



## DBS checks Policy and Procedure

<b>Formally adopted by the Governing Board of:</b>	<b>Hemsby Primary School</b>
<b>On:</b>	<b>To be agreed Nov 21</b>
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<b>Review:</b>	

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### Model policy and procedure guidance [delete once adopted]

Governing boards and Trusts have the option of adopting this model policy and procedure or developing their own. This model policy and procedure includes any requirements of statute, any national and/or local conditions of service and identifies access to LA funding where this is available (maintained schools only). Any school/academy choosing not to adopt this model must ensure that any local policy complies with the requirements of statute and any relevant national or local conditions of service. A local policy would need to be the subject of full consultation with all the recognised trade unions before adoption.

With regard to this model, the school/academy can:-

- adopt it as their policy (with choices being made from within the identified options),
- adapt it to be their policy (using the model as a basis but with changes being made), or
- ignore it (and develop or adopt an alternative policy).

Throughout the model policy, reference is made to “Headteacher” but this should be changed on adoption where the individual school/academy leader holds the post of

“Principal” (or other appropriate title). Similarly, where reference is made to “schools” this should be changed on adoption where any individual establishments within a Trust etc are known as “academies”.

Please note that ‘school’ in this document refers to any maintained school and ‘academy’ means any academy or free school. It is likely that an academy Trust will want to determine a policy to be applied equally across any academies it is responsible for. Equally, any schools that are joined together under one governing board should have one policy covering all employees. However, where TUPE applies any contractual terms and conditions, which may be affected by this policy, should continue to apply to the group(s) of staff who have TUPE transferred.

**Academies Only:** Throughout the document, references to the Board should be taken to refer to the entity that is responsible for exercising governance functions within the Trust. Depending on the Trust’s Scheme of Delegation, some decisions may need to be taken by the overarching Board of Trustees, but some may be delegated to committees, local Governing Boards, the Chief Executive Officer or the Headteacher/Head of School. Where decisions are required by a specific person(s) this document refers to ‘the Board’ or ‘the decision maker’ - where dismissal could be an option - or the ‘appeals committee’. The Board should ensure when considering adoption, that the Scheme of Delegation is reflected appropriately in the policy document and that the appropriate degree of separation is applied between each level of decision making. Allowance should also be made for who in the Trust will manage any disciplinaries relating to the Headteacher and Chief Executive Officer.

Please note that ‘academy’ in this document refers to any academy within the trust. It is likely that an academy trust will want to determine a policy to be applied equally across all academies it is responsible for to ensure equality and consistency of approach. However, where TUPE applies any contractual terms and conditions, which may be affected by this policy, should continue to apply to the group(s) of staff who have TUPE transferred.

Where reference is made to model policies, guidance or forms provided by Educator Solutions HR Services (via InfoSpace) these are shown in italics. Schools and academies, in considering adoption of this policy, will need to adjust references to these documents to reflect whether or not employees are given access to InfoSpace content or should be changed to signpost to school/MAT versions.

Where there are options for the school/MAT to choose from, these will be labelled “Option 1”, “Option 2” etc. Where establishment specific information needs to be entered or removed because it doesn’t apply to the establishment adopting the policy, this will be indicated by bold square brackets [**enter establishment specific information here**]. Where there are important points to share regarding considerations for strategy relating to the policy or guidance notes offered by Educator Solutions HR these will be labelled “Strategy consideration”. These should be removed on adoption.

This model has been subject to consultation with the recognised trade unions at County level. Any school or academy looking to adopt, or adapt and adopt, as their own should consult recognised trade unions at local level.

## **1. Introduction**

This policy document sets out the procedures for Disclosure and Barring Service (DBS) checks. These checks will be undertaken where required and form part of a sound and safe recruitment process. Safer employment processes extend beyond recruitment and Headteachers will ensure every employee understands their duty of care as well as which behaviours make up safer practice and which behaviours to avoid.

The school is committed to complying with the DBS Code of Practice regarding the correct handling, use, storage, retention and disposal of disclosures and disclosure information.

The school will also fully comply with its obligations under the Data Protection Act and other relevant legislation regarding the safe handling, use, storage, retention and disposal of disclosure information.

### **1.1 Regulatory/Independent Regulatory Bodies**

The primary role of the DBS is to help employers make safer recruitment decisions and prevent unsuitable people from working with vulnerable groups including children. The DBS was established under the Protection of Freedoms Act 2012 and merged the functions previously carried out by the Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA).

It enables organisations to obtain criminal record information about prospective employees and volunteers by accessing information from the Police National Computer and local police. The DBS is responsible for deciding who should be barred from working with children or vulnerable adults, or both. In terms of barring the DBS has four main duties:

1. To maintain a list of individuals who are barred from engaging in regulated activity\* with children – the DBS children’s barred list.
2. To maintain a list of individuals who are barred from engaging in regulated activity with adults who may be vulnerable – the DBS adults barred list.
3. To reach decisions about whether an individual should be included in one or both barred lists.
4. To reach decisions as to whether to remove a person from a barred list.

Inclusion on the DBS barred lists has the same effect as inclusion on the previous lists; List 99, PoCA , PoVA, POCVA or the Unsuitable Person’s Lists.

\*Regulated activities are the activities that the DBS can bar people from doing. For a definition of ‘Regulated Activity for children’ see Appendix A.

## **2. Legal position**

### **2.1 Legal framework**

#### **The Rehabilitation of Offenders Act 1974 and The Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) (England and Wales) Order 2012**

The Rehabilitation of Offenders Act 1974 aims to ensure that a person who has been convicted of a criminal offence in the past and who has not re-offended for a specified period is, so far as possible, freed from the stigma of that conviction, and is treated as if the offence and conviction for it never occurred.

Under the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) (England and Wales) Order 2012 some jobs and categories of employment are exempt from the provisions of the Act and in such cases 'spent' convictions must be disclosed. If a person is employed in a school, they must disclose their convictions.

The amendments to the Exceptions Order 1975 (2013) provide that certain spent convictions and cautions are 'protected' and are not subject to disclosure to employers and cannot be taken into account. More recently, minor offences are automatically filtered from standard and enhanced DBS checks subject to specific time periods elapsing. Applicants must not be asked to disclose such convictions. Please [refer to the DBS filtering guide on gov.uk](#). If an applicant discloses an offence which they did not need to, it is the responsibility of the school to ensure that it is not taken into consideration during the recruitment process.

#### **Safeguarding Vulnerable Groups Act 2006**

This provides the legislative framework for a Vetting and Barring scheme. It introduced the requirement for two separate but aligned barred lists, the provision for ISA (now DBS) to make decisions around individuals that should be barred from working with vulnerable groups, outlined monitoring arrangements and proposed two types of activities where DBS checks would be required which were for controlled and regulated activity.

#### **Protection of Freedoms Act 2012**

This act includes the restriction of the scope of the 'vetting and barring' scheme for protecting vulnerable groups and makes changes to the system of criminal records checks. As a result, the Safeguarding Vulnerable Groups Act 2006 was amended by this act and the major changes were:

- A new definition of regulated activity.
- The repeal of controlled activity.
- The repeal of registration and continuous monitoring.
- The introduction of a minimum age of 16 at which someone can apply for a DBS check.

- Only posts which meet the definition of regulated activity can have an enhanced DBS check with barred list check.
- Establishing the Disclosure and Barring Service (DBS) as a merger of the functions of the Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA) as a non-department public body sponsored by the Home Office.

## 2.2. Legal requirements of the DBS

- All staff on payroll, whether supervised or not are in regulated activity. This includes cleaners and caretakers.
- Enhanced DBS checks can be obtained where a post or situation meets the criteria outlined in Schedule 4 of the Safeguarding Vulnerable Groups Act 2006. Where reference is made to this check throughout this policy, this criteria will need to be met. [Read the Safeguarding Vulnerable Groups Act 2006 on legislation.gov.uk.](#)
- A volunteer in the school will not be in regulated activity if they are supervised to a reasonable level in which case an enhanced DBS check with barred list check will not be a required (for guidance on what is a reasonable level of supervision. [Read Annex F of Keeping Children Safe in Education Statutory guidance on gov.uk.](#))  
Option - The school will, however, request an enhanced DBS check for a volunteer. If the volunteer is unsupervised, they will be in regulated activity and will therefore be required to undertake an enhanced DBS check with barred list check.
- It is an offence for the school to engage someone in regulated activity who they know has been barred by the DBS.
- A person who is barred by the DBS from working in regulated activity will be breaking the law if they work or volunteer or try to work or volunteer in regulated activity. If a DBS certificate indicates the person is barred this should be reported to the LADO and the police and/or DBS.
- If the school provides regulated activity and dismisses a member of staff or a volunteer because they have harmed, or posed a risk of harm to a child or vulnerable adult, or the school would have dismissed if they had not left, the school will refer this information to the DBS.
- Police may use common law powers to provide information directly to employers in cases where this is necessary, for example to prevent harm to others. Where information is disclosed from the police using their common powers this will not be fed back to the candidate(s). Discussions will take place and an agreement reached with the police in terms of the information that will be provided to the candidate to ensure current police investigations are not compromised.

### 2.3 DBS Updates Service

For a small sum (£13 per annum), individuals can take their DBS check with them from role to role, within the same type of workforce (i.e. working with children and/or working with adults), where the same type and level of check is required.

Where this is the case the school may carry out an online status check, via the Update Service, to see if the information presented is still current and valid. This will provide an instant result. The school will seek permission from the individual they are checking and ensure the type of check required is the same as the original check e.g. if an enhanced DBS check is required but the original certificate is for an enhanced DBS check with children's barred list check, then a new enhanced DBS check will be requested. Strategy consideration - Please note the 'status check' cannot be done through Norfolk Disclosures, the check can be undertaken via the Disclosure Barring Website.

Where possible, the school will give the applicant their DBS application form reference number so they can subscribe to the DBS Update Service when they apply for their DBS check. If they wait to subscribe with their DBS certificate number, they will only have 14 calendar days from the date the certificate is issued to subscribe.

If the individual is not subscribed to the DBS update service (this is not mandatory) or they do not give their permission, then a DBS check will be requested via Norfolk Disclosures in the usual way.

DBS certificates are issued to individuals rather than to the school.

### 3. Local authority position

Strategy consideration - This applies to maintained schools only. Trusts can choose to apply the same policy or apply their own regarding portability.

- 3.1 **[An enhanced DBS check with barred list check is compulsory for new appointments to the school workforce where they have transferred from a non-Norfolk school or different Local Authority, or an independent school inside or outside the county (including academies and free schools). It also includes former members of staff who have had a break in service of more than three months<sup>1</sup>. A DBS update service check can be undertaken in place of a full DBS check if the individual is subscribed to the service and gives their permission for the check to go ahead. If this is the case, the school must see the individual's original DBS certificate to check that the name on the certificate matches the identity of the individual and ensure that it is for the same level of check and for the right workforce.]**

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<sup>1</sup> Maternity leave and long term sick leave are not classed as a break in service.

- 3.2 Standard DBS disclosures are not acceptable and this applies equally to all appointments whether permanent, temporary or casual. All DBS checks must be enhanced.
- 3.3 **[For any avoidance of doubt, it is not necessary to have sight of an enhanced DBS check or an enhanced DBS check with barred list check for staff transferring from other Norfolk schools without a break of service or where there has been a break of service of less than three months.]**  
Option – A separate barred list check can be performed on these individuals if deemed necessary.
- 3.4 The school will not request to have sight of an enhanced DBS check or an enhanced DBS check with barred list check for existing members of staff unless there are grounds for concern and the person consents.
- 3.5 **[Re-checking – there is no legal requirement for the school to re-check individuals after three years. Ofsted guidance to Inspectors recognises that “if schools are complying with the regulations and guidance, they are doing all that can be required of them”. The school will hold evidence that staff appointed before 1 March 2002 have been checked against List 99. In addition, any staff and volunteers appointed on or after 1 March 2002, who come into regular contact or have unsupervised access to children and who have not had continuity of employment in a school in England (i.e. a break of service longer than three months), have been subject to enhanced DBS checks with barred list check and other designated recruitment checks.]**

#### **4. The deployment of staff**

- 4.1 Offers of employment to successful candidates will be conditional upon a satisfactory enhanced DBS check with barred list check where applicable (this can be a DBS update service check where the individual is subscribed to the service, give their permission for the check to be undertaken and the type of check required is the same as the original check - the original DBS certificate must also be viewed).

Until a satisfactory enhanced DBS check with barred list check has been viewed by the Headteacher, the person will not be deployed to work directly with children or in a situation where they can have unsupervised access to children.

- 4.2 However, if an enhanced DBS check with barred list check has been applied for but has not been received by the individual before they are due to start work, the Headteacher has the discretion to allow the person to start work provided that they are confident that all other pre-employment checks have been carried out, i.e.:-
- obtaining and scrutinising comprehensive information from the person, and taking up and satisfactorily resolving any discrepancies;
  - obtaining independent professional and character references that answer specific questions to help assess the person’s suitability to work with children and following up any concerns;



- a face to face interview that explores the person's suitability to work with children as well as their suitability for the post;
- verifying the person's identity;
- verifying that the person has any academic or vocational qualifications claimed;
- checking their previous employment history and experience;
- verifying that they have the health and physical capacity for the job;
- a check against the DBS children's barred list.
- check of their eligibility to work in the UK;
- prohibition from teaching check
- Childcare disqualification and Section 128 checks (where relevant), and provided that the person is not deployed to work directly with children or in a situation where they can have unsupervised access to children. In other words, all possible action will be taken to ensure that no risk to children could arise. In these situations, a full risk assessment will be undertaken. *DBS Risk assessment - commencing employment before DBS received F112b* - can be found on HR InfoSpace.

- 4.3 Detailed records relating to the recruitment and selection process for all staff will be retained securely as evidence that sound and safe processes have been followed. Some information will be kept on the Single Central Record. Recruitment appointment information will be kept on the successful candidate's personal file in line with the school's HR Document Retention Schedule. The school will not keep copies of DBS certificates. If the school were to keep a copy, consent from the individual would be sought and would not be retained for any longer than six months.

Strategy consideration - *Model HR Document Retention Schedule G320d* is available on HR InfoSpace.

## 5. Supply teachers

- 5.1 Supply teachers who have not been subject to an enhanced DBS check with barred list check will not be employed to work directly with children.

- 5.2 **[All supply teachers provided through the Educator Solutions Supply Teaching Register have been through the appropriate DBS checking process and evidence has been produced. However, if the person is not known to the school, then they will be asked to produce a photographic ID document and written confirmation will be sought from the Supply Teaching Register that the individual has been appropriately vetted for the role and that a break in service of no more than three months has occurred. The school will request sight of the DBS Disclosure certificate for any Supply Teacher who has undergone a DBS check. Additionally, the school may use the DBS Update Service to check the supply teacher's certificate is still current, where this is possible. The supply teacher must be subscribed to the DBS Update Service, have given the school permission to undertake the check and the level of check required must be the same as the original check - the original DBS certificate must also be viewed).]**

5.3 **[The service of supply teachers from the Educator Solutions supply teaching register in Norfolk academies, which buy Educator Solutions full HR service, will count in the same way as service in a Norfolk school for the purposes of assessing the three-month break.]**

## **6. Agency Supply teachers**

6.1 Where Agency Supply Teachers can produce evidence of a satisfactory enhanced DBS check with barred list check and can produce evidence that they have worked from 1 June 2002 onwards, then they are eligible to work in the school. Agency Supply Teachers who are unable to produce this evidence will not be used.

If the school is using a supply agency rather than the Educator Solutions Supply Teaching Service, the school will ensure written confirmation and evidence that all relevant checks have been undertaken, is received. Where there is disclosed information, the school will request a fresh DBS check with barred list check from the agency before the individual starts work and will view the fresh enhanced DBS check. The school will require the supply agency to provide the written notifications and copies of the enhanced DBS check with barred list check where appropriate through the contract or other arrangements which have been made with the supply agency. Where there are matters disclosed a risk assessment will be undertaken. The school may use the DBS Update Service to check the supply teacher's certificate is still current, where possible. The supply teacher must be subscribed to the DBS Update Service, have given the school permission to undertake the check and the level of check required must be the same as the original check - the original DBS certificate must also be viewed).

## **7. Invigilators**

7.1 By the very nature of examinations, there will necessarily be a gap in excess of three months between them. An enhanced DBS check with barred list check will be obtained when the Invigilator is first employed as well as undertaking all the other pre-employment checks listed above. Then, where an Invigilator is used regularly by the school, the school will not require a DBS disclosure each time the Invigilator is subsequently used.

7.2 However, a check of the DBS Children's barred list will be undertaken on each occasion the Invigilator is used. Norfolk Disclosures will be used for this purpose. The school may use the DBS Update Service to check the invigilator's certificate is still current, where possible. The invigilator must be subscribed to the DBS Update Service, have given the school permission to undertake the check and the level of check required must be the same as the original check - the original DBS certificate must also be viewed.

## **8. Overseas teachers**

- 8.1 As the DBS cannot access criminal records held overseas, an enhanced DBS check or an enhanced DBS check with barred list check may not provide complete picture of an individual's criminal records. However, all individuals who have lived or worked outside the UK will undergo the same checks as all other staff in the school. The school will also make any further checks which it feels are appropriate, so that any relevant events that occurred outside the UK can be considered.
- 8.2 In some countries, applicants can apply to their home Police Force for a "Certificate of Good Conduct". The level of information contained in these certificates varies from country to country: some are complete extracts from the criminal record; others are partial. If the school is recruiting people from overseas and there is a wish to check their overseas criminal record, the embassy or High Commission of the country in question will be contacted in order to obtain such a certificate as part of the recruitment process. Certificates will be originals, not copies and it is the individuals' responsibility to provide the certificate when requested. Further information regarding this process can be found by contacting the Foreign and Commonwealth Office (FCO) Response Centre Helpline 020 7008 1500. Alternatively, [read the A-Z list for the process for each country on gov.uk.](#)
- 8.3 Headteachers will also ensure that the normal pre-employment checks of identity, qualifications and references are carried out thoroughly before confirming an appointment, i.e. they must be satisfied that all reasonable steps have been taken to ascertain the integrity and identity of the person concerned.
- 8.4 Overseas teachers must have the right to work in the UK. Deliberately employing individuals who do not have the right to work in the UK could mean the school facing an unlimited fine or imprisonment. Before a potential employee starts work, the school will check and copy/scan (in colour) documents which confirm the person's identity and right to work in the UK. Where a photographic document is utilised, the photograph must be clearly identifiable from the copied image. A list of acceptable identity documents can be found on the *Evidence of entitlement to work in the UK (F108a)* on HR InfoSpace. [Read further information on the sponsorship of overseas workers and preventing illegal working on gov.uk.](#)

## 9. Volunteers

- 9.1 Children see volunteers as safe and trustworthy adults. Under the Protection of Freedoms Act 2012 volunteers who are supervised to the statutory level will not be considered to be undertaking a regulated activity so will not be eligible for an enhanced DBS check with barred list check. Option - However, the school will request an enhanced DBS check for any volunteer.
- 9.2 If there is a situation where the school chooses not to undertake an enhanced DBS check on a volunteer that they deem to be supervised to a reasonable level, the school will undertake a risk assessment which outlines how the decision has been made about the level of supervision in place. The risk assessment will be recorded and

stored appropriately. *Model risk assessment: volunteers and supervision F112d* can be found on HR InfoSpace.

- 9.3 When considering whether the volunteer will be in a regulated activity or not the following will be taken into consideration:
- the volunteer must be supervised by a person who is in regulated activity;
  - supervision must take place “on a regular basis”. This means that supervision must not, for example, be concentrated during the first few weeks of an activity and then tail off thereafter, becoming the exception not the rule. It must take place on an ongoing basis, whether the volunteer has just started or has been doing the activity for some time.
  - The supervision must be reasonable in the circumstances: within the statutory duty, the level of supervision may differ, depending on all the circumstances of a case. The school will consider the following factors in deciding the specific level of supervision the organisation will require in an individual case:
    - ages of the children, including whether their ages differ widely;
    - number of children that the individual is working with;
    - whether or not other workers are helping to look after the children;
    - the nature of the individual’s opportunity for contact with children;
    - how vulnerable the children are (the more they are, the more a school might opt for volunteers to be in regulated activity);
    - how many workers would be supervised by each supervising worker.

For further guidance on whether a volunteer is considered to be supervised and what the appropriate level of supervision is, please [read Annex F of Keeping Children Safe in Education statutory guidance on gov.uk](#). For all other recruitment checks the school will adopt the same recruitment measures as it would for paid staff.

- 9.4 In other circumstances, for example where the school approaches a parent who is well known to the school to take on a particular role, a streamlined procedure will be adopted - seeking references, checking to ensure others in the school community know of no concerns and can make a positive recommendation, conducting an informal interview to gauge the person’s aptitude and suitability, and undertaking an enhanced DBS check. Evidence of such processes should be kept securely and recorded on the Single Central Record.
- 9.5 In other circumstances, e.g. where a volunteer’s role will be “one-off”, accompanying teachers and pupils on a day outing, helping at a concert or school fete, those kinds of measures would not be eligible for an enhanced DBS check with barred list check, in the majority of cases. The school will put in place procedures to ensure that such people are not charged with taking children to the toilet, for example. These scenarios will be dealt with by regular school safeguarding procedures such as risk assessments. In the few cases where the person is left alone and unsupervised in charge of children an enhanced DBS check with barred list check may and can be requested.
- 9.6 Parents who voluntarily transport pupils for school activities (e.g. sports activities and visits) would not be expected to undergo an enhanced DBS check with barred list

check. However, if the transport is organised by the school and is a regular occurrence (4 or more days in a 30-day period) there is a requirement for the parent to undergo an enhanced DBS check with barred list check, if they are not supervised by someone who is in a regulated activity.

- 9.7 Where volunteers recruited by another organisation to work in the school, e.g. sports coaches from a local club, the school will obtain written assurance from that organisation that the person has been properly vetted and this confirmation will be retained and produced, if required, during an Ofsted inspection.
- 9.8 Where volunteers will be working unsupervised in the school they are in regulated activity so will be required to undergo full checks including an enhanced DBS check with barred list check.
- 9.9 The school may use the DBS Update Service to check the volunteer's certificate is still current. The volunteer must be subscribed to the DBS Update Service, have given the school permission to undertake the check and the level of check required must be the same as the original check - the original DBS certificate must also be viewed.

## 10. Contractors

- 10.1 Where the school uses contractors that are provided by a contractor, it is the responsibility of that contractor to have its staff checked. This must be a specific requirement contained in any contract for these services with the **[Authority or with schools]**. The school will seek written confirmation that these checks have been carried out by the contractor and Headteachers will routinely check with workers the contractor sends to the school, that they have had an enhanced DBS check and bring to the attention of the contractor any concerns arising. An enhanced DBS check with barred list check cannot be requested for contractors unless they meet the definition of regulated activity under the Protection of Freedoms Act 2012.
- 10.2 The school may use the DBS Update Service to check the contractor's certificate is still current, where possible. The contractor must be subscribed to the DBS Update Service, have given the school permission to undertake the check and the level of check required must be the same as the original check - the original DBS certificate must also be viewed.

## 11. NQT's

- 11.1 Students undertaking Initial Teacher Training are subject to an enhanced DBS check with barred list check via their teacher training institution. However, a further check will be made by the school before a Newly Qualified Teacher is deployed to work directly with children. This school may use the DBS Update Service as long as the NQT is subscribed to the service, has given the school permission to undertake the check and the level of check required is the same as the original check - the original DBS certificate must also be viewed.

## 12. Governors

12.1 [Legislation - The School Governance (Constitution and Federations) (England) (Amendment) Regulations 2016 - deems that enhanced DBS checks are mandatory for all governors in maintained schools. It is the responsibility of the governing board to apply for the check for any of their governors who do not already have one. For new governors, an enhanced DBS check will be carried out within 21 days of appointment. Governance is not a regulated activity, so governors do not need a barred list check unless, in addition to their governance duties, they also engage in regulated activity e.g. working as an unsupervised volunteer or is already an employee of the school. [Read the School Governance \(Constitution and Federations\) \(England\) \(Amendment\) Regulations 2016 on legislation.gov.uk.](#)

The DfE Governance handbook and funding agreements for academies require that all academy Members, Trustees and local governing boards in a MAT have an enhanced DBS check. [Read the DfE Governance handbook on gov.uk.](#)

Associate members are appointed by the governing body to serve on one or more governing body committees. The School Governance (Constitution and Federations) (England) (Amendment) Regulations 2016 made enhanced DBS checks mandatory for maintained school governors but not associate members. However, if an associate member is involved in regulated activity, they will need an enhanced DBS check with barred list check.]

12.2 As long as a Governor is subscribed to the service the check may be made using the DBS Update Service. The governor must give the school permission to undertake the check and the level of check required must be the same as the original check - the original DBS certificate must also be viewed.

If a governor has already undergone an enhanced DBS check, either because a check was undertaken when they were appointed, or the governor is already an employee of the school or working as an unsupervised volunteer (they will already have had an enhanced DBS check with barred list), then a new check will not be required.

12.3 The *Keeping Children Safe in Education statutory guidance* recommends that a section 128 direction check<sup>2</sup> is undertaken for individuals who the school proposes will be recruited as a governor. This will show if the prospective governor has been subject to a section 128 direction. If they are subject to a section 128 direction, they are prohibited from being a governor. The school will undertake this check by checking the 'children's workforce independent schools' part of the DBS application form or by [visiting the Teacher Regulation Agency \(TRA\) on teacherservices.education.gov.uk.](#)

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<sup>2</sup> A section 128 direction check checks the names of individuals who have been prohibited from taking part in the management of any independent school (including academies and free schools) or being a school governor. For a clear definition of what management roles this affects see para 124 of KCSE.

### 13. Educational visits (including residential)

(See also sections 9.1, 9.3 and 9.4 which are also relevant to Educational Visits)

- 13.1 It will be necessary for employees and volunteers accompanying residential visits, to undergo enhanced DBS checks with barred list check before the visits take place. For day visits only, where volunteers will be supervised at all times, an enhanced DBS check will not be required. See also sections 9.1 to 9.4 where volunteers are being used. Where this is not the case the volunteer will be required to undergo an enhanced DBS check only.
- 13.2 Residential visits will be planned well in advance to give sufficient time for the DBS process to be completed.
- 13.3 The school will satisfy themselves that the appropriate safeguarding procedures have been followed in terms of checks on employees and volunteers going on the trip. **[The School will confirm on Evolve<sup>3</sup> (where the service is purchased) that the checks have been carried out.]**
- 13.4 When using external providers for activities, transport or accommodation where staff could have significant unsupervised access to young people, the school will seek assurances that the provider has sufficient safeguarding systems in place **[by either checking on Evolve that they hold the Learning Outside the Classroom Quality Badge or ensure they have supplied a suitably completed 'NCC Providers Contract' (where this service is purchased).]**
- 13.5 The school may use the DBS Update Service to check the eligible employee and volunteer certificates are still current. The individuals must be subscribed to the DBS Update Service, have given the school permission to undertake the check and the level of check required must be the same as the original check - the original DBS certificate must also be viewed.

### 14. Work experience placements

Where the school arranges work placements for pupils it will ensure that employers and training organisations are aware of safeguarding issues and that they are asked to co-operate in putting appropriate safeguards in place.

If an individual under the age of 18 undertakes a placement in the school, then employees involved in managing a placement are only required to undergo DBS checks if they are the **nominated supervisor** of the individual, who is under the age of 18 (or 16 if employed) **and** the placement is for at least once a week, on more than three days in a 30 day period, or overnight.

If the person working with the child is unsupervised and the same person is in frequent contact with the child, the work is likely to be in a regulated activity. If this is

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<sup>3</sup> The online educational visits approval system

the case, the school will ask the employer providing the work experience to ensure the person providing the supervision is not a barred person. The school will not ask an employer to conduct a check on staff who are simply working alongside the student.

Enhanced DBS checks with or without a barred list check cannot be requested for anyone who is under the age of 16.

## **15. Apprentices**

The Criminal Justice Court Service Act (CJCSA) defines a child as someone who is under 18 (under 16 if the child is employed). No apprentice should be younger than 16, so staff are not required to undergo DBS checks to supervise an apprentice.

If the post being filled by the apprentice legally requires an enhanced DBS Check or enhanced DBS check with barred list check(s), the individual will undergo these checks. Please contact Educator Solutions HR Services by telephone on 01603 307760 or by emailing [HRenquiry@educatorsolutions.org.uk](mailto:HRenquiry@educatorsolutions.org.uk) if further advice is required.

## **16. Storage and Access**

Disclosure information will not be kept on the personal file and must be stored separately and securely, in lockable, non-portable storage containers e.g. lockable filing cabinet.

Access to disclosures (storage containers) is strictly controlled and limited to those who are entitled to see it as part of their duties.

### **16.1 Handling**

In accordance with section 124 of the Police Act 1997, disclosure information may only be passed to those who are authorised to receive it in the course of their duties. It should be recognised that unauthorised revealing of information contained in the disclosure to anyone not entitled to receive it is a criminal offence.

### **16.2 Usage**

Disclosure information will be used only for the specific purpose for which it is requested and in line with data protection legislation i.e. to assist with determining the suitability of an individual for employment in a particular position. It should not be used at any other time for other purposes.

### **16.3 Retention**

Having made a recruitment decision, disclosure information will not be kept for any longer than is absolutely necessary. This will generally be for a period not exceeding six months and will be to allow for the consideration and resolution of any disputes or complaints.



If there are circumstances requiring a disclosure to be kept for longer than six months, the DBS will be consulted and full compliance and consideration given to Data Protection legislation and Human Rights aspects.

Throughout any extended period of retention, the same conditions of storage and access will apply.

#### 16.4 Disposal

Disclosures will be destroyed by suitably secure means to ensure they cannot be accessed by anyone who is not authorised to do so. No copy (electronic or otherwise) of the disclosure will be retained.

The following record of a Disclosure may be retained,

- date of issue;
- name of the subject;
- level of disclosure;
- position to which subject was recruited;
- unique reference number of the disclosure.

### 17. Administrative arrangements

17.1 For this procedure to work effectively, it is important that DBS Disclosure online application forms are completed as early as possible in the selection process, i.e. at the time of the successful interview. Where possible, the applicant will be provided with their application form reference number so they can subscribe to the DBS Update Service when they apply for their DBS check. Candidate's identities will be verified at interview stage from a range of selected ID documents and they will be asked to bring the necessary evidence of identification to the interview to facilitate this. Norfolk Disclosures provides a link to what documents are deemed acceptable. [Read further information on gov.uk](#). The list will be checked each time recruitment takes place as the acceptable document list is subject to change. The detail will then be recorded onto Norfolk Disclosures to initiate the online application. Once an appointment is made, the link to the application will be emailed to the candidate for them to complete their portion of the application. If the candidate is unsuccessful at interview, their details will be deleted from Norfolk Disclosure's. Please contact Educator Solutions HR Services by telephone on 01603 307760 for further information regarding online DBS checks.

17.2 **[Educator Solutions HR Services (or other HR provider) will be notified of the appointment in the usual way, using HR WorkSpace. Formal confirmation of the offer of appointment will be sent to the successful candidate(s), making it clear that the offer is conditional upon a satisfactory DBS disclosure.]**

17.3 DBS certificates are issued to the individual applying for the check. As such, the school will ask the individual for sight of their DBS certificate. Registered Bodies are only

entitled to ask the DBS for a copy of the individual's DBS Certificate if all of the following conditions apply:

- The individual is subscribed to the Update Service; and
- The employer has carried out a status check which revealed a change to the DBS Certificate; and as a result
- The individual has applied for a new DBS check as the result of a change to an existing DBS Certificate; and
- The DBS issued the new DBS Certificate to the applicant more than 28 days ago; and
- The applicant has not shown the employer their new DBS Certificate.

**[Until Norfolk's policy position on status updates changes (see 3.5 above), the criteria listed will not all be met. This means that in all cases where an enhanced DBS check is required, the school will need to view the DBS certificate which has been issued to the individual.]**

Having viewed the DBS certificate, the Headteacher will take appropriate action in each case. Where there are no matters disclosed, appropriate note of the viewing of the DBS certificate (number etc) will be recorded on the school's Single Central Record. Where matters are disclosed on the DBS certificate, the Headteacher will undertake a risk assessment. If it is unclear what appropriate action should be taken advice will be sought from Educator Solutions HR by telephone on 01603 307760.

17.4 The average time taken by the Norfolk Disclosures' online DBS application system to complete a check is in the region of 5-10 days. This does, however, still vary from case to case and can be influenced by the amount of time it takes Police Authorities to check against previous addresses. In all cases the Local Police Force have up to 60 days to respond to the request for information from the DBS. Where applications reach these periods, no assumption should be made about the potential outcome, only 6% of applications now take beyond 21 days.

17.5 The turnaround time for DBS checks should be quick enough in most cases to enable the individual to obtain their DBS certificate and provide it to the school before the effective date of appointment. This will be considered when agreeing a start date. If the individual is registered with the DBS Update Service and the criteria for checking is met, the checking process will be instant.

17.6 Copies of DBS certificates will only be retained with the permission of the individual. If a copy is kept, it will be stored in line with the storage and retention of disclosure information, in this policy, and the Data Protection Act.

## **18. DBS checks and the wider recruitment process**

18.1 It is important to emphasise that the DBS process is just one part of a sound and safe recruitment process. It is important not to rely solely on criminal record checks to screen out unsuitable applicants. Those checks are an essential safeguard, but they will only pick up the small percentage of abusers who have been convicted, have come

to the attention of the Police, or who have been listed. Many individuals who are unsuited to working with children will not have any previous convictions and will not appear on the DBS Barred Lists.

- 18.2 Headteachers will ensure they have [read the DfE's 'Keeping Children Safe in Education' document on gov.uk](#) and ensure it is shared with the Governing Boards. Additionally, least one member of the recruitment panel will have undertaken the accredited safer recruitment training. This is a statutory requirement.
- 18.3 The Recruitment and Selection Checklist provided within *Recruitment and Selection Guidance G108f*, on HR InfoSpace will be used to review and, where appropriate, modify recruitment and selection practice and procedure in ways that will strengthen safeguards for children. The school will use an application form to ensure a common set of core data from all applicants. CV's will not be accepted in place of an application form because these will only contain the information the applicant wishes to present and may omit relevant details.

## 19. Data Protection

The school processes any personal data collected during the DBS checking process in accordance with its data protection policy (see *Data Protection – Employee HR data model policy P320* on InfoSpace). Any data collected is held securely and accessed by, and disclosed to, individuals only for the purposes of completing the DBS checking process. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the school's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the school's disciplinary procedure (See *Discipline model procedure for schools P303* on InfoSpace).

## Appendix A – Regulated Activity – Children

Regulated activity relating to children comprises of:-

- (i) Unsupervised activities: teach, train, instruct, care for or supervise children, or provide advice/guidance on well-being, or drive a vehicle only for children;
- (ii) Work for a limited range of establishments ('specified places'), with opportunity for contact: for example, schools, children's homes, childcare premises. Not work by supervised volunteers;

Work under (i) or (ii) is regulated activity only if done regularly. Regularly means carried out by the same person frequently (once a week or more often), or on 4 or more days in a 30-day period (or in some cases, overnight). The statutory guidance about supervision of activity, which would be regulated activity if unsupervised (for volunteers in schools) can be found in Annex F of the Keeping Children Safe in Education statutory guidance.

- (iii) Relevant personal care, for example washing or dressing; or health care by or supervised by a professional. This includes helping a child with eating and drinking for reasons of illness or disability or in connection with toileting, bathing, washing or dressing for reasons of age, illness or disability but is not intended to include activities such as helping with costumes for school plays or lacing up football boots;
- (iv) Registered childminding; and foster-carers

## **Appendix B – Types of exempt employment and work within the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) (England and Wales) Order 2012**

### **Excepted Professions**

- Medical practitioner
- Barrister (in England and Wales), advocate (in Scotland), solicitor
- Chartered accountant, certified accountant
- Nurse, midwife

### **Excepted Offices and Employments**

- Constables, persons appointed as police cadets to undergo training with a view to becoming constables
- Probation officers appointed under Schedule 3 to the Powers of Criminal Courts Act 1973
- Any employment as a teacher in a school or establishment for further education and any other employment which is carried out wholly or partly within the precincts of a school or establishment for further education (employment being of such a kind as to enable the holder to have access to persons under the age of 18 in attendance at the school or establishment for further education in the course of normal duties)
- Proprietors of independent schools
- Any employment by a local authority in connection with the provision of social services or by any other body in connection with the provision by it of similar services, being employment which is of such a kind as to enable the holder to have access to any of the following classes of person in the course of his normal duties, namely:
  - (a) persons under the age of 18 or over the age of 65;
  - (b) persons suffering from serious illness or mental disorder of any description;
  - (c) persons addicted to alcohol or drugs;
  - (d) persons who are blind, deaf or dumb;
  - (e) other persons who are substantially and permanently handicapped by illness, injury or congenital deformity.
- Any employment which is concerned with the provision of health services and which is of such a kind as to enable the holder to have access to persons in receipt of such services in the course of his normal duties.
- Any employment by a youth club, local authority or other body which is concerned with the promotion of leisure or recreational activities for persons under the age of 18, being employment which is of such a kind as to enable the holder to have access to such persons in the course of his normal duties.

### **Excepted Regulated occupations**

- Any occupation which is concerned in England and Wales, with carrying on a nursing home in respect of which registration is required by section 187 of the Public Health Act 1936 or section 14 of the Mental Health Act 1959; or

**The above list is not exhaustive and is provided for guidance purposes only.** Please see the 'Other Resources' section for a full list of exempt employment and work as outlined in the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) (England and Wales) Order 2012.

## Appendix C – Table of changes

Date of change	Paragraphs affected	Summary of update
27/08/2021	3.3	Option added for separate barred list checks for individuals who are transferring from other Norfolk schools
03/04/2020	2	Updated to include information regarding the filtering of minor offences from DBS checks.
16/07/2019	12.1 and 12.3	Addition of the associate members paragraph and clarification that if governors are subject to a section 128 direction, they are prohibited from being a governor. These changes are effective from 2 September 2019 following updates to KCSE.
02/07/2019	All	Reviewed to ensure it is fit for schools and academies. No major change to content just clarifying where aspects of the policy are specific to schools and/or MATs.
04/09/2018	Footnote 2, 9, 12.3, 16, Appendix A, Appendix B	Removed track changes which showed what had changed due to the updating of the Keeping Children Safe in Education statutory guidance document.
13/07/2018	Footnote 2  Appendix B	Added signpost to what constitutes a management position in an academy for a section 128 direction check.  Clarification of what is included in the definition of personal care.
06/07/2018	9, 12.3, 16, Appendix A, Appendix B	Updated in line with KCSE changes: Risk assessments for determining if supervised volunteers should have an enhanced DBS check, should be recorded; requirement to section 128 direction check governors added and Appendix B removed as policy now signposts to gov.uk guidance on supervision. Clarification on the definition of personal care in Appendix A.
25/05/2018	19	New para added to take account of the General data protection regulations in force from 25 May 2018
01/03/2017	All	New formatting due to launch of new HR website, HR InfoSpace – no change to content

