

ELEVATE BEYOND LIMITED

DBS Referral Procedure

Supporting Every Step Forward

POLICY INFORMATION	
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Policy Owner	Sulayman Cham — Founder and Director
Statutory basis	Safeguarding Vulnerable Groups Act 2006, section 36
Company Number	17222138
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This document should be read alongside: Safeguarding Policy, Safer Recruitment Policy, Backup and Data Retention Policy. This procedure sets out Elevate Beyond's own legal duty to refer a candidate to the Disclosure and Barring Service. The duty belongs to the agency and exists whether or not a school also refers.

Contents

1. The Duty
2. When the Duty Is Triggered
3. Who Decides
4. The Steps
5. Timescale
6. What This Procedure Is Not

1. The Duty

Section 36 of the Safeguarding Vulnerable Groups Act 2006 places a duty to refer on personnel suppliers, a term that expressly includes employment agencies and employment businesses. Elevate Beyond is a personnel supplier.

The duty is owed by Elevate Beyond in its own right. It is not discharged by the client school making its own referral, and it is not conditional on the school doing anything at all.

2. When the Duty Is Triggered

A referral must be made where Elevate Beyond ceases to act for a candidate, or would have ceased to act for them had the arrangement not already ended, because it believes that:

- The candidate has engaged in relevant conduct, meaning conduct that endangers or is likely to endanger a child, or conduct that would do so if repeated against a child; or
- The harm test is met, meaning the candidate may harm a child, cause a child to be harmed, put a child at risk of harm, attempt to harm a child, or incite another to harm a child; or
- The candidate has received a caution or conviction for a relevant offence.

The most important sentence in this procedure

The duty applies where the candidate resigned, withdrew, stopped responding, or removed themselves from the register before Elevate Beyond acted.
A candidate who walks away does not extinguish the duty. If we would have removed them, we refer.

3. Who Decides

Sulayman Cham, Founder, Director and Designated Safeguarding Lead, decides whether the threshold is met and makes the referral. In his absence the decision is deferred rather than delegated, unless a child is at immediate risk, in which case Mohsin Habashi contacts the police and the relevant local authority immediately and Sulayman is informed at the earliest opportunity.

The decision is not a matter for the commercial side of the business and is never influenced by the effect on a client relationship.

4. The Steps

1. Stop

The candidate is removed from consideration for any assignment immediately and any live assignment is ended in consultation with the school.

2. Record

What was alleged or observed, by whom, when, and what was done. The record is factual and contemporaneous.

3. Notify

The school where a placement is live, and the local authority designated officer (LADO) for the area in which the setting sits, in line with the Safeguarding Policy.

4. Assess

Against the threshold in section 2 above. Where the position is unclear, Sulayman takes advice from the LADO or the DBS before deciding, and records that he did.

5. Refer

To the DBS where the threshold is met, using the DBS referral form, providing the candidate's details, the conduct or harm concerned, and the evidence held.

6. Consider a TRA referral

In addition where the candidate holds QTS or QTLS and the conduct may amount to unacceptable professional conduct.

7. Tell the candidate

That a referral has been made, unless doing so would place a child at risk, prejudice a police investigation, or the police or LADO advise otherwise. Record the reason either way.

8. Retain

The record in line with the Backup and Data Retention Policy. Referral records are held long-term.

5. Timescale

A referral is made as soon as the threshold is judged to be met, and normally within five working days of that decision. Delay is recorded and explained. Waiting for the outcome of a school's own process is not a reason to postpone a referral where the threshold is already met.

6. What This Procedure Is Not

It is not a disciplinary process, and the threshold for referral is lower than the threshold for proving misconduct. A referral is a notification to the DBS so that it can decide whether barring is appropriate; the decision to bar is theirs, not ours.

It is also not a substitute for calling the police or children's social care where a child is at immediate risk. Those calls come first.

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