

# HUMAN RESOURCES

## LSHTM SAFEGUARDING AND SECURITY SCREENING POLICY



### Equality and Diversity

This Policy will be applied in a non-discriminatory way, in line with the London School of Hygiene and Tropical Medicine's Equality, Diversity and Inclusion policies.

## 1. Introduction

- 1.1. The London School of Hygiene and Tropical Medicine ("the School") is committed to achieving the highest possible standards in all aspects of its work, and this includes taking every reasonable step to safeguard staff, students, volunteers, visitors, members of the public with whom we work or interact (be they based in the UK or overseas), buildings, properties and assets.
- 1.2. Safeguarding in a UK legal context applies to children and young people under 18; and adults who are in receipt of a regulated activity, such as:
  - the provision of healthcare, personal care, and/or social work;
  - assistance with general household matters and/or the conduct of their affairs; and/or;
  - assistance with transport to, from, or between places, where they receive healthcare, relevant personal care or social work because of their age, illness or disability.
- 1.3. This policy details how the School undertakes security and safeguarding checks for those people involved with high risk areas including (but not limited to) animal research facilities and microbiological laboratories in which certain restricted pathogens or toxins are handled, and for those people who have direct contact with children and/or vulnerable adults (defined in Appendix A) in the course of their work or research.
- 1.4. The majority of School employees will require no more than the basic level checks as detailed in Section 2.6 of this policy.

## 2. Security Screening

- 2.1. The key risks that the School faces in regards to security include: harm to staff, students and visitors; theft of assets or intellectual property; terrorism; extremism; investigative journalism not pre-agreed by School management, and; reputational damage. The greatest risk to security is that someone could use legitimate access to the School for malicious purposes.
- 2.2. In line with the Centre for the Protection of National Infrastructure (CPNI) and government guidelines, a pre-employment security screening process will be used for all individuals who will have the need to work with or have access to the School's high risk areas (as per Section 1.2 and 1.3). In some instances, security screening may be required after a staff member has commenced employment i.e. when an area of work or project requires the staff member to work with children and/or vulnerable adults and which may not have been a requirement at the start of their employment. This will help ensure that these individuals are suited to the demands of the job and do not have any links to groups or individuals that are likely to undermine the aims, operations and reputation of the School.

2.3. The different levels of screening are designed to reflect the potential risk associated with the role and any additional screening will only be carried out when they are relevant to that role. Whilst it is highly challenging to implement a security screening protocol which is fool proof, adhering to the robust screening checks as detailed in this policy will allow the School to take every reasonable and proportionate step to reduce security risks.

2.4. The School recognises that screening can be a sensitive issue, and in addition to regulatory requirements there can be significant reputational issues if the screening process is mismanaged. Therefore the following principles will apply to the School's security screening process:

- It will be fair and lawful.
- Any data collected will only be used for screening and only kept long enough to achieve this.
- The records will be accurate, adequate and relevant to the purpose for which they are collected.
- Data will be protected against unauthorised or unlawful processing of personal data against accidental loss or destruction of, or damage to personal data.
- Only open source disclosable data may be used in the screening process.
- The School will adhere to data protection legislation in regards to the full screening and safeguarding process of future employees as part of the pre-employment checks procedure, of existing employees where screening processes may be required and any other relevant individual, as required.

2.5. Legislation relevant to this policy includes: Rehabilitation of Offenders Act (1974); Health and Safety at Work Act (1974); General Data Protection Regulation (2018); Immigration, Asylum and Nationality Act (2006); Safeguarding Vulnerable Groups Act (2009); Equality Act (2010); Protections of Freedom Act (2012); Anti-Terrorism Crime and Security Act (2001).

#### 2.6. Basic level checks

Basic checks are undertaken as part of the School's standard recruitment process for all prospective employees. These checks include establishing key information about the individual's employment history, their suitability for the post in question, employment references and their right to work in the UK. These standard pre-employment checks are mandatory for all prospective staff and an individual cannot commence their employment with the School until these checks have been completed satisfactorily.

#### 2.7. Higher level security screening

The majority of School employees will require no more than the basic level checks as detailed above. However, staff and students working in high risk areas will be required to undergo a higher level of security screening before commencing their employment (or existing staff commencing on a project or area of work that requires a higher level of security screening to be undertaken). A higher level of security screening may be required for applicants who will be:

- Working with high-activity sealed radioactive sources and orphan sources (HASS) or in laboratories in which Schedule 5 Pathogens or Toxins are handled or stored;

- Working with sensitive information or high value assets;
  - Working in animal research facilities;
  - Working as part of the Security team or carrying out security duties;
  - Working as part of the Estates team where they will have access to high risk areas of the School's premises;
  - Working with children and vulnerable adults.
- 2.8. When higher level security screening is required for a particular role this will be made clear in the job description / person specification, and also within the advertisement so that all prospective applicants are aware of these requirements before deciding to submit an application.
- 2.9. Once the preferred candidate for a role has been determined, it will be made clear to the candidate that the offer of employment is conditional and subject to the security screening being completed to the School's satisfaction. The preferred candidate will be asked to provide/complete any documentation required to support a screening check.
- 2.10. Once the security screening is complete, the results will be returned to the School for review. Where no information of concern is revealed, and once all other pre-employment checks are completed satisfactorily, the candidate will be able to commence their employment.
- 2.11. Where security screening results return information which could cause a potential safeguarding, security, reputational or other risk to the School and/or its stakeholders (including members of the public), the information will be considered by relevant senior officials at the School (i.e. Chief Operating Officer, Director of HR, Head of Safety, Head of Legal Services, the recruiting manager etc and others where necessary) who will make a decision as to whether the candidate can commence their employment or whether the offer of employment is withdrawn. Where appropriate the individual will have the opportunity to provide any explanation, mitigation or rebuttal in regards to the information concerned. In situations where an offer of employment is withdrawn due to information returned within a security screening check, the decision of the School is final.
- 2.12. Students carrying out research within high risk areas will be subject to the same security screening as prospective staff.
- 2.13. Casual workers, agency workers, contractors, visitors and volunteers are required to undergo the same level of screening as employees with equivalent levels of access to the School's assets, including premises, systems, information and people. Where a contractor, agency or other external organisation is processing pre-employment checks, evidence must be provided to the line manager and to LSHTM HR before they start work to demonstrate that these checks have been carried out to an appropriate level. Proof of identification must also be shown to HR (and the line manager where necessary) prior to starting employment.
- 2.14. Contracts with suppliers or contractors should specify the type of checks required and these requirements should be cascaded to any sub-contractors. Contractors working in high risk areas may be required to undergo higher level security screening at the cost of the project; this requirement must also be cascaded to any sub-contractor.
- 2.15. Contracts with suppliers and agencies should reflect the School's screening policy and evidence of documentation checks and screening should be audited periodically.

#### 2.16. Repeat checks

Individuals occupying posts which are subject to higher level pre-employment security screening may be required to have these checks repeated on an annual basis or bi-annual basis and/or in accordance with legislation or regulatory requirements.

- 2.17. Where a repeat screening check result is not satisfactory then possible outcomes include amended duties; redeployment; or dismissal. Any issues identified as part of a repeat check will be explored in line with relevant School policy and procedures. Instances of dismissal will only occur in the most serious of cases, after an appropriate investigation, and where the issue is considered a matter of misconduct, gross misconduct, other serious offence and/or renders the employment relationship untenable.
- 2.18. The requirement for repeat checks should ordinarily be stated in the terms and conditions of employment for the post.

### 3. **Safeguarding Checks**

3.1. The School is a registered body with the Disclosure and Barring Service (DBS). Registered bodies are entitled in law to apply for a DBS check **only** where the position is included in the [DBS's list of eligible posts](#). These posts represent the professions, offices, employments, work and occupations that are known as the exceptions to the Rehabilitation of Offenders Act 1974.

3.2. There are two types of check available from the DBS:

- **Standard** - contains details of all spent and unspent convictions, cautions, reprimands and warnings held on the Police National Computer (PNC) that are not 'protected'. Protected convictions and cautions are normally old and minor; they are filtered by the DBS so they are not disclosed and they must not be taken into account by employers. The [filtering rules](#) and the [list of offences](#) that will never be filtered are now available for you to view on the DBS's web pages.
- **Enhanced** - contains the same information as the standard check but also any relevant and proportionate information held by the local police forces. In addition, where the role is eligible, registered bodies can request a check on whether a person is barred from working with children or adults in regulated activity (particular types of work with children and adults).

3.3. Roles at the School which involve working directly with children and vulnerable adults (see Appendix A), or which are exempt from the Rehabilitation of Offenders Act (1974), are likely to fall into the category of 'regulated activity' and so are eligible in law for an enhanced DBS check with appropriate barred list check. The most common regulated activities which take place in the School or undertaken by School employees in the course of their duties are:

- Teaching, training, instructing, supervising or undertaking research involving children whilst unsupervised at least once a week or more or on four days or more in a thirty day period, and;
- Health care provided by, or under the direction or supervision of, a regulated health care professional (please note that this only needs to be on one occasion).

- 3.4. Staff and other LSHTM representatives (i.e. students, volunteers etc.) undertaking School activities in low and middle-income income (LMICs) should be aware that children and 'vulnerable adults' as outlined in Appendix A may include all children and adults participating in a research study in the LMIC. In such instances, a DBS check will likely be required. Staff should contact LSHTM HR for further advice and guidance.
- 3.5. Applicants whose prospective role at the School will include work considered as 'regulated activity' will be required to undergo an enhanced DBS check before their employment can commence. This includes roles based in the UK and overseas (and also including roles based in the UK but with regular travel overseas, particularly to LMICs). Should the check return information of potential concern then, as with the process outlined in Section 2.11, the information will be considered by relevant senior officials at the School and the recruiting manager who will make a decision as to whether the candidate can commence their employment or whether the offer of employment is withdrawn. Where appropriate the individual will have the opportunity to provide any explanation, mitigation or rebuttal in regards to the information concerned. In situations where an offer of employment is withdrawn due to information returned within an enhanced DBS check, the decision of the School is final.
- 3.6. Recruiting managers are responsible for identifying those prospective or current staff whose appointment or continuing employment should be subject to a satisfactory standard or enhanced DBS check, or before a current staff member engages in work which would be defined as regulated activity. HR can be contacted for advice in regards to this.
- 3.7. It should be noted that teaching, training, instructing, caring for or supervising a 16 or 17 year-old's employment (which includes work experience) is not regulated activity and a DBS check may not be requested. A DBS check may only be required for work experience students under 16 in the event that the same person is teaching, training, instructing, caring for or supervising them whilst unsupervised on a frequent/intensive basis.

### 3.8. Portability of Safeguarding Checks

Where an individual has undergone a pre-employment DBS check for a post with another organisation in the course of their previous employment, this is not portable to the School and will not be accepted as meeting the particular pre-employment check requirement.

### 3.9. Exceptions to this are as follows:

- Where an individual has subscribed to the DBS Update Service – this means that their DBS check will be kept up-to-date and they can take this with them from role to role, where the same level and type of check is needed. With an individual's permission, the School will be able to go online to do a free, instant check (known as a status check) to confirm that the DBS Certificate is still up-to-date.
- Where a check has been carried out within the last 12 months by the School (or an organisation acting on behalf of the School) for a post with comparable duties. These situations will need to be considered on a case-by-case basis with advice from the HR department and the Head of Safety.

#### 4. Dealing with reported suspicions or allegations

- 4.1. Concerns for the safety and wellbeing of children and vulnerable adults could arise in a variety of ways and in a range of situations. For example, a child/vulnerable adult may report or show signs of abuse, someone may hint that a child/vulnerable adult is at risk or that a colleague is an abuser, or someone may witness abuse.
- 4.2. It is not always easy to recognise a situation where abuse may occur or has taken place and School employees will in most instances not be qualified experts at such recognition. However, each person has a responsibility to act if they have any concerns about someone's behaviour towards a child or vulnerable adult. It is important that the recipient of any complaint or accusation that a child or vulnerable adult has been or is being abused listens carefully without making or implying any judgment as to the truth of the complaint or accusation.
- 4.3. To ensure that all of the details of an allegation are captured for any future investigation, a detailed record should always be made at the time of the matter being raised and shared with relevant managers and/or senior School officials as necessary. This may include sharing concerns with the individual's own line manager, the line manager of the individual the allegations have been made against, Director of HR, Head of Safety, Chief Operating Officer, Secretary & Registrar and any other relevant senior official at the School.
- 4.4. It is impossible to promise complete confidentiality when a concern is raised or an accusation made; this is because the School owes a duty of care to its staff, students or visitors that cannot be fulfilled unless the School takes action on the basis of information that may have been provided in confidence. The duty of confidentiality must be weighed against the duty of care, in case of potential or actual harm to an individual. However, at all stages, only those people who need to be made aware of an incident or concern, whether internal or external to the School, should be informed. HR and legal advice should be sought as necessary on such matters.
- 4.5. Where an individual suspects or is informed that a child or vulnerable adult has been, is being or could be harmed as a result of taking place in a School activity/event or through contact with School staff, volunteers or students, it is not the responsibility of that person to decide whether abuse has taken place. Instead, the individual aware of these suspicions or allegations must contact their senior line manager and a senior member of the HR department immediately for guidance and assistance on the action that must be taken. In cases that involve School students, the Secretary & Registrar must be contacted immediately. Staff who are worried about sharing concerns about abuse are encouraged to speak with an appropriate agency for further advice (for example, the NSPCC Child Protection Helpline on 0808 800 5000 or Childline on 0800 1111).
- 4.6. Where a complaint of abuse or suspected abuse is reported, the relevant senior manager/adviser will carefully consider the information available and decide on the appropriate course of action. Such situations may require contact with the relevant external agencies (including social services and the police) for them to investigate the matter and determine any necessary action. Consideration will also be given to whether it is necessary to notify the relevant head of department/institution and take further action through the relevant internal procedures. This may include invoking the School's employee disciplinary procedures, or in the case of students, the student disciplinary procedures.
- 4.7. In emergency circumstances (for example, where there is certain immediate and significant danger to an individual or a criminal act has been witnessed), School staff

should make referrals to the police, social services or other appropriate authorities (in the UK for domestic cases or to the relevant authorities overseas in the relevant country) themselves prior to or at the same time as consulting with their senior manager/ HR/Secretary & Registrar. In such cases, a criminal investigation may follow.

- 4.8. The School has a legal duty to refer an individual to the DBS if they have been removed from working in regulated activity with children and/or adults because they caused harm to children/adults or posed a risk of causing harm. The duty to refer is absolute and overrides any concerns about data protection.
- 4.9. All cases for possible referral must be raised with the relevant HR Partner in the first instance as soon as harm or a risk of harm is identified. The HR Partner and the relevant line manager or senior line manager should work together to complete the DBS referral form found on the DBS's web pages. They may seek advice from the School's Legal Services, and the School's lead DBS check counter-signatory (usually a senior HR official) for employees.
- 4.10. The completed form must then be provided to the Director of HR and Chief Operating Officer for review and a final decision on whether the referral is required. Where it is deemed that a referral must be made, the referral form must be forwarded to the relevant senior HR official to be logged prior to being sent to the DBS.
- 4.11. Any enquiries made by the media about possible allegations of abuse regarding children/vulnerable adults should be referred to the Communications and Engagement team immediately, who will be required to consult with the Chief Operating Officer and Director of HR as necessary.

## **5. Other Considerations**

- 5.1. It is the responsibility of local Departments, liaising closely with HR, to implement proportionate and effective security measures on School premises that they occupy. This includes effective implementation of this policy and the underpinning policies and procedures.
- 5.2. The HR department and Safety department are responsible for providing advice and support on screening checks. The HR department is responsible for the processing of screening requests and recording of screening results in appropriate secure systems.
- 5.3. Every individual within the School shares responsibility for ensuring that their work is carried out with due care and attention to safeguarding and security issues and policies. Individuals with line management, supervisory or recruitment responsibilities must ensure that they and their staff understand and have updated information on security issues and employ due diligence at all times. Individuals with line management, supervisory or recruitment responsibilities should also attend relevant internal and/or external training. Those who have dealings with contractors, volunteers and visitors must ensure that such individuals are aware of their responsibilities to safeguard themselves and the School.
- 5.4. Where necessary, the School should ensure that international applicants and international partners are not disproportionately impacted by the requirement for safeguarding and screening checks by ensuring that third party suppliers have contractual service level agreements for the timely return of security check results.

## **6. Policy Ownership**

- 6.1. This policy is owned by the Human Resources department and will be kept under review to ensure that it is operating effectively and to ensure compliance with relevant legislation.
- 6.2. Advice and guidance regarding security screening and/or safeguarding checks or concerns should be directed to the HR department in the first instance. Further advice from key professionals can be sought as necessary once the issue has been raised with HR.

## **Related Documents**

- **Offsite Working Policy**

## **Accessibility**

If you require any document in an alternative format, for example, in larger print, please contact Human Resources.

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## Appendix A

- 1.0 A child is any person under the age of 18.
- 2.0 Adults aged 18 and over have the potential to be vulnerable (either temporarily or permanently) for a variety of reasons and in different situations. An adult may be vulnerable if he/she:
  - a. Has a learning or physical disability, or;
  - b. Has a physical or mental illness, chronic or otherwise, including an addiction to alcohol or drugs, or;
  - c. Has a reduction in physical or mental capacity, or;
  - d. Is in the receipt of any form of healthcare, or;
  - e. Is detained in custody, or;
  - f. Is receiving community services because of age, health or disability, or;
  - g. Is living in sheltered or residential care home, or;
  - h. Is unable, for any other reason, to protect himself/herself against significant harm or exploitation.
- 3.0 It is recognised that people who meet one or more of the criteria above may not be vulnerable at all, or all of the time. However, until Faculty/department has direct contact with people on an individual basis, it may be impossible to identify whether vulnerability exists in relation to an activity or event involving adults that they are planning. Therefore, in order to support Faculties/departments in identifying and managing potential risks of harm to people effectively, and for the purposes of this policy only, a vulnerable adult should be identified as a person aged 18 or over who meets one or more of the criteria listed above.