

DBS Policy



Mission Statement

Newchurch will give every child a flying start by working in partnership with parents, staff and the community to develop well-rounded citizens who will contribute in a positive way to society.

Statement of intent

At Newchurch Community Primary School, 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.

Signed by:

Jayne Narraway

Headteacher

Date: Oct 2023

Vicky Beddall

Chair of governors

Date: Oct 2023

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 (2022) 'Keeping children safe in education 2022'
- DfE (2020) 'Changes to checks for EU sanctions on EEA teachers from 1 January 2021'
- DfE (2022) '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'

This policy operates in conjunction with the following school policies:

- Safer Recruitment Policy
- Child Protection and Safeguarding Policy
- Single Central Record
- Data Protection Policy
- Records Management Policy
- Disciplinary Policy and Procedure

Definitions

Standard DBS

This provides information about convictions and cautions (unless they relate to a youth caution) held on the Police National Computer (PNC), regardless of whether they are spent under the Rehabilitation of Offenders Act 1974. The law does allow for certain old and minor matters to be filtered out.

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

Roles and responsibilities

The governing body 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:

- Making decisions 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 SCR.
- Ensuring that any job descriptions and person specifications for any posts within the school indicate whether an individual will require a DBS check, as well as what level of check is required.
- 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 encouraging them to subscribe to this.
- Informing the LA of any decisions made regarding disclosure information.

Procedures for staff

New members of staff

Staff who engaging in regulated activity will be required to obtain an enhanced DBS certificate with a barred list check. All other staff who have an opportunity for regular contact with children who are not engaging in regulated activity will be required to obtain an enhanced DBS certificate, which does not include barred list information.

Existing staff

The school will only carry out new checks on existing staff when:

- An individual working at the school or college moves from a post that was not regulated activity into work which is considered to be regulated activity.
- There has been a break in service of 12 weeks or more.
- There are concerns about an individual's suitability to work with children.

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 or college, 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.

Procedures for governors

Enhanced DBS checks are mandatory for governors but not associate members. The governing board will apply for a certificate for any governor who does not have an enhanced certificate.

The DBS checks are completed in line with each governor's term of office.

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, with barred list information, for any volunteer who is new to working in regulated activity.

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

The headteacher will undertake a risk assessment and use their professional judgement when deciding whether to obtain an enhanced DBS certificate for any volunteer not engaging in regulated activity. The risk assessment will consider the following:

- The nature of the volunteer's work with children
- What the school knows about the volunteer, including formal or informal information offered by others
- Whether the volunteer has other employment or undertakes voluntary activities where referees can advise on their suitability
- Whether the role is eligible for an enhanced DBS check

Details of the risk assessment will be recorded.

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.

Procedures for visitors

The school does not have the power to request DBS checks to be carried out on visitors, e.g. pupils' relatives or other visitors attending a sports day, or ask to see DBS certificates for visitors. The headteacher will use their professional judgement when considering the need to escort or supervise visitors.

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.

The school will implement its Visitor Policy to ensure that the welfare of pupils is safeguarded.

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 will remain 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 which does not include a barred list check. In considering whether contact is regular, it will be 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.

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 with barred list information, in line with the procedures outlined in the ['Procedures for staff'](#) section of this policy.

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, the school will make any further checks it deems appropriate so that relevant events that occurred outside the UK can be considered, even if the applicant has never been to the UK.

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 will be aware that the DBS information may not provide a complete picture of a candidate's criminal record. Where appropriate, the school will conduct additional recruitment checks such as obtaining a certificate of good conduct from relevant embassies or the police.

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

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 will not request an enhanced DBS check with barred list information for staff supervising pupils who are aged 16 to 17. Work experience providers will not 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.

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.

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 body and LA 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 body and LA.

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 LA 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 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 School Business Manager when deciding what adjustments will need to be made for the employee concerned.

Making a recruitment decision

All offers of employment made by the school will be conditional upon satisfactory completion of the mandatory pre-employment checks.

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 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 length of time since the offence or other matters occurred

- Whether it was a one-off incident or if there is a history of incidents
- The circumstances around the incident
- 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 by the SBM. Depending on the circumstances of each case, the chair of the governing body may be asked to countersign the form recording the recruitment decision.

A flowchart of DBS criminal record checks and barred list checks can be found on page 64 of 'Keeping children safe in education' – the school will adhere to this flowchart when making recruitment decisions.

DBS update service

Staff members will be encouraged to join the DBS update service to ensure that their DBS certificates are up-to-date. The school will only check the status of any DBS certificates if this is legally required for a new role or a change in role. The individual's consent will be gained before the DBS certificate status is checked.

Where consent is given, 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.

Referral to the DBS

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

- Have harmed, or poses a risk of harm. to a pupil.
- Have satisfied the harm test.
- Have received a caution or conviction for a relevant offence.
- Are, have or may be in the future, working in regulated activity.

The school will follow the DBS' 'Making barring referrals to the DBS' guidance when making such referrals.

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

Recruitment of ex-offenders

The school will be aware of its responsibility under the Police Act 1997 not to discriminate against 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 a 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.

All applicants will be given a copy of the school's Child Protection and Safeguarding Policy and information on the employment of ex-offenders in the application pack prior to the interview.

Single central record (SCR)

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

The SCR will indicate 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
- 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 will also record:

- Whether written confirmation has been received from the agency supplying the member of staff that the relevant checks have been carried out
- The appropriate certificates have been obtained, and details of the date on which the confirmation was received
- Whether any enhanced DBS certificate check has been provided in respect of the member of staff.

There will be 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.

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 will be 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 – usually, for no longer than six months to allow for the consideration and resolution of any disputes or complaints. 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 will decide to retain DBS certificates for longer than six months if deemed necessary. 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.

Monitoring and review

This policy will be reviewed on an annual basis by the headteacher and SBM in conjunction with the governing body. 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.

The next scheduled review date for this policy is September 2023.



Recruitment of ex-offenders statement

Newchurch Community Primary School is required to send a copy of its Child Protection and

Safeguarding Policy and information on the recruitment of ex-offenders to all job applicants which outlines the following:

- The governing board fully complies with the DBS Code of Practice and will not discriminate unfairly against any subject of a disclosure on the basis of conviction or other information revealed.
- All applicants are subject to a DBS check before the job appointment is confirmed; this includes details of convictions and cautions, as well as spent and unspent convictions. A positive disclosure will not necessarily prohibit a candidate from being offered a position.
- The school is committed to the fair treatment of all applicants, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical or mental disability or offending background.
- The school promotes equal opportunity and welcomes applicants from a wide range of backgrounds, including those with criminal records.
- Candidates are selected for interviews based on their skills, qualifications and expertise.
- All application forms and recruitment notices will contain a statement that a disclosure will be requested if a position is offered.
- All applicants are encouraged to provide details of their criminal record at the earliest stage possible. This may be sent under a separate and confidential cover.
- All applicants will be made aware of the existence of the DBS Code of Practice and will be provided with a copy on request.
- The school is committed to ensuring all disclosure information will only be seen by those who require access as part of their duties.
- The school will discuss any matters revealed on a DBS certificate with the applicant before withdrawing a conditional offer of employment.
- At the interview, or in a subsequent discussion, open and measured discussion will take place on the subject of the offences.
- Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of any offer made.
- Legal advice is available for all involved in the recruitment process to ensure they can identify and assess the relevance and circumstances of offences.

- All recruitment personnel have received appropriate training and guidance in the relevant legislation relating to the employment of ex-offenders.