

DISCLOSURE POLICY AND PROCEDURE

The OHC&AT Board of Directors has agreed this Policy and as such, it applies across the organisation – 26th November 2015.

Jay Mercer
Chair of OHCAT Board



Darren Coghlan
Chair of OHC Board



Disclosure Policy and Procedure

INTRODUCTION

Orchard Hill College and Academy Trust (OHC&AT) is committed to safeguarding its pupils and students. Procedures are therefore required to ensure that the appropriate checks are undertaken for staff, as well as agency staff, contractors and volunteers.

This policy specifies the arrangements that will be adopted by OHC&AT to ensure that Disclosure checks are completed for all newly appointed staff. All references to Orchard Hill College and Academy Trust (OHC&AT) include both Orchard Hill College (OHC) and Orchard Hill College Academy Trust (OHCAT) as employers unless otherwise specified.

The policy and procedure incorporates changes to other government guidance, notably 'Keeping Children Safe in Education' (2015) and the update released in March 2015 which requires schools and colleges to have regard to the Childcare (Disqualification) Regulations 2009 where applicable, as well as the Safeguarding Vulnerable Groups Act (2006) and Working Together to Safeguard Children (2015). Guidance is also incorporated from the Local Safeguarding Boards.

The information contained within this procedure is also intended to provide guidance on the type of considerations that should be made when determining whether information contained within a Disclosure should lead to an offer being withdrawn or in the circumstances where any issues are identified for an individual established in post, the process of assessing whether employment with OHC&AT should continue.

OHC&AT will act reasonably in making decisions about the suitability of the prospective employee based on checks and evidence, including criminal record checks (Disclosure & Barring Service (DBS) checks), barred list checks and prohibition checks together with references and interview information obtained through OHC&AT's Safer Recruitment Process.

The level of DBS certificate required, and whether a prohibition check is required, will depend on the role and duties of an applicant to work in a school or college, as outlined in this guidance.

For all appointments in OHC&AT, an enhanced DBS certificate, which includes barred list information, will be required as the majority of staff will be engaging in regulated activity. In summary, a person will be considered to be engaging in regulated activity if as a result of their work they:

- will be responsible, on a regular basis in a school or college, for teaching, training instructing, caring for or supervising children/vulnerable adults; or

- will carry out paid, or unsupervised unpaid, work regularly in a school or college where that work provides an opportunity for contact with children/vulnerable adults; or
- engage in intimate or personal care or overnight activity, even if this happens only once.

In addition to obtaining the DBS certificate described, anyone who is appointed to carry out teaching work in the academies will require an additional check to ensure they are not prohibited from teaching. For those who will be working with children under the age of eight, OHC&AT will, where appropriate, request the staff member to make a Disqualification by Association declaration.

For all other staff who have an opportunity for regular contact with children who are not engaging in regulated activity, an enhanced DBS certificate, which does not include a barred list check, will be appropriate.

In a school or college, a **supervised** volunteer who regularly teaches or looks after children is not in regulated activity. The Department for Education (DfE) has published separate statutory guidance on supervision and regulated activity which schools and colleges should have regard to when considering which checks should be undertaken on volunteers.

From September 2012, individuals volunteering in schools and colleges in England are no longer regarded as working in regulated activity if they are properly supervised and a DBS is not mandatory. However, Enhanced certificates without a barred list check remain available; it is within the discretion of OHC&AT to decide on the necessity of the check for volunteers depending on the contact they have with students/pupils (ref: 'Keeping Children Safe in Education', 2015, DfE).

Retention of DBS

When a decision has been made as to whether or not recruitment is appropriate, the DBS information will be held on the employee's personal file with their permission or, for those who are not appointed, for a period of up to six months.

POLICY REVIEW DETAILS

<i>Version:</i>	1.0
<i>Reviewer:</i>	Janet Sherborne
<i>Approval body:</i>	Family Board
<i>Date this version approved:</i>	26 th November 2015
<i>Due for review:</i>	Autumn 2018

RELATED POLICIES AND PROCEDURES

Child Protection Safeguarding Policy and Procedure
Health & Safety Policy
Risk Assessment Policy
Manual Handling Policy
Physical Intervention Policy

APPENDIX 1: Procedure for employees awaiting DBS clearance

Following the Bichard enquiry, Government advice with regard to Child Protection and the Protection of Vulnerable Adults now recommends that new staff who have not yet received DBS clearance do not take up their post without clear guidelines from their employer being in place.

As a result, new OHC&AT employees will only be permitted to take up their post prior to DBS clearance, subject to the following:

The prospective employee:

- 1) **Will** always work in a situation where at least one other member of staff is present in the room
- 2) **Will not** support pupils/students in their personal and intimate care needs, including using the toilet or bathroom, eating or drinking where physical support is required and changing items of clothing in any situation.
- 3) **Will** familiarise themselves, and agree to adhere to, the OHC&AT Child Protection Safeguarding Policy and Procedures and any other related documents and processes as appropriate.
- 4) **Will not** have access to pupils'/students' personal information, other than with the authorisation of a member of the Senior Leadership Team of the relevant OHC&AT provision and with direct supervision

In addition the prospective employee will be expected to attend any Child Protection or SOVA safeguarding training offered by OHC&AT, before and after DBS clearance has been achieved.

The prospective employee is required to sign two copies of the attached sheet, keep one and return the other to the Head of OHC&AT HR.

Operation of this policy reflects good practice and also reflects the aims of the Child Protection Safeguarding Policy and Procedures, to ensure the safety and well-being of all pupils and students.

Failure to adhere to this agreement may result in disciplinary action and may affect the successful completion of the new employee's probationary period.

It is the responsibility of the Senior Leadership Team in any OHC&AT provision to make other staff working with the new employee aware of these restrictions and the reasons for them being in place. The Senior Leadership Team will notify other staff when the new employee's DBS Clearance is complete.

It is the decision of the Head/Principal or Deputy Head/Vice Principal whether a new employee can commence work before DBS clearance is complete in all instances. A



barred list check, prohibition check for teachers and risk assessment following the attached guidance will be carried out before any new employee commences work prior to DBS clearance.

APPENDIX 2: Guidance on completing a risk assessment for employing an individual in advance of a full DBS clearance check

Introduction

The safeguarding of children and vulnerable adults is of utmost importance and integral to the statutory responsibility for all employers, where they employ staff who have contact with these groups. OHC&AT is legally bound to protect our pupils and students by applying robust recruitment and employment processes. It is recognised that thorough application of recruitment processes an essential part of safeguarding. However, the length of time recruitment processes can take may pose other risks for the employer's consideration e.g. the length the post can remain vacant and the impact of this on the service's ability to support pupils/students within that service environment.

This guidance provides advice on how to undertake an effective risk assessment when considering allowing an employee to start work in advance of full DBS clearance and will help in deciding whether the risk of employing a person can be taken and what precautions and safeguards would be needed to manage and minimise that risk.

Agreement will only be given by OHC&AT to employ a member of staff prior to their DBS check being received if it can be shown that not to employ will have a significantly deleterious effect on the business of the organisation concerned. The expectation is that such cases will be exceptional.

If a recruiting manager is considering authorising the new employee to commence employment prior to a full DBS clearance being received, a risk assessment needs to be completed and documented to safeguard all concerned (Appendix 3 should be completed).

This guidance should be read in conjunction with other OHC&AT recruitment and selection policies and procedures.

Completion of the risk assessment

This section should be read in conjunction with completing Appendix 3, section A of this document. Under normal circumstances the recruiting manager must undertake the following:

- Face to face interview
- Identity check
- Academic/vocational qualification check
- Eligibility to work in the UK
- Professional and/or character references for a minimum of 5 years, ensuring there are no gaps
- Prohibition check
- Barred list check

- Disqualification by association declaration, where appropriate
- Health check
- DBS check <https://www.gov.uk/disclosure-barring-service-check/overview>

Therefore it is vital when undertaking the risk assessment (section A) the recruiting manager asks themselves the following questions and can provide evidence to support their answer:

- Can it be shown that not to employ the member of staff prior to their DBS check being received will have a significantly deleterious effect on the organisation?
- Is it essential for service delivery that the appointment should proceed in the absence of a full DBS check? What are the implications of a delay?
- Have robust recruitment procedures been followed and the candidate completed a face to face interview?
- Did the selection panel ask the candidate at interview if they have any spent or unspent criminal convictions? If any convictions were revealed, what relevant information is available?
- Have the relevant qualifications been checked?
- Have we received professional/character references and has the previous employment history been checked? Are there any unexplained gaps?
- Have the necessary health checks been completed?
- Has the individual been checked against the barred list, and the Prohibition check for teachers, and were those checks clear?
- Was one of the interviewers trained in Safer Recruitment?
- Is there anything else known about the individual within the workplace, community or from elsewhere which is supportive or gives cause for concern?

Control measures, including the completion of a risk assessment signed by the OHC&AT representative and the staff member, should be put in place to reduce the level of risk of allowing a new employee to commence employment prior to a full DBS check being received. The considerations a line manager would wish to review are:

- The level and closeness of supervision that might be required for the new employee.
- The extent to which procedures, such as audits or the involvement of others in the work process, would be a form of indirect supervision.
- Whether any training or briefing would be useful to enable the supervisor to manage the post-holder in the work context.
- What precautions already exist in the work place or could be put in place?

When completing section B of the risk assessment form, consideration of the appropriate control measure needs to be clearly thought through and evidenced. Further advice and guidance is available from OHC&AT HR.

Approval of the risk assessment and terms of the offer of employment

The completed risk assessment must be reviewed and considered by a senior manager within the organisation (section B of the risk assessment form). This is usually the person with overall responsibility and accountability for the area of service e.g. Head/Principal.

Once the senior manager gives approval that the new employee can commence employment prior to full DBS clearance being received, the recruiting manager (usually in collaboration with OHC&AT HR) must ensure the offer of employment is confirmed 'subject to a satisfactory DBS clearance being received'.

The offer letter should confirm that if an unsatisfactory DBS clearance is received, an investigation would be invoked and may lead to the withdrawal of the offer of employment and termination of the employee's contract of employment. If an unsatisfactory DBS clearance were to be received the recruiting manager is strongly advised to seek immediate advice from OHC&AT HR.

The employment of the individual should be monitored and reviewed by the appointing manager on a monthly basis until the DBS check is returned and confirmed to be satisfactory.

APPENDIX 3: Risk Assessment Form – Employment ahead of DBS check

When completing the section below please refer to the guidance notes and reference table.

SECTION A: Checklist

EMPLOYEE: DATE OF ASSESSMENT:

POST ASSESSED:

Checks completed	Yes	No
Face to face interview		
Satisfactory List 99 check/ plus Prohibition check for teaching staff		
Identity check		
Satisfactory references covering 5 years' full time employment		
Are there any unexplained gaps in employment?		
Evidence of eligibility to work in the UK		

SECTION B: Control measures

What control measures have been put in place to mitigate the risk of this employee commencing employment prior to full DBS clearance being received?

Control measures	Yes	No
All recommended control measures in place (see attached)*		
Is the new employee able to adhere to the control measures noted above?		

* If no, describe overleaf what measures have been put in place for minimise/offset risk.

SECTION C: Reason for appointment prior to DBS clearance

Please explain why it can be shown that not to employ the member of staff prior to clearance will have a significantly deleterious effect on the business of the organisation (continue overleaf if necessary). Give the date the DBS check was requested and when it is expected.

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Manager's name:

Job title:

Signed:

Date:

SECTION D: Approval

Appointment prior to DBS check approved/not approved (delete as appropriate).

Rationale for decision:

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Risk Assessment Form A

Activity/Person/Area Assessed:

Name(s) of assessor:	Reference number:
Date of Assessment:	Review Date:

No.	Hazard	People at risk	Existing control measure	Risk Rating: Red, Amber, Green
1				
2				
3				
4				
5				
6				
7				
8				
9				

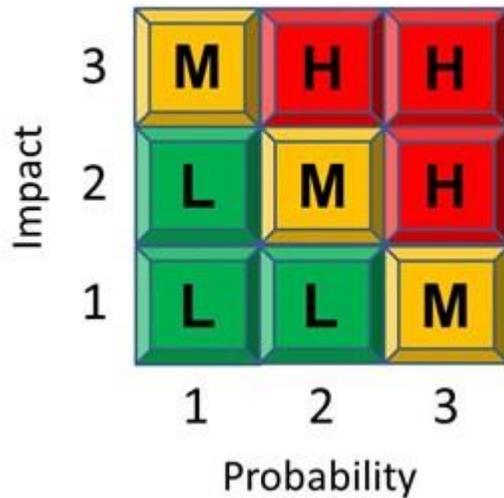
Risk Rating:

High = current controls totally inadequate with serious consequences

Medium = current controls still poor but consequences less serious

Low = current controls are adequate to minimise the risk so far as reasonably practicable

Risk Register Descriptor



Action required: Yes/No (delete as appropriate)

If action is required please fill in Form B below.

Risk Assessment Form B

Hazard No	Action Required	By whom	Target date	Completion date

On completion date, please update the risk assessment form.

Manager's name:

Job title:

Signed:

Date: