

# **Safeguarding children in Monmouthshire:**

## **Protocol for clarifying roles and functions re implementing the Disclosure and Barring Service (DBS)**

### **1. Introduction**

The introduction of the DBS and the associated statutory regulation and guidance marks a significant shift in practice from the previous CRB arrangements. It is not merely a procedural change and raises implications about how we assure ourselves that all our environments are safe for children. This new approach coincides with internal work in Monmouthshire arising from the Estyn inspection (November 2012) and it is timely for us to be explicit regarding how we manage the Disclosure and Barring process in the wider context of safeguarding children in Monmouthshire.

This protocol is intended to lay out the respective roles and responsibilities of the range of people involved in the Disclosure and Barring process and hence ensure there is effective leadership and decision making in this area.

For the purposes of this document 'children' refer to all children and young people up to the point of their eighteenth birthday.

It is a requirement that all settings providing services for children in Monmouthshire including schools, maintained early years settings, youth, community and leisure services work within this protocol.

This protocol should be read in conjunction with Monmouthshire County Council "*Safeguarding Children in Education Policy*".

### **2. Roles and Responsibilities**

#### **2.1 The Children and Young People's (education) Directorate within the Local Authority**

The Chief Officer CYP holds the strategic overview for all education matters and is responsible for the coordination of the processes in this protocol. Through the officers within the directorate, the Chief Officer will assure themselves that safe recruitment and employment practices are being adhered to across the directorate including schools, governing bodies and other funded settings.

#### **2.2 Leaders of Schools and Other Organisations Working with Children and Families**

Head teachers, governors and the owners / managers of other settings carry the primary responsibility for ensuring that children in their care are safe at all times. As such the DBS disclosure check is only one part of this duty and leaders must remain vigilant to any concerns, regardless of whether the individual is required to have a DBS certificate or not.

Regarding the DBS process, leaders must:

- Ensure clarity regarding who requires a DBS certificate ([CRB FINAL Guidance CRB Changes Sept 2012](#));
- Ensure individual workers are clear about their responsibilities regarding DBS certification;
- Keep an accurate up to date record of who requires a DBS certificate and the current status of all staff;
- Update the Local Authority (Employee Services) of all DBS disclosure checks in relation to all of those individuals who required a DBS certificate including Governor and Trustee information;
- Ensure compliance with this protocol.

### **2.3 Role of the Senior Leadership Team (SLT)**

The SLT, chaired by the Chief Executive and including both the Chief Officer CYP and the Statutory Director of Social Services, is the senior forum for safeguarding issues in general.

The SLT will:

- Receive quarterly updates on Safeguarding performance including DBS;
- Satisfy itself that the partnership between CYP, HR and SCH is operating effectively with reference to DBS/ Safe Recruitment.

### **2.4 Role of the Safeguarding and Quality Assurance Team**

The team is located within the Social Care and Health Directorate and the key role of the team in the DBS context is to undertake a rolling programme of cross sector audits to assure the Statutory Director of Social Services that all settings have appropriate safeguarding systems in place. Whilst this is much wider than DBS it explicitly includes DBS and safer recruitment issues.

The Safeguarding and Quality Assurance Team will:

- Undertake a programme of audits using the Safeguarding Audit Tool as set out in Monmouthshire County Council Safeguarding Children in Education Policy, and provide subsequent support on the production of local safeguarding plans in all settings;
- Provide quarterly updates on safeguarding issues to SCH / CYP Directorate Management Teams;
- Alert relevant Chief Officers / Heads of Service to any specific concerns arising from audits, performance management reports or any other sources re DBS disclosure checks or safe recruitment issues.

## **2.5 Individuals working with children and families**

The responsibility of all individuals working within settings providing services for children in Monmouthshire either in a paid or unpaid capacity with children are:

- To obtain a DBS disclosure certificate prior to taking up positions;
- To renew their DBS disclosure certificate;
- To act in accordance with the requirements of this protocol.

## **3. Process (Pre-employment)**

### **3.1 The individual**

Prior to taking up a position of employment (paid or unpaid) individuals must obtain a DBS disclosure certificate. On receipt of this certificate the individual must present to the Manager/Headteacher sight of this original DBS Certification.

### **3.2 Recruiting Officers / Managers / Headteachers**

Recruiting Officers / Managers / Headteachers must review the DBS certificate and record on the Local Authority template ([HR- DBS Notification Spreadsheet for Managers\(a\)](#)) the DBS Number/DBS Certification date and the outcome. This form must be returned to Employee Services via email to [personnel@monmouthshire.gov.uk](mailto:personnel@monmouthshire.gov.uk) .

### **3.3 In the Event that there is a Disclosure on the DBS Certificate**

If anything is disclosed on the DBS certificate the Manager / Headteacher must inform the relevant People Management Leads within Employee Services. The risk assessment form 'Information Disclosed Risk Assessment' must be completed and returned to the relevant People Management Lead ([insert hyperlink](#)). Based on the risk assessment, the People Management Lead and the Headteacher / Manager will decide through discussion what next steps are required. This could include a meeting with the individual; a request for further information; the commencement of disciplinary procedures; or withdrawing the offer of employment. A record of the risk assessment form, any meetings held and the decisions / outcomes must be kept.

**No new starter should commence work (either paid or unpaid) without an up to date DBS certificate**

## **4. Process (Renewals)**

### **4.1 The Individual**

At three yearly intervals the individual is expected to renew their DBS disclosure certificate. Prior to the three year renewal the individual must obtain a DBS disclosure certificate. On receipt of this certificate the individual must present to the Manager/Headteacher sight of this original DBS Certification.

If the DBS disclosure certificate is not renewed in a timely manner the consequences for the individual could be serious including a decision being made to suspend the worker temporarily from their duties.

#### **4.2 Recruiting Officers / Managers / Headteachers**

Recruiting Officers / Managers / Headteachers must review the DBS certificate and complete and return the Local Authority template as at point 3.2 of this protocol.

The primary responsibility for ensuring that DBS certificates are in place lies with the individual Managers/Head Teacher.

#### **4.3 The Employee Services Team within the Local Authority**

On a **quarterly** basis Employee Services will generate a report highlighting any paid employees whose DBS certificates are due to expire within the next 6 months. This report will be sent to relevant Headteachers /service managers / heads of service for distribution to operational managers.

**This quarterly report function will not include volunteers / unpaid workers. It is the responsibility of individual Managers / Headteachers to monitor the due date for the renewal of DBS disclosure checks for volunteers / unpaid workers and action as appropriate.**

#### **4.4 In the event that a DBS Certificate has not been renewed within a 3 year timeframe**

On a **monthly** basis Employee Services will generate a report which will highlight any individual who does not have an up to date DBS disclosure check. This report will be sent to the relevant Chief Officer, People Manager Lead and the Safeguarding Team for scrutiny.

Where the exception reports reveal that a DBS Certificate has not been renewed within a 3 year timeframe, the relevant People Management Leads within Employee Services will email the Manager / Headteacher of the settings concerned to highlight the issue copying-in the relevant chief officer.

In this event, the risk assessment form 'Overdue Renewal' ([insert hyper link](#)) must be completed by the Manager / Headteacher and the relevant chief officer must be informed within 24 hours so that a decision can be made regarding any subsequent actions to be taken.

### **5. Monitoring and Review**

**5.1** On a quarterly basis a performance management report will be presented to the relevant Departmental Management Team meetings. This will report on the monthly exception report data and the outcome of individual cases. The quarterly reports will be produced jointly by the People Management Leads and the Safeguarding Team.

**5.2** The Safeguarding Team and Employee Services for Schools will meet on a monthly basis to review and monitor any safeguarding matters regarding individuals covered within this protocol.