

Disclosure and Barring Policy (DBS) Procedure

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Equality Impact Assessed:	
Approved By:	PHIL HARRISON
Date Approved:	OCTOBER 2019
Review Interval:	2 YEARS
Last Review Date	JANUARY 2020
Next Review Date	JANUARY 2022
Audience:	EMPLOYEES



1. Policy statement

- 1.1 The DBS (formerly the CRB Agency) was set up by the Home Office to improve access to criminal record checks for employment related purposes and to help organisations make safer recruitment decisions; this applies to staff with access to children under 18 years of age, vulnerable adults or other positions of trust that fall within the Rehabilitation of Offenders Act 1974. The DBS and the Independent Safeguarding Authority (ISA) both became part of the Disclosure and Barring Service (DBS) in December 2012.
- 1.2 The DBS Code of Practice requires the school to have a written policy and procedure on the recruitment of people with a criminal record and to ensure anyone applying for a job at the school receives a copy. The Trust/School is committed to the principle of equal opportunities and, subject to the overriding consideration of protecting children, we will endeavour to prevent unfair discrimination against those with a criminal record.
- 1.3 This policy applies to the appointment of all employees, paid and unpaid, including volunteers, supply staff and peripatetic staff. It is designed to assist in ensuring that all persons working at the Shaw Education Trust are trustworthy and reliable and are not subject to any offences, which are a risk to our pupils.
- 1.4 This policy is designed to supplement the Shaw Education Trust, Recruitment and Selection Policy.

2. Disclosure and Barring Service (DBS)

- 2.1 The Disclosure and Barring Service (DBS) helps employers in England, Wales and Northern Ireland make safer recruitment decisions and prevent unsuitable people from working with vulnerable groups, including children. The DBS decides whether it is suitable for a person to be placed on or removed from a barred list.
- 2.2 It is a criminal offence: - for an employer to knowingly employ (either on a paid or voluntary basis) a barred person in Regulated Activity and to allow someone to work in Regulated Activity without carrying out the required checks.
- 2.3 Where a person is removed from Regulated Activity by an employer because the person has caused harm to a child or a vulnerable adult, the ISA must be notified.

3. Regulated activity

- 3.1 Any position undertaken at, or on behalf of the School, will amount to "regulated activity" if it is carried out:

- frequently, meaning once a week or more; or
 - overnight, meaning between 2.00 am and 6.00 am; or
 - satisfies the "period condition", meaning four times or more in a 30-day period; and
 - provides the opportunity for contact with children.
- 3.2 Roles which are carried out on an unpaid/voluntary basis will only amount to regulated activity if, in addition to the above, they are carried **out on any unsupervised basis.**
- 3.3 The Trust is not permitted to check the Children's Barred List unless an individual will be engaging in "regulated activity". The Trust is required to carry out an enhanced DBS check for all staff, supply staff and governors who will be engaging in regulated activity.
- 3.4 DBS guidance suggests that where there has been a three month break in regulated activity a new DBS is required.
- 3.5 The Trust/School may also consider undertaking an enhanced DBS check on a person who would be carrying out regulated activity on **4** or more days in a **30**-day period, or overnight*.

4. Enhanced certificates

- 4.1 All Shaw Education Trust employees will be vetted to Enhanced DBS level. This check involves a check with local police force records in addition to checks with the Police National Computer and the government department lists held by the Department for Children, Schools and Families and Department of Health, where appropriate. The government's safer recruitment initiative stipulates that all staff in an educational establishment must have an enhanced certificate.

5. DBS update service

- 5.1 The online DBS Update Service allows:
- Applicants to keep their DBS certificates up-to-date
 - Employers to do an instant DBS check against a DBS certificate previously issued
- 5.2 When the applicant initially applies for a DBS check they can register to use the Update Service with a registration cost of £13 per year. There is no charge if the applicant is a volunteer, however the applicant must register for the Update Service within 30 days of the certificate being issued.
- 5.3 The DBS tracking service can be used to check the progress of the DBS certificate.
- 5.4 Where an applicant subscribes to the DBS Update Service the applicant must give consent to the school to check there have not been changes since the issue of a disclosure certificate.

- 5.5 To check a DBS Certificate status online the School will obtain the applicant's permission in the first instance. The Trust/School can then see the results from the check straight away.

6. Recruitment of staff

- 6.1 Job applicants will be asked to state any convictions on their application form. Those invited to attend an interview will be advised in writing that relevant criminal convictions will be discussed at the interview in order to assess job-related risks. Applicants are encouraged to submit written details, dates and any other relevant information, in confidence, to the Director of Operations, who will ensure the security of this sensitive information.
- 6.2 The Shaw Education Trust (in the main) use an electronic process to conduct Enhanced DBS checks. During the '**offer process**' applicants will be invited to complete an online DBS check via the Human Resources Department/Team.
- 6.3 The School will apply for a DBS Certificate only for applicants offered a position. The information obtained will be used to help establish whether that person has a background that might make him/her unsuitable for the job or voluntary position in question. The School will not apply for the DBS Certificate to run a check without the knowledge and consent of the person concerned.
- 6.5 If a DBS Certificate reveals any convictions, the school will follow a fair process and consult with their Human Resources Advisor in respect of the Rehabilitation of Offenders Legislation and the legislative guidelines in place for Safer Recruitment in Schools.

7. Check on staff recruited from abroad

- 7.1 All new employees where persons have lived outside the UK are subject to the same checks as other employees and **additional checks** in accordance with Immigration, Asylum and Nationality Act 2006. These further checks should include a check for information about any teacher sanction or restriction that a European Economic Area (EEA) professional regulating authority has imposed, using the Teaching Regulation Agency (TRA) Teacher Services system. Any applicant who has travelled abroad for more than 3 months will need to obtain a police check from the relevant Country.
- 7.2 While restrictions imposed by another EEA regulating authority do not prevent a person from taking up teaching positions in England, Shaw Education Trust/School should consider the circumstances that led to the restriction or sanction being imposed when considering their suitability for employment.
- 7.3 It is necessary for the Headteacher to decide whether further checks are necessary based on Department for Education guidance. This is usually

determined by the information that is disclosed on the DBS form and the length of time that the individual has been in or out of the UK.

8. Checking criminal records overseas and certificates of good conduct

- 8.1 The Trust/School **will attempt** to obtain a certificate of good conduct and any other references from potential overseas employees. This is in accordance to guidance from the Disclosure and Barring Service (DBS) and the Home Office for employers on applying for DBS checks. It notes that the standard of foreign police checks "varies".
- 8.2 If verifying an individual it may be necessary to contact the embassy or High Commission of the country in question to check criminal records. You can also contact the embassy, or the authorities in a country, to find out more about the standard of checks. <https://www.gov.uk/guidance/dbs-check-requests-guidance-for-employers#overseas-applicants>
- 8.3 It is the Head teacher's responsibility to determine how far back a 'history' check should be based on the 'risk factor'. There is no statutory guidance on this issue therefore it is a recommendation that for the purpose of this policy and until statutory guidance is available that checks should go back "**as far as possible**".¹

9. Renewal of DBS Certificates

- 9.1 There is no legislative/statutory guidance in relation to how often an Enhanced DBS certificate should be renewed for **existing staff**. Employees are required to inform management if any of their circumstances or situation has altered whilst they are employed in the Trust/School.
- 9.2 For existing staff members, a new DBS check is required if:
 - There are concerns about a staff member or volunteer's suitability to work with children
 - A person moves from a post that was not regulated activity into work that is regulated activity

This is set out in [Keeping Children Safe in Education](#) document.

10. Portability of DBS Certificates

- 10.1 In accordance with the Recruitment and Selection Policy the Trust/School when considering the portability of DBS certificates must

¹ As far as possible because there have been cases of historical allegations of abuse dating back many years including from other countries.

take into account the latest guidance in 'Keeping Children Safe in Education'.

- 10.2 Guidance suggests that the Trust/School **must consider** a new DBS if the individual is moving from a different sector (e.g. Health, Further Education, Police) into primary, secondary or special education.
- 10.3 In accordance with statutory guidance **a new** DBS application must be completed for any teacher/support staff worker who has had a **break in service of three months or more** (sickness/maternity leave does not count).
- 10.4 The Trust/School is **advised to consider** a new DBS check for any change of role. E.g. From Support Staff to Teacher or from Teacher to Support Staff.
- 10.5 A Disclosure and Barring Service check has no official expiry date. Any information included is accurate at the time the check was carried out. Whether or not to carry out a subsequent check will be a decision made by the Headteacher/employer.

11. Prohibition Order

- 11.1 Prohibition Order means that the person concerned is not allowed to undertake unsupervised teaching work in schools. Where an individual is prohibited, their name and details will appear on the Prohibited List. Ordinarily a Prohibition Order is a lifetime ban, although individuals may be allowed to apply for an order to be reviewed.
- 11.2 As part of the Safeguarding Checks, and in addition to the DBS Certificate, a check will be undertaken on all applicants that have been employed in a teaching capacity against the Prohibited List.

12. Storage and access

- 12.1 DBS Certificate information will only be kept in an individual's Personal File with all other safer recruitment documentation. Access is strictly limited to those who are entitled to see it as part of their duties. (It is a data breach for any individual to pass information to anyone who is not entitled to receive it)

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