



DBS Policy

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Statement of intent

At DDAT, we are committed to promoting the welfare of our staff, pupils and visitors. Ensuring the safety of our school community is of paramount importance and, as a result, this policy has been created to establish a safe environment where pupils are cared for appropriately and are free from harm.

For certain roles, the school may be required to request a DBS check as part of its recruitment process. This check may also include barred list information held on the DBS barred list, as well as any information held by the police which is relevant to the role applied for.

DBS checks allow the school to ascertain an individual's suitability to work with children in an educational environment. This policy will ensure that all staff, pupils and parents are aware of the measures taken by the school to promote the welfare of the school community.

1. Legal framework

This policy has due regard to all relevant legislation and statutory guidance including, but not limited to, the following:

- Rehabilitation of Offenders Act 1974
- Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2016
- Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2020
- Police Act 1997
- Police Act 1997 (Criminal Records) (Registration) Regulations 2006
- Childcare (Disqualification) Regulations 2018
- Data Protection Act 2018
- Safeguarding Vulnerable Groups Act 2006
- Equality Act 2010
- Human Rights Act 1998
- Children Act 1989
- The UK General Data Protection Regulation (UK GDPR)
- DfE (2021) 'Keeping children safe in education'
- DfE (2020) 'Changes to checks for EU sanctions on EEA teachers'
- DfE (2021) 'Recruit teachers from overseas'
- DBS (2014) 'Sample policy on the recruitment of ex-offenders'
- DBS (2018) 'Handling of DBS certificate information'
- DBS and Ministry of Justice (2020) 'DBS filtering guide'
- Home Office (2015) 'Revised Code of Practice for Disclosure and Barring Service Registered Persons'

2. Definitions

Enhanced DBS

This provides the same information as a standard check, plus any approved information held by the police which a chief officer reasonably believes to be relevant and considers ought to be disclosed.

Enhanced DBS with barred list check

Where people are working or seeking to work in regulated activity with children, this allows an additional check to be made as to whether the person appears on the children's barred list.

The position being applied for, or activities undertaken, must be eligible for an enhanced DBS check in line with the above criteria and be for a purpose listed in the Police Act 1997 (Criminal Records) (No2) Regulations 2009 as qualifying for a barred list(s) check.

DBS certificates issued on or after 28 November 2020

The following changes to filtering rules have been made for standard and enhanced DBS certificates:

- Warnings, reprimands and youth cautions will no longer be automatically disclosed on a DBS certificate
- The multiple conviction rule has been removed, meaning that if an individual has more than one conviction, regardless of offence type or time passed, each conviction will be considered against the remaining rules individually, rather than all being automatically disclosed

Regulated activity

Regulated activity includes:

- Teaching, training, instructing, caring for or supervising children if the person is unsupervised, or providing advice or guidance on physical, emotional or educational wellbeing, or driving a vehicle only for children.
- Work for a limited range of establishments (known as 'specified places', which include schools and colleges) with the opportunity for contact with children, but not including work done by supervised volunteers.

Work under the above criteria is regulated activity if it is carried out frequently by the same person or if the 'period condition' is satisfied. The period condition is satisfied if:

- The person carrying out the activity does so at any time on more than three days in any period of 30 days.
- If the activity is done at any time between 2:00am and 6:00am and it gives the person the opportunity to have face-to-face contact with children.

Some activities are always regulated activities, regardless of frequency or whether the person conducting the activity is supervised. This includes the following:

- Intimate or personal care, or overnight activity, including helping a child with eating and drinking for reasons of illness or disability or in connection with toileting, washing, bathing and dressing for reasons of age, illness and disability
- Health care, i.e. care for children provided by, or under the direction or supervision of, a regulated health care professional

Regulated activity does not include the following:

- Paid work in specified places which is occasional and temporary and does not involve teaching and training
- Supervised activity, which is paid, in non-specified settings, e.g. youth clubs, sport clubs.

3. Roles and responsibilities

The governing board is responsible for:

- Approving the headteacher's decisions with regards to disclosure information concerning existing and prospective employees.
- Ensuring that this DBS Policy and the Home Office's Code of Practice (CoP) is adhered to at all times.
- Ensuring all agreed DBS procedures are adhered to for both current and prospective employees.
- Monitoring the school's single central record (SCR), ensuring its compliance with requirements.

The headteacher is responsible for:

- Ensuring that all new employees have the appropriate DBS certificates in place prior to commencing work with the Trust. In the absence of a DBS the start date must be delayed following advice from the Trust's HR Department.
- Making decisions following advice from the Trust's HR Team with regards to disclosure information concerning existing and prospective employees.
- Ensuring that they are aware of any posts in the school that are subject to a DBS check.
- Maintaining an up-to-date electronic SCR and evidence that checks have been completed.
- Ensuring that all job descriptions and person specifications for any posts within the school indicate that an enhanced DBS is required and notification that employees are required to sign up to the update service. The full cost of the update registration will be refunded by the school.,.
- Taking reasonable steps to make sure that any individual who is not an employee, but who is covering an existing post or other work within the school, holds the appropriate level of DBS check.
- Ensuring that all members of staff hold current, acceptable DBS checks according to the appropriate level required, and that upcoming renewals are applied for within two months prior to the renewal date.
- Ensuring that new employees are aware of the DBS update service and their contractual obligation where appropriate to subscribe to this.
- Encourage all members of staff to sign up to the update service and continue to renew on an annual basis whilst in employment with the Trust.
- Informing the Trust's HR Department of any decisions made regarding disclosure information.

A new DDAT DBS certificate must be obtained prior to commencing employment within the Trust. The only exemption to this is in exceptional circumstances and with prior Trust Board approval.

For staff who work in childcare provision, or who are directly concerned with the management of such provision, the school will ensure the appropriate checks are carried out to confirm the individuals are not disqualified under the Childcare (Disqualification) Regulations 2018.

Internal transfers within DDAT:

A new DBS certificate must be obtained prior to commencing in the new school. The only exemption to this is where both schools has the same executive headteacher with responsibility for both schools.

Agency and third-party staff

The headteacher will obtain written confirmation from any agency or third-party organisation that the organisation has carried out all the necessary DBS checks on an individual who will be working at the school that the school would otherwise perform. Where the position requires a barred list check, this will be obtained by the agency or third party prior to appointing the individual.

The headteacher will check that the individual presenting themselves for work is the same person for whom the checks have been made, e.g. by asking to see photo ID.

Trainee/student teachers

Where applicants for ITT are salaried by the school, the headteacher will ensure that all necessary DBS checks are carried out. As trainee teachers are likely to be engaging in regulated activity, an enhanced DBS certificate (including barred list information) must be obtained.

Where trainee teachers are fee-funded, the training provider is responsible for carrying out the necessary checks. The headteacher will obtain written confirmation that the necessary checks have been carried out, and that the trainee has been judged by the provider to be suitable to work with children.

4. Procedures for governors

A completed application form and nomination form is required for all trust governor appointments. The nomination form contains check boxes to confirm that DBS and Section 128 checks have been carried out. Enhanced DBS checks are mandatory for governors but not associate members. The School will apply for an enhanced DBS certificate for any governor who does not have an enhanced certificate.

A barred list check will only be required for governors who, aside from their governance duties, are engaged in regulated activity. The governing board will contact The Teaching Regulation Agency (TRA) Employer Access services to check if a proposed governor is barred because of a section 128 direction.

The ESFA will carry out suitability checks on all newly appointed chairs of trustees. These checks include:

- An identity check.
- Confirmation of the right to work in the UK.
- An enhanced DBS check.
- A requirement to provide additional information if the individual has lived outside the UK for a period of 12 months or longer.

All members of the trust, individual charity trustees and the chair of the board of trustees are required to obtain an enhanced DBS check – a section 128 check will also be carried out. Where responsibilities are delegated to any delegates or committee, e.g. a local governing board, DBS checks and section 128 checks will be conducted on all delegates and members of such committees.

5. Procedures for volunteers

Under no circumstances will a volunteer who has undergone no checks be left unsupervised or allowed to work in regulated activity. The headteacher will obtain an enhanced DBS check, which contains barred list information, for any volunteer who is new to working in regulated activity.

In some circumstances, the headteacher may obtain an enhanced DBS certificate for volunteers who are not engaged in regulated activity but will not request barred list information. There is no requirement to re-check volunteers in regulated activity if they have already had an enhanced DBS check which includes barred list information; however, the school will conduct a repeat enhanced DBS check, with barred list information, where there are concerns about a volunteer.

The headteacher will determine whether a volunteer is supervised. For a person to be considered supervised, the supervision must be:

- By a person who is in regulated activity.
- Regular and day-to-day.
- Reasonable in all the circumstances to ensure the protection of children

When allowing any volunteers to work at the school, the headteacher will check that the individual presenting themselves for work is the same person for whom the checks have been made.

6. Procedures for visitors

Visitors that attend school not in a professional capacity should be supervised at all times during their visit.

For visitors attending the school in a professional capacity, ID checks will be carried out and the school will be assured that the visitor has had the appropriate DBS check or will have the visitor's employer(s) confirm that their staff have received the appropriate checks. All visitors should sign in and out for each visit to school.

7. Procedures for contractors

Under no circumstances will a contractor who has undergone no checks be allowed to work unsupervised or engage in regulated activity at the school. The school is responsible for determining the appropriate level of supervision depending on the circumstances.

The headteacher will ensure the school's safeguarding requirements are set out in the contract with the contractor.

Contractors who engage in regulated activity will be required to obtain an enhanced DBS certificate with barred list check. Any contractors who have the opportunity for regular contact with children, but who would not be in regulated activity, will be required to obtain an enhanced DBS check. In considering whether contact is regular, it is irrelevant whether the contractor works on a single site or across a number of sites.

Where the contractor does not have opportunity for regular contact with pupils, the headteacher will decide whether a basic DBS disclosure is appropriate.

If a contractor working at the school is self-employed, the headteacher will consider if they need to obtain a DBS check on the contractor's behalf. The headteacher will check the identity of contractors and their staff upon arrival to the school.

8. Staff who have lived or worked outside the UK

New staff members who have lived or worked outside the UK will undergo the same checks as all other staff, including obtaining an enhanced DBS certificate which contains barred list information, in line with the procedures outlined in section 4 of this policy.

- Appropriate Certificate of 'Good Conduct' checks for those who have lived/worked outside of the UK for a period of 6 months or more since the age of 18 years old;

As of January 2021, the TRA no longer maintains a list of teachers from the European Economic Area (EEA) with sanctions. The school will continue to carry out safer recruitment checks on all applicants. For applicants who have lived or worked outside of the UK for a period of 6 months or more since the age of 18 years old, an appropriate

certificate of 'good conduct' will be required so that relevant events that occurred outside the UK can be considered, even if the applicant has never been to the UK. Any costs associated with obtaining the certificate of 'good conduct' will be met by the individual.

Additional checks will be carried out for teaching roles, e.g. checking documents issued by overseas teaching authorities. The school will request that teachers provide a letter of professional standing issued by the professional regulating authority in the country in which they worked, confirming that they have not imposed any sanctions or restrictions and if they are aware of any reason why they may be unsuitable to teach.

The DBS cannot obtain police records from overseas; however, a check will be conducted to establish whether the individual has disclosed any criminal convictions during their time in the UK. As the DBS cannot provide details of police records for overseas applications, the school is aware that the DBS information may not provide a complete picture of a candidate's criminal record. In these cases,, the school will request the individual to obtain an appropriate Certificate of 'Good Conduct' checks from relevant embassies or the police for those who have lived/worked outside of the UK for a period of 6 months or more since the age of 18 years old;

The school will be extra vigilant when considering an applicant from overseas and will obtain additional references to ensure their suitability for the role.

9. Procedures for adults supervising children on work experience

The school will consider the specific circumstances of the work experience placement when considering what level, if any, of DBS check is required on individuals supervising pupils, including those aged 16 and over, on the placement. Consideration will be given to whether the person providing supervision to the pupil will be unsupervised themselves and providing the supervision frequently, i.e. more than three days in a 30-day period, or overnight.

The headteacher will ask the employer providing the work experience to confirm that any member of staff who will be working with the child unsupervised and frequently is not a barred person.

The school is not able to request an enhanced DBS check with barred list information for staff supervising pupils who are aged 16 to 17. Work experience providers are not able to request any DBS checks for pupils under 16. The school will ensure all work experience providers have policies and procedures in place to protect pupils from harm.

10. Procedures for alternative provision

Where a pupil is placed in alternative provision, the headteacher will obtain written confirmation from the provider that the appropriate DBS checks have been carried out on the provider's staff.

11. Procedures for arranged homestays during exchange visits (Secondary Schools Only)

When arranging a homestay for a visiting pupil in the UK, the headteacher will consider the suitability of the adults in the respective families who will be responsible for the visiting child during the stay.

Where the headteacher arranges for a visiting child to be provided with care and accommodation in the home of a family to which they are not related, the responsible adults will be engaging in regulated activity for the duration of the stay. In these circumstances, and where the school has the power to terminate such a homestay, the school will be the regulated activity provider.

When arranging homestays, the headteacher will use professional judgement to assess the suitability of the adults in those families who will be responsible for the visiting child during their stay. To help inform the assessment, the headteacher will obtain enhanced DBS certificates with barred list information. The headteacher may decide to obtain an enhanced DBS certificate in respect of anyone aged 16 or over in the household where the child will be staying.

When arranging a homestay abroad, the headteacher will liaise with partner schools abroad to establish a shared understanding of, and agreement to the arrangements in place for the visit. The headteacher will use professional judgement to determine that the arrangements are appropriate and sufficient to safeguard every child who will take part in the exchange. The headteacher may decide to contact the relevant foreign embassy or High Commission of the country in question to discuss what checks may be possible in respect of those providing homestay outside of the UK.

Where a period of UK homestay lasts 28 days or more, for a child aged under 16 (or 18 if the child has disabilities), this may amount to private fostering under the Children Act 1989. Where this is the case, the headteacher will notify the LA of the arrangements.

12. Disclosures containing criminal information

A DBS check is considered to contain criminal information if it includes details of the following:

- A police record of convictions and cautions
- DBS barred list

- Any other relevant criminal information obtained by the police

If an individual has more than one conviction, regardless of offence type or time passed, each conviction will be considered individually, rather than all being automatically disclosed.

In the event of a disclosure containing criminal information, the headteacher will check whether the individual has obtained any previous criminal convictions or cautions by instructing them to complete a disclosure review form, which will be followed by a meeting. The headteacher will discuss the disclosed information with the governing board and Trust's HR Department immediately to agree a course of action regarding any prospective or existing employee.

The individual will be required to attend a meeting with the headteacher to confirm that the convictions are theirs. If the individual denies that the convictions relate to them, the headteacher will contact the DBS to carry out an investigation. If it is established by the DBS that the convictions do concern the individual, the headteacher will explore the circumstances surrounding these and their suitability to work with children, in accordance with the governing board and the Trust's HR Department.

For prospective employees, all posts will remain pending whilst meetings and investigations take place - an exception applies if the headteacher was already aware of the employee's convictions and had previously discussed with the governing board and the Trust's HR Department that they were still suitable for their appointment, or, if it is revealed that the convictions do not relate to the individual concerned.

For current employees, the headteacher will complete a risk assessment to consider whether adjustments will need to be made whilst meetings and investigations take place, including:

- Whether the employee can continue their practice.
- Whether closer supervision is required of the employee.
- Whether the employee should be temporarily transferred to other duties.
- Whether the employee should be dealt with in accordance with the Disciplinary Policy and Procedure and suspended with entitlement to full pay.

The headteacher will consult the Trust's HR Department when deciding what adjustments will need to be made for the employee concerned.

13. Making a recruitment decision

All offers of employment made by the school will be conditional upon satisfactory completion of the mandatory pre-employment checks. Employment will not commence prior to the completion of the checks. For more information, please refer to the DDAT Recruitment and Selection Procedure or further advice can be provided by the Trust's HR Department.

The SBM and Headteacher will consider the magnitude of any DBS disclosures.

Major disclosures will result in the candidate being automatically unsuitable for the role. These include where the adult is named on the following lists:

- Children's barred list
- Adults' barred list

Serious disclosures which involve criminal activity, but do not pose a risk to pupils, will be discussed with the headteacher and the Trust's HR Department prior to the candidate being accepted for the role. The headteacher will endeavour to ascertain the relevant facts from the individual and decide upon a conclusion. Following this, the candidate will receive a rejection or acceptance letter.

When considering an applicant who will not be working in regulated activity, the school will not take into account any minor or old convictions, which are 'protected' from disclosure, as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2016).

When deciding to accept or reject a candidate, the school will consider the following information:

- The seriousness and relevance of the disclosure in relation to the position applied for
- The nature of the offence or other matters revealed
- The length of time since the offence or other matters occurred
- Whether it was a one-off incident or if there is a pattern of offending behaviour
- Whether the candidate's circumstances have changed since the offending behaviour or other matters occurred
- The circumstances around the incident, including any extenuating circumstances surrounding the offence, and explanations offered
- Whether the candidate has accepted responsibility for their actions

A risk assessment will be conducted by the headteacher following a positive disclosure, before deciding on the candidate's suitability. A record of all recruitment decisions following positive DBS disclosures will be kept in a sealed envelope within the employees personnel folder. by the SBM. Depending on the circumstances of each case, the chair of the governing board may be asked to countersign the form recording the recruitment decision.

14. DBS update service

Existing staff members will be required to join the DBS update service upon their current DBS being renewed to ensure that their enhanced DBS certificates are up to date. New employees or employees changing roles will be required under their new contract of employment to join the DBS up-date service if they haven't already done

so. The individual's consent will be gained at the point of signing up to the update service for the Trust to undertake regular checks.

The school will check the DBS certificate to confirm it matches the individual's identity and examine the original certificate to ensure it is for the appropriate workforce and level of check.

15. Referral to the DBS

The school has a legal duty to refer to the DBS any member of staff who has harmed, or poses a risk of harm, to a pupil where:

- The harm test is satisfied.
- The staff member has received a caution or conviction for a relevant offence, or if there is reason to believe the staff member has committed a listed relevant offence.
- The staff member has been removed from working in regulated activity, or would have been removed had they not left the school.
- The staff member has been moved to an area of work not in regulated activity.
- The staff member has been suspended.

Referrals will be made as soon as possible after the resignation, removal or redeployment of the staff member.

16. Recruitment of ex-offenders

The school is aware of its responsibility under the Police Act 1997 not to discriminate applicants based on their criminal record. The school will only ask an individual to provide details of convictions and cautions that the school is legally entitled to consider when recruiting candidates. All candidates will be selected for interview based on their skills, qualifications and experience.

All job application forms, job adverts and recruitment briefs that require an enhanced DBS check will outline that an application for a DBS certificate will be submitted for all candidates once they have been offered the position. During the recruitment process, the school will ensure that a discussion between the recruitment panel and headteacher takes place to evaluate any offences or other matters relevant to the position.

Candidates will be informed that failure to reveal any information which is directly related to the post could result in withdrawal of an offer of employment. Any DBS certificates that reveal criminal information will be discussed with the individual, and their eligibility for the position will be reviewed in accordance with section 14 and section 15 of this policy.

17. Single central record (SCR)

The headteacher maintains an up-to-date SCR of pre-appointment checks covering all staff (including teacher trainees on salaried routes) and supply staff.

The SCR details the checks carried out in each academy within the MAT – the information is recorded in such a way that allows for details for each individual academy to be provided separately, and without delay to those entitled to inspect that information, including Ofsted.

The SCR indicates whether the following checks have been carried out or certificates obtained, and the date on which each check was completed, or certificate obtained:

- An identity check
- A barred list check
- An enhanced DBS check
- A prohibition from teaching check
- A section 128 check for all management positions including Governors.
- Further checks on individuals who have lived or worked outside the UK
- A check of professional qualifications
- A check to establish the individual's right to work in the UK

For supply staff, the SCR also records whether written confirmation has been received from the agency supplying the member of staff that the relevant checks have been carried out and the appropriate certificates have been obtained, and details of the date on which the confirmation was received and whether any enhanced DBS certificate check have been provided in respect of the member of staff. There is no requirement for fee-funded trainee teachers to be recorded on the SCR.

The SCR is securely stored electronically.

The details of an individual will be removed from the SCR once they no longer work at the school.

18. Data handling

All DBS certificates will be stored in accordance with the school's Data Protection Policy and will be stored in a securely locked and non-portable cabinet which is located in the school office. Access to certificates will be strictly controlled and limited to those who are entitled to see them as part of their duties.

In accordance with the Police Act 1997, access to DBS certificates is strictly controlled and records will only be accessed by the headteacher and SBM. If in exceptional circumstances, and as part of their duties, another member of staff is required to access a DBS certificate, the school will keep a record of the named individual, and

the individual whom the DBS certificate concerns will be informed prior to the sharing of the information.

DBS certificate information will only be used for the specific purpose for which it was requested and for which the individual's full consent has been given.

The school will not keep DBS certificates for any longer than is necessary once a recruitment decision has been made. Certificates that contain a disclosure will usually be, for no longer than six months to allow for the consideration and resolution of any disputes or complaints. After this time, the certificate should be securely destroyed and a file note kept detailing the matters raised. Copies of other documents used to verify the applicant's identity, right to work and required qualifications will be kept for the personnel file. DBS certificates will be disposed of securely such as by shredding, pulping or burning. Prior to disposal, all waste will be stored securely in a confidential waste bin.

Although the school will not keep any copy of the certificate after disposal, a record will be kept of the following:

- The date of issue of the certificate
- The name of the subject
- The type of certificate requested
- The position for which it applied to
- The unique reference number
- The details of the final recruitment decision

In exceptional circumstances, such as safeguarding audits, the school may decide to retain DBS certificates for longer than six months. In such cases, the school will consult the DBS and will have due regard to the data protection and human rights of the individual concerned.

19. Monitoring and review

This policy will be reviewed on an annual basis. Any changes made to the policy will be amended by the headteacher and will be communicated to all members of staff. All staff are required to familiarise themselves with this policy as part of their induction programme.