

**UPDATED SAFEGUARDING POLICY &
DISCLOSURE AND BARRING SERVICE POLICY**

Presented by the Head of Human Resources

SUMMARY

The purpose of this report is to seek Member approval for the revised Safeguarding Policy and Disclosure and Barring Service (DBS) Policy that have been updated as part of the Authority's policy review programme. The policies have been updated to take account of any legislative changes and best practice.

Executive Committee has approved the revised policies for recommendation to Authority (Paper E/736/21).

RECOMMENDATIONS

- Members approve:
- (1) the Safeguarding Policy attached at Appendix A of this report; and
 - (2) the Disclosure and Barring Service (DBS) Policy attached at Appendix B of this report.

BACKGROUND

- 1 The Authority has a register of policies that ensure the organisation works efficiently and consistently towards delivering its Business Strategy. These policies are reviewed to ensure they are relevant and up to date with legislation and best practice.
- 2 There are a number of Human Resource policies and these are currently being updated and will be presented to Members for consideration and approval as and when they are reviewed.
- 3 It should be noted that the Authority implements legislative changes from the date they are introduced; and there may be a time lag between this and the relevant policies being updated.

SAFEGUARDING POLICY

- 4 A draft of the Safeguarding Policy is attached at Appendix A of this report for

Members' consideration and approval.

- 5 Although the Lee Valley Regional Park Authority is not a Local Authority for the purposes of the Children Act 1989 and 2004, it recognises that all organisations that work with children share a commitment to safeguarding and promoting their welfare. Therefore, the Authority aims to comply with the recommendations of the Working Together to Safeguard Children (2018) guidance.

The Authority shall also apply these arrangements to vulnerable adults by way of ensuring best practice.

- 6 The Safeguarding Policy aims to ensure the Authority has systems in place to:
- have regard to the need to safeguard children and members of vulnerable groups when carrying out its services and functions;
 - have employees who are adequately trained and supported to achieve this; and
 - that the good name and integrity of the Authority and the services provided are maintained.
- 7 This policy in conjunction with the Safeguarding Procedure and training in place will ensure that the welfare of children and members of vulnerable groups is paramount to the Authority.

DISCLOSURE AND BARRING SERVICE POLICY

- 8 A draft of the Disclosure and Barring Service (DBS) Policy is attached at Appendix B of this report for Members' consideration and approval.
- 9 The DBS Policy aims to ensure that the Authority is undertaking DBS checks in line with the DBS Code of Practice in terms of the recruitment of ex-offenders, correct handling of data, safe keeping of disclosure information and re-checks.
- 10 This Policy in conjunction with the DBS Checking Procedure will ensure that all employees working with children and vulnerable groups have the appropriate level of Disclosure and Barring Service Disclosure.

ENVIRONMENTAL IMPLICATIONS

- 11 There are no environmental implications arising directly from the recommendations in this report.

FINANCIAL IMPLICATIONS

- 12 There are no financial implications arising directly from the recommendations in this report.

HUMAN RESOURCE IMPLICATIONS

- 13 The new policies will be communicated to all staff and the Authority will ensure that managers are adequately trained to implement the procedures in accordance with this policy.

LEGAL IMPLICATIONS

14 The legal implications are set out in the body of this report.

RISK MANAGEMENT IMPLICATIONS

15 There are no risk management implications arising directly from the recommendations in this report.

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PREVIOUS COMMITTEE REPORTS

Executive Committee	E/736/21	Updated Safeguarding Policy and Disclosure and Barring Service Policy	23 September 2021
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APPENDICES ATTACHED

Appendix A	Safeguarding Policy
Appendix B	Disclosure and Barring Service (DBS) Policy

LIST OF ABBREVIATIONS

HR	Human Resources
DBS	Disclosure and Barring Service

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Safeguarding Policy

~~July 2017~~ July 2021

Reference: [Version 3.02-3]



Status: Final

Current Version: [v3.0 \(July 2021\)](#)

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Consultation:	Senior Management Team, Senior Safeguarding Officers , Policy/Procedure Review Group
Approved	Approved by: Authority Approval Date: October 2021 Review Frequency: Every 3 Years Next Review: October 2024

Version History		
Version	Date	Description
0.1	26 Jan 2010	Initial draft, circulated to Performance Team
0.2		
1	21 April 2011	Authority meeting approved. Paper A/4118/11
0.3	27 Jul 2015	New Draft circulated to Policy & Procedure Review Group
2	24 Sept 2015	New Draft circulated to Policy & Procedure Review Group
2.1	09 June 2016	New Draft circulated to Policy & Procedure Review Group
2.2	March 2017	New draft circulated to Policy & Procedure Review Group
2.3	13 July 2017	Final Draft circulated to Policy & Procedure Review Group
3.0	July 2021	Sponsor updated
3.0	July 2021	Legislation updated
3.0	July 2021	Related policies/procedures updated
3.0	July 2021	Links to procedures updated

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1. Context

- 1.1 Although the Lee Valley Regional Park Authority is not a Local Authority for the purposes of the Children Act 1989 and 2004, it recognises that all organisations that work with children share a commitment to safeguarding and promoting their welfare. Therefore, the Authority aims to comply with the recommendations of the Working Together to Safeguard Children (2018) guidance and implement the 10 mandatory arrangements to be in place in any organisation that provides services for, or works with children (as set out in this Policy). This will also apply to any Contractor appointed by LVRPA to manage its facilities under a Leisure Service Contract.
- 1.2 The Authority shall also apply these arrangements to vulnerable adults by way of ensuring best practice.
- 1.3 The welfare of children and members of vulnerable groups is paramount.

2. Policy Aims

- 2.1 The Lee Valley Regional Park Authority have systems in place to ensure:
- That it has regard to the need to safeguard children and members of vulnerable groups when carrying out its services and functions.
 - Employees are adequately supported to achieve this.
 - That the good name and integrity of the Authority and the services they provide are maintained.

3. Safeguarding Children and Vulnerable Groups

3.1 Introduction

- 3.1.1 All children and members of vulnerable groups whatever their age, culture, disability, gender, language, racial origin, religious belief and/or sexual identity, have the right to protection from abuse.
- 3.1.2 The Authority is committed to providing a safe environment in which children, families and members of vulnerable groups can use and enjoy its services and facilities.
- 3.1.3 All suspicions and allegations or suspicions of inappropriate behaviour will be taken seriously and responded to promptly and appropriately.
- 3.1.4 Abuse can and does occur outside the family setting. As such the Authority recognises that appropriate safeguarding is not just about preventing abuse but providing the best environment for children to enjoy themselves and the Authority's facilities.

3.2 Designated Officers

- 3.2.1 The Authority and the Contractor will appoint at least one Senior Safeguarding Officer (SSO) with responsibility for implementing the above points and for the application of this policy and procedures relating to Safeguarding Children & Vulnerable Adults.
- 3.2.2 There will be a Designated Safeguarding Officer (DSO) and Deputy Designated Safeguarding Officer (DDSO) at all Authority and Contractor Facilities responsible for supporting the delivery of this policy.

3.3 Disclosure and Barring Service

- 3.3.1 The Authority undertake to treat all applicants for positions fairly. They undertake not to discriminate unfairly against any subject of a Disclosure on the basis of conviction or other information revealed, but reserves the right not to recruit on disclosures note exempt under the Rehabilitation of Offenders Act 1974 (as amended).
- 3.3.2 For further information please see the Disclosure and Barring Service Policy.

<https://leevalley.interactgo.com/Interact/Pages/Content/Document.aspx?id=14980>

3.4 Accusations against employees and partners associated with Lee Valley Regional Park

- 3.4.1 Accusations of inappropriate behaviour involving children or members of vulnerable groups are very serious and the Authority will deal with any

accusations promptly and involve other organisations, for example the police, as appropriate.

3.4.2 The process for this is detailed within the Safeguarding Procedure in the Lee Valley Quality Management System.

<https://leevalley.interactgo.com/Interact/Pages/Content/Document.aspx?id=14986>

4. Responsibilities

4.1 Who is responsible for Safeguarding?

4.1.1 'Working Together to Safeguard Children (2018)' states; "Whilst it is parents and carers who have primary care for their children, local authorities (LA), working with partner organisations and agencies, have specific duties to safeguard and promote welfare of all children in their area".

4.1.2 Clear priorities for safeguarding and promoting the welfare of children and members of vulnerable groups, which are to be explicitly, stated in strategic policy documents;

4.1.3 As an organisation and as employees we have a duty of care to report safeguarding incidents and deal with them in accordance with our Safeguarding Procedure.

4.2 Management Responsibilities

4.2.1 The Authority's Senior Management Team are accountable for the policy's implementation across the Authority and ensuring it is communicated, translated into practice and enforcing its content.

4.2.2 It is the responsibility of the Authority to ensure that all employees working with children and vulnerable adults have the appropriate level of Disclosure and Barring Service Disclosure (DBS) check.

Line managers must ensure their staff have submitted their documents for a DBS check during the recruitment or re-check process within one month of the employee receiving notification that a check is required.

It will be the responsibility of the Line Manager to ensure all staff requiring a DBS check have an up to date check recorded. Any discrepancies are to be immediately reported to the HR section for suitable action to be taken.

In the event of a member of staff being employed prior to a DBS check being completed; the Line Manager will carry out a risk assessment for the employee ensuring that the employee is supervised at all times when it involves children or vulnerable adults. The SSO will formally approve the Risk Assessment

prior to the member of staff starting work to ensure that the staff member is being adequately supervised and that the Risk Assessment meets the Authorities protocols for safe working practices.

4.2.3 The Authority and Line managers will be responsible to ensure that all employees working directly with or who may come in to contact with children and members of vulnerable groups have the appropriate knowledge/skills and are managed and supported.

4.2.4 It is the responsibility of all managers whose employees work with or around children or members of vulnerable groups to ensure they know whom to contact to express concern regarding a child's or a members of vulnerable groups' welfare.

4.2.5 Line managers should seek specialist advice in liaison with Human Resources and the Senior Safeguarding Officer (SSO).

4.3 Employee Responsibilities

4.3.1 It is the responsibility of all Authority employees working with or around children or vulnerable groups to ensure they are familiar with the Authority's procedures and know whom to contact to express concern about a child's, or member(s) of vulnerable groups, welfare.

4.3.2 Employees who work directly or come into contact with children or member(s) of a vulnerable group have a specific role to play in relation to protection and will be briefed and trained accordingly.

4.4 Role of Human Resources

4.4.1 Human Resources (HR) will provide clear safeguarding policies and procedures, ensuring they are effectively communicated and implemented. Training to designated officers will also be arranged by HR.

4.4.2 HR will provide regular monitoring information to the Senior Management Team (as necessary).

4.4.3 HR will assist managers by providing appropriate recruitment and people management procedures that reinforce the safeguarding policy; providing letter templates; attending as the organisation's witness during formal meetings (as necessary) and providing advice on the procedures, especially if the Authority are contemplating dismissing or relevant formal action against an employee.

4.4.4 HR will maintain personnel and up-to-date DBS records to ensure appropriate vetting has taken place.

HR will regularly circulate (every 3 months) a Facility DBS records overview for checking that staff are current, staff DBS records have not expired and new staff are listed with their current DBS status.

4.5 Role of Senior Safeguarding Officer (SSO)

- 4.5.1 To act as the point of contact for all Safeguarding issues raised by Designated Safeguarding Officers at Authority Facilities and Open Spaces and to be available for Contractor Officers in the event they cannot contact their Senior Safeguarding Officer or Deputy.
- 4.5.2 To ensure the necessary internal and external bodies are informed of any Safeguarding issues within the timescales set by the relevant legislation.
- 4.5.3 To co-chair the Safeguarding working group meetings.
- 4.5.4 The Deputy Senior Safeguarding Officer has the same level of responsibility as the Senior Safeguarding Officer in their absence.
- 4.5.5 It is the responsibility of Line Managers to notify the SSO when a DSO or DDSO steps down from this role at their site and to confirm who the replacement will be.

5. Legal Considerations

5.1 This policy is written considering the following legislation and or guidance:

- The Children Act 1989 & 2004
- The Sex Offenders Act 1997
- The Sexual Offences Act 2003
- Safeguarding Vulnerable Groups Act 2006
- The Rehabilitation of Offenders Act 1974
- Statutory guidance on making arrangements to safeguard and promote the welfare of children under section 11 of the Children Act 2004.
- [Working Together 2018](#)
- [Keeping Children Safe in Education 2020](#)
- [Care Act 2014](#)
- [Care and Support Statutory Guidance 2021](#)
- [Mental Capacity Act 2005](#)
- Making Arrangements to Safeguard and Promote the Welfare of Children
- ISA Vetting and Barring Scheme 2009
- DBS Code of Practice 2015

5.2 If there is any conflict between the supporting procedures and statutory provisions, the latter will prevail.

6. Relevant Policy & Procedures

- 6.1 This policy is under-pinned by the Safeguarding Procedure.
- 6.2 This policy operates in conjunction with the following policies procedures:
- Safeguarding Procedure
 - Disclosure and Barring Service Policy
 - Disclosure and Barring Service Procedure
 - Recruitment Policy
 - Recruitment Procedure
 - Training & Development Policy
 - Equal Opportunities Policy
 - Whistleblowing Policy
 - Anti-Fraud, Bribery and Corruption Policy
 - Performance & Conduct Policy
 - Disciplinary Procedure

7. Monitoring & Evaluation

- 7.1 The implementation of this policy will be monitored through the HR team's regular reporting to the Senior Management Team highlighting areas that have not been fully implemented or issues preventing implementation and providing recommendations to remedy.

8. Review

- 8.1 This policy will be reviewed in light of significant experience or new legislation, every three years or whichever is the earlier.

9. Glossary of Terms

- 9.1 The key definitions and concepts shown below are taken from the "Working Together to Safeguard Children 2018" government guidance on inter-agency working to safeguard and promote the welfare of children.

Term	Definition
Children	Anyone who has not yet reached their 18th birthday. The fact that a child has reached 16 years of age, is living independently or is in further education, is a member of the armed forces, is in hospital or in custody in the secure estate, does not change their status or entitlements to services or protection.

Safeguarding and promoting the welfare of children	Defined for the purposes of the guidance as: a. protecting children from maltreatment b. preventing impairment of children's health or development c. ensuring that children are growing up in circumstances consistent with the provision of safe and effective care d. taking action to enable all children to have the best outcomes
Child Protection	Child protection is a part of safeguarding and promoting welfare. This refers to the activity that is undertaken to protect specific children who are suffering, or are likely to suffer, significant harm. Effective child protection is essential as part of wider work to safeguard and promote the welfare of children. However, all agencies and individuals should proactively aim to safeguard and promote the welfare of children so that the need for action to protect children from harm is reduced
Worker	Permanent and temporary employee, agency worker, casual worker <u>and</u> , volunteers <u>and members</u> .
Vulnerable groups	Include those who are likely to have additional needs and experience poorer outcomes if these are needs are not met

10. Appendices

Appendix A – Safeguarding Procedure –

<https://leevalley.interactgo.com/Interact/Pages/Content/Document.aspx?id=14986>

Appendix B – List of Designated Safeguarding Officers –

<https://leevalley.interactgo.com/Interact/Pages/Content/Document.aspx?id=14984&SearchId=38388&>

<https://leevalley.interactgo.com/Interact/Pages/Content/Document.aspx?id=14985&SearchId=38389&>

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Disclosure and Barring Service (DBS) Policy

~~March 2017~~ July February 2021

Reference: [Version 32]



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i Document Information

Title: Disclosure and Barring Service (DBS) Policy

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Version History		
Version	Date	Description
V2.00	March 2017	Changes made due to change in name from CRB to DBS and updating of Safeguarding Policy
3	July 2021	Sponsor updated
3	July 2021	Legislation updated
3	July 2021	Related policies/procedures updated

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1. Context

- 1.1 The Disclosure and Barring Service (DBS) replaced the Criminal Records Bureau (CRB) and the Independent Safeguarding Authority (ISA) in December 2012.
- 1.2 As an organisation using the Disclosure and Barring service (DBS) to assess applicant's suitability for positions of authority, through the use of an Umbrella Body the Authority undertakes to treat all applicants for positions fairly. It undertakes not to discriminate unfairly against any subject of a Disclosure on the basis of conviction or other information revealed.
- 1.3 This policy also applies to employees, people undertaking volunteer work for the Authority and casual workers.

2. Policy Aims

- 2.1 The aim of this policy is to ensure that the Authority are undertaking DBS checks in line with the DBS code of Practice in terms of the recruitment of ex-offenders, correct handling of data, safe keeping of disclosure information and re-checks.

3. Protocols

3.1 Recruitment

- 3.1.1 A Disclosure is only requested after an assessment of the duties of the post has indicated that one is both proportionate and relevant to the position concerned. [This assessment is carried out by the line manager and Human Resources \(HR\)](#) There are two types of DBS check that could be carried out; standard and enhanced:

- A Standard DBS Check
- An Enhanced DBS Check
 - with a children's barred list check
 - without a children's barred list check

A further assessment takes place to indicate the type of check required e.g. standard or enhanced.

- 3.1.2 Where a Disclosure is to form part of the recruitment process, we encourage all applicants called for interview to provide details of their criminal record at an early stage in the application process.
- 3.1.3 Unless the nature of the position allows the Authority to ask questions about an applicant's entire criminal record we only ask about "unspent"

convictions on our application form as defined in the Rehabilitation of Offenders Act 1974.

3.1.4 Once a DBS check has been completed we undertake to discuss any matter revealed in a Disclosure with the person seeking the position before offering or withdrawing a conditional offer of employment. **Having a criminal record will not necessarily exclude an individual from working with us.** This will depend on the nature of the position and the circumstances and background of the offences. We reserve the right to make a decision on an Individual basis.

3.2 Frequency of Re-checks

3.2.1 All positions that require Disclosure will be subject to re-checks every three years or sooner if required. In the event that a Disclosure with content is obtained for an employee we will discuss any matter revealed with the employee before taking any action. The action taken may be disciplinary and will depend on the nature of the position and the circumstances and background of the offences.

3.2.2 If a DBS re-check does not take place within one month of the re-check date due to forms and documents not being completed by an employee, the Authority may, dependant on the circumstances, take disciplinary action.

3.3 Storage and Access

3.3.1 Once a DBS check is obtained through the Authority's Umbrella Body, the date, type of disclosure and reference number only will be input onto the HR database.

3.4 Handling

3.4.1 In accordance with section 124 of the Police Act 1997, Disclosure information is only passed to those who are authorised to receive it in the course of their duties. We maintain a record of all those to whom Disclosures or Disclosure information has been revealed and we recognise that it is a criminal offence to pass this information to anyone who is not entitled to receive it.

3.5 Usage

3.5.1 Disclosure information is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

3.6 Retention

3.6.1 Once a recruitment (or other relevant) decision has been made, we do not keep Disclosure information for any longer than is absolutely

necessary. This is generally for a period of up to six months, to allow for the consideration and resolution of any disputes or complaints. If, in very exceptional circumstances, it is considered necessary to keep Disclosure information for longer than six-months, we will consult the DBS about this and will give full consideration to the Data Protection and Human Rights individual subject before doing so. Throughout this time, the usual conditions regarding safe storage and strictly controlled access will prevail.

3.7 Disposal

3.7.1 Once the retention period has elapsed, we will ensure that any Disclosure information is immediately suitably destroyed by secure means, i.e. by shredding. While awaiting destruction, Disclosure information will not be kept in any insecure receptacle (e.g. waste bin or confidential waste sack). We will not keep any photocopy or other image of the Disclosure or any copy or representation of the contents of a Disclosure.

3.7.2 However, notwithstanding the above, we will keep a record of 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 unique reference number of the Disclosure and the details of the recruitment decision taken on our HR system

3.8 Breaches of Policy

3.8.1 Anyone found to have breached any aspect of this entire policy will be subject to disciplinary action, which may result in dismissal.

4. Responsibilities

4.1 Employee Responsibilities

It is the responsibility of all Authority employees working with or around children or vulnerable groups to ensure they complete their DBS check application forms in a timely manner for re-checks as stated in 3.2.2.

4.3 Management Responsibilities

4.3.1 The Senior Management Team are accountable for the policy's implementation across the Authority and ensuring it is communicated, translated into practice and enforcing its content.

4.3.2 It is the responsibility of the Authority, line managers and the Senior Safeguarding Officers (SSO) to ensure that all employees working with children and vulnerable groups have the appropriate level of Disclosure and Barring Service Disclosure.

4.3.3 The line manager will be responsible to ensure that all employees working directly with or who may come in to contact with children and vulnerable groups have the appropriate knowledge/skills and are managed and supported.

4.4 Role of Human Resources

4.4.1 Human Resources (HR) or the Volunteers Section will apply for all necessary DBS checks during the recruitment process and for re-checks.

4.4.2 HR will provide regular monitoring information to the Senior Management Team and Senior Safeguarding Officers and line managers (as necessary).

4.4.3 HR will maintain personnel and up-to-date DBS records to ensure appropriate vetting has taken place.

5. Legal Considerations

5.1 This policy is written considering the following legislation and or guidance:

- The Children Act 1989
- The Children Act 2004
- Police Act 1997
- The Sex Offenders Act 1997
- The Sexual Offences Act 2003
- Safeguarding Vulnerable Groups Act 2006
- The Rehabilitation of Offenders Act 1974
- Working Together [to Safeguard Children 2018](#)
- ISA Vetting and Barring Scheme 2009
- DBS Code of Practice 2016

6. Relevant Policy & Procedures

6.1 This policy operates in conjunction with the following policies, procedures and statements:

- [DBS Checking Procedure](#)
- Safeguarding Policy
- Safeguarding Children and Other Vulnerable Groups Procedure
- Recruitment Policy
- Recruitment Procedure
- [Induction Procedure](#)
- Training & Development Policy
- Equal Opportunities Policy
- [Performance & Conduct Policy](#)

- Disciplinary Procedure

7. Policy Implementation

- 7.1 This policy will be available on the intranet (Compass) for all employees to access. Once the policy has been approved HR and line managers will be responsible for ensuring on behalf of the Authority's Senior Management Team that this is carried out.

8. Monitoring & Evaluation

- 8.1 The policy will be monitored and evaluated on effectiveness periodically.

9. Review

- 9.1 This policy will be reviewed in light of any new legislation/regulations, every five years or whichever is the earlier.

10. Glossary of Terms

Term	Definition
DBS	Disclosure and Barring Service
CRB	Criminal Records Bureau
HR	Human Resources
ISA	Independent Safeguarding Authority

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