

# CROSSHALL JUNIOR SCHOOL

## DISCLOSURE AND BARRING SERVICE POLICY (DBS)



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## Statement of intent

At Crosshall Junior School, we are committed to promoting the welfare of our staff, students 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 students 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, students 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 (2022) 'Keeping children safe in education 2023'
- 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 Safeguarding and Protection Policy
- Single Central Record
- Data Protection Policy
- Disciplinary Rules for all Employees

## **2. 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.
- once a week or more often when teaching, training or instructing.

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 even if this happens only once.
- 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 body is responsible for:

- approving the Head Teacher'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 Head Teacher 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;
- ensuring that the SCR is up to date and maintained;
- 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.

## **4. Procedures for staff**

### **New members of staff**

Staff who engage 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.

Staff in senior management roles will be required to obtain an additional check to ensure they are not prohibited under section 128 provisions. The school will ensure that the details of any section 128 checks are recorded.

Staff will be required to show the original DBS certificate to the Finance Manager before they begin their employment or as soon as practicable after their employment begins. Where a member of staff will start work in regulated activity before the DBS certificate is available, the Head Teacher will ensure the individual is appropriately supervised and that all other checks, including a separate barred list check, have been carried out.

Separate barred list checks will only be conducted in the following circumstances:

- for newly appointed staff who are engaging in regulated activity, pending the receipt of an enhanced certificate with barred list information from the DBS;
- where an individual has worked in a role in an education setting that brought them into regular contact with students which ended not more than three months prior to that person's appointment to the organisation.

There will be no requirement for the school to obtain an enhanced DBS certificate or carry out checks for events that may have occurred outside the UK if, during a period which ended not more than three months before the individual's appointment, they have worked in:

- A school in England:
  - which brought them regularly into contact with children or young people;
  - to which they were appointed on or after 12 May 2006 and which did not bring them regularly into contact with children or young people.

All other pre-appointment checks will be completed, including a barred list check, where an individual is engaging in regulated activity.

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.

### **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.

Apart from the circumstances outlined above the school will not request a DBS or barred list check for existing staff members.

## **Agency and third-party staff**

The Head Teacher 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.

An appropriate member of staff 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 Head Teacher 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 Head Teacher 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.

## **5. Procedures for proprietors (the academy trust)**

Before an individual becomes a proprietor of an independent school (an academy), the Secretary of State will:

- obtain an enhanced DBS certificate, with or without barred list information as appropriate;
- confirm the individual's identity;
- if the individual lives or has lived outside of the UK, where making an enhanced check is insufficient, undertake such other checks as the Secretary of State considers appropriate.

Where the proprietor is a body of people, the chair of the body of proprietors will ensure that enhanced DBS certificates are obtained, where relevant, for other members of the proprietor board and will ensure members are not subject to a section 128 direction. Further checks will be undertaken where, because the individual is living or has lived overseas, obtaining an enhanced DBS certificate is not sufficient to establish their suitability to work in a school.

All members and governors of the trust 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. the governing body, DBS checks will be conducted on all delegates and members of such committees.

## **6. Procedures for governors**

If required, the governing body will request an enhanced DBS certificate without a barred list check on an individual as part of the appointment process for governors.

An enhanced DBS certificate with a barred list check will be requested if a governor, volunteer governor or other volunteer is engaging in regulated activity.

A barred list check will only be required for governors who, aside from their governance duties, are engaged in regulated activity. The governing body 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 (Chair of Board of Members at Crosshall Junior School). 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.

## **7. 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 Head Teacher 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 Head Teacher 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 Head Teacher 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 Head Teacher 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 Head Teacher will check that the individual presenting themselves for work is the same person for whom the checks have been made e.g. by seeing photo ID.

## **8. Procedures for visitors**

The school does not have the power to request DBS checks to be carried out on visitors, e.g. students' relatives or other visitors attending a sports day, or ask to see DBS certificates for visitors.

The Head Teacher 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.

## **9. 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 Head Teacher 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 students, the Head Teacher will decide whether a basic DBS disclosure is appropriate.

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

## **10. 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 character 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.

## **11. Procedures for alternative provision**

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

## **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 Head Teacher will check whether the individual has obtained any previous criminal convictions or cautions by instructing them to write a written explanation of the disclosure including dates, locations and outcomes, which will be followed by a meeting. The Head Teacher 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 Head Teacher to confirm that the convictions are theirs. If the individual denies that the convictions relate to them, the Head Teacher will contact the DBS to carry out an investigation. If it is established by the DBS that the convictions do concern the individual, the Head Teacher 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 Head Teacher was already aware of the employee's convictions and had previously discussed with the governing body 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 Head Teacher 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.

## **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.

The Head Teacher 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 students, will be discussed with the Head Teacher prior to the candidate being accepted for the role. The Head Teacher 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 Head Teacher 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 Finance Manager. 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 65 of 'Keeping children safe in education' (a copy of this flowchart can be found in the appendix) – the school will adhere to this flowchart when making recruitment decisions.

## **14. 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.

## **15. 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 student where they:

- have harmed, or poses a risk of harm, to a student;
- 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.

## **16. 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 the Head Teacher 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 this policy.

All applicants will be directed towards a copy of the school's Safeguarding and Child Protection Policy and information on the employment of ex-offenders in the application pack prior to the interview. All applicants will have access to the Safeguarding and DBS policies via the vacancies section on the school's website.

## **17. Single Central Record (SCR)**

The Head Teacher will ensure the maintenance of an up-to-date SCR of pre-appointment checks covering all staff (including teacher trainees on salaried routes) and supply staff.

The SCR will cover pre-appointment checks covering all members of the proprietor body (the academy trust).

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;
- a section 128 check for those in management positions;
- 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;
- other relevant information.

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.

## **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 will be strictly controlled and records will only be accessed by the Head Teacher and Finance Manager. 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;
- name of the subject;
- type of certificate requested;
- position for which it applied to;
- unique reference number;
- 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.

## **19. Monitoring and review**

This policy will be reviewed on an annual basis by the Head Teacher and SBM in conjunction with the governing body. Any changes made to the policy will be amended by the Head Teacher 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.

## **Appendices**

### **Recruitment of ex-offenders statement**

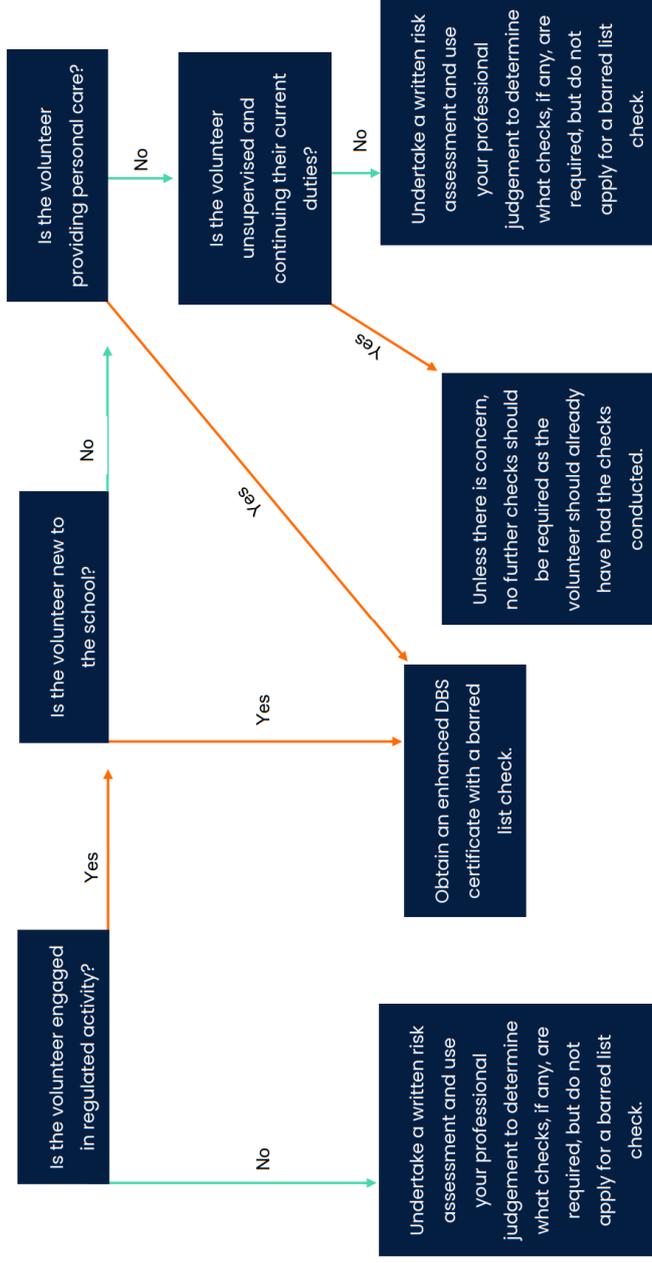
Crosshall Junior School is required to direct applications to a copy of its Safeguarding and Child Protection Policy and provide information on the recruitment of ex-offenders to all job applicants which outlines the information that follows.

- The governing body 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.

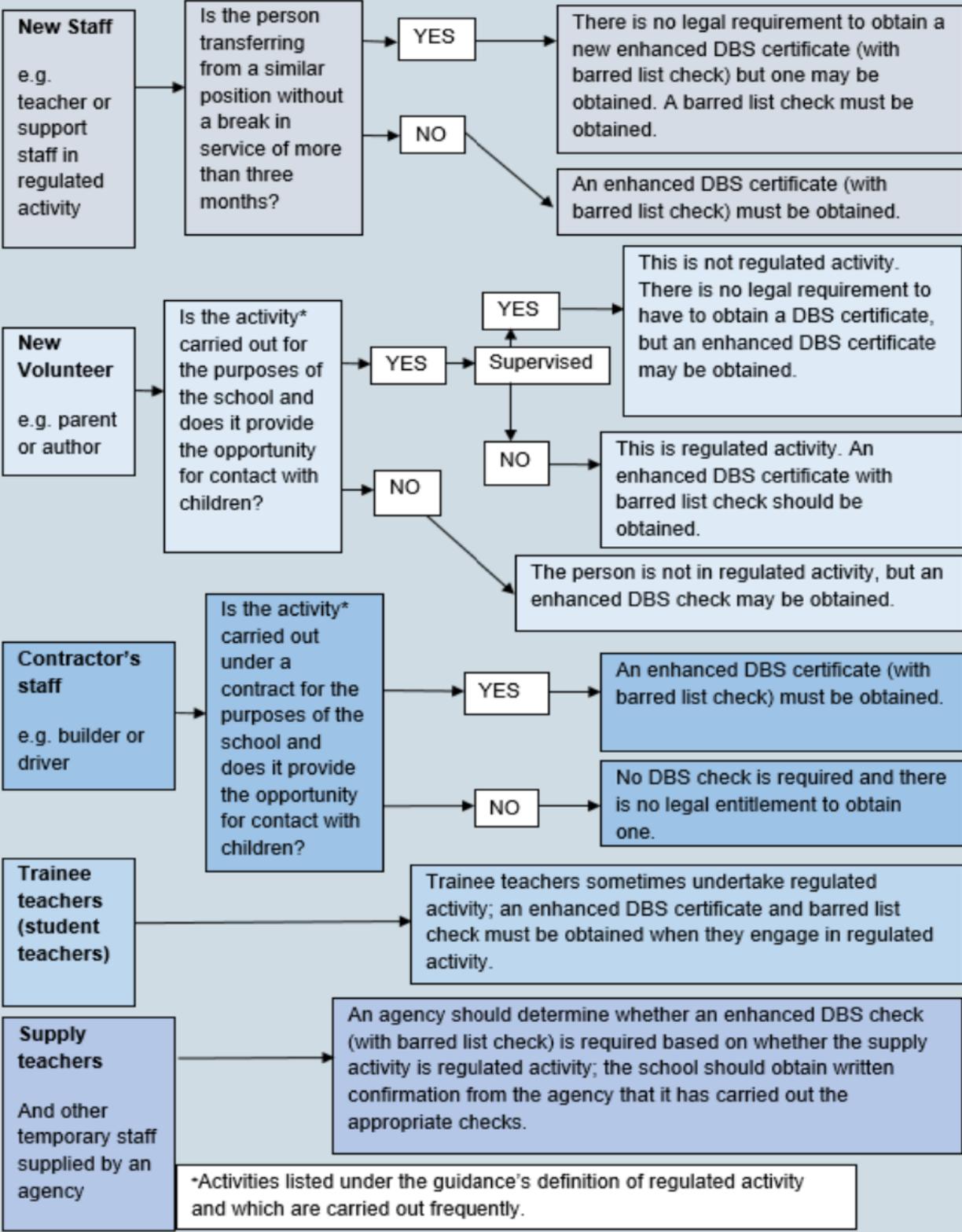
The DBS and Safeguarding policies are on the Crosshall Junior website in the 'Vacancies' section, alongside the application form.

## DBS for volunteers: a decision making flowchart



Last updated: 18 July 2022

**FLOWCHART OF DISCLOSURE AND BARRING SERVICE CRIMINAL RECORD CHECKS AND BARRED LIST CHECKS**



## Disclosure and Barring Service: Spring 2023

### Information

There is no official expiry date on DBS checks and there is no requirement to recheck people, unless school receives information regarding unsuitability.

A person must be over the age of 16 to have a DBS check.

Three types of checks:

- **Standard** – this checks for spent and unspent convictions, cautions, reprimands and final warnings.
- **Enhanced** – this includes the same as the standard check plus any additional information held by local police that's reasonably considered relevant to the role being applied for.
- **Enhanced with list checks** – this is like the enhanced check but includes a barred list check.

### Regulated Activity

The definition of 'regulated activity' includes where individuals:

- are responsible, on a regular basis in a school or college for teaching training, instructing, caring for or supervising children; or
- carry out paid, or unsupervised unpaid, work regularly in a school or college where that work provides an opportunity for contact with children; or
- engage in intimate or personal care or overnight activity, even if this happens only once.
- regulated activity is described as being "regular" if it is carried out by the same person and is conducted:
  - once a week or more often;
  - on four or more days in a 30 day period;
  - overnight (between 2am-6am).

Other/Notes				
Employees, Volunteers or Governors (Having lived abroad in the preceding five years)				
<b>Certificate of Good Character</b>	Person is required to obtain a certificate of good character from country/countries of residence			
Policy				
	None	Standard	Enhanced	Enhanced with List Check
<b>Staff (inc. new) engaged in regulated activity with chr</b>				X
<b>Trainee Teachers</b>				X School needs written proof from provider
<b>Governors/ Members</b>			X	X If engaging in regulated activity.
<b>Third-party person (such as tutors)</b>				X School needs written proof from employer

<b>Regulated Supervised Volunteer</b>				X Not required by law though Ask for two referees and complete volunteer form
<b>Regulated Unsupervised Volunteer</b> (including one off personal care)				X Ask for two referees and complete volunteer form
<b>Contractors not working with children</b>	X If work cannot be done outside of school hours, then a staff member supervises)			
<b>Contractors working where there may be an opportunity for contact with children</b>				X
<b>Visitors</b>	X School does not have the power to request May be supervised / escorted			
<b>Other/Notes</b>				
<b>Employees, Volunteers or Governors</b>				
<b>Certificate of Good Character</b>	<p style="text-align: center;"><b>EPM</b></p> <p>A person is required to obtain a certificate of good character from country/countries of residence having resided overseas for three months or more. It is the person's responsibility to provide the certificate. A certified translation will be required if written in another language. The applicant must provide written evidence that every effort has been made to obtain a CGC if they are unable to produce one.</p> <p>This applies to an individual born overseas, from the age of ten, which is the age of criminal responsibility in the UK. Criminal responsibility differs from country to country – see Wikipedia <a href="https://en.wikipedia.org/wiki/Age_of_criminal_responsibility">https://en.wikipedia.org/wiki/Age_of_criminal_responsibility</a></p> <p>The school can decide to request a Certificate of Good Character for all applicants, who have resided overseas, or just from the age of ten as per UK protocol.</p> <p>The use of a volunteer registration form has been recommended – by EPM.</p>			

## The LA's Safeguarding Lead

The use of a volunteer registration form has been recommended – by EPM.

Volunteers are a greater risk than staff with regards to safeguarding.

Schools should seek to verify CGC documentation.

CGC are not statutory and staff could take employers to a tribunal hearing if they are insisted upon; however, they are strongly advised by EPM if during the DBS process overseas living/working is indicated or the applicant has a foreign passport.

Statutory guidance from KCSiE – all schools must ...if the person has lived or worked outside the UK, make further checks the school considers appropriate.

Individuals who have lived outside the UK must undergo the same checks as all other staff in schools. In addition, schools **must** make any further checks **they think appropriate** so that any relevant events that occurred outside the UK can be considered. Following the UK's exit from the EU, schools should apply the same approach for any individuals who have lived or worked outside the UK regardless or not it was an EEA country or the rest of the world.

These checks could include:

- criminal record checks for overseas applicants – Home Office guidance can be found on
- <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>
- :
- and for teaching positions, obtaining a letter (via the applicant) from the professional regulating authority (*often the Dept of Ed*) in the county/countries in which the applicant has worked confirming that they have not imposed any sanctions or restrictions, and that they are aware of any reason why they may be unsuitable to teach. (More info in para. 280)

**Where available**, such evidence can be considered together with information obtained through other pre-appointment checks to help assess their suitability.

**Where this information is not available**, schools should seek alternative methods of checking suitability and or undertake a risk assessment that supports informed decision making on whether you wish to proceed with the appointment.

In the absence of available checks, we would expect employers to obtain as much information as possible in the form of references before deciding whether to make an offer of employment.

For letters from professional regulating authorities, the UKCPQ do not hold a list of regulatory bodies for the rest of the world. The DfE have therefore given them this statement:

	<p>There is no legal requirement for schools to contact regulated authorities. KCSiE is clear that individuals who have lived or worked outside the UK <b>must</b> undergo the same checks as all other staff in schools. Additionally, employers <b>must</b> make further checks they think appropriate. Whilst the guidance is not prescriptive on what these further checks must be, it helpfully refers to the Home Office guidance on criminal record checks for overseas applicants as one option.</p> <p>The guidance also states that these further checks <b>could</b> include asking applicants to provide a letter of professional standing from the regulating authority in the country in which the applicant qualified as a teacher or has worked. This is a suggestion not a legal requirement. We are aware that it is not always possible to obtain this information, in such cases schools should consider the information that is available to them, and risk assess whether they have sufficient evidence that supports them in deciding whether to proceed with the appointment.</p> <p style="text-align: right;">Schools = schools and colleges</p>
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All volunteers will be asked to join the **DBS Update Service**. The online Disclosure and Barring Service (DBS) Update Service allows:

- applicants to keep their DBS certificates up to date
- employers to check a DBS certificate