date Check Completed, if carried out as part of the DBS then these dates should reflect those recorded for the DBS Disclosure.

2.3 DBS Disclosures

- a) The SCR must record: Date Evidence Seen, Evidenced By, Date Check Requested, Date Check Completed (the date entered on the cleared DBS disclosure) and the DBS disclosure number (given on the cleared DBS disclosure) in the Notes box.
- b) Photocopies of the identification seen should be kept on the individual's personnel file. DBS disclosure must be kept securely and separately from the personnel file and destroyed after 6 months (once the pertinent information has been extracted and recorded on the SCR in line with the DBS Code of Practice).
- c) Whilst there is no statutory requirement to obtain an enhanced DBS check if, in the three months prior to the beginning of work in their new appointment, the applicant has worked as detailed below, it is **United Learning policy that all new employees must obtain an enhanced DBS check.**
 - in a school in England in a post which brought them into regular contact with children or in any post in a school since 12 May 2006; or

- in a college in England in a position which involved the provision of education and regularly caring for, training , supervising or being in sole charge or children or young people under the age of 18.

See section C 6.1 for guidance on schools transferring into the Group.

- d) For visiting staff e.g. supply teachers, carrying out DBS checks are the responsibility of the providing organisation. Therefore you should seek written confirmation that the DBS check has been done, by whom and on what date.
- e) Where a DBS Disclosure reveals information, please contact your HR Business Partner immediately for advice.
- f) Full details of United Learning's DBS guidelines can be found in Section C 'Guidance on DBS Checks'.
- g) With effect from September 2012, an Update DBS check was introduced (an annual subscription service) which gives mobility on DBS checks. United Learning will not contribute towards annual subscriptions for employees who wish to subscribe to this service.

2.4 DBS Disclosures and Residential providers

- a) Those staff who only work in the day-time provision at schools, are not resident on the school premises, and play no part in the residential provision of the school are subject to the same enhanced DBS check as staff who work in day schools.
- b) However, a staff member who works in both the day-time provision and the residential provision will be subject to the same requirements as those who only work in the residential provision and their enhanced DBS disclosure must be received before the staff member can start work.

2.5 Confirmation of Qualifications that are a legal requirement for the post e.g. QTS

- a) The SCR must record whether or not a qualification is a legal requirement for the post and, if so, what the required qualification is, the date which evidence was seen and by whom, and the teacher's reference number in the Notes Box. If the post does not require a qualification enter 'N/A' or 'Not Required' in the Notes box.
- b) It is important to always verify that the candidate has actually obtained any qualifications legally required for the job and claimed in their application e.g. by asking to see the relevant certificates or a letter of confirmation from the awarding institution. If original documents are not available, you should see a properly certified copy. These checks must be completed before appointment.
- c) Photocopies of qualifications seen should be kept on the individual's personnel file.
- d) Where a position has no legal qualification requirement, it should be noted that this is the case. However, it would still be beneficial, though not mandatory, to check, note and keep a copy of any relevant, claimed qualifications, especially if the qualifications were a required element of the Person Specification e.g. GCSE, A-Level, BA, BSc, MA, PGCE, etc.
- e) Overseas Trained Teachers (OTTs) are teachers who have qualified as teachers in a country outside of the European Economic Area (EEA) and Switzerland have

successfully completed a course of initial teacher training which is recognised by the relevant authorities in the home countries. Qualified teachers from Australia, Canada, New Zealand or the USA can apply to the National College for Teaching Leadership for QTS status without undertaking further training.

- f) The four year rule (where teachers can work for four years without QTS) applies to teachers who qualified in countries outside of the EEA and Switzerland except for teachers who qualified in Australia, Canada, and New Zealand.

2.6 Checks to confirm the right to work in the UK

- a) All staff must be checked for their right to work in the UK.
- b) The SCR must record an individual's right to work in the UK, the evidence seen to verify this right, should be recorded in the Notes Box as well as the date the evidence was seen and by whom.
- c) Where an individual has the automatic right to work in the UK a record should be kept of the documents seen to confirm this entitlement e.g. UK/EEA/Swiss passport number and photocopy kept on personnel file.
- d) Where an individual requires permission to work in the UK a record should be kept of the documents seen to confirm this permission e.g. passport or other immigration documents. For those with limited leave to remain/work in the UK, the SCR must also record any relevant expiry dates and the most recent date the evidence was checked (immigration legislation requires employers to re-check any employees with limited leave to remain every 12 months).
- e) These checks must be completed before appointment and for further guidance on checking an individual's right to work in the UK please refer to the guidance within the 'Immigration' section of BiECloud.

2.7 Additional checks undertaken where the appointee has lived outside the UK

- a) All newly appointed individuals who have lived or worked outside the UK in one location for 6 months or longer in the last 5 years must undergo the same checks as all other staff, in addition to further checks. The requirement to carry out additional checks can be identified from the 5 year address history given on the DBS form if it has not been disclosed earlier. In addition, you should get the individual to complete the Overseas Residence Confirmation Form (See Appendix 6).
- b) Additional checks include obtaining certificates of good conduct from relevant embassies or overseas police forces and must wherever possible be obtained by the individual prior to their starting work. For certain countries the DBS provide information on who the individual should contact to obtain a certificate of good conduct. See Appendix 7 for a list of those countries. For countries not on the list the individual should contact the Foreign and Commonwealth Office on 0207 008 1500 for advice. The cost of the certificate will vary by country and it is at the School/Academies discretion as to whether they or the individual bears the cost of this portable certificate. Where an applicant is from, or has lived in, a country where criminal record checks cannot be made or is a refugee with leave to remain in the

UK and has no means of obtaining relevant information, you must take extra care in taking up references and carrying out background checks e.g. additional references should be sought and followed up by phone as well as letter.

- c) The SCR must record whether or not any additional check(s) was required, if so, what additional check(s) has been carried out, the date the check(s) was undertaken and completed/evidence obtained and who carried out the check(s).
- d) If additional checks are not required because the individual has not lived or worked outside the UK in one location for 6 months or longer in the last 5 years, then please enter 'N/A - Not Required meets residency requirements' or 'N/A - Not Required see ORCF' where they have completed an Overseas Residence Confirmation Form (See Appendix 6) in the Notes Box.

2.8 Prohibition Order

- a) It is a statutory requirement of the SCR that prohibition order checks are recorded for all newly appointment teachers commencing from April 2014. Further guidance of how to carry out prohibition orders checks can be found on BiECloud.
- b) The Pre-employment Checks Screen of the HR System should record the date the completed prohibition order check was evidenced and who evidenced it.
- c) Proof of the prohibition order check should be kept on the individual's personnel file.
- d) Where a prohibition order check reveals information, please contact your HR Business partner immediately for advice.

2.9 References

- a) Although not a statutory requirement, it is Group Policy that references are recorded on the SCR. United Learning Recruitment and Selection Policy requires at least two satisfactory references to be obtained prior to employment commencing, or as soon as practical, the outcome of which must be recorded within the SCR. A reference request pro-forma is available on BiECloud, along with further guidance within United Learning Recruitment and Selection Policy (see BiECloud).
- b) The Pre-Employment Checks Screen of the HR system should record the date the completed reference was evidenced and who evidenced it. Completed references should be kept on the individual's personnel file. . A record of who completed the reference can also be recorded within the Notes Box.

2.10 Medical Fitness

- a) Although not a statutory requirement, it is Group policy that medical fitness is recorded on the SCR. It is a statutory responsibility of employers to satisfy themselves that individuals have the appropriate level of physical and mental fitness before an appointment is confirmed, in particular to a post involving regular contact with children. Furthermore, United Learning Recruitment and Selection Policy require all new employees to complete a medical questionnaire.

- b) The Pre-Employment Checks Screen of the HR system should record that the medical questionnaire was evidenced and who evidenced it. A copy of the questionnaire should be kept securely and separately from the individual's personnel file due to the sensitive nature of the information being disclosed.

3. Who must be on the SCR?

3.1 As a general rule, anyone who has regular (3 or more times in a 30 days period) and unsupervised contact with children must be on the SCR. Thus a record of the above checks must be kept for the following groups of individuals:

- a) **All teachers.**
- b) **All support staff.**
- c) **Volunteers:** whose work involves regular (see definition above) contact with children.
- d) **The Chair and all members of the Local Governing Body;** Schools must check for all their governors, regardless of their contact with children: photographic identification, evidence of address, undertake a Children's Barred List check and ask them to sign a declaration confirming their suitability to fulfil the role. Evidence of these checks must be retained
- e) **Individuals providing additional teaching or instruction** to pupils e.g. sports coaches, artists, and peripatetic staff.
- f) **Students on work related learning** (placements of 15 days or more);
- g) **Students on regular community work** e.g. running a football club.
- h) **Agency and Supply Staff:** whilst schools do not need to carry out the SCR checks themselves on agency staff, since agencies are required to carry out the same checks as schools do for their staff, a School must obtain written confirmation from the agency that the appropriate checks have been carried out and are satisfactory (See Appendix 5 for draft example letter). Agency/supply workers do not need to be recorded individually on the SCR. Instead the agency itself should be recorded and the SCR completed to show that they complete all the required vetting checks on their employees. A School does not need to see evidence of the checks, except where a DBS check discloses information. The physical evidence required to support this entry on the SCR must include written confirmation from the agency that the appropriate checks have been carried out and are satisfactory for the individuals concerned and up-to-date copies of the agency's Safeguarding/Child Protection Policies, which should be obtained before any of their people attend the School and then on an annual basis to ensure the appropriate vetting checks are adhered to. In addition, schools must undertake an identity check on agency staff to confirm that the individual arriving at the School is the individual that the agency intends to refer to them.

Where supply staff are employed directly by the School the same checking and recording procedure in place for regular employees will need to be followed.

- i) **Building contractors:** who have regular (see definition above) contact with children. The same process for agency and supply staff should be followed.
- j) **Caretaking/catering/security/coach-driving contractors:** the same process for agency and supply staff should be followed.

4. Who does not need to be on the SCR?

- a) **Visitors:** who will only have ad hoc or irregular contact with children e.g. those who have business with the Head/other staff members.
- b) **Contractors carrying out emergency repairs** e.g. plumbers.
- c) **Building contractors:** who do not have regular contact with children. Due to health and safety reasons, children should be kept away from areas where work is being carried out. Thus the majority of building contractors will not have access to children and will not need to be on the SCR.
- d) **Volunteers/parents:** attending one-off schools trips/events which are non-residential.
- e) **Secondary pupils undertaking voluntary work or work experience** (in these cases the school placing the student should ensure they are suitable for the placement).
- f) **Individuals on site before or after school hours.**

4.1 However, it is good practice for those groups listed in point 4 above to:

- a) Sign in and out of the School;
- b) Undergo an identification check on their first visit to the School; and
- c) Never be left unsupervised when children are on the premises.

5. Additional requirements for Early Years Foundation Stage (EYFS) children

5.1 Schools with provision for EYFS must ensure that the safeguarding policy they are required to apply for the rest of the school also applies to the EYFS. The following are specific additional EYFS requirements:

- a) They need to appoint a Designated Safeguarding Lead (DSL) who should be a member of the leadership team to take lead responsibility for safeguarding children within the EYFS setting and liaising with local statutory children's agencies as appropriate (Ofsted currently allows this role to be assumed by a member of staff who does not specifically work within EYFS);
- b) Inform Ofsted of any allegations of serious harm or abuse by any person living, working, or looking after children at the premises (whether that allegation relates to harm or abuse committed on the premises or elsewhere), or any other abuse which is alleged to have taken place on the premises, and of the action taken in respect of these allegations;
- c) Inform Ofsted of the above, as soon as is reasonably practicable, but at the latest within 14 days.

6. Where should the SCR be held?

- 6.1 In order to comply with the safeguarding legislation and meet the requirements of Ofsted/ISI inspections, each school and academy must hold details of all the checks required by the SCR for all the applicable groups in a single location.
- 6.2 The Pre-Employment Checks Screen within the HR System is the database that is drawn upon to create the SCR for all those groups identified in point 3 above. Consequently, this means that individuals other than employees, i.e. governors, contractors and volunteers will need to be entered onto that screen on the HR system for the sole purpose of maintaining a SCR.

7. How can a SCR form be produced?

- 7.1 In United Learning, to produce the SCR form in our agreed format, which is acceptable to Ofsted, please log onto the UCST and ULT Educational Information Portal (EIP). Full details of how to do this can be found in Appendix4: 'The Single Central Record Report'.

8. Monitoring

- 8.1 There is a programme of regular internal and external SCR audits and schools are updated on their results to ensure that any identified issues can be addressed.

9. Safeguarding Children Q&A

- 9.1 Further information on safeguarding children can also be found in 'Safeguarding Children', Frequently Asked Questions in Appendix 8 as well as 'Keeping Children Safe in Education' April 2014.

B: THE DISCLOSURE AND BARRING SERVICE (DBS)

The Independent Safeguarding Authority (ISA) was a British non-departmental public body, that existed until 1 December 2012, when it merged with the Criminal Records Bureau (CRB) to form the Disclosure and Barring Service (DBS)

1. About Disclosure & Barring Service (DBS)

1.1 The Disclosure and Barring Service helps employers make safer recruitment decisions and prevent unsuitable people from working with vulnerable groups, including children. The Disclosure and Barring Services are responsible for:

- a) Processing requests for criminal records checks
- b) Deciding whether it is appropriate for a person to be placed on or removed from a barred list
- c) Placing or removing people from the DBS children's barred list and adults' barred list for England, Wales and Northern Ireland

1.2 Criminal Record Checks

The DBS search police records and, in relevant cases, barred list information, and then issue a DBS certificate to the applicant. The DBS recognise that information released on DBS certificates can be extremely sensitive and personal. Therefore a code of practice for recipients of criminal record information has been developed to ensure that any information they get is handled fairly and used properly.

The DBS produce a list of guidance documents which is available at <https://www.gov.uk/government/collections/dbs=checking-service-guidance>.

2. Making a Referral

2.1 Referrals are made when an employer or organisation, e.g. a regulatory body, has concerns that a person has caused harm, or poses a future risk of harm to vulnerable groups, including children. In these circumstances the employer must make a referral to the DBS. Once a regulated activity provider has permanently removed a person from regulated activity through dismissal or permanent transfer or would have if the person had not left, resigned or been made redundant) the referral must be made using the DBS referral form. The completed and signed Referral Form, supporting evidence and documents should be posted to the DBS, who will acknowledge the referral by return post. The case will be given a unique reference number and passed to a caseworker to be handled in accordance with DBS decision making. The DBS has produced a guidance form for referrals. The DBS referral form can be found at appendix G

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/279926/dbs-referral-form-guidance.pdf

3. **Barring**

Fair and consistent barring decisions are made in response to the harm that has occurred, as well as the risk of harm posed. The DBS are aware of the impact of barring or not barring can have both to the person under consideration and also those with whom they have or could have come into contact. Often very difficult and finely balanced decisions have to be made.

There are 2 main ways in which cases go to the DBS:

Autobars – there are 2 types of automatic barring cases where a person has been cautioned or convicted for a ‘relevant offence’:

1. automatic barring without representations offences will result in the person being placed in a barred list(s) by the DBS irrespective of whether they work in regulated activity (see point 4).
2. automatic barring with representations offences may, subject to the consideration of representations and whether the DBS believes that the person has worked in regulated activity, is working in regulated activity or may in further work in regulated activity, this may also result in the person being placed on a DBS barred list(s)

Referrals from an organisation that has a legal duty or power to make referrals to DBS: typically there is a duty, in certain circumstances, on employers to make a referral to the DBS when they have dismissed or removed an employee from working in regulated activity, following harm to a child or vulnerable adult or where there is a risk of harm.

4. **What are the Referral Conditions?**

4.1 The Safeguarding Vulnerable Groups Act (SVGA) 2006 place a duty on employers of people working with children or vulnerable adults 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 vulnerable adults (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).

4.2 Caution or conviction for a relevant offence

If an employee who works with children or vulnerable adults 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.

5. What is a Regulated Activity?

5.1 Regulated activity defines the range of activities related to children that form the scope of the DBS barring regime. For posts (paid or unpaid) within regulated activity, it provides eligibility for a DBS enhanced criminal record check that includes a check of whether a person is included in a relevant barred list. The full legal definition of regulated activity is set out in Schedule 4 of the Safeguarding Vulnerable Groups Act 2006 as amended by the Protection of Freedoms Act 2012. HM Government have produced a factual note on Regulated Activity in relation to children.

5.2 **Regulated Activity** includes:

- Teaching, training, instructing, caring for (see point c below) for supervising children if the person is unsupervised, or providing advice or guidance on well-being, or driving a vehicle only for children, moderating an online forum for children likely to be used wholly or mainly by children and carried out by the same person frequently.
- Work or a limited range of establishments (known as specified places, which include schools and colleges), with the opportunity for contact with children, but not including work done by supervised volunteers.

Work under (a) or (b) is regulated activity only if done regularly. Some activities are always regulated activities, regardless of their frequency or whether they are supervised or not. This includes:

- Relevant personal care, or health care provided by or provided under the supervision of a health care professional:
 - Personal care includes helping a child, for reasons of age, illness or disability, with eating or drinking or in connection with toileting, washing bathing and dressing
 - Health care means care for children provided by, or under the direction of supervision or, a regulated health care professional.
- The Safeguarding Vulnerable Groups Act 2006 provides that the type of work referred to at (a) or (b) will be regulated activity if it is:
 - **Frequently** = means once a week or more or four or more times in any 30 day period
 - **Intensive** = three or more days in any period of 30 days,
or
 - **Overnight** = between 2 am and 6 am with the opportunity for face to face contact with children

Or;

- Undertake any activity in a specified place (i.e. schools, childcare premises including nurseries, residential homes for children, children's hospitals, children's detention centres, adult care homes or residential care or nursing homes) that provide the opportunity for contact with children or vulnerable adults on a frequent, intensive or overnight basis.
- Supervision of activity with children which is regulated activity when unsupervised. The guidance that applies when a school decides to supervise with the aim that the supervised work will not be regulated activity (when it would be, if not so supervised). In such case, the law makes three main points:
 1. There must be supervision by a person who is in regulated activity
 2. The supervision must be regular and day to day; and
 3. The supervision must be 'reasonable in all the circumstances to ensure the protection of children'

Schools must have regard to this guidance; guidance on the above is as follows:

- a) Supervision by a person in regulated activity/regular and day to day: Supervisors must be in regulated activity themselves. The duty that supervision must take place on a regular basis means that supervision must not, for example, be concentrated during the first few weeks of an activity and then tail off thereafter. It must take place on an on-going basis whether the worker has just started or has been doing the activity for some time.
- b) Reasonable in the circumstances: within the statutory duty, the level of supervision may differ, depending on all the circumstances of a case. Schools should consider the following factors in deciding the specific level of supervision the school will require in an individual case:
 - Ages of the children, including whether their ages differ widely
 - Number of children that the individual is working with
 - Whether or not other workers are helping to look after the children
 - The nature of the individual's work (or, in a specified place such as a school, the individual's opportunity for contact with children)
 - How vulnerable the children are (the more they are, the more a school might opt for workers to be in regulated activity)
 - How many workers would be supervised by each supervising worker

In law an organisation will have no entitlement to do a barred list check on a worker who, because they are supervised, is not in regulated activity.

6. What is Relevant Conduct?

6.1 Relevant conduct is any conduct:

- That endangers a child or vulnerable adult or is likely to endanger a child or vulnerable adult;
- If repeated against or in relation to a child or vulnerable adult would endanger them or would be likely to endanger them;
- That involves sexual material relating to children (including possession of such material);
- That involves sexually explicit images depicting violence against human beings (including possession of such images), if it appears to DBS that the conduct is inappropriate; *or*
- Of a sexual nature involving a child or vulnerable adult, if it appears to DBS that the conduct is inappropriate.

It is conduct (i.e. an action or inaction / neglect) that has harmed a child or vulnerable adult or put them at risk of harm. It is something a person has done that has caused harm or posed a risk of harm to a child or vulnerable adult.

7. Examples of Relevant Conduct

7.1 The following table giving examples of relevant conduct (harm) for children is taken from 'DBS Factsheet: Harm, Relevant Conduct and Risk of Harm' issued by the Disclosure & Barring Service and is available at www.gov.uk.

The examples are not a definitive or exhaustive list and are intended to provide general information around the type of harm that may be considered in making a referral to the DBS.

Type of Harm to Children	Meaning	Examples
Emotional/ Psychological	Action or inaction by others that causes mental anguish	Emotional harm is the emotional ill-treatment of a child such as to cause severe and persistent adverse effects on the child's emotional development. It may involve conveying to children that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person. It may feature age or developmentally inappropriate expectations being imposed on children. It may involve causing children frequently to feel frightened or in danger, or the exploitation or corruption of children. It may involve children witnessing aggressive, violent or harmful behaviour such as domestic violence. Some level of emotional harm is involved in all types of ill-treatment of a child, though it may occur alone. Grooming. Harassment. Inappropriate emotional involvement.
Physical	Any intentional physical contact that results in	Physical harm may involve assaults including hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating, or otherwise causing physical harm to a child. Physical harm may also be caused when a parent or

	discomfort, pain or injury	carer feigns the symptoms of, or deliberately causes ill health to a child whom they are looking after. This situation is commonly described using terms such as factitious illness by proxy or Munchausen syndrome by proxy. Supply drugs to children. Inappropriate/unauthorised methods of restraint.
Sexual	Any form of sexual activity with a child under the age of consent	Sexual harm involves forcing or enticing a child or young Person to take part in sexual activities, whether or not the child is aware of what is happening. The activities may involve physical contact, including penetrative (e.g. rape or buggery) or non-penetrative acts. They may include non-contact activities, such as involving children in looking at, or in the production of, pornographic material or watching sexual activities, or encouraging children to behave in sexually inappropriate ways. Downloading child pornography. Taking indecent photographs of children. Sexualised texting.
Neglect	Failure to identify and/or meet care needs	Neglect is the failure to meet a child's basic physical and/or Psychological needs, likely to result in the serious impairment of the child's health or development. It may involve a parent or carer failing to provide adequate food, shelter and clothing, failing to protect a child from physical harm or danger, or the failure to ensure access to appropriate medical care or treatment. It may also include neglect of, or unresponsiveness to, a child's basic emotional needs.

8. What is the Harm Test?

8.1 The Harm Test is satisfied if the relevant person believes that an individual may:

- Harm a child or vulnerable adult;
- Cause a child or vulnerable adult to be harmed;
- Put a child or vulnerable adult at risk of harm;
- Attempt to harm a child or vulnerable adult; *or*
- Incite another to harm a child or vulnerable adult.

9. When to refer

9.1 There is an obligation under the statutory 'Keeping Children Safe in Education' April 2014 to report allegations of someone perpetrating harm against children to the Designated Safeguarding Lead (DSL) who will then refer onto the local authority designated officer (LADO), within 24 hours of the alleged problem being discovered, to ensure that they are examined objectively by someone who is independent of the organisation. Do not make your own decisions over what may appear to be borderline cases, but discuss your concerns with the DSL. What may appear trivial may prove to be more serious. If at any point there is a risk of immediate serious harm to a child a referral should be made to children's social care immediately. Anybody can make a referral. If the child's situation does not appear to be improving the staff member with concerns should press for re-consideration. You should also not do anything that may jeopardise a police investigation, such as asking child leading questions. Full details of your obligations and the procedures to be followed can be found in the 'United Learning Guidance on Dealing with Allegations of Abuse against Teachers and other Staff Policy'.

9.2 A referral to the DBS should not be made until after social services have completed their investigation, or they have at least given sufficient information for the referrer to decide that they need to refer. Only when sufficient evidence has been gathered, as part of an investigation to support thinking a person has engaged in relevant conduct, satisfied the

harm test or received a caution or conviction for a relevant offence, to make the referrer think the person has a case to answer should a referral be made. Referral at this stage will help to ensure that the DBS has sufficient evidence to commence its decision making process, while providing adequate safeguarding for vulnerable groups.

- 9.3 Someone under suspension should not be referred as this is a neutral act and there would be no evidence at this point to support the thought that a person has engaged in relevant conduct, or that the harm test is satisfied.
- 9.4 Where having completed your investigations and held a disciplinary hearing, the outcome is that the individual is issued with a warning (at any level within the procedure) then there is no requirement to report the matter to the DBS.

10. Contacting the Disclosure & Barring Service (DBS)

- By telephone on 01325 953 795.
- By post to **Disclosure and Barring Service**
PO Box 181
Darlington, DL1 9FA

C: GUIDANCE ON DISCLOSURE & BARRING SERVICE (DBS) CHECKS

1. Introduction

- 1.1 The Criminal Records Bureau (CRB) and the Independent Safeguarding Authority (ISA) have merged to become the Disclosure and Barring Service (DBS). CRB checks are now called DBS checks
- 1.2 In April 2014 the government issued new guidance entitled “Keeping Children Safe in Education”. This guidance looks at the recruitment and selection processes, recruitment and vetting checks, and duties for safeguarding and promoting the welfare of children in education.

2. Who is accountable?

- 2.1 The overall accountability for ensuring that DBS and Enhanced DBS checks have been undertaken for all staff and other workers who carry out extended services (see section below “Who is covered”) within the school or academy lies with the Head Teacher. The Director of People is responsible for this at Central Office.
- 2.2 The Safeguarding Officer is responsible for ensuring that regular monitoring and quality checks are carried out on a local basis, in liaison with Business Managers and other responsible staff within the School management team. Periodic reviews will be carried out by the Safeguarding Officer (or Central Office HR Department) to check the status of DBS checks within each school and academy.
- 2.3 Head Teachers are also responsible for ensuring the verification of references and qualifications is carried out at the pre-employment stage in the selection process.
- 2.4 Head Teachers must ensure that all staff responsible for the recruitment and selection of staff within the school or academy adhere to this policy and United Learning Recruitment and Selection and Safer Recruitment and Safeguarding Children Policies and Procedures and attend any appropriate training offered within United Learning and by external bodies.
- 2.5 The Chair of the LGB will be required to annually confirm to the Trustees that each school has followed and reviewed policies and procedures accordingly. For Academies, this may include forwarding a report to the Local Authority and/or complete a safeguarding audit form, the Child Protection Policy and relevant minutes, depending on local requirements.
- 2.5 The Director of People must ensure that the Recruitment and Selection Policy and relevant training programmes are up to date with legislation and good practice in relation to child protection in the recruitment and selection of staff.

3. Who is covered?

- 3.1 It is mandatory that **all** employees and other people working within our schools and academies have a cleared enhanced DBS check, and this should be undertaken prior to working in our schools and academies. This also applies to all staff working at central office locations. However, in circumstances where the DBS check has been applied for but not received, it is possible for an employee to start work pending receipt of a DBS disclosure subject to the safeguards indicated in paragraph 5.1.

3.2 The principle which is applied in considering whether other groups should also be required to have a DBS check is whether that group of people has direct or indirect (e.g. via email) contact with pupils. As an example, DBS checks must also be carried out on the following groups:

- a) Council members and Trustees;
- b) Contractors (please refer to paragraph 3.5 for further information);
- c) Visitors (please refer to paragraph 3.6 for further information);
- d) Peripatetic staff including Art models;
- e) Supply teachers and Agency Workers (please refer to paragraph 3.7 for further information);
- f) Overseas appointments (please refer to paragraph 3.8 for further information);
- g) Volunteer workers (please refer to paragraph 3.3 for further information);
- h) Parents on residential trips, and also parents on other school trips who may be in sole charge of or in unaccompanied contact with a child or children other than their own;
- i) ISI/Ofsted Inspectors;
- j) Self-employed sports coaches including those working off premises, e.g. Rowing coaches;
- k) Coach company drivers (please refer to paragraph 3.5 for further information).

3.3 Volunteers

- a) It is recognised that many parents and other volunteers help regularly in the classroom and with activities associated with the school or academy. Volunteer checks are required only for those who have regular and unsupervised access to children and young people. Under the terms of the Protection of Freedoms Act 2012 where a volunteer is being adequately supervised, they are not considered to be working in regulated activity, even if this is frequently, and the school should not request a DBS check.
- b) Where a volunteers role will be one off, such as accompanying teachers and pupils on a day outing or helping at a concert, a DBS Disclosure would be unnecessary provided that the person is not left alone and unsupervised in charge of children.
- c) Under no circumstances must a volunteer who has not obtained an enhanced DBS check be left unsupervised with children.
- d) Where volunteers recruited by another organisation work in a school or academy, for example, sports coaches from a local club, the school or academy should obtain a full written assurance from that organisation that the person has been properly vetted (see Appendix 5 for an example letter seeking assurance).
- e) For further guidance please contact the Central Office HR Department.

3.4 Local Governing Body Members

It is United Learning policy that **all** members of the LGB should be asked to obtain a DBS check.

3.5 Contractors

In relation to contractors, for example cleaners, catering staff, building contractors and coach companies, schools and academies should ensure that they have written confirmation (See Appendix 5 for an example of a request letter) from the contractor that any of their staff that come into contact with children have satisfactorily undergone the checks the School is required to carry out for its own employees, the content of which must be satisfactory.

3.6 Visitors

- a) It is not necessary to obtain a DBS checks for visitors who will only have supervised contact with children on an ad hoc or irregular basis for short periods of time, or secondary pupils undertaking voluntary work or work experience in other schools.
- b) All visitors must sign in and out, and be escorted whilst on the premises by a member of staff or appropriately vetted volunteer and not left alone with children.

3.7 Supply Teachers and Agency Workers

- a) Where supply staff are employed directly by the school or academy all relevant checks must be completed as for other employed staff.
- b) Supply teachers, trainee teacher, sports coaches and inspectors are in regulated activity, their DBS disclosure certificates should be obtained by their providing organisation.
- c) In the case of agency staff, schools and academies should ensure that they have written confirmation from the agency (See Appendix 5 for an example of a request letter) that any of its staff that comes into contact with children have satisfactorily undergone the checks the School is required to carry out for its own employees.

3.8 Overseas Appointments

- a) The enhanced DBS Disclosures must be completed on overseas staff. All newly appointed individuals who have lived or worked outside the UK in one location for 6 months or longer in the last 5 years must undergo the same checks as all other staff, in addition to further checks. The requirement to carry out additional checks can be identified from the 5 year address history given on the DBS form if it has not been disclosed earlier. In addition, you should get the individual to complete the Overseas Residence Confirmation Form (See Appendix 6).
- b) Additional checks include obtaining certificates of good conduct from relevant embassies or overseas police forces and must be obtained prior to the individual starting work. Where an applicant is from, or has lived in, a country where criminal record checks cannot be made or is a refugee with leave to remain in the UK and has no means of obtaining relevant information, you must take extra care in taking up references and carrying out background checks e.g. additional references

should be sought and followed up by phone as well as letter. For further information about criminal record information which may be obtained from overseas is available at

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/262730/2-12-13_Application- A_PART_1.pdf

3.9 Host Families

In relation to host families for exchange visits (UK and overseas), DBS checks in the UK, equivalent checks overseas or, where not available, proper assurances from the school/other organisation that the host families are appropriate, must be obtained. The Head should refer to United Learning's Child Protection Policy and School Educational Visit Policy for further guidance.

3.10 Residential Providers

- a) Those staff who only work in the day-time provision at schools, are not resident on the school premises, and play no part in the residential provision of the school are subject to the same DBS requirements as staff who work in day schools. Consequently, a staff member who only works in the day-time provision, and has no involvement in the residential provision, may start work at the school pending the arrival of a DBS disclosure, provided that the other vetting checks have been done, including the Enhanced DBS check.
- b) However, a staff member who works in both the day-time provision and the residential provision will be subject to the same requirements as those who only work in the residential provision, and their DBS check must be received before the staff member can start work.

3.11 Other Information

- a) The categories that required DBS checks must also be a barred list check
- b) From 17th June 2013 the DBS stopped issuing two DBS certificates. A DBS certificate will now only be sent to the applicant. The School will not be sent a DBS certificate; even if it contains any criminal record information therefore there is a need to ensure that new employees present their DBS certificate to the school to ensure it is satisfactory.
- c) There is no requirement to re-new DBS checks, except for agency staff or those with a break of three months or more.

4. **Procedure for New Appointments**

4.1 It is vital that all schools create a culture of safe recruitment and , as part of that adopt recruitment procedures that help deter, reject or identify people who might abuse children. Governing bodies must act reasonable in making decisions about the suitability of the prospective employee based on checks and evidence including: criminal record checks (DBS checks), barred list checks and prohibition checks together with references and interview information.

4.2 The level of DBS check required, and whether a prohibition check is required, will depend on the role and duties of an applicant to work in a school. For most appointments, an

enhanced DBS check with barred list information will be appropriate as the majority of staff in the school will be engaging in regulated activity

4.3 In addition to the DBS checks described, anyone who is appointed to carry out teaching work will require an additional check to ensure they are not prohibited from teaching (see 4.6). The DBS is responsible for administering three types of checks:

- **Standard:** a check of the Police National Computer (PNC) records of convictions, cautions, reprimanded and warnings;
- **Enhanced:** a check of the PNC records as above, plus other information held by the police that is considered relevant by the police; and
- **Enhanced with barred list information:** for people working in regulated activity with children. This adds checks of the DBS Children's Barred List to the enhanced check

4.4 Upon offer of employment, the new recruit will be sent an email link (<https://disclosure.capitarvs.co.uk/chegs/rbLogin.do>) in order to complete the DBS check, together with password and username information. The information should be completed by the employee as well as providing identification documents in person to the relevant school/Central Office HR contact. The HR contact will input relevant data into the DBS check which is then submitted to Capita. A copy of the ID documents is placed on the personnel file.

4.5 The DBS certificate is sent directly to the employee. The applicant must show the DBS certificate to the potential employer before they take up the post or as soon as practicable afterwards. The HR contact will also receive an e-result which is an email confirmation of the DBS check.

4.6 Prohibition orders prevent a person from carrying out teaching work in schools, sixth form colleges, 16 to 19 academies, relevant youth accommodation and children's homes in England. A person who is prohibited from teaching must not be appointed to work as a teacher in such a setting. A check of any prohibition can be carried out using the Employer Access Online Service. Prohibition Orders are described in the National College for teaching and Leadership's (NCTL) publication **Teacher misconduct: the prohibition of teachers**

4.7 Prohibition orders are made by the secretary of state following consideration by a professional conduct panel convened by NCTL. Pending such consideration, the Secretary of State may issue an interim prohibition order if he considers that it is in the public interest to do so. Please refer to Guidance on Prohibition Orders document on BiECloud.

4.8 Registered bodies will be entitled to ask the DBS for a copy of the applicant's DBS certificate if the following conditions apply:

- The individual is subscribed to the update service; and
- The employer has carried out a status check which revealed a change to the DBS certificate; and as a result
- The individual has applied for a new DBS check as the result of a change to an existing DBS certificate; and
- The DBS issued the new DBS certificate to the applicant more than 28 days ago; and
- The applicant has not shown the employer their new DBS Certificate

- 4.9 It is important to be sure that the newly appointed person is who he or she claims to be. As stated in the Recruitment and Selection Policy, proof of identity such as birth certificate, driving licence, or passport combined with evidence of address, must be sought before an appointment is made (also see Section A 2.1).

Please note that proof of identity is also required in connection with an application for a DBS Disclosure (see 4.4 above). In summary, the proof should include name, date of birth, address and photographic identity. For any overseas appointments, the eligibility to work in the UK should be confirmed at this point (also see Section A 2.6/2.7).

- 4.10 If a teacher or worker is provided by a third party, such as an agency, it must be checked that the person who comes is the person referred by the agency by carrying out the identity checks as highlighted in paragraph 4.3 above.

- 4.11 For Independent Schools, reference should be made to the Independent School Standards for additional guidance on specific checks to be carried out.

5. Starting Work Pending a DBS Check

- 5.1 Under no circumstances should the individual commence work unsupervised in sole charge of or in unaccompanied contact with children within United Learning without a cleared DBS Disclosure, except with the express permission of the Head. In this case, the individual needs to have had a separate Barred List check (please refer to paragraph 4.5) and the School should undertake a written Risk Assessment exercise in relation to the proposed work. A guidance note has been produced detailing how this situation can be managed in terms of how the individual involved can start work (see Appendix 9). If you are in doubt at any stage you must discuss this with your HR Business Partner before allowing the individual to commence work.

- 5.2 Barred list checks are completed as part of the DBS Enhanced Disclosure request so separate barred list checks should only be made where a Disclosure has already been applied for from the DBS but has not been returned in sufficient time for that person to begin work. They are not an alternative to gaining disclosure and should not be used as such. The Central Office HR Department is registered with the Online Service in order to obtain instant results on checks, and all barred list checks should be completed through this method. Please contact the Central Office HR Department for more details. Records need to be kept on the HR System of all barred list applications detailing; the date it was evidenced, the date it was requested, the date it was completed and who it was evidenced by. Once the Enhanced DBS has been received the unique reference number should be entered in the Notes column. United Learning's HR System will automatically update the Single Central Record Form. This record of evidence will be checked as part of any Ofsted, ISI or HMI Inspection and may be checked by the Central Office HR Department.

- 5.3 The DBS Disclosure must in any case be obtained as soon as practicable after the individual's appointment and the request for one should be submitted in advance of the individual starting work.

- 5.4 A DBS certificate must be obtained from the candidate before or as soon as practicable after appointment.

6. Staff transferring under TUPE from a previous employer

6.1 DBS checks for TUPE transferees will only be necessary for those with a 3 month break in service. With this in mind, obtaining a new DBS Disclosure will not apply to the vast majority of staff transferring. There is no requirement to obtain an enhanced DBS check if, in the three months prior to the beginning of work in their new appointment, the applicant has worked

- in a school in England in a post which brought them into regular contact with children or in any post in a school since 12 May 2006; or
- in a college in England in a position which involved the provision of education and regularly caring for, training , supervising or being in sole charge or children or young people under the age of 18.

However, a school or college may request an enhanced DBS check with barred list information should there be any concerns and bearing in mind the duty schools and colleges are under not to allow a barred person to work in regulated activity.

It is United Learning policy that **all** staff within the new school will be required to read and sign the annual Staff Student Relationship letter upon joining the Group. The Head Teacher will be required to confirm compliance for the school by signing a returning the Safeguarding Compliance (Head) form to Central Office HR.

7. Confidential Storage and Record Keeping

7.1 Schools do not have to keep copies of DBS certificates in order to fulfil the duty of maintaining the SCR. Copies of DBS certificates (where required) should be stored in a separate and secure place to the personnel file according to the Data Protection Act and recommendation of the DBS. It is the responsibility of the Head Teacher or Director of People (for Central Office) to ensure that this is undertaken. A copy should be retained for no longer than six months.

7.2 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 who does not need it in the course of their duties.

7.3 The Disclosure information must be kept in secure conditions and must be destroyed, by secure means, as soon as it is no longer needed. This is generally for a period of up to six months, to allow for the consideration and resolution of any disputes or complaints.

7.4 However, before the disclosure is destroyed, records need to be kept detailing the date it was evidenced, the date it was requested, the date the Disclosure was completed, who it was evidenced by and the unique reference number. United Learning's HR System should be updated to store this record which will automatically update the Single Central Record Form. This record of evidence will be checked as part of any Ofsted, ISI or HMI Inspection and may be checked by the Central Office HR Department/Safeguarding Officer.

8. DBS Check Results

- 8.1 If a DBS check shows any convictions or cautions, the matter must first be reported directly to the Head Teachers or Central Office Manager who must discuss the individual case with a HR Business Partner, the Director of People, or if unavailable, another member of the Executive Team at Central Office. It is also essential that the Head Teacher or Central Office Manager informs the person involved and that they are given the opportunity to respond, in writing and at a meeting, before a final decision is made on whether or not to appoint the individual.
- 8.2 Enhanced checks may contain 'approved' non-conviction information provided by the police from their local records. Other relevant information disclosed at the Chief Police Officer(s) discretion'. If this is the case, then this again must be reported to the Head who will in turn discuss the individual case with a HR Business Partner to determine what weight, if any, to attach to this in making a final decision on employment matters. Once again, it is essential to give the person involved the opportunity to respond.
- 8.3 An applicant's suitability should be judged in the light of the results of all the relevant pre-employment checks carried out on him or her. A judgement must be made taking into account only those offences which may be relevant to the particular job or situation in question. In deciding the relevance of convictions a number of points should be considered including the nature of the offence, the nature of the appointment, the age of the offence and the frequency of the offence.
- 8.4 If a school or college knows or has reason to believe that an individual is barred, it commits an offence if it allows the individual to carry out any form of regulated activity. There are penalties of up to five years in prison if a barred individual is convicted of attempting to engage or engaging in such work.

9. Guidelines Review

- 9.1 These guidelines will be regularly reviewed to ensure that they meet revised government guidance, good practice and relevant legislation in relation to child protection in the recruitment and selection of teaching and support staff, other workers and volunteers.

D: SAFER RECRUITMENT AND CHILD PROTECTION TRAINING

1. Keeping Children Safe in Education 2014

1.1 Safer recruitment online training was commissioned by the Department for Education and originally developed by the National College and provides valuable information on a safer school culture, and advice and guidance to strengthen safeguards against employing unsuitable people in schools. The training will help schools demonstrate that they have effective recruitment and selection processes in place that ensure learners are both well-taught and protected. Ofsted will review implementation standards through a self-evaluation form.

The school staffing (England) Regulations 2009, state that at least one member of a recruitment panel must undertake safer recruitment training which, subject to parliamentary procedure, from September 2014 will no longer need to be provided by a person approved by the Secretary of State. Schools may choose appropriate training and may take advice from their LSCB in doing so; the training should cover as a minimum the content of the Keeping Children Safe in Education guidance.

1.2 If an individual completed their training with the National College and their records are still on the system, then it is still valid and they should be able to retrieve their training certificate by logging onto the CWDC website. However, if their records are not, then they will have to re-do the training. If problems are encountered whilst logging on, then the technical help number on the website should be contacted.

1.3 The training has become mandatory upon the School Staffing (England) Regulations 2009, coming fully into force in January 2010.

1.4 It is Group policy for the following members of United Learning staff to have successfully completed the training:

- a) Head of every United Learning School and Academy;
- b) Chair of Governors;
- c) A minimum of two other members of the SLT who are regularly involved in recruitment; *and*
- d) Business Manager or comparable role.

1.5 The overall time commitment for the programme will vary between individuals, but it is generally expected that the training will take between four and five hours to complete. However, it is recommended that the training is not done all in one sitting and that participants allow themselves time between modules for reflection or visits to the Safer Recruitment online community. The training provides valuable information on a safer school culture, best practice suggestions and practical advice to strengthen safeguards against employing unsuitable people in schools. The training helps schools demonstrate that they have effective recruitment and selection processes in place that ensure learners are both well-taught and protected.

1.6 The Learning Gateway (used to complete the online training) will save the employees progress in the training, allowing them to pick up from where they left off on subsequent

visits. The online training has been designed to be flexible so that people can do the training as quickly or as slowly as suits their availability and learning style. The safer recruitment training has an assessment test to be completed once the training has been worked through online. On successful completion of this assessment, participants are able to print out a certificate as proof of completion.

- 1.7 The training is available to every Head, registered teacher and nominated governor within English schools. It is free of charge and instantly available.

2. Local Authority Safer Recruitment Workshops

CWDC also runs workshops to train local authority and Local Safeguarding Children Board representatives to deliver their own training to a wider audience within their local authority, for example, to those within schools who cannot access the online training. Therefore those working in United Learning schools and academies may be able to attend accredited safer recruitment workshop run by their local authority.

3. Local Authority Child Protection Training

It is recommended that schools buy into child protection training offered by their local authority, since the information given will be specific to the local area processes and their Local Safeguarding Children Board arrangements. Courses sourced could include in-depth training for Heads Teachers and designated Child Protection Officers, in addition to more general 'awareness' training for teachers and support staff. An individual's training should be refreshed every three years. A School's DSL should attend LA refresher training every two years and this training is required to level 3.

4. In-House Child Protection Training

4.1 School Level

Inductions and inset days should be used to provide training and information to all employees (both teachers and support staff) and volunteers about policies and procedures regarding safeguarding, in addition to confirming expectations for employee/volunteer conduct and behaviour. All individuals who work with children should feel able to respond to child welfare concerns e.g. they should be familiar with the child protection policies and procedures in place and know the name/contact details for the designated Child Protection Officer for their School.

4.2 Group Level

- a) School level induction will be reinforced through the Best in Everyone induction conferences for employees new to United Learning.
- b) It is important to remember that any in-house safeguarding training should not be undertaken instead of the NCSL or local authority training and should only be considered as supplementary. Further details will follow in due course.
- c) Information and guidance on safeguarding initiatives will continue to be circulated to Heads Teachers through United Learning Education Forum.

5. Training Log

A training log should be kept detailed what safeguarding training individual staff and volunteers have undertaken and the date it was completed.

E: MEETING SAFEGUARDING CHILDREN INSPECTION REQUIREMENTS

- 1 Adherence to the safeguarding legislation will form part of the inspectorate's judgement of the school and academy's overall performance. From September 2009, the elements detailed below are being given greater significance during Ofsted and ISI inspections. For further information on the guidelines that Ofsted Inspectors are working to see; Appendix 1: 'Briefing for section 5 inspectors on safeguarding children 2014'.
- 2 Every school and academy should be able to provide to the Inspectors the following information at the start of the inspection:
 - a) Evidence of safe recruitment practices and that all children are safe, i.e. the Single Central Record along with the associated documentation and evidence of staff members having undertaken the relevant training.
 - b) Name of the designated safeguarding lead (DSL). The DSL should be a senior member of School's leadership team designated to take lead responsibility for dealing with child protection issues, providing advice and support to other staff, liaising with Central Office and working with other agencies. A deputy must be available to act in their absence. They must undertake basic child protection training plus training in inter-agency working provided by, or to standards agreed by, the Local Safeguarding Children Board with refresher training every two years.
 - c) Child Protection Policy and procedures, including procedures for dealing with allegations of abuse against an employee or volunteer, which are reviewed annually.
 - d) Training record demonstrating that all staff are trained and all staff and volunteers are familiar with safeguarding policies and procedures.
 - e) Policies on bullying and harassment.
 - f) Records of incidents of bullying and harassment.
 - g) Log of racist incidents.
 - h) Accident book.
 - i) Procedures to protect vulnerable pupils.
 - j) Health and Safety policy, including educational visits policy, sample risk assessments, fire policy, first aid policy, etc. *(Please liaise with the Central Office Health and Safety Manager for definitive guidance on your health and safety responsibilities).*
- 3 Heads Teachers are encouraged to consider the list above and conduct a self-assessment audit to ascertain whether or not their School can meet all the requirements listed and take immediate action to remedy any shortfalls.
- 4 Central Office and the Safeguarding Officer conduct regular monitoring to ensure compliance and to assist schools where shortfalls exist.

F: ROLES AND RESPONSIBILITIES

To assist Schools to identify where the main responsibilities lay, details of responsibilities for safeguarding compliance can be found in the Safeguarding and Child Protection Audit Tool in Learning Objects. This Audit Tool is a guide and not prescriptive, in every circumstance there is a need to respond to the changing requirements of safeguarding and the need to work in the best interests of children and young people.

G: OTHER RELATED DOCUMENTS, GUIDANCE AND WEBSITES

1. Group Documents and Guidance

- [United Learning Child Protection Policy](#), including the Staff-Student Relationship letter
- [United Learning Recruitment and Selection Policy](#)
- HR system guidance on [pre-employment checks](#) and [single central record](#) and [non-employees](#) on the SCR
- [Safeguarding FAQ](#)
- [Group Technology Policy](#)

2. National Publications and Links

- Keeping Children Safe in Education 2014. Please visit www.gov.uk/government/publications/keeping-children-sfe-in-education
- For further information on Ofsted inspections please visit www.ofsted.gov.uk/
- For further information on ISI inspections please visit www.isi.net
- For further information on the CWDC's safer recruitment training, please visit <http://elearning.cwdcouncil.org.uk/login/index.php>.
- For further information on the new Vetting and Barring Scheme, please visit the DBS website at www.DBS.gov.org.uk
- For further information on the Disclosure & Barring Service, including how to carry out checks on individuals who have lived abroad, please visit <https://www.gov.uk/government/organisations/disclosure-and-barring-service>
- <http://www.ofsted.gov.uk/resources/briefings-and-information-for-use-during-inspections-of-maintained-schools-and-academiesiefing>
Section 5 inspectors on safeguarding children 2014

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Appendix 1 – Disclosure and Barring Service Checklist – April 2014

CATEGORY	REQUIREMENT	ENHANCED	ENHANCED WITH BARRED LIST
New Staff	All new appointments to ULT Schools must have a Disclosure and Barring Service (DBS) Check		Must be obtained
Current Staff	DBS checks were strongly recommended for all employees who have regular contact with children if they were employed after March 2002. However, the only requirement for those appointed before this date is that they must have been list 99 checked. DBS checks became mandatory for the entire schools workforce appointed from 12 th May 2006		Must be obtained
Volunteers	Volunteer checks are required only for those who have regular and unsupervised access to children and young people. Under the terms of the Protection of Freedoms Act 2012 where a volunteer is being adequately supervised, they are not considered to be working in regulated activity, even if this is frequently, and the school should not request a DBS check. If you do not check an individual you would be wise to have a written risk assessment to explain your decision	Volunteers with supervised access	Unpaid staff (volunteers) with unsupervised access to children
Volunteers in Nurseries and Special Schools	The frequency and period condition for regulated activity excludes “relevant personal care” for example assisting children by reason of illness or disability with eating or drinking or by reason of age, illness or disability with toileting, washing or bathing or dressing. If volunteers cover such tasks they must by DBS checked.	Volunteers with supervised access	Unpaid staff (volunteers) with unsupervised access to children
Governors	In line with volunteers governors in positions that include regular work in the presence of children, or who care for, train, supervise or are in sole charge of children are working in regulated activity and must be asked to obtain a DBS check. Governors not working in regulated activity should not be checked.	Governors with supervised access Governors with no access to children possibly require (school to agree)	Governors with unsupervised access to children
Visitors	Schools cannot check but can escort/supervise. Heads should use professional judgment about escorting and supervising visitors	No	No
Agency / Visiting Staff	Where staff such as educational psychologists, supply teachers, trainee teachers, nurses Sport coaches and inspectors are in regulated activity, their DBS disclosure certificates should be	No – checks should be made with their employers	

obtained by their providing organization, for example the supply agency, they university, primary care trust, local authority and so on. It is sufficient for schools to seek written confirmation that appropriate checks, including DBS checks, have been carried out and by whom and to confirm that identity of the visitors

**Ofsted
Inspectors**

Ofsted and their inspection partners carry out all the required checks for staff who visit nurseries & schools as part of an inspection. This includes appropriate employment checks and an enhanced DBS checks. Written confirmation takes the form of the public statement on Ofsted's website. All HMI inspectors carry photo ID which still must be checked

No

Supervised means on a regular and day-to-day basis and does not reduce over time. The supervision must be 'reasonable in all the circumstance to ensure the protection of children.

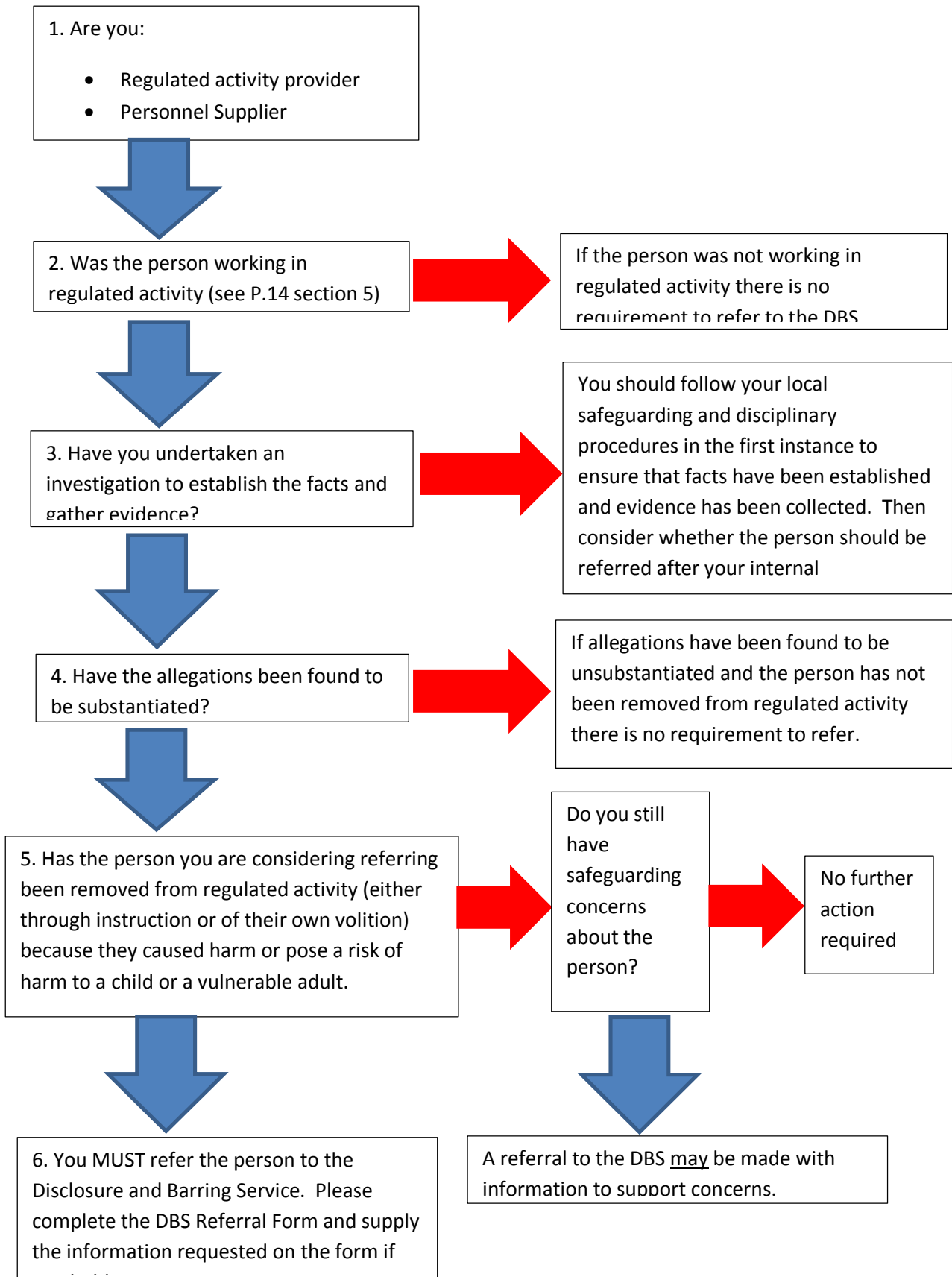
Contractors are often thought of as solely tradesmen; however this group ay include after school club leaders, enhanced curriculum, providers, music teachers, sports coaches, consultants and interim management staff. Where contractors are self-employed, schools should consider undertaking a DBS check for them as they are unable to make an application for themselves.

Barred List Checks	The categories that require a DBS check must also be barred list checked. A new person who does not require a DBS check cannot be working in regulated activity and thus must not be checked against the barred list
Renewals	There has never been a statutory requirement for DBS disclosure certificates to be renewed, except for agency staff or those with breaks in service of three months or more. The DfE is renewing and strengthening its guidance to deter schools from such routine re-checks which are considered to be a poor use of resources. Ofsted Inspectors should avoid giving any impression that Ofsted considers such routine re-checks to be good practice
DBS Certificates	From 17 th June 2013, the DBS stopped issuing two DBS certificates. A DBS certificate will only be sent to the applicant. The school will NOT be sent a DBS certificate; even if it contains any criminal record information so they need to ensure the new employee must bring their DBS certificate into the school to ensure it is satisfactory. According to DBS guidance they are no longer able to reveal whether the certificate was issued blank or not to enable a recruitment decision. You will need to ask the individual to show you a copy of their certificate.

This guidance is based around the Department for Education publication ‘Keeping Children Safe in education’ 2014. It includes changes caused by the Protection of Freedoms Act 2012 and is cross referenced against Ofsted’s inspecting safeguarding briefing paper January 2014.

Appendix 2 DBS Referral Chart

Follow the blue arrows for **NO** and follow the red arrows for **YES**



Appendix 3: Example SCR Checks Confirmation Letter

[Name]

[Address]

[Date]

Dear [Name]

To enable us to ensure that we are compliant with current Legislation and our own Safeguarding Children Guidelines, it is a requirement that we receive written confirmation from you that you have obtained certain information from all of your employees who visit our site at [NAME SCHOOL].

Please confirm the following:

- All of your employees have had an enhanced DBS check;
- You have carried out an overseas check on those of your employees who have spent 6 months or more overseas within the last 5 years (for further information, please refer to <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>) or where this has not been possible taken out additional references;
- Your employees have been checked for their Right to Work in the UK and that they are compliant;
- You have evidenced their identity and address e.g. passport or driver's license with utility bill or P45/60 (issued within last 3 months), plus photographic evidence;
- You hold copies of their certificates of qualification, if a qualification is a legal requirement for the post ;
- You have received at least two satisfactory references in respect of each employee;

Could you also please supply us with a copy of your own Safeguarding/Child Protection Policies.

If you have any questions relating to this matter then please do not hesitate to contact me on the number above.

Please forward to me written confirmation of your compliance at your earliest convenience, and thank you in advance for your assistance with this matter.

Yours sincerely,
(on behalf of United Learning)

Appendix 4: Overseas Residence Confirmation Form

I confirm that I have not lived or worked outside the UK in one location for 6 months or longer in the last 5 years.

Full Name (Please Print): _____

Signed: _____

Date: _____

I confirm that I have lived or worked outside the UK in one location for 6 months or longer in the last 5 years. Further, that I understand my obligation to meet [ENTER SCHOOL] Safeguarding Guidelines, by requesting a Certificate of Good Conduct from that country, or those countries, of residence, and to keep [ENTER SCHOOL] informed of the progress of my application for that/those certificate(s).

Full Name (Please Print): _____

Signed: _____

Date: _____

Appendix 5: List of Countries for Whom the DBS Offer Certificate of Good Conduct Advice

AUSTRALIA	ITALY (excluding Vatican City)
BELGIUM	JAMAICA
CANADA	LATVIA
CROATIA	LEICHTENSTEIN
CYPRUS	MALAYSIA
CZECH REPUBLIC	MALTA
DENMARK	NEW ZEALAND
ESTONIA	NETHERLANDS
FINLAND	PHILLIPINES
FRANCE	POLAND
GERMANY	SOUTH AFRICA
GHANA	SPAIN
HUNGARY	SWEDEN
IRISH REPUBLIC	TUNISIA

Appendix 6: Guidance on Employees without DBS Checks

The Keeping Children Safe in Education 2014 states:

It is vital that schools create a culture of safe recruitment and as part of that adopt recruitment procedures that help deter, reject or identify people who abuse children.

The level of DBS check required, and whether a prohibition check is required will depend on the role and duties of an applicant to work in a school.

For most appointments an enhanced DBS check with barred list information will be appropriate as the majority of staff will be engaging in regulated activity.

In a school a supervised volunteer who regularly teaches or looks after children is not in regulated activity, Annex D of the KCIE 2014 provides some statutory guidance of regulated activity.

Under no circumstances should the individual commence work unsupervised in sole charge of or in unaccompanied contact with children within the United Learning Group without a cleared DBS Check, except with the express permission of the Head Teacher, in consultation with an Executive member at Central Office.

Before contacting Central Office to consult as above, the following form should be filled in to enable prompt and effective decision-making at both School and Central Office level. The form, with decision recorded, should then be filed in with the personnel file of the employee until the correct check is completed, at which point it should be disposed of securely (normally shredded).

With effect from September 2014, this form no longer needs to be returned and signed by a Central Office Executive.

Name of Employee/Worker:	
Job title of Employee/Worker:	
School:	
Date of Barred List Check and Who Completed it:	
Date disclosure form was sent to DBS and form reference number:	
Probable date of arrival of clearance:	
<i>In normal working conditions, what percentage of the working week would be spent in sole charge or unsupervised contact with children? (for a teacher, this should not include non-teaching periods through the week; it will thus be in the 80-90% range for a full-time teacher)</i>	
<i>Would any of this be in a one-to-one situation? If so, what percentage of the working week?</i>	
<i>Would any of this be in small group situations (up to 6)? If so, what percentage of the working week?</i>	
<i>Is there any potential physical contact or intimate care involved in normal working conditions?</i>	
<i>Will there be a residential visit during the period before the likely arrival of the DBS Clearance?</i>	
<i>What risk control measures (e.g. open doors at all times; moving to a different room; re-allocation of Teaching Assistants) could be set up for any of the above questions?</i>	
<i>For a new employee, is there any DBS cleared member of staff who knows him/her personally?</i>	

<i>For a new employee, have you seen a DBS certificate issued within the past 15 months?</i>
<i>For a new employee, have you seen a DBS certificate which showed did not reveal any information within the past 15 months?</i>
<i>For an employee already working in the School, for how long has the employee/worker been employed?</i>
<i>Did you receive satisfactory references on appointment?</i>
<i>Have there been any concerns that relate to the safety and welfare of children or young people or behaviour towards children or young people, expressed at any time by colleagues?</i>
<i>Have there been any concerns that relate to the safety and welfare of children or young people or behaviour towards children or young people, expressed at any time by pupils?</i>
<i>Have there been any concerns that relate to the safety and welfare of children or young people or behaviour towards children or young people, expressed at any time by parents?</i>
<i>Has the employee/worker been the subject of any disciplinary procedures (including those expired) that relate to the safety and welfare of children or young people or behaviour towards children or young people?</i>
<p>Head Teacher Assessment</p> <p>Are you satisfied, on the evidence you have, that the employee/worker is suitable to work with children?</p>

Signature:

Date of Assessment:

Final Outcome