



Safer Recruitment Policy

1 Introduction

This policy has been designed to deliver the Council's commitment to safer recruitment of staff working with children and vulnerable adults. It complements the corporate recruitment and selection code of practice and ensures that our recruitment processes comply with current safeguarding legislation and regulations including Disclosure & Barring Service (DBS) and Independent Safeguarding Authority (ISA) provisions.

1.1 Statement of Intent

"Bolton Council is committed to safeguarding and promoting the welfare of children, young persons and vulnerable adults and we expect all staff and volunteers to share that commitment. Fair and thorough recruitment, selection and interview processes are in place throughout the Council."

1.2 Safer recruitment & Vetting: Overview of Policy Framework:

To fulfill the Council's commitment to safeguarding recruitment we will, under the terms of this policy:

- Ensure the Council's statement of intent is included in appropriate Council publicity and management materials including the recruitment website, advertisements, candidate information packs, person specifications, job descriptions and competency frameworks.
- Maintain a risk profile of posts in each department that involve working with children/vulnerable adults and will therefore be subject to the Enhanced Disclosure regime
- Undertake a rolling programme of 3 yearly renewals of Enhanced Disclosure checks
- Ensure that, when a positive DRB check is received, the appointment decision is made by the Assistant Director Children's Services (Staying Safe) or Chief Officer Social Care, with reference to the relevant Director
- Complete a rolling programme of review of posts that were subject to Standard Disclosures in 2002 when the DBS system was introduced in order to:
 - Substitute an Enhanced Disclosure check for Standard where necessary; and
 - Re-check those 2002 checks
- Ensure that the protection of children and vulnerable adults is a condition of awards/grants and service level agreements when planning the commissioning/contracting of services and that inspection mechanisms are in built as part of normal contracting arrangements as a means of auditing compliance.
- Ensure that prospective employees do not normally commence working for the Council until full clearances of all relevant pre-employment checks have been received and verified. Any decision for employment to commence prior to receipt of full pre-employment checks can only be taken by the Assistant Director Children's Services (Staying Safe) or Chief Officer Social Care with reference to the relevant Director

1.3 Safer Recruitment Standards

This policy complements the corporate recruitment and selection code of practice and ensures that the Council's recruitment practices comply with the DBS safer recruitment standards. In summary, all recruitment to posts that involve working with or have access to information about vulnerable people must require the successful applicant to:

- Complete a detailed application for the post
- Provide at least two pieces of identification, one of which should be photographic, which should identify name, current address and date of birth. Normally for proof of identification the individual should present their driving license and/or passport
- Provide at least two written references, which will be followed up before a post is offered. One reference should be from the last employer or an organisation which has knowledge of the applicant's work or volunteering with vulnerable adults, children or young people.
- Consent to a DRB disclosure and ISA registration.
- Be aware that they have a responsibility to disclose any subsequent convictions, cautions etc.
- Undergo an interview which assesses the applicant's suitability for the particular role, his/her attitude towards vulnerable adults and/or children and young people and their ability to perform their role Overseas staff should be checked in the same way as for all other staff but should additionally provide a certificate of good conduct from their home police force or embassy, as well as from other countries where they have worked. DBS disclosures do not detail offences committed abroad.

1.3.1 The applicant/employee's duty to disclose information

A central plank of the safer employment policy is that the Council requires all applicants and existing employees to disclose any convictions/cautions to the Council within their application forms and, via an ongoing duty, to their Senior Manager and/or departmental HR advisor. Any failure to disclose relevant information will be regarded as a potentially serious breach of trust and confidence and may result in disciplinary action, potentially leading to dismissal, of existing staff or non appointment of applicants. Any decision to appoint someone under these circumstances should be taken either by the Assistant Director Children's Services (Staying Safe) or Chief Officer Social Care, with reference to the relevant Director.

1.3.2 Safeguarding checks for Agency/Supply Staff

Staff engaged from recruitment Agencies including school supply registers must have the relevant level of DBS clearance and ISA registration, if applicable, for the post. Should a positive disclosure be returned the decision about whether to engage the individual is the responsibility of the Assistant Director Children's Services (Staying Safe) or Chief Officer Social Care Recruitment Agencies and/or school supply registers are therefore obliged to refer details of positive disclosures to the Council, through the recruiting manager, for decision.

1.4 Retention of personal files

All personal files of those staff who are ISA registered and/or have enhanced DBS disclosure will be retained for 25 years following the termination of their employment with the Authority.

1.4.1 The Single Central record for Schools-based Staff

In schools, a single central record of safeguarding checks for those who work within the school on a paid or voluntary basis must be maintained. The record, as prescribed by DCSF guidance, should include:

- the correct checks for all staff employed at the school, whether directly or through an agency; anyone else who is identified by the school as 'working in regular contact with children'.
- identity; name and confirmation that address and date of birth have been checked.
- qualifications; where the qualification is a requirement of the job, ie posts where a person must have qualified teacher status.
- evidence of permission to work in the UK for those who are not nationals of a European Economic Area country and that steps have been taken to check their suitability.
- the date and number of a List 99 check, if appropriate as a separate item.
- the date and number of DBS enhanced disclosure, including List 99 check for all those who require a check under the guidance and regulation applying at the time they were recruited.
- the date and number of ISA registration.

2 Safer Recruitment Policy & Process

The safer recruitment framework requires relevant staff to have adequate clearance from the following statutory bodies, before they commence work with the Council:

- Disclosure and Barring Service (DBS)
- The Independent Safeguarding Authority (ISA)

2.1 Disclosure and Barring Service (DBS) clearance

All staff in posts that have access to children or vulnerable adults or information about them require the appropriate level of DBS clearance before they can commence employment. The process map attached to this policy at appendix A sets out the process for undertaking DBS checks. Outlined below is the detail of how this policy and process will operate. In order to ensure consistency of decision making across the Council, decisions relating to a number of aspects of the policy will be made either by the Assistant Director Children's Services (Staying Safe) or Chief Officer Social Care, with reference to the relevant Director. In their absence decisions can only be made by the Director of Children Services or Director of Adult Services.

2.1.1 Enhanced DBS checks

Enhanced DBS checks are required for posts that involve:

- regularly caring for, supervising, training or being in sole charge of children, young people or vulnerable adults and/or
- regular access to information relating to vulnerable groups, such as that held on the Contact Point database and the Integrated Children's Services Index (ICS) index Enhanced checks contain the same information as Standard checks but with the addition of any local police force information considered relevant. This could include information relating to someone who is currently under investigation or previous unsubstantiated allegations, etc. A full list of those posts requiring enhanced checks is attached at Appendix B. Should an individual move from a position in which no check or a Standard check is required into a position for which an Enhanced check is required, this Enhanced check should be completed prior to the commencement of the post.

2.1.2 Standard DBS checks

Standard DBS checks are required for posts that do not involve working with children, young people and vulnerable adults regularly but which may come into contact with vulnerable groups and/or have access to information relating to them. Standard DBS checks contain details of all convictions, cautions, reprimands and warnings held on the police national computer. They also contain information from the Protection of Children Act List (POCA) and information from the Protection of Vulnerable Adults List (POVA), along with information held by the Department for Children, Schools and Families (DCSF) under section 142 of the Education Act 2002, detailing those considered unsuitable or banned from working with children. Should an individual move from a position for which an Enhanced check is required, into a position in which no check or a Standard check is required, that person should be removed immediately from the renewals database. This check will be valid for the 3 years and exempt the individual from Standard checks during this period. However, should the individual choose to return to a post requiring an Enhanced disclosure check after a period of 12 months or more, an additional Enhanced disclosure check will be required.

2.1.3 Checks for “Umbrella Body” organisations Where requested, Bolton Council may act as an “Umbrella body” to countersign applications and receive disclosure information on behalf of other related employers or voluntary organisations. When acting as an umbrella body the Council makes a charge to cover administrative costs. The appointment decision for staff in “umbrella organisations”, based on disclosure information received, is the responsibility of the relevant Chief Executive officer of the organisation concerned and not Bolton Council.

2.1.4 Positive Disclosures The term “positive disclosure” refers to a disclosure containing information relating to convictions, cautions, reprimands and so on, plus “soft information” relating to non- convictions but which the police deem as relevant. Positive disclosures will be referred to the Assistant Director Children’s Services (Staying Safe) or Chief Officer Social Care who will, with reference to the relevant Director, be responsible for completing a risk assessment of whether the offence(s) listed is/are sufficiently serious to cause concern. To aid the decision making process it may be appropriate to interview the applicant to verify the information received, prior to any judgements being made. The assessment of the positive disclosure will be in accordance with the following checklist:

- the likely impact that the positive disclosure could have on the individual’s ability to carry out the job role;
- the seriousness and nature of the offence(s);
- the nature of the appointment;
- the length of time since the offence(s) occurred;
- the number and pattern of offences;
- the applicant’s age at the time;
- any explanation of the circumstances of the offence(s) that may already have been given
- concealment of the offence(s) at the application stage.

The decision taken, based on the disclosure information received, will be recorded using the form at Appendix B. Where appointment proceeds, the record of decision will be retained permanently on the individual’s personnel file and the DBS disclosure information will be retained securely for 6 months.

If a positive disclosure is returned through the DBS renewal process about an existing member of staff who is employed in a high risk post, they should be suspended from duty immediately pending an investigation led by the Assistant Director Children’s Services (Staying Safe) or Chief Officer Social Care. The Assistant Director will be responsible for determining whether:

- to facilitate the potential redeployment of the individual into a non-risk post or

- recommend disciplinary action. The decision will be made with reference to the criteria set out above and with reference to the relevant Director.

2.1.5 Additional police information - 'Brown Envelope' Disclosures

On rare occasions, the police may provide additional confidential information under a separate cover letter, known as a "Brown Envelope" disclosure. This disclosure will contain information which, in the Chief Police Officer's opinion:

- might be relevant in considering the applicant's suitability to work with children or vulnerable adults (whether paid or unpaid);
- ought not to be included in the certificate in the interests of the prevention or detection of crime;
- can without harming those interests be disclosed to the Registered Person.

Should the police intend to provide this information, the DBS Disclosure will contain the words "*Please refer to letter sent under separate cover*". The 'Brown Envelope' will only be sent to the Counter Signatory who requested the Disclosure, who will be responsible for referring it to the Assistant Director Children's Services (Staying Safe) or Chief Officer Social Care. The information should be handled, stored, retained and used in the same way as any other disclosure information and must not be disclosed to the applicant, recruiting manager or to any other person not involved with the recruitment decision, without the written permission of the Chief Police Officer.

If the additional information reveals details that are unsatisfactory to the post, the job offer should be withdrawn but the reasons for doing so should not be revealed to the applicant. If the situation is difficult, advice should be sought on this issue before proceeding and the DBS and Chief Police Officer should be advised as soon as practicable of the situation.

2.1.6 Appointment without full DBS clearance

Following an offer and acceptance of employment, employees should not commence working for the Council until full clearances of all relevant pre-employment checks, including DBS clearance, have been received and checked. The payroll team will ensure that all necessary clearances have been received before making the first month's salary payment for new starters.

Any decision for employment to commence prior to receipt of full pre-employment checks can only be taken by Assistant Director Children's Services (Staying Safe) or Chief Officer Social Care, with reference to the relevant Director, following a risk assessment based on the nature of work; the level of exposure to children and vulnerable adults and the information provided on the application form.

The contract of any employee appointed prior to receiving clearance should remain subject to this condition being met. Until such time as the DBS clearance is received, the employee will remain subject to robust control measures of which they will be notified. The line manager is responsible for monitoring the individual until clearance is received and ensuring progress on the DBS check is pursued at least every 14 days. The Assistant Director Children's Services (Staying Safe) or Chief Officer Social Care remain accountable for this decision until the DBS clearance has been granted.

2.1.7 Portability Neither the DBS nor the Council endorse the use of portability, i.e. the re-use of a DBS disclosure obtained for a position in one organisation and later used for another position in another organisation. A disclosure carries no formal period of validity and reflects information that was available at the time of its issue only. Portability should therefore only be considered as part of an overall risk assessment process and reserved for exceptional circumstances. Any decision to allow a portable DBS check will be made and recorded by the Assistant Director Children's Services

(Staying Safe) or Chief Officer Social Care. It is not Council policy to routinely re-check staff with current DBS clearance if they move between positions within the Authority, although an up to date check may be requested depending upon the requirements of the role. Enhanced checks will be renewed on a 3 yearly basis as part of the rolling programme of quality assurance.

2.1.8 3 yearly renewals of enhanced DBS checks

All checks of persons in posts that require Enhanced Disclosure clearance from the DBS (provided at Appendix A) will be renewed on a 3 yearly basis to ensure that their ongoing employment in their position of trust is appropriate. The posts for which Enhanced Disclosure is required will be reviewed by the Assistant Director Children's Services (Staying Safe) or Chief Officer Social Care, with reference to the relevant Director, on an annual basis to ensure that new posts which require checks are continuously identified and those, if any, which are deemed no longer to require such checks are removed.

2.1.9 Ongoing quality assurance of standard DBS checks

The Council will undertake an ongoing review of Standard checks, to quality assure the disclosure information. The review of Standard checks will be completed on a sample basis within each department, having regard to the age of the disclosure. In addition, the Council will complete a review of posts that were subject to Standard Disclosures in 2002 when the DBS system was introduced in order to:

- Substitute an Enhanced Disclosure check for Standard where necessary; and
- Re-check those 2002 checks.

2.1.10 Records of disclosure information

The Council recognises its obligations in relation to the handling, safe keeping and disposal of disclosed information and is committed to complying fully with the DBS Code of Practice in relation to safeguarding information received. It is not Council policy to retain disclosure information routinely. In exceptional circumstances, for example where an individual with a positive disclosure has been appointed, the information will be kept by the Assistant Director Children's Services (Staying Safe) or Chief Officer Social Care for 6 months in a secure, locked place. The following details of all DBS and vetting checks will be maintained for employed staff on Oracle:

- the date of issue of a Disclosure;
- the name of the subject;
- the type of Disclosure requested;
- the position for which the Disclosure was requested;
- the reference number of the Disclosure.

Should any school or Further Educational establishment wish to conduct its own DBS and vetting checks and keep its own records, they are required by law to keep and maintain their own Single Central Record of DBS and vetting checks containing the information set down in 12.3 above. The Council as a monitoring body will then require the school to confirm in writing to the Council that it wishes to hold its own records and that they will be held and disposed of in accordance with the requirements above.

2.2 Independent Safeguarding Authority

From October 2010 it will be illegal for the Authority to appoint an individual to work on a paid or unpaid basis with children or vulnerable adults on a controlled or regulated activity unless they are registered with the Independent Safeguarding Authority (ISA). The register will confirm that there is no known reason why an individual should not work with these client groups and will integrate the current POCA, POVA, List 99 and Disqualification Order systems. This Scheme will compliment the DBS check system and will form part of the DBS application process.

Under the terms of the scheme:

- **regulated activity** is defined as any activity in a specified place (paid or voluntary) that involves contact with children or vulnerable adults frequently, intensively &/or overnight (For example teaching, training, foster and child care, supervision, advice, treatment and transportation) and any defined positions of responsibility (including school governors, directors of children and adult services and trustees of certain charities).
- **Controlled activity** is defined as frequent or intensive support work which involves frequent access to sensitive records about children and vulnerable adults and support work in adult social care settings. (Such jobs include day centre cleaners and those with access to social care records.) ^[L]_[SEP]

The Council must also ensure that, by October 2015, existing employees are ISA- registered. The Council will phase in registration of existing staff by 2012. The council will fund the cost of registration for non-schools based employees. Schools will be responsible for funding the costs of registration for their staff.

If the Council receives notification that an applicant or existing member of staff is barred from the ISA scheme it is likely to be illegal for the Council to continue with the appointment of that individual to a post that involves working with children or vulnerable adults. In this situation existing employees should be suspended from duty immediately pending an investigation led by the Assistant Director Children's Services (Staying Safe) or Chief Officer Social Care, who will be responsible for determining whether:

- to facilitate the potential redeployment of the individual into a non-risk post or
- recommend disciplinary action.

The decision will be made with reference to the criteria set out in section 2.1.4 and with reference to the relevant Director.

2.2.1 Referrals to the Scheme

The Council is under a positive duty to refer relevant information to the Scheme if an employee:

- receives a formal warning for conduct relevant to safeguarding or
- has their employment terminated following the conclusion of disciplinary action for conduct relevant to safeguarding or
- leaves the Council of their own accord prior to any hearing about conduct relevant to safeguarding.

The Council will advise an individual who is to be referred to the Scheme of the referral in writing

and suggest that they seek legal representation due to the possible outcome of the referral and the impact on their future employment. The Trades Unions may be able to facilitate access to such legal advice for their members.

Once a referral has been made, the decision as to whether or not the individual is subsequently placed on the barred list will be made by the ISA. They will consider representations made by the individual concerned and will comprise a balance of different expertise. If a person is then barred, professional and regulatory bodies will be notified so that professional registration can be reviewed.

2.2.2 Records of ISA registration

The date and unique identifier of ISA registration will be recorded on Oracle for every member of staff for whom registration is required.

Records of all correspondence between the Council and ISA will be retained by the Assistant Director Children's Services (Staying Safe) or Chief Officer Social Care and administered by their respective HR team.

3 Safer recruitment & vetting: Roles and Responsibilities

3.1 The Assistant Director Children's Services (Staying Safe) or Chief Officer Social Care

The Assistant Director Children's Services (Staying Safe) or Chief Officer Social Care is, with reference to the relevant Director, responsible for:

- Considering positive disclosure information when received from either the DBS or ISA and determining and recording whether appointment should proceed.
- Ensuring relevant partner agencies and organisations are aware of their responsibilities under safeguarding, through communication and training where appropriate
- Quality assuring on an ongoing basis the list of posts across the council that are subject to standard and enhanced disclosure
- Undertaking and recording a risk assessment in situations where a portable DBS clearance is requested and determining whether to advise portability
- Undertaking and recording a risk assessment where appointments are requested prior to receiving DBS clearance and determining whether appointment may proceed
- Ensuring that the protection of children and vulnerable adults is a condition of awards/grants and service level agreements when planning the commissioning/contracting of services and that inspection mechanisms are in built as part of normal contracting arrangements as a means of auditing compliance.

The Assistant Director Children's Services (Staying Safe) or Chief Officer Social Care may delegate the responsibilities above to a small number of suitably trained and experienced staff, however they remain accountable for advice given and decisions made.

3.2 Recruitment Administrators

Recruitment administrators are responsible for:

- progressing all DBS checks for new starters
- ensuring the Council's statement of intent is included in appropriate recruitment materials including the recruitment website, advertisements, candidate information packs, person specifications, job descriptions and competency frameworks

3.3 The Safer Employment Team

The Safer Employment Team is responsible for:

- Undertaking a rolling programme of 3 yearly renewals of Enhanced Disclosure checks
- Ensuring that, when a positive DBS check is received, the appointment decision is referred to the Assistant Director Children's Services (Staying Safe) or Chief Officer Social Care, with reference to the relevant Director
- Completing a rolling programme of review of posts that were subject to Standard

Disclosures in 2002 when the DBS system was introduced in order to:

- Substitute an Enhanced Disclosure check for Standard where necessary; and
- Re-check those 2002 checks
- Implementing ISA registration for all existing staff by October 2012
- Undertaking DBS checks for any non employed groups, e.g. school governors
- Completing a rolling programme of review of Standard DBS checks.

Appendix A

Posts for which Enhanced Disclosure and Barring Clearance will be required

The following posts will be required to have an enhanced DBS check completed in advance of commencement:

Appendix C: Record of Safeguarding Risk Assessment

Issue (Please Tick)

Portable DBS Clearance Request	
Positive Disclosure	
Appointment prior to receipt of full DBS clearance	
Other (please describe)	

Disclosure No.: _____ Date Obtained: _____

Safer Recruitment Administrator _____

Applicant/Employee Name: _____

Date of Birth: _____

Proposed position: _____

Department/School Name _____

Status (employed/self employed/voluntary etc.): _____

Summary of Risk Assessment Outcome (see section 2.1.4 for relevant criteria)

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Please confirm whether the above named person is approved to be employed in the position stated above. It is crucial to note that this approval to proceed is isolated to this position and the circumstances as judged by the authorised signatory. This judgment is therefore not transferable to other recruitment decisions.

Proceed

☐

Not Proceed

☐

Signed: _____ Date: _____

Authorised signatories:

- Assistant Director Children's Services (Staying Safe)
- Chief Officer Social Care
- Director Children's Services
- Director Adult & Community Services

Disclosure information & documents relating to convictions should be retained by the Authorised signatory pending any appeal and for secure disposal thereafter.

This trace must be kept safe and not disclosed to a third party.

Reviewed: September 2019

Next Review Date: September 2020