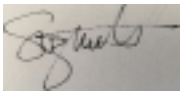
Stickland's CE VA Primary School

Aspire, Believe, Belong and Achieve - Let Your Light Shine Matthew 5:16

Criminal Records Disclosure and Barring Service **(DBS) Checking Policy 2024 to 2027**

Adopted date: September 2024
Signature of Headteacher: 
Signature of Governing body: 
Next review date September 2027

1. Introduction

1.1 This policy and procedure applies to all employees of Stickland's CE VA Primary School as well as workers, volunteers and school governors. The principles of the policy will also apply to agency staff, self-employed individuals, individuals working for any contractors/subcontractors (where the contract agreement specifies the requirement for a criminal record check) and anyone working with children at the school.

1.2 This policy has been consulted on with the Trade Unions and is recommended to all school Governing Bodies for adoption.

2. POLICY STATEMENT

2.1 The Governing Body is committed to fulfilling its duty to safeguard and protect the welfare of children and young people by ensuring the highest integrity of those appointed to positions in the school/academy as well as ensuring that appropriate checks are made in respect of agency staff, self employed individuals, employees of contractors/sub-contractors, volunteers and those who come into contact with children and young people within the school/academy or on long term work placements.

2.2 The Governing Body is also committed to the elimination of discrimination and to equal treatment in employment. This applies to prospective employment and all stages of employment and includes providing equal opportunities to both potential and existing employees, including ex-offenders, subject to the over-riding duty to protect children and young people. The policy and procedure has been developed to comply with legislation relevant to criminal record (DBS) checking.

2.3 The Governing Body recognises that criminal record (DBS) checking forms part of installing a safer recruitment/ongoing safer culture and is committed to ensuring that the other appropriate policies/procedures (listed below) are in place to complement this policy.

Criminal Records Checking Policy
Published October 2008 - updated June 2020

- Recruitment and Selection Policy
- Code of Conduct
- Dealing with allegations against staff
- Whistleblowing Policy
- Policy on the Employment of Ex-Offenders
- Guidance on Volunteers

3 GUIDANCE FOR SCHOOLS ON CRIMINAL RECORD (DBS) CHECKS

The Disclosure and Barring Service

3.1 The Disclosure and Barring Service is the body which provides the criminal record checks and makes the barring decisions where individuals are considered unsuitable to work with children or vulnerable adults.

3.2 DBS checks are available in cases where an employer is entitled to ask exempted questions under the Exceptions Order to the Rehabilitation of Offenders Act (ROA) 1974. This includes any organisation whose staff or volunteers work with children. In schools and academies checks, where undertaken, will either be Enhanced Checks (without a barred list check)or Regulated Activity Checks (Enhanced Checks with a Barred List check). DBS checks can only be undertaken for individuals aged 16 or over.

3.3 Regulated Activity Check (Enhanced check with a Barred List check)

This check is available to anyone employed in regulated activity i.e. regularly providing personal care for, teaching/training, supervising or being in sole charge of children. It is important to request the check to be made for working with children as this may make a difference to the information that is disclosed. Such a check will show the criminal record of an individual including those convictions that are 'spent', any additional information from the Police and a check against the Children's Barred List.

3.4 Enhanced check

Whereas all employees in schools/academies are entitled to an enhanced check with a check of the Barred List, volunteers including Governors may not be as it will depend on their frequency of access to children and whether or not they are supervised. Where volunteers do not meet the requirements that would entitle them to an enhanced check with a check of the Barred List either because they do not have contact weekly,3 times in a 30 day period or overnight, or where they do not undertake personal care or where they are supervised, then they would only be entitled to an enhanced check without a check of the barred list.

3.5 Disclosure Certificates

Since June 2013, copies of the Disclosure certificate are only sent to the applicant. It is the responsibility of the school/academy to ensure that they have seen a copy of the applicant's disclosure certificate and recorded the disclosure certificate number on the Single Central Record.

4. POSTS SUBJECT TO CRIMINAL RECORD CHECKS

4.1 In schools, under the Protection of Freedoms Act of May 2012, the requirement for a DBS check is that:

Employees – **must** have a Regulated Activity Check (Enhanced Check plus a check of the Barred List)

Volunteers – **must** have a Regulated Activity Check (Enhanced Check plus a check of the Barred List) if they:

a) Have unsupervised contact with children regularly (once a week or more, 3 times in a 30 day period or overnight, defined as between 2am and 6am) or;

b) Undertake personal care

Where volunteers are supervised by another adult in Regulated Activity they can (rather than must) be DBS checked if they are working regularly with children BUT are not eligible for a check of the Barred List. The definition of supervision is set out in the DfE guidance. Please see the link in Section 12.

Governors – must have an Enhanced Check. A check of the Barred List can only be undertaken if it is established that the governor is working is regulated activity. It is therefore necessary to complete the SER1 form (Appendix M) for eligibility to be checked.

More information is set out below and reference should be made to the Flowchart on the requirement for DBS checks at Appendix L.

Headteachers need to be clear about their reasons for obtaining or not obtaining a DBS check.

4.2 School Employees

The School Staffing (England) (Amendment) Regulations 2006 make it mandatory for a DBS enhanced with a barred list check to be obtained for all newly appointed school staff. This includes workers who do not work directly with children such as caretakers, administrative and other ancillary staff. The definition of newly appointed is anyone who has not worked in a school/academy in England for 3 months or more. There is no requirement for existing staff who were recruited prior to the establishment of the DBS (previously the Criminal Records Bureau) in March 2002 and who have continuity of service (i.e. no break longer than 3 months) to be DBS checked. The only requirement for these staff is to have been checked against the Children's Barred List (List 99) which was done as part of the Police check at the time.

It is a requirement that any employee working in a boarding house within a school/academy must have an enhanced DBS with barred list check **before** being permitted to start work.

4.3 Designated Senior Person for Child Protection

Any individual, including an existing member of staff, taking up this post will be subject to an enhanced DBS check. The only exception to this is in the case of existing employees within the school who have been subject to a criminal record check in the previous 3 months.

4.4 Governors

It is a mandatory requirement to apply for an enhanced criminal record certificate (also known as a DBS check) for all Governors. All governors will be required to complete a

criminal records declaration form (**see Appendix B**). The additional barred list check should only be carried out for Governors where it has been established that they are working in regulated activity

4.5 Volunteers

It is recognised that many parents and other volunteers help regularly in the classroom and with activities associated with the school. Some will require a DBS check because of the frequency of their volunteering activity and the contact they have with children, others will not.

4.5.1 Determining whether volunteer DBS checking is required

The DfE does not expect schools/academies to check existing volunteers continuing with

their old duties, unless they have cause for concern. For new volunteers, where the volunteering is frequent, intensive or overnight, involves contact with children and is not supervised, or where they undertake personal care (including assistance with changing), Headteachers should obtain an enhanced DBS check with a check of the Barred List. Statutory guidance states that frequent means once a week or more; intensive means three or more times in a thirty day period and overnight is from 2am to 6am.

Where individuals are supervised by another person in Regulated Activity the Headteacher will refer to the DfE statutory guidance on supervision of activity and the DfE factual note on regulated activity in relation to children when coming to a decision about whether a DBS check is necessary. In such circumstances the eligibility is for an Enhanced check without a check of the Barred List. Where a DBS check is requested for a volunteer, form SER1 should be completed (**Appendix M**).

4.5.2 Contractors and sub-contractors

Contracted staff who come into regular contact with children such as cleaning, caretaking and kitchen staff must be checked by the contractor in the same way as school/academy employees, including having an enhanced DBS with barred list check and such requirements form part of the contract. The outcome of such checks must be notified to the school and included on the single central record. The contractor is also responsible for ensuring that the same procedures are followed by any sub-contractors. The contractor must provide the school with a list of its direct employees and those of any sub-contractors at least 20 days before they start work on site. The Recruitment and Vetting Check form at **Appendix C** should be used for recording purposes.

FAQs on contract staff can be found at **Appendix D**.

4.6 Agency supply staff

Staff supplied to the school via an agency will be subject to checks by the agency itself. In all cases the school will obtain written confirmation from the agency that appropriate checks have been completed using the form at **Appendix C**. The school is not required to see evidence that the checks have been completed, although it can have sight of a DBS check where relevant information is recorded.

4.7 Work experience students placed in schools/academies

Work Experience students placed in schools/academies are not required to obtain clearance from the DBS because it is not expected that they will at any time be left unsupervised whilst

working with children. Note that it is not possible to obtain an enhanced check or barred list check for anyone under the age of 16.

4.8 Teaching trainees or graduates placed in schools/academies

Student (placements) or Teaching Graduate Trainees placed in schools/academies should have an Enhanced DBS with barred list check which will be undertaken by the initial teacher training provider so that disclosures are received prior to the trainee commencing school/academy based training. The school/academy will ensure that this is in place prior to the trainee commencing at the school/academy but are not entitled to view a copy.

4.9 Checks required for the self-employed

The DBS recommends that self-employed persons should be subject to an enhanced disclosure (carried out by the LA on behalf of the school but paid for by the individual) prior to commencing a role in circumstances where there is likely to be unsupervised access to children (in a school/academy setting this may include music tutors for example). The normal vetting checks such as identity checking should also be conducted.

Schools/academies can obtain DBS checks for self-employed people who will be working on school premises as long as the disclosure is intended to be used to consider their suitability for undertaking a particular role. It is normal practice for the self-employed person to pay for any DBS check undertaken by the school. Self-employed individuals are not able to obtain their own personal checks via the DBS.

4.10 Overseas staff to be checked

Newly appointed staff and staff recruited since 2002 who have lived outside the United Kingdom must undergo the same checks as for all other staff in schools/academies. This includes an Enhanced DBS with a barred list check.

DBS checks will not generally show offences committed by individuals whilst living abroad (except in the case of service personnel and their families). Therefore, in addition to an enhanced DBS with barred list check, additional checks such as obtaining certificates of good conduct from relevant embassies or police forces are necessary. The level of information contained in these certificates varies from country to country: some are complete extracts from the criminal record; others are partial. Extra care should, therefore, be taken in ensuring that references are taken up and that other background checks are conducted. Such information should be recorded on the Single Central Record.

5. People who are not required to obtain a DBS check

It is not necessary to obtain a DBS check for:-

- staff appointed before 2002 who have continuity of service and who have not previously been DBS checked unless moving roles into posts with closer contact with children or where there are concerns about suitability to work with children. The exception to this is workers from overseas.
- public sector staff such as psychologists, nurses, dentists and centrally employed teachers (because they will have been checked by their own organisations). However, the school should check the identity of such staff on arrival to ensure impostors do not gain access to children;
- visitors who have business with the Headteacher, principal or other staff who have brief contact with children with a member of staff present;

- volunteers or parents who only accompany staff and children on occasional outings or trips that do not involve overnight stays, or who only help at or attend events such as a sports day, school fête, school concerts etc;
- people who are on site before or after school hours and when children are not present, e.g. local groups who hire premises for community or leisure activities, contract cleaners who only come in after children have gone home, or before they arrive.

6 Portability of checks

6.1 Where Dorset Council has carried out a check on an employee who moves schools within the LA boundary, and where there is not more than a three month gap in continuous employment, a new check is not required although one may be undertaken at the discretion of the Headteacher.

6.2 Where an employee already employed with the school is being considered for another position with the school a new check is not required.

7. The DBS Update Service

7.1 The DBS Update Service allows individuals to keep information on their DBS disclosure certificate up to date on payment of an annual subscription (free for volunteers). This only applies where they have had a DBS check within the last 14 days.

7.2 Where an individual has subscribed to the Update Service a school/academy will be able to carry out a status check, free of charge, which will indicate whether there have been any changes since the last full DBS check but not what they are. Where there are changes noted, the school/academy will be advised to obtain another DBS check. Disclosure certificates can therefore be portable ONLY in the following circumstances and at the discretion of the Headteacher:

- The applicant (employee or volunteer) has subscribed to the Update Service and
- You have the applicant's consent to carry out a Status Check and
- The certificate is the same type and level that you are legally entitled to see, e.g. Enhanced with Children's Barred List check

Otherwise a new check will need to be obtained.

8. CONSIDERING THE RELEVANCE OF CONVICTIONS

8.1 Ensuring equal treatment

The school is required to ensure that applicants and existing employees who are subject to a DBS check and where there is a criminal record are treated fairly and in accordance with the Policy on the Employment of Ex-Offenders (**Appendix A**).

8.2 Convictions where working in a school/academy is banned

Receipt of a positive disclosure will not automatically make an applicant or existing employee unsuitable for a position unless stipulated by statute/guidance. Under the Protection of Children Act 1999 and the Criminal Justice and Court Services Act 2000 certain persons are banned for life from working with children. These are those registered on Information held under Section 142 of the Education Act 2002 [previously known as List 99], those registered on the DH list, those listed on the register maintained by the National Assembly of Wales, and those aged 18 years or older convicted of a schedule 4 offence.

It is an offence for a disqualified person to apply for, offer to do, accept or do any work in any of the regulated positions (including those in school settings) set out in the Act. It is also an offence for an employer to knowingly offer work in a regulated position, or to procure

work in a regulated position for an individual who is disqualified from working with children, or to fail to remove such an individual from such work.

8.3 Assessing positive disclosures where no statutory ban is in place

In assessing the suitability of a person with a criminal record for employment or voluntary work the Headteacher needs to consider both the nature of the job and the details and circumstances of any convictions. Account must be taken of the school's Policy on the Employment of Ex-Offenders which is a mandatory requirement for all employers who use the DBS checking service. Advice can also be obtained from the LA HR provider.

Generally, only convictions relevant to the position can be taken into account. The over-riding consideration, however, will be the duty to safeguard children and young people.

8.4 Considering the circumstances against the risks identified

Assessing the risk of employing a person with a criminal record means comparing the applicant's skills, experience and conviction circumstances against risk criteria identified for the job. Whilst it will not be possible to carry out a thorough risk assessment on each individual, the Headteacher may consult with the Local Authority HR Consultant and take the following matters into account when considering clearance:

- the seriousness of the offence;
- the length of time since the offence occurred, and the age at which it occurred (e.g. juvenile);
- any relevant information offered by the individual about the circumstances which led to the offence being committed;
- whether the offence was one-off or part of a history of offending;
- whether the individual's circumstances have changed since the offence was committed;
- the country in which the offence was committed (e.g. some activities are offences in Scotland but not England and Wales and vice versa);
- whether the offence has since been decriminalised by Parliament;
- the explanation, degree of remorse, rehabilitation or otherwise, expressed by the individual and the motivation to change.

Where it is deemed to be necessary, a full risk assessment may be carried

out. **8.5 Handling positive disclosures of existing staff**

Employees are required to declare any cautions, convictions or reprimands (including judgements or investigations pending) that they receive during the course of their employment. The relevance of such disclosures will be considered as detailed in paragraph 9 below.

Where an employee does not declare any caution, conviction or reprimand but a DBS check reveals information which results in an existing employee being considered as potentially unsuitable for their position, a disciplinary investigation will take place. Findings will be presented to a disciplinary panel convened for this purpose where consideration will be given to the appropriate action to be taken. This could include a decision to terminate employment.

9 Starting work pending a DBS check

Schools are advised **not** to start any new employee or volunteer prior to having seen a valid DBS disclosure certificate and recorded the disclosure certificate number on the SCR. In circumstances where it is deemed necessary to start someone pending a DBS check the following steps should be taken:

- a satisfactory check of the Children's Barred List and completion of other pre-employment checks;
- the Criminal Records Self Declaration form (HR14) should be completed; ● a full risk assessment should be carried out by the Headteacher;
- an offer of employment has been made subject to seeing a satisfactory DBS certificate;
- the individual should not be allowed unsupervised access to children.

Before allowing an employee or volunteer to commence their duties prior to the DBS certificate being seen by the school, the Headteacher should complete a risk assessment. Anyone who has not obtained a DBS check should not be left unsupervised with children. [Employees working in a boarding establishment must not start work prior to the DBS check being seen.]

Where an individual has been allowed to start work without a DBS certificate being seen by the school, and the DBS certificate is not produced in a timely way, the school will need to liaise with the Registered Body to see whether any information can be provided about whether the DBS certificate has been issued. Otherwise, consideration will need to be given as to whether any formal action will need to be taken against the individual and whether they can continue to work in the school without producing the DBS certificate.

10.1 Single central record

The DfE requires all schools/academies to be able to demonstrate that they have robust and accurate records of all recruitment and vetting checks carried out. This information must be compiled into a Single Central Record (SCR) of completed checks in each school/academy. The SCR is often the first document an Ofsted Inspector will ask to see and failure to produce an SCR evidencing that all the appropriate checks have been made will have an immediate and serious impact on the outcome of the inspection

10.2 People to be included on the single central record

- all staff who are employed to work at the school;
- all staff who are employed as supply staff to the school, whether employed directly by the school/academy or LA or through an agency;
- all others who have been chosen by the school to work in regular contact with children (volunteers and governors who also work as volunteers);
- people brought into the school to provide additional teaching or instruction for pupils but who are not staff members, such as specialist sports coaches, music tutors or artists;
- all others who are brought into the school and have regular contact with the children in the school.
- governors

10.3 Checks to be included on the central record

The single central record must indicate whether or not the following have been completed:

- identity checks;
- qualification checks for any qualifications legally required for the job e.g. those posts where a person must have QTS or NPQH;
- checks of right to work in the United Kingdom for all staff;
- checks on information held under the Children's Barred List;
- DBS Enhanced Check and number;
- further overseas records checks where appropriate;
- Prohibition from Teaching check via the NCTL site for new starters from 03.04.2014 only.
- Supply staff - written confirmation that the agency supplying the member of supply staff has carried out the relevant checks and obtained the appropriate certificates, whether any enhanced DBS check certificate has been provided in respect of the member of supply staff, and the date that confirmation was received (from April 2015 onwards)

The information needs to be recorded on the SCR by the person in the school with the responsibility for doing so. That person should sign and date the record to verify that they have checked the employee's (or volunteer's) details. The record needs to show the date on which the check was completed or the relevant certificate obtained and should show who carried out the check

A sample form can be found at **App H**. Further information about recruitment and vetting checks can be found at **App G to K.**

11. RETENTION OF INFORMATION

11.1 Confidentiality of information

Information disclosed as part of a recruitment process, via self-declaration during the course of employment, or as part of a DBS checking process will be treated as highly confidential. It is an offence for information in a disclosure to be passed to anyone who does not need it in the course of their duties.

11.2 Compliance with DBS standards

Disclosure information will be managed in accordance with DBS guidance on the security and retention of disclosures and disclosure information (see **www.homeoffice.gov.uk/agencies-public-bodies/dbs**). The key provisions are:-

● A copy of the DBS disclosure can only be made with the applicant's permission. ● A copy of the DBS Certificate can only be retained with the applicant's permission. ● Any copies of DBS Certificates must be kept securely.
- Copies of DBS certificates will be destroyed securely when no longer required. **11.3**

Records to be retained

Records need to be kept by the school detailing:-

- the date the Disclosure was seen and by whom;
- the unique reference number on the disclosure certificate.

The Headteacher will also keep:-
- a note of what other information was used to assess suitability including a note of any discussions with the individual;

● Any correspondence sent to the individual confirming their clearance.

In addition, where a disclosure reveals information about an individual, the Record of Positive Check (see **App E**) will be completed and retained on the personal file of that individual. This record will not detail information about actual offences disclosed. These measures accord with the requirements of both the DBS and the school's/academy's Single Central Record (for further information see paragraph 12 below).

12 Additional information

Further published guidance is available as follows:

Changes to Disclosure and Barring from September 2012 – What you need to know (HM Government Brochure May 2012).
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/97875/leaflet-england-wales.pdf

Statutory definition of 'Supervised' – please view the Department for Education statutory guidance on supervision of activity.
http://media.education.gov.uk/assets/files/pdf/s/supervision%20guidance%20revised%20sos%20sept%202012.pdf

Regulated Activity in relation to Children – please view the Department for Education factual note on regulated activity in relation to children.
http://media.education.gov.uk/assets/files/pdf/r/regulated%20activity%20children%20full%20i nformation%20ewni%20final%202012-06-01.pdf

Home Office UK Border Agency Guide for Employer on Preventing Illegal Working in the UK.
https://www.gov.uk/government/publications/preventing-illegal-working-guidance-for-employers-october-2013

Membership of the European Union and European Economic Area.
http://www.ukba.homeoffice.gov.uk/eucitizens/

Applicant's guide to completing the DBS application form.
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/230923/DBS_Applicant_Guidance_v1.4.pdf

Guidance on DBS Update Service.
https://www.gov.uk/government/publications/dbs-update-service-employer-guide

Schools may also find it useful to refer to the DfE document 'Safeguarding and Safer Recruitment in Education' which came into force on 1 January 2007.
http://webarchive.nationalarchives.gov.uk/20130401151715/https://www.education.gov.uk/publications/eOrderingDownload/Final%206836-Safeguard.Chd%20bkmk.pdf

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