

# Vetting Policy

The protection of children and young people is paramount. The school uses a number of pre-employment vetting processes as part of its safer recruitment checks to help safeguard the welfare of children, young people and learners by appointing suitable people.

This policy is designed to ensure that the school complies fully with its statutory responsibilities and part 3 of the DfE [Keeping Children Safe in Education](#) statutory guidance, including the need to maintain an up to date Single Central Record.

1	Policy statement .....	1
2	The Disclosure and Barring Service (DBS) .....	2
3	Recruiting from overseas.....	4
4	Checks for non-employees.....	5
5	Commencing employment without a DBS certificate.....	7
6	Prohibitions, directions, sanctions and restrictions .....	8
7	Childcare Disqualification Regulations 2018 .....	9
8	Single Central Record .....	9

Where the headteacher is the employee concerned, any reference to the headteacher in this policy should be replaced with the chair of governors.

## 1 Policy statement

As a Regulated Activities Provider (RAP) the school has a legal duty to carry out criminal record checks to ensure that people who pose a threat are not allowed to work (paid or unpaid) in positions where they can exploit vulnerable groups including children and young people.

The school will:

- Treat all applicants with a criminal record fairly and not discriminate unfairly against the subject of a disclosure on the basis of conviction or other information revealed.
- Provide guidelines for appointing officers on the recruitment of ex-offenders, which are to be provided to all applicants for a position where a disclosure is requested.
- Have a written statement to ensure that sensitive personal information is held securely, and only those entitled to see it in the course of their duties have access to it. Disclosures will only be stored for as long as is necessary, then confidentially destroyed.

### 1.1 Recruitment of ex-offenders

The school will use the Disclosure and Barring Service (DBS) check to assess the suitability of applicants in regulated activities and employed in specified places and comply with the DBS code of practice. We undertake not to discriminate unfairly against any subject of a disclosure on the basis of conviction or other information revealed.

For those positions where a disclosure is required, job adverts and job descriptions must contain a statement that a disclosure will be requested in the event of the individual being offered the position. Applicants called for interview are strongly encouraged to provide details of their criminal record at an early stage in the application process under a separate confidential cover to the

appointing officer. The information will only be seen by those who need to see it as part of the recruitment process.

At interview, or in a separate discussion, we ensure that an open and measured discussion takes place about any offences or other matter that might be relevant to the position. Failure to reveal information that is directly relevant to the position applied for could lead to the withdrawal of an offer of employment.

Having a criminal record will not necessarily bar a person from working with the school. This will depend on the nature of the post and the circumstances and background of the offences. The school undertakes to discuss any matter revealed in a disclosure with the candidate before withdrawing a conditional offer of employment.

## **2 The Disclosure and Barring Service (DBS)**

The Disclosure and Barring Service (DBS) helps employers make safer recruitment decisions. It also prevents unsuitable people from working with vulnerable groups, including children, through its criminal record checking and barring functions.

The criminal record checking service allows the school to access the criminal record history of people working, or seeking to work, in certain positions, especially those that involve working with children or adults in specific situations.

It is best practice to determine the type of DBS disclosure that is required by way of an eligibility assessment, which should be undertaken by the manager responsible for the activity that the individual will be undertaking. This should be done using the [Eligibility Tool](#).

The Headteacher (or appropriate manager) is also responsible for the ongoing reassessment of the post/work to ascertain if the level of contact the individual has with vulnerable groups including children and, if necessary, to initiate a new DBS disclosure. A reassessment should also take place when an existing employee moves to a new post within the school.

Please read the [DBS Checking Service](#) guidance for more information.

### **2.1 Regulated activity**

A person will be considered to be engaging in regulated activity if, as a result of their work, they:

- will be responsible on a regular basis (in school) for teaching, training, instructing, caring for or supervising children (including work experience placements under 16 years).
- will carry out paid, or unsupervised unpaid work regularly in a school where that work provides opportunity for contact with children.
- engage in intimate or personal care, or overnight activity, even if this happens only once.

The majority of employees working in a school are classed as undertaking 'regulated activity', therefore will be required to have an enhanced DBS check, including a barred list check. This will check whether someone's included in the DBS 'barred lists' of individuals who are unsuitable for working with children and adults. It is against the law for employers to employ someone or allow them to volunteer for this kind of work if they know they're on one of the barred lists.

All other employees who have an opportunity for regular contact with children but are not engaged in regulated activity, an enhanced DBS certificate, which does not include a barred list check, will be required.

## 2.2 Levels of disclosure

Standard	Enhanced	Enhanced with barred list
<p>The standard check is available for duties, positions and licenses included in the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975.</p> <p>This check contains details of all spent and unspent convictions, cautions, reprimands and final warnings from the Police National Computer (PNC) which have not been filtered in line with legislation.</p> <p>Schools generally do not use this level of check.</p>	<p>The enhanced check is available for specific duties, positions and licenses included in both the Rehabilitation of Offenders Act 1974 (Exceptions Order 1975) and the Police Act 1997 (Criminal Records) regulations.</p> <p>This check contains the same PNC information as the standard level certificate but also includes a check of information held by police forces.</p>	<p>The enhanced check with barred list check is only available for those individuals who are carrying out regulated activity relating to children and/or adults and a small number of positions listed in Police Act 1997 (Criminal Records) regulations.</p> <p>This check contains the same PNC information and check of information held by police forces as an enhanced level check but in addition will check against the children's and/or adult's barred lists.</p>

## 2.3 Frequency of DBS Checks

A disclosure carries no period of validity, as a conviction or other matter could be recorded against the subject of the disclosure at any time after the disclosure is issued.

Disclosures are designed to be used at the point of recruitment or as a periodical check for particular posts and are of most use close to the date of issue. There is no legislative guidance within the Education statutory frameworks with regards to the frequency of DBS renewals, however, Durham County Council recommends a five-year rolling programme to assess the continued employment of an individual whose role requires them to be subject to necessary DBS checks. This five-year rolling period will commence from the date of issue of the relevant certificate.

Should an existing employee's DBS disclosure reveal any issues or concerns, they must be discussed with the employee as soon as possible and the Headteacher must complete the appropriate risk assessment form. Further support can be provided by Payroll and Employee Services ([pesschools@durham.gov.uk](mailto:pesschools@durham.gov.uk)).

The school also have discretion to seek a DBS disclosure where there are grounds for concern about the suitability of an existing employee. Where this is the case, the individual's consent must be obtained through the submission of the appropriate application.

Other than the above, employees should only be rechecked when they seek a new appointment, the level of check in respect of the regulated activities workforce is different from their previous check or they have a break in service of more than three months.

## 2.4 Portability of DBS disclosures

A maintained school may wish to accept a DBS check provided by a previous school maintained by Durham County Council if the level of disclosure, together with any additional checks, remain the same.

If an employee has had a break of service of less than 3 months with the same employer, there will be no requirement to obtain a new DBS disclosure unless the level of check required has increased. If the original check included disclosure information, the Headteacher will be required to conduct another risk assessment (see [section 5.2](#)) and obtain advice from Payroll and Employee Services ([pesschools@durham.gov.uk](mailto:pesschools@durham.gov.uk)).

Under no circumstances should a Headteacher accept a DBS certificate from a different employer unless the individual has signed up to the DBS Update Service.

### 2.4.1 DBS Update Service

The DBS Update Service allows applicants to keep their DBS certificate up to date and allows employers to check certificates online. The applicant must register online to use the service once they have applied for a DBS certificate or within 14 days of receiving one. The cost of subscribing to the update service is not covered by the school and must be met by the individual.

The Update Service allows the applicant to take their certificate from one job to the next (if the check was processed at the appropriate level and with the necessary barred list checks) and subsequently give employers permission to check the certificate online.

If a new or current employee has registered with the Update Service, the school must view the original certificate before accessing the online service, ensuring that the check is the required level of disclosure, and the appropriate barred lists have been checked. Please see guidance on the [DBS Update Service](#) for more information.

Information on whether new or prospective employees have registered with the Update Service is requested when a conditional offer of appointment is issued.

## 2.5 Common Law Police Disclosure

Under the Common Law Police Disclosure scheme should an individual come to the attention of the Police, information can be provided to the employer at the point of arrest and/or charge, to advise the employer of potential risk.

The school will be required to make a subsequent assessment of that risk and implement appropriate safeguards where necessary. Any decision regarding action to take remains the responsibility of the employer, and any information passed to the school will be risk assessed appropriately, irrespective of police action which is subsequently taken.

If the subject of the disclosure is working or volunteering in regulated activity, there may be a statutory requirement to refer the matter to the Disclosure and Barring Service. The Common Law Police Disclosure does not replace the requirement to undertake relevant DBS checks where required.

## 3 Recruiting from overseas

Applicants who have lived or worked outside the UK must undergo the same checks as all other employees, including an enhanced DBS disclosure, even if they have never been to the UK. However, the DBS cannot currently access criminal records held overseas, therefore a DBS check

will not, in most cases, reveal if an individual has a criminal record held in another country. The school must, therefore, make any further checks they think appropriate, so any relevant events that have occurred outside the UK can be considered. These checks could include:

- Criminal records checks for overseas applicants (see [section 3.1.1](#)).
- For teaching positions, obtaining a letter (via the applicant) from the professional regulating authority in the country the applicant has worked, confirming that they have not imposed any sanctions/restrictions and/or that they are not aware of any reason why they may be unsuitable to teach.

Where the information is available, it should be considered together with other pre-employment checks to assess the applicant's suitability.

Where the information is not available, the school should seek alternative methods of checking the applicant's suitability and undertake a risk assessment to support informed decision making as to whether the appointment should be confirmed. This may include seeking additional references.

### **3.1.1 Criminal records check for overseas applicants**

The application process for criminal records checks or Certificates of Good Character for someone from overseas varies from country to country. The Headteacher (or appropriate manager) should advise the individual to apply in the country or contact the relevant [Foreign Embassy](#) in the UK.

Not all countries provide criminal record information and if it is disclosed, the detail provided varies in each country. Any costs incurred when seeking the Certificate of Good Conduct will need to be met by the individual.

### **3.1.2 Professional record checks (Teaching only)**

Applicants can find contact details of regulatory bodies in the EU/EEA and Switzerland on the [Regulated Professions Database](#). Although sanctions and restrictions imposed by another regulating authority do not prevent a person from taking up teaching positions in England, the school should consider the circumstances that led to the restriction or sanction being imposed when considering the applicant's suitability for employment.

Schools can also contact the [UK Centre for Professional Qualifications](#) who provide guidance on the recognition of professional qualifications in the UK, who will signpost them to the appropriate EEA regulatory body.

Some overseas qualified teachers can apply to the TRA for the award of qualified teacher status (QTS) in England, however, this does not provide suitable assurances for safeguarding purposes that an individual has not been found guilty of any wrongdoing or misconduct, and or is suitable to work with children.

## **4 Checks for non-employees**

### **4.1 Agency and Supply Staff**

The school must obtain written notification from any agency or third-party organisation they use that the organisation has carried out appropriate pre-employment checks and obtained appropriate certificates. These should be at the same level as the school would have carried out had they been directly employed. If the enhanced DBS certificate discloses any information, the school or college must obtain a copy of the certificate from the agency.

Where the position requires a barred list check, this must be obtained by the agency or third party prior to appointing the individual. The school must check that the identity of the person presenting themselves for work is the same person on whom the checks have been made.

The date confirmation was received, and the certificate number should be recorded on the Single Central Record.

Please see the [Agency Worker Guidance](#) for more information.

## **4.2 Trainee/Student teachers**

Where trainee teachers are employed directly by the school, the school must ensure that all necessary checks are carried out and recorded on the Single Central Record. As trainee teachers will 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. Schools should obtain written confirmation from the provider that it has carried out all pre-appointment checks that the school would otherwise be required to perform, and that the trainee has been judged by the provider to be suitable to work with children.

There is no requirement for the school to record details of fee-funded trainees on the single central record.

## **4.3 Visitors**

The school does not have the power to request DBS checks and barred list checks or ask to see DBS certificates for visitors.

Headteachers should use their professional judgment about the need to escort or supervise visitors.

## **4.4 Volunteers**

The same stringent checks should be applied to volunteers who are working with children and young people as for paid employees. An eligibility assessment will help determine where a DBS disclosure is necessary (see link in section 2). Under no circumstances should a volunteer in respect of whom no checks have been obtained be left unsupervised or allowed to work in regulated activity.

The DfE has published statutory guidance for the [Supervision of Activity with Children](#) in relation to regulated activity.

- A supervised volunteer who regularly teaches or looks after children is not in regulated activity and will require an enhanced DBS certificate (not including barred list information).
- A volunteer who teaches or looks after children unsupervised or provides personal care will be in regulated activity and will require an enhanced DBS certificate with barred list information.

In cases where volunteers may be helping on a 'one-off' basis on a school outing or with a fundraising event such as a fete, a risk assessment must be carried out and measures must be put in place to ensure that those volunteers are not left alone or unsupervised.



Where volunteers are engaged by another organisation, it is the responsibility of the school to ensure that the individuals have been properly vetted.

## 4.5 Contractors

Schools should ensure that any contractor or any employee of the contractor who is to work at the school, has been subject to the appropriate level of DBS check.

- Contractors engaging in regulated activity will require an enhanced DBS certificate (including barred list information).
- Contractors who are not engaging in regulated activity, but whose work provides them with an opportunity for regular contact with children, will require an enhanced DBS check (not including barred list information).

In considering whether the contact is regular, it is irrelevant whether the contractor works on a single site or across a number of sites. Under no circumstances should a contractor be allowed to work unsupervised or engage in regulated activity if no checks have been carried out.

Further information about the checks conducted on Durham County Council contractors is available from Payroll and Employee Services ([pesschools@durham.gov.uk](mailto:pesschools@durham.gov.uk)).

## 4.6 Governors

Governors in maintained schools are required to have enhanced DBS checks (and overseas checks if they have been resident outside the UK). The check should be without a barred list check unless the individual undertakes regulated activity in addition to their governor role.

A [section 128](#) check should also be undertaken for Governors.

## 5 Commencing employment without a DBS certificate

Every effort must be made to ensure the DBS disclosure is received and considered prior to commencing employment. Only in exceptional circumstances will an employee be able to start work before their DBS disclosure is received. For employees identified as working in a 'regulated activity' role, the school must have received the barred list check as a minimum.

Where this is agreed, in exceptional circumstances, a risk assessment must be carried out and the employee must be monitored and supervised to ensure they are never in an unsupervised position with vulnerable groups, including children. A risk assessment form is available from Payroll and Employee Services ([pesschools@durham.gov.uk](mailto:pesschools@durham.gov.uk)).

Should an employee commence employment without the DBS certificate and the certificate subsequently highlight concerns, the Headteacher must seek advice from the HR Advice and Support Team to discuss the next steps.

### 5.1 Decision procedure

The DBS no longer provides a copy of the disclosure certificate to the school as the employer. Upon receipt of the disclosure certificate from the DBS, the prospective employee (or employee in cases of rechecks) is required to present the original copy of their certificate to the relevant Headteacher.

If the disclosure does not highlight any relevant issues, the Headteacher will be in a position to confirm the job offer (subject to satisfactory references and other relevant background checks).

Where the disclosure highlights criminal or other relevant information, the Headteacher must discuss the contents with the individual and complete a risk assessment, where appropriate. The Headteacher should contact the HR Advice and Support Team for further advice where issues appear on the DBS certificate.

Please note, it is a criminal offence to knowingly appoint an individual who is 'barred' from roles which involve regulated activity.

## **5.2 Disclosure risk assessment**

The school fully complies with the DBS Code of Practice to treat all applicants for positions fairly and will not discriminate against any candidate subject to a disclosure on the basis of conviction or other information revealed. The disclosure is just one element in the pre and post-employment checks carried out during recruitment and selection and a criminal conviction may not prohibit a person from employment.

A judgement needs to be made regarding the seriousness of the information provided by the disclosure. In most cases it will be appropriate to convene a meeting with the individual subject to the disclosure to discuss complete a risk assessment and discuss the following:

- The seriousness of the offence or matter revealed and its relevance to the safety of children and young people.
- How relevant the offence is on the post applied for.
- Age of applicant at the time of committing the offence.
- The applicant's subsequent record and length of time since the offence occurred.
- Whether the offence was a one off, a pattern or part of a history of offending.
- Whether the applicant's circumstances have changed since the offence was committed making re-offending less likely.
- Whether the offence has been decriminalised by Parliament.
- The degree of remorse, or otherwise, expressed by the individual and their motivation to change.

A copy of the risk assessment completed should be recorded and retained for audit purposes and forwarded to Payroll and Employee Services ([pesschools@durham.gov.uk](mailto:pesschools@durham.gov.uk)) to be recorded on the appropriate recording system. The school should record that the risk assessment was undertaken on the Single Central Record.

The Headteacher should contact the HR Advice and Support Team before making any decision to withdraw an offer of employment.

## **6 Prohibitions, directions, sanctions and restrictions**

Schools must also ensure that prior to appointing a teacher, they check for any prohibitions, directions, sanctions and restrictions that might prevent the individual from taking part in certain activities or working in specific positions. A person who is prohibited must not be appointed to a role that involves teaching work.

If a school knows or has reason to believe that an individual is barred, it is an offence to allow the individual to carry out any form of regulated activity.



Schools should use the teacher search facility in [Teacher Services](#) to view the individual record of any teacher that you employ or consider employing, including any trainee, newly qualified or fully qualified teacher. This check allows the school to:

- Identify any prohibition, direction, sanction or restriction that may/will affect their ability to carry out certain activities, or work in particular roles, for example a Secretary of State's teacher prohibition order.
- See details of any Secretary or State decision not to impose a prohibition order following a professional conduct panel's determination of unacceptable professional conduct, conduct that may bring the profession into disrepute or conviction of a relevant offence.

For those individuals who are engaged in management roles in academies and free schools, an additional check is required to ensure they are not prohibited under [section 128](#) of the Education and Skills Act 2008. This checks that a person taking up a management position is not subject to a section 128 direction made by the Secretary of State.

The result of the check, date completed and by whom should be documented in the schools' Single Central Record.

## **7 Childcare Disqualification Regulations 2018**

These regulations apply to the following employees:

- Early Years provision – caring for a child up to and including reception age.
- Later Years provision – care provided by the school for children under 8 years, outside of the normal school day.

These employees are responsible for informing the school if they are or become disqualified under these regulations. See guidance on [Disqualification Under the Childcare Act](#).

## **8 Single Central Record**

Schools must maintain a single central record of pre-appointment checks. The single central record must cover and include the following people:

- All employees, including trainees on salaried routes.
- Agency employees.
- Third party supply staff who work at the school.

For independent schools, including academies and free schools, the single central record must also include:

- All members of the proprietor body (i.e. members and trustees of the academy trust).

### **8.1 What should be included**

The DfE Keeping Children Safe in Education statutory guidance states that the following is the minimum information which must be recorded in respect of employees:

- An identity check.
- A barred list check.

- A prohibition from teaching check (for teaching employees).
- Further checks on people who have lived or worked outside of the UK.
- A check of professional qualifications where required.
- A check to establish the person's right to work in the UK.
- An online check of the candidate.
- A section 128 check (for management positions in independent schools, including academies and governors of maintained schools).

The single central record must indicate whether the checks have been carried out, or certificates obtained, and the date on which each check was completed.

Schools must not keep copies of DBS certificates, however, a copy of the documents used to verify the successful candidate's identity, right to work in the UK and required qualifications should be kept for the personnel file.



This policy has been developed by the HR Advice and Support team, based on current legislation and best practice. If you would like any advice on the application of this policy, please do not hesitate to contact the team:

<b>Telephone</b>	03000 266688
<b>Email</b>	hradvice@durham.gov.uk

**Further support can be accessed by contacting (subject to SLA buy in):**

<b>Payroll and Employee Services</b>	<a href="mailto:pesschools@durham.gov.uk">pesschools@durham.gov.uk</a>
<b>Occupational Health</b>	<a href="mailto:occhealthadmin@durham.gov.uk">occhealthadmin@durham.gov.uk</a>
<b>Health and Safety</b>	<a href="mailto:hsteam@durham.gov.uk">hsteam@durham.gov.uk</a>
<b>Employee Assistance Programme</b>	<a href="http://www.healthassuredeap.com">www.healthassuredeap.com</a> Username: durham Password: council 0800 716017

<b>Author</b>	<b>Version</b>	<b>Last review</b>	<b>Next review</b>
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The school complies with all relevant statutory obligations. The school privacy notice provides more specific information on data collected and how it is handled, a copy of which can be accessed from the school. For more information please contact the school directly.

If you have any concerns about how your data is handled, please contact either the school Data Protection Officer (details available from the school office), or the Information Commissioner's Office.