



# Safer Recruitment Policy

(including DBS)  
2025-26  
(STATUTORY)

|   |                    |
|---|--------------------|
| <b>Other Information:</b><br>Section 1: Safer recruitment (incl. procedures)<br>Section2: DBS<br><br>We acknowledge that aspects of section 1 are repeated in section 2 | No changes 2025-26 |
|---|--------------------|

## Contents:

|   |    |
|---|----|
| 1. Definitions                            | 1  |
| 2. Roles and responsibilities             | 2  |
| 3. Equal opportunities                    | 4  |
| 4. Planning, advertising and shortlisting | 4  |
| 5. Invitation to interview                | 6  |
| 6. Pre-interview checks                   | 7  |
| 7. Digital footprints                     | 7  |
| 8. The interview                          | 8  |
| 9. After the interview                    | 8  |
| 10. Remote recruitment                    | 9  |
| 11. Pre-appointment checks                | 10 |
| 12. After the pre-appointment checks      | 14 |
| 13. Single central record (SCR)           | 14 |
| 14. Safer recruitment training            | 15 |

## Definitions

### 1.1. **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.
- Working 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 undertaken by supervised volunteers.
  - The above definitions are classified as regulated activity if they are undertaken regularly. Some activities are always regulated activities, regardless of frequency or whether they are supervised or not. This includes relevant personal care, or health care provided by, or under the supervision of, a health care professional. Personal care includes helping a child with eating or drinking for reasons of illness or disability, or in connection with toileting, washing, bathing and dressing for reasons of age, illness or disability. Health care means care for children provided by, or under the direction or supervision of, a regulated health care professional.

### 1.2. **Teaching role** – refers to a role involving planning and preparing lessons and courses for pupils; delivering lessons to pupils; and assessing and reporting on the development, progress and attainment of pupils. These activities are not teaching work for the purposes of ‘Keeping children safe in education’ (KCSIE) if the person carrying out the activity does so (other than for the purposes of induction) subject to the direction and supervision of a qualified teacher or other person nominated by the headteacher to provide such direction and supervision.

### 1.3. **Standard DBS** – this provides information about convictions, cautions, reprimands and warnings held on the Police National Computer, regardless of whether or not they are spent under the Rehabilitation of Offenders Act 1974. The law does allow for certain old and minor matters to be filtered out.

### 1.4. **Enhanced DBS** – this provides the same information as the standard DBS, plus any additional information held by the police which a chief officer reasonably believes to be relevant and considers ought to be disclosed.

### 1.5. **Enhanced DBS with barred list check** – this check is required for when people are working or seeking to work in regulated activity with children. This check allows for additional checks to be made as to whether the person appears on the children’s barred list.

## **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
- 1.6. **Children's barred list** – the DBS maintains a 'barred list' of individuals who are unsuitable to work with children and vulnerable adults. In addition, where an enhanced DBS including a barred list check is obtained, the certificate will also detail whether the applicant is subject to a direction under section 128 of the Education and Skills Act 2008 or section 167A of the Education Act 2002.
- 1.7. **Section 128 check** – this provides for the Secretary of State to direct that a person may be prohibited or restricted from participating in the management of an independent school (which includes academies and free schools). A person prohibited under section 128 is also disqualified from holding or continuing to hold office as a governor of a maintained school.
- 1.8. **Safer recruitment** – this is the safeguarding and protection of pupils during the recruitment and selection process. Its overall purpose is to help identify and deter or reject individuals who are deemed to be at risk of abusing children

## 2. Roles and responsibilities

- 2.1. The governing board is responsible for:
- Agreeing and monitoring effective policies to ensure recruitment at the school is in accordance with the legislation outlined in [section 1](#).
  - Ensuring that staff recruitment is as safe as possible, as well as fair and compliant with the relevant legislation.
  - Ensuring appropriate checks have been carried out on staff, volunteers, contractors and agency workers working within the school.
  - Ensuring that all recruitment panel members have undertaken unconscious bias training before the selection process begins.
  - Appointing an appropriate recruitment panel.
  - Ensuring that at least one member of the recruitment panel has undergone safer recruitment training.
  - Ensuring that all members of the recruitment panel understand their role, i.e. advisory or decision making.
  - Monitoring the advertising of vacancies, assessing how they are being advertised and whether the adverts are maximising all of the opportunities to attract the appropriate candidates.
  - Ensuring a member of the board is on the recruitment panel for a new headteacher.
  - Ensuring that all members of the recruitment panel are familiar with their obligations with regards to safer recruitment, as set out in KCSIE.

- Monitoring the school's SCR to ensure that the necessary vetting checks for employees are carried out.
- Ensuring that equal opportunities are established and implemented throughout the recruitment process.
- Ensuring that the salary of the successful candidate is determined.
- Accommodating the needs of new employees and making reasonable adjustments when necessary.
- Ensuring that the DPO reviews this policy and that any recruitment data that is kept is in accordance with the Records Retention Policy.

2.2. The recruitment panel is responsible for:

- Creating the advert and ensuring it meets all the necessary requirements.
- Shortlisting the potential candidates with the aim of reducing the application field and identifying those with the potential to effectively undertake the role.
- Appropriately delegating responsibility for recruitment to the headteacher.
- Ensuring that the interview addresses leadership ability, team working skills, reasons for interest in joining the school, integrity, understanding of the school's ethos and vision, and why the candidate believes they would be a good fit for the school.
- Ensuring that the interview addresses safeguarding practices.
- Appropriately delegating the responsibility for the entire management of the recruitment process to the SBM.
- Agreeing with the successful candidate when other members of the school community will be informed about their appointment, including staff members and parents.

2.3. The headteacher is responsible for:

- Ensuring appropriate checks have been carried out on prospective staff, volunteers, contractors and agency workers working within the school.
- Ensuring that appropriate supervision of employees/volunteers is organised, and for promoting the safety and wellbeing of pupils generally and throughout the recruitment process.
- Leading the interview when the candidate is at a lower level than the headteacher.

2.4. During the recruitment process, and especially during the initial stages, the recruitment panel and the headteacher will be watchful of candidates displaying the following characteristics:

- No understanding or appreciation of children's needs
- Expressing that they want the role to meet their needs at the expense of children
- Using inappropriate language in relation to children
- Expressing extreme views or views that do not support safeguarding practices
- Displaying unclear boundaries with children

- Providing vague answers when asked about their experience and being unable to explain gaps in their employment

### **3. Equal opportunities**

- 3.1. When recruiting, the school will adhere to its Equality (and Diversity) information and objectives statement Policy.
- 3.2. The school will not discriminate against any protected characteristics, such as disability or gender, and will always promote difference and inclusion throughout the school.
- 3.3. The school will, where necessary, make reasonable adjustments to ensure the interview is accessible to all candidates. Candidates should inform the school of any reasonable adjustments that they need when they receive the invitation for an interview.
- 3.4. The governing board will review recruitment procedures annually to ensure they are accessible and do not directly or indirectly discriminate against candidates.
- 3.5. Candidates will not be asked about their health or any disabilities before a job offer is made, unless one of the following exemptions applies:
  - Questions necessary to establish if an applicant can perform an intrinsic part of the job (subject to any reasonable adjustments)
  - Questions to establish if an applicant is fit to attend an assessment or any reasonable adjustments that may be needed at interview or assessment
  - Positive action to recruit people with disabilities
  - Equal opportunities monitoring (which will not form part of the decision-making process)

### **4. Planning, advertising and shortlisting**

- 4.1. Once a vacancy has been identified, the school will allow an appropriate amount of time for planning and structuring the recruitment process.
- 4.2. The Chair of Governors and headteacher will:
  - Decide on the recruitment timeframe.
  - Decide who will be involved in the process and what their roles will be, e.g. who forms the recruitment panel and who will lead interviewing.
  - Ensure preparation the documents that will be provided to applicants, including the job description, person specification and application form – ensuring that these documents contain a clear message about safeguarding, the checks that will be carried out and that references will be sought.
  - Ensure that application packs, where relevant, state that applicants must be willing to sign the staff disqualification declaration.
- 4.3. The job information and associated documents will be published online.

- 4.4. The full requirements of the role will be clearly explained, including any employment vetting requirements such as a DBS check.
- 4.5. The recruitment panel will comprise of at least two other members of staff, with the headteacher usually being one of these.
- 4.6. The recruitment panel will be an odd number so majority votes can be cast.
- 4.7. At least one member of the recruitment panel will have successfully completed up-to-date safer recruitment training.
- 4.8. The recruitment panel will create the advertisement.
- 4.9. The recruitment panel will ensure the advertisement includes the following requirements:
  - Information specific to the role on offer and the school as a whole
  - The benefits of the role are highlighted
  - The advertisement is relevant to the target audience
  - The advertisement is communicated directly and concisely, and includes a clear call to action
  - Applications can be submitted electronically
- 4.10. Requests for further information from applicants will be replied to promptly.
- 4.11. All applications will be replied to with a letter notifying candidates whether they have been shortlisted or not.
- 4.12. Interviews will be arranged for the shortlisted candidates.
- 4.13. Vacancies will be advertised through the Bolton Council website (and national media when appointing a Deputy Head or Headteacher).
- 4.14. Advertisements will contain a statement of commitment to ensuring equal rights.
- 4.15. Advertisements will include a job description, person specification and detail the closing date.
- 4.16. The contact number and name of the SBM and details of the application process will be clearly outlined.
- 4.17. Application forms will be accessible on the school's website.
- 4.18. The school may utilise social media for recruitment, and if doing so, will create a social media recruitment strategy to ensure that the advertisement is reaching the right people and is communicating the ethos of the school effectively.
- 4.19. When an advert receives a response, the recruitment panel will ensure that candidates receive the application pack.
- 4.20. The school will never accept a CV alone, only completed application forms.

- 4.21. When shortlisting candidates for an interview, all application forms will be considered.
- 4.22. At least two members of the recruitment panel will be involved in the shortlisting process.
- 4.23. Candidates who are shortlisted will meet all the essential aspects of the person specification requirements.
- 4.24. The school will ensure that the shortlisting process is as systematic as possible, and that the recruitment panel reads through all applications. Each member of the panel will create their own shortlist which will then be collated and discussed.
- 4.25. Applicants will be assessed against the same shortlisting criteria to ensure a fair process.

## **5. Invitation to interview**

- 5.1. Before interview invitations are sent, the recruitment panel will ensure that application packs are sent and include the following:
  - A copy of the advertisement
  - A comprehensive job description
  - A comprehensive person specification
  - Any equal rights material, e.g. an equal opportunities statement
  - A brief outline of the school, its values and aims
- 5.2. Once a shortlist has been confirmed, the applicants to be invited for interviews will be contacted by the SBM and suitable interview times will be decided.
- 5.3. The recruitment panel will ensure that all shortlisted candidates receive information about the interview arrangements, how they will be conducted, the areas that will be explored and what documents they should bring.
- 5.4. The recruitment panel will send shortlisted candidates the self-declaration of criminal record form, alongside a copy of the school's disqualification form, where appropriate.
- 5.5. Upon inviting candidates to interview, the recruitment panel will state that the successful candidate's identity will be checked and, where appropriate, the necessary pre-appointment checks will be carried out.
- 5.6. Where possible, the recruitment panel will obtain two references before interviewing candidates to allow for any concerns to be explored with the referee and discussed with the candidate.
- 5.7. One of the references will be from the candidate's most recent employer.



- 5.8. Where a candidate is not currently employed, verification of their most recent period of employment and reasons for leaving will be obtained from the employer.
- 5.9. References will be from a senior member of staff and not a colleague.
- 5.10. Open testimonials will not be relied upon, nor will information that has been provided by the candidate without verifying the information.
- 5.11. Electronic references will be vetted to ensure they originate from a credible source.
- 5.12. References from internal candidates will also always be scrutinised before interview.
- 5.13. Permission will be sought from the candidates before the recruitment panel contacts referees.
- 5.14. Structured questionnaires will be used to question referees and the recruitment panel will determine the questions on a case-by-case basis.
- 5.15. Information about past disciplinary action or allegations that are disclosed will be considered carefully when assessing the applicant's suitability for the post.
- 5.16. The candidate's current employer will be asked for details of any capability history, including the reasoning.

## **6. Pre-interview checks**

- 6.1. The recruitment panel will complete the necessary pre-interview checks.
- 6.2. Pre-interview checks will include the following:
  - Requesting two references from each shortlisted candidate directly from the referees – where possible, one reference will be obtained relating to the role in which the candidate worked with children
  - Verifying that the candidate has qualifications or experience relevant to the post
  - Checking references against application forms and noting down discrepancies or concerns, and following up these concerns with referees
  - Checking and, where necessary, following up candidates' self-declaration forms

## **7. Digital footprints**

- 7.1. The school is committed to ensuring that safeguarding is a top priority; therefore, where appropriate, the school may check candidates' social media or other online activity prior to interview.
- 7.2. This process may include a search for the candidate via:
  - Google

- Facebook
- LinkedIn

7.3. Any concerns will be addressed during the interview process.

## **8. The interview**

- 8.1. During the interview process, candidates will be asked standard questions and their responses will be recorded for ease of comparison.
- 8.2. Any concerns raised through contact with referees will be discussed with the candidate at this stage.
- 8.3. The recruitment panel will ask open questions to assess the candidate's experience and suitability for the post, and to explore the candidate's motivation towards safeguarding and their suitability to work with children.
- 8.4. The candidate will be given the opportunity to discuss any concerns or ask any questions.
- 8.5. The interview will always comprise a face-to-face interview; however, the recruitment panel may also request that candidates complete tasks commensurate with the post applied for.

## **9. After the interview**

- 9.1. After the interview has been completed, the recruitment panel will:
  - Assess all candidates' performance using the same agreed criteria.
  - Ask all candidates to bring proof of identification and qualifications (unsuccessful candidates information is destroyed afterwards), and then successful candidates will complete the DBS check as soon as possible.
  - Contact and provide feedback to the unsuccessful candidates – feedback will be verbal and based on evidence of their performance against the person specification for the role.
- 9.2. Interview notes and assessment materials will be held securely for an appropriate amount of time after the interviews, in line with the Records Retention Policy, in case any aspect of the recruitment process is challenged.
- 9.3. After choosing a successful candidate, the school will:
  - Make a conditional offer of employment to the candidate.
  - Ask the successful candidate to provide identification and proof of qualifications, if this has not already been done.
  - Complete the relevant pre-appointment checks.
- 9.4. Once an offer of employment has been made, the candidate's self-declaration form will be reviewed. If a conviction has been declared, and it is spent or filtered, the offer of employment will not be retracted based on this; however,

the school will undertake the relevant assessments to determine whether the candidate is suitable to work in the school.

## **10. Remote recruitment**

- 10.1. The school will follow all the requirements set out in this policy when recruiting remotely, changing only the in-person nature of the interview, and implementing the necessary additional steps to support this.
- 10.2. The SBM will research and select a suitable online platform through which online interviews may take place, taking into account ease of use, privacy measures and suitability for the purposes of online interviews.
- 10.3. Online interviews will be conducted in line with the school's ICT Acceptable Use Policy and Data Protection Policy at all times.
- 10.4. Staff members conducting an online interview will ensure they understand how to operate the various relevant functionalities of the online interview platform, e.g. how to share their screen, prior to the interview commencing.
- 10.5. Staff members conducting an online interview will ensure privacy settings are adjusted appropriately on the provider's site or application.
- 10.6. The school will be aware of, and have due regard for, the potential risks associated with online communication, e.g. ease of anonymity, and will ensure it takes suitable precautions, e.g. encrypting data where possible.
- 10.7. The school will ensure that any tasks set for candidates during the interview are compatible with the online nature of the interview, e.g. they do not require the exchange of physical paper resources.
- 10.8. The school will communicate its expectations to candidates regarding the use of the online platform in good time prior to the interview. These expectations will include, but will not be limited to, the following:
  - The candidate will participate in the interview with both the video camera and microphone features enabled at all required times
  - The candidate will participate in the interview in a suitable setting – a quiet area with a neutral background
  - The candidate will keep personal information which is not relevant to the recruitment process private, e.g. their email password, and will not ask the staff members conducting the interview to share any such private information
  - Where necessary, the candidate will be aware that the school will record the online interview, and that they will be required to consent to this in order for the interview process to continue
- 10.9. When recording an online interview, prior permission will be acquired from the candidate in writing via email and all members of the interview will be notified

before the interview commences via email, and again once they have joined the interview before recording commences.

- 10.10. If the candidate does not provide consent to recording the interview, the school will consider whether the online interview can still take place in line with school's safeguarding and records management responsibilities.
- 10.11. The school will not discriminate against candidates who are recruited remotely; they will be considered fairly alongside any candidates who are not recruited remotely.
- 10.12. If a candidate refuses to interview remotely, the school will consider whether alternative arrangements for an in-person interview are possible, having due regard to the school's equality duties at all times. If this is not possible, then the school will sensitively inform the candidate that the remote interview process is a requirement of the application process, and have a considerate and good-natured discussion with the candidate as to whether they can continue with the recruitment process at this time.
- 10.13. The school will direct candidates towards the DfE's advice on '[Attending your first remote interview](#)' prior to the interview.

## **11. Pre-appointment checks**

- 11.1. All appointments will be conditional on satisfactory completion of the necessary pre-appointment checks.
- 11.2. When appointing new staff, the school will complete the following checks:
  - Verify the candidate's identity
  - Obtain an enhanced DBS certificate (via the applicant) and, for candidates engaging in regulated activity, barred list information
  - Obtain a separate barred list check if an individual will start work in regulated activity before the DBS certificate is available
  - Verify a candidate's mental and physical fitness to carry out their role
  - Verify the person's right to work in the UK
  - Make further checks on any individual who has lived or worked outside the UK
  - Verify professional qualifications, as appropriate
  - For those in management, trustee or governor roles, a section 128 check will be carried out
- 11.3. The SBM will ensure any candidate employed to carry out teaching work is not subject to a prohibition order or any sanction or restriction imposed (that remains current) by the GTCE before its abolition in March 2012.

- 11.4. If the school has reason to believe that an individual is barred, it is an offence under section 9 of the Safeguarding Vulnerable Groups Act (SVGA) 2006 for the school to allow the individual to carry out any form of regulated activity.
- 11.5. The school will use the Employer Secure Access sign-in portal via the Teaching Regulation Agency Teacher Services web page to check if a proposed governor is barred as a result of being subject to a section 128 direction.
- 11.6. Checks for all prohibitions, directions, sanctions and restrictions will be carried out by using the secure access portal on the Teacher Services' [web page](#).
- 11.7. There is no requirement to obtain an enhanced DBS certificate or carry out checks for events that may have occurred outside the UK if, in the three months prior to their appointment, the applicant has worked:
  - In a school in England in a post which brought them into regular contact with children or young persons; or
  - In any post in a school since 12 May 2006 which did not bring the person into regular contact with children or young persons.

## **Volunteers**

- 11.8. For volunteers, if they are not engaging in regulated activity, an enhanced DBS check will be obtained – a barred list check will not be required.
- 11.9. If volunteers are engaging in regulated activity and are new to the school, an enhanced DBS check with a barred list check will be required.
- 11.10. Existing volunteers in regulated activity do not need to be re-checked if they have already had a DBS check (including barred list information); however, the school may decide to conduct a repeat DBS check.
- 11.11. If a volunteer is not in regulated activity, the school will use its professional judgement, after conducting a risk assessment, to determine whether to seek an enhanced DBS check, but no barred list check will be required.

## **Candidates who have lived outside the UK**

**[From 1 January 2021, the Teaching Regulation Agency will no longer maintain a list of EEA teachers with sanctions. Schools must continue to carry out safer recruitment checks on all candidates and must make any further checks they think relevant.]**

- 11.12. For candidates who have lived outside the UK, all mandatory checks outlined in this policy will be carried out, along with additional checks where necessary.
- 11.13. For candidates who have lived or worked outside the UK, the school will make further checks where necessary, including, but not limited to:
  - Obtaining an enhanced DBS certificate with barred list information, including for candidates who have not been to the UK before.

- For teaching staff, obtaining proof of their past conduct as a teacher from the professional regulating authority in the country in which they worked, where available.

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

- 11.14. In the case of any employee working at the school who is sourced from an agency or third-party organisation, confirmation must be obtained from the organisation, in writing, that all necessary checks have been completed.
- 11.15. Confirmation will also be obtained that the individual who presents for work is the same person on whom all checks have been completed. A copy of photographic identification will generally be kept where appropriate.

### **Trainee/student teachers**

- 11.16. The school will ensure that enhanced DBS certificates and barred list checks are obtained on all salaried applicants for initial teacher training who are in regulated activity.
- 11.17. Where trainee teachers are fee-funded, it is the responsibility of the initial teacher training provider to carry out the necessary checks.
- 11.18. The school will obtain written confirmation from the agency that the checks have been carried out.

### **Existing staff**

- 11.19. If a member of staff moves from a post that was not regulated activity to one that is, the relevant checks will be carried out.
- 11.20. The recruitment panel will carry out further checks where there is a concern about a member of staff's suitability to work with children.
- 11.21. An investigation will be carried out to gather enough evidence to establish if an allegation has a foundation. The employer of the school will ensure they have sufficient information to meet the referral duty criteria in 12.23 of this policy.
- 11.22. The school/LA will refer to the DBS anyone who has harmed, or poses a risk of harm, to a child or vulnerable adult where:
- The harm test is satisfied in respect of that harm.
  - The individual has received a caution or conviction for a relevant offence, or if there is reason to believe that the individual has committed a listed relevant offence.
  - The individual is deployed to another area of work not in regulated activity, or where they have been suspended.
- 11.23. Referrals to the DBS will be made on conclusion of an investigation where an individual has been removed from regulated activity.

- 11.24. Referrals to the DBS will be made as soon as possible after the resignation, removal or redeployment of the staff member.

### **Contractors**

- 11.25. The school will ensure that any contractor, or any employee of the contractor, 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).
- 11.26. For all other contractors who are not engaging in regulated activity, but whose work provides them with an opportunity for regular contact with children, an enhanced DBS check (not including barred list information) will be required.
- 11.27. Under no circumstances will a contractor in respect of whom no checks have been obtained be allowed to work unsupervised or engage in regulated activity.
- 11.28. If a contractor is self-employed, the school will consider obtaining the DBS check, as self-employed people are not able to make an application directly to the DBS on their own account.
- 11.29. The school will always check the identity of contractors and their staff on arrival.

### **Adults who supervise children on work experience**

- 11.30. If the school is organising work experience placements, the school will ensure that the placement provider has policies and procedures in place to protect children from harm.
- 11.31. Barred list checks by the DBS might be required on some people who supervise a child under the age of 16 on a work experience placement. In such cases, the school will consider the specific circumstances of the work experience. Consideration will be given in particular to the nature of the supervision and the frequency of the activity being supervised, to determine what, if any, checks are necessary. These considerations will include whether the person providing the teaching/training/instruction/supervision to the child on work experience will be:
- Unsupervised themselves.
  - Providing the teaching/training/instruction/supervision frequently (more than three days in a 30-day period or overnight).
- 11.32. 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 regulated activity. In this case, the school will ask the employer providing the work experience to ensure that the person providing the instruction or training is not a barred person.
- 11.33. If the activity undertaken by the child on work experience takes place in a 'specified place', such as the school, and gives the opportunity for contact with children, this may itself be considered regulated activity. In these cases, and where the child is 16 years of age or over, the work experience provider will consider whether a DBS enhanced check should be requested for the

child/young person in question. DBS checks cannot be requested for children/young people under the age of 16.

### **Children staying with host families**

- 11.34. The school may make arrangements for a child to have learning experiences where, for short periods, the child may be provided with care and accommodation by a host family to whom they are not related. In these circumstances, the LA will be consulted.

### **Governors**

- 11.35. Governors will have an enhanced criminal records certificate from the DBS. Governance is not a regulated activity and so governors will not need a barred list check unless, in addition to their governance duties, they also engage in regulated activity.

- 11.36. Associate members will not be asked to undertake a DBS check.

**A section 128 direction disqualifies a person from holding or continuing to hold office as a governor of a maintained school. Schools must check that governors are not disqualified from working in regulated activity. To do this, a section 128 direction check must be carried out. Therefore, even though it is not explicitly stated in KCSIE, schools must carry out a section 128 direction check on governors.**

**Section 128 checks are not required for staff in management positions in maintained schools, unless the staff member in question is also a governor.]**

- 11.37. Governors will be subject to a section 128 direction check.

## **12. After the pre-appointment checks**

- 12.1. Once the pre-employment checks have been completed, the SBM will:

- Agree a start date with the candidate.
- Submit contractual paperwork, including the completed DBS check, copies of identification, references, proof of qualifications, pre-employment medical enquiry form, P45, application/equal opportunities, register of business interests, disqualification under childcare act 2006 if relevant and emergency contacts.
- Detail any pre-start training ie. Safeguarding, Prevent, etc
- Add the required details of the checks carried out to the school's SCR.

## **13. Single central record (SCR)**

- 13.1. The school will maintain and regularly update the SCR.

- 13.2. All new employees will be added to the record, which will include:

- All staff (including supply staff) who work at the school.
- All others who work in regular contact with children in the school or college, including volunteers.



13.3. The bullet points below set out the minimum information that must be recorded in respect of staff members (including teacher trainees on salaried routes). The record will indicate whether the following checks have been carried out or certificates obtained, and the date on which each check was completed/certificate obtained:

- An identity check (photo ID, DOB, proof of address)
- A barred list check
- An enhanced DBS check
- A prohibition from teaching check
- Further checks on people living or working outside the UK, including checks for European Economic Area (EEA) teacher sanctions and restrictions
- A check of professional qualifications
- A check to establish the person's right to work in the UK
- For those in governor roles, a section 128 check
- Two references or Risk assessment
- Medical clearance
- Annual DBS declaration
- Statutory training – Prevent, Child Protection
- For teachers: teacher number and date of qualification

15.1 For supply staff, the SCR also records whether written confirmation has been received from the agency supplying the member of staff that the relevant checks have been carried out and the appropriate certificates have been obtained, and details of the date on which the confirmation was received and whether any enhanced DBS certificate check have been provided in respect of the member of staff.

15.2 If checks are carried out on volunteers, this will be recorded in the SCR

15.3 There is no requirement for fee-funded trainee teachers to be recorded on the SCR.

15.4 The SCR is securely stored electronically.

#### **14. Safer recruitment training**

- 14.1. At least one member of the recruitment panel will have completed formal safer recruitment training.
- 14.2. As a measure of good practice, the school will ensure that this training is renewed every two-three years.

## Section 2: DBS Policy

### Contents:

|   |    |
|---|----|
| Statement of intent   | 17 |
| <br>  |    |
| 15. Roles and responsibilities                                    | 17 |
| 16. Procedures for staff  | 18 |
| 17. Procedures for governors                                      | 19 |
| 18. Procedures for volunteers                                     | 20 |
| 19. Procedures for visitors                                       | 20 |
| 20. Procedures for contractors                                    | 20 |
| 21. Staff who have lived or worked outside the UK                 | 21 |
| 22. Procedures for adults supervising children on work experience | 22 |
| 23. Procedures for alternative provision                          | 22 |
| 24. Procedures for arranged homestays during exchange visits      | 22 |
| 25. Disclosures containing criminal information                   | 23 |
| 26. Making a recruitment decision                                 | 24 |
| 27. DBS update service  | 25 |
| 28. Referral to the DBS   | 25 |
| 29. Appointment without a full DBS Clearance                      | 25 |
| 30. Recruitment of ex-offenders                                   | 26 |
| 31. Data handling   | 27 |

| Appendix |   |
|----------|---|
| A        | Safeguarding, Disclosure and Barring Policy Declaration             |
| B        | DBS Filtering Rules   |
| C        | Update Service Consent Form   |
| D        | Disqualification under the Childcare Act letter and self-disclosure |
| E        | Disqualification under the Childcare Act FAQs                       |
| F        | Single Central Record template                                      |
| G        | Disclosure Form for Shortlisted Candidates - Children               |
| H        | Disclosure Form for Shortlisted Candidates – Children and Adults    |
| I        | Safer Recruitment Risk Assessment Form                              |

## Statement of intent

We are committed to promoting the welfare of our staff, pupils and visitors. Ensuring the safety of our school community is of paramount importance and, as a result, this policy has been created to establish a safe environment where pupils are cared for appropriately and are free from harm.

For certain roles, the school may be required to request a DBS check as part of its recruitment process. This check may also include barred list information held on the DBS barred list, as well as any information held by the police which is relevant to the role applied for.

DBS checks allow the school to ascertain an individual's suitability to work with children in an educational environment. This policy will ensure that all staff, pupils and parents are aware of the measures taken by the school to promote the welfare of the school community.

## 15. Roles and responsibilities

15.1 The governing board is responsible for:

- Approving the headteacher's decisions with regards to disclosure information concerning existing and prospective employees.
- Ensuring that this DBS Policy and the Home Office's Code of Practice (CoP) is adhered to at all times.
- Ensuring all agreed DBS procedures are adhered to for both current and prospective employees.
- Monitoring the school's single central record (SCR), ensuring its compliance with requirements.

15.2 The headteacher is responsible for:

- Making decisions with regards to disclosure information concerning existing and prospective employees.
- Ensuring that they are aware of any posts in the school that are subject to a DBS check.
- Maintaining an up-to-date SCR.
- Ensuring that any job descriptions and person specifications for any posts within the school indicate whether an individual will require a DBS check, as well as what level of check is required.
- Taking reasonable steps to make sure that any individual who is not an employee, but who is covering an existing post or other work within the school, holds the appropriate level of DBS check.
- Ensuring that all members of staff hold current, acceptable DBS checks according to the appropriate level required, and that school will renew around 10% of checks each year on a random sample basis, and routine renewals may also be undertaken for other posts, subject to a risk assessment.
- Ensuring all staff in posts subject to enhanced DBS clearance will be reminded of their duty to disclose convictions in line with the provisions of this policy. Any failure to disclose relevant information will be regarded as

a potentially serious breach of trust and confidence and may result in disciplinary action, potentially leading to dismissal of existing staff or non-appointment of applicants.

## **16 Procedures for staff**

### **New members of staff**

**16.1** Staff who will be in regulated activity are required to obtain an enhanced DBS certificate with a barred list check.

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

**16.3** Staff are required to show the original DBS certificate to the headteacher before they begin their employment or as soon as practicable after their employment begins.

**16.4** Where a member of staff will start work in regulated activity before the DBS certificate is available, the headteacher will ensure the individual is appropriately supervised and that all other checks, including a separate barred list check, have been carried out.

**16.5** There is 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.
- In an institution within the FE sector in England, or in a 16-19 academy, in a post which involved the provision of education which brought them into regular 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.

**16.6** 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 2006 (updated in 2018).

### **Existing staff**

- 16.7 Where the school has concerns about an existing staff member's suitability to work with children, all relevant checks will be carried out as if the individual were a new member of staff.
- 16.8 If a member of staff moves from a post that was not in regulated activity into a post involving regulated activity, all the relevant checks will be carried out.
- 16.9 The school is not required to request a DBS or barred list check for existing staff members.

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

- 16.10 The SBM 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.
- 16.11 Where the position requires a barred list check, this will be obtained by the agency or third party prior to appointing the individual.
- 16.12 The SBM will check that the individual presenting themselves for work is the same person for whom the checks have been made.

#### **Trainee/student teachers**

- 16.13 Where applicants for ITT are salaried by the school or college, the SBM 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.
- 16.14 Where trainee teachers are fee-funded, the training provider is responsible for carrying out the necessary checks. The SBM 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.

## **17 Procedures for governors**

- 17.1 Enhanced DBS checks are mandatory for governors but not associate members. The governing board will apply for a certificate for any governor who does not have an enhanced certificate.
- 17.2 A barred list check will only be required for governors who, aside from their governance duties, are engaged in regulated activity.
- 17.3 The SBM will contact The Teaching Regulation Agency (TRA) Teacher Services to check if a proposed governor is barred because of a section 128 direction.

## **18 Procedures for volunteers**

18.1 Under no circumstances will a volunteer who has undergone no checks be left unsupervised or allowed to work in regulated activity.

18.2 The SBM will obtain an enhanced DBS check, with barred list information, for any volunteer who is new to working in regulated activity.

18.3 In some circumstances, the SBM may obtain an enhanced DBS certificate for volunteers who are not engaged in regulated activity but will not request barred list information.

18.4 There is 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.

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

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

18.6 Details of the risk assessment will be recorded.

18.7 The headteacher will determine whether a volunteer is supervised. For a person to be considered supervised, the supervision must be:

- By a person who is in regulated activity.
- Regular and day-to-day.
- Reasonable in all the circumstances to ensure the protection of children

18.8 When allowing any volunteers to work at the school, the SBM will check that the individual presenting themselves for work is the same person for whom the checks have been made.

## **19 Procedures for visitors**

19.1 The school does not have the power to request DBS checks to be carried out on visitors.

19.2 The headteacher will use their professional judgement when considering the need to escort or supervise visitors.

## **20 Procedures for contractors**

20.1 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 is responsible for determining the appropriate level of supervision depending on the circumstances.

20.2 Contractors who engage in regulated activity will be required to obtain an enhanced DBS certificate with barred list check.

20.3 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. In considering whether contact is regular, it is irrelevant whether the contractor works on a single site or across a number of sites.

20.4 If a contractor working at the school is self-employed, the SBM will consider if they need to obtain a DBS check on the contractor's behalf.

20.5 The SBM/OM will check the identity of contractors and their staff upon arrival to the school.

## **21 Staff who have lived or worked outside the UK**

21.1 New staff members who have lived or worked outside the UK will be checked in the same way as all other staff, in line with the procedures outlined in [section 4](#) of this policy.

21.2 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.

21.3 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, including obtaining enhanced DBS certificate with barred list information, even if the applicant has never been to the UK.

21.4 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.

21.5 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.

21.6 As the DBS cannot provide details of police records for overseas applications, the school is aware that the DBS information may not provide a complete picture of a candidate's criminal record.

21.7 In relation to the above, the school will conduct additional recruitment checks such as obtaining a certificate of good conduct from relevant embassies or the police.

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

## **22 Procedures for adults supervising children on work experience**

- 22.1 The school will consider the specific circumstances of the work experience placement when considering what level, if any, of DBS check is required on individuals supervising pupils, including those aged 16 and over, on the placement.
- 22.2 Consideration will be given to whether the person providing supervision to the pupil will be unsupervised themselves and providing the supervision frequently, i.e. more than three days in a 30-day period, or overnight.
- 22.3 The school is not able to request an enhanced DBS check with barred list information for staff supervising pupils who are aged 16 to 17.
- 22.4 Work experience providers are not able to request any DBS checks for pupils under 16.
- 22.5 The school will ensure all work experience providers have policies and procedures in place to protect pupils from harm.

## **23 Procedures for alternative provision**

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

## **24 Procedures for arranged homestays during exchange visits**

- 24.1 When arranging a homestay for a visiting pupil in the UK, the headteacher will consider the suitability of the adults in the respective families who will be responsible for the visiting child during the stay.
- 24.2 Where the headteacher arranges for a visiting child to be provided with care and accommodation in the home of a family to which they are not related, the responsible adults will be engaging in regulated activity for the duration of the stay. In these circumstances, and where the school has the power to terminate such a homestay, the school will be the regulated activity provider.
- 24.3 When arranging homestays, the headteacher will use professional judgement to assess the suitability of the adults in those families who will be responsible for the visiting child during their stay. To help inform the assessment, the SBM will obtain enhanced DBS certificates with barred list information.
- 24.4 The headteacher may decide to obtain an enhanced DBS certificate in respect of anyone aged 16 or over in the household where the child will be staying.
- 24.5 When arranging a homestay abroad, the headteacher will liaise with partner schools abroad to establish a shared understanding of, and agreement to the arrangements in place for the visit. The headteacher will use professional judgement to determine that the arrangements are appropriate and sufficient to safeguard every child who will take part in the exchange.



24.6 The headteacher may decide to contact the relevant foreign embassy or High Commission of the country in question to discuss what checks may be possible in respect of those providing homestay outside of the UK.

24.7 Where a period of UK homestay lasts 28 days or more, for a child aged under 16 (or 18 if the child has disabilities), this may amount to private fostering under the Children Act 1989. Where this is the case, the headteacher will notify the LA of the arrangements.

## **25 Disclosures containing criminal information**

25.1A 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

25.2If 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.

25.3In the event of a disclosure containing criminal information, the headteacher will check whether the individual has obtained any previous criminal convictions or cautions by a meeting.

25.4The headteacher will discuss the disclosed information with the governing board immediately to agree a course of action regarding any prospective or existing employee. The assessment of a 'positive' disclosure will be in accordance with the following checklist:

- the likely impact that the positive disclosure could have on the individual's ability to carry out the job role;
- the seriousness and nature of the offence(s);
- the nature of the appointment;
- the length of time since the offence(s) occurred;
- the number and pattern of offences;
- the applicant's age at the time;
- any explanation of the circumstances of the offence(s) that may already have been given
- concealment of the offence(s) at the application stage/non-disclosure of offences that occurred during employment

25.5The individual will be required to attend a meeting with the headteacher to confirm that the convictions are theirs. If the individual denies that the convictions relate to them, the headteacher will contact the DBS to carry out an investigation.

25.6If it is established by the DBS that the convictions do concern the individual, the headteacher will explore the circumstances surrounding these and their suitability to work with children, in accordance with the governing board and LA.

25.7 For prospective employees, all posts will remain pending whilst meetings and investigations take place.

25.8 For current employees, the headteacher will consider whether adjustments will need to be made whilst meetings and investigations take place, including:

- Whether the employee can continue their practice.
- Whether closer supervision is required of the employee.
- Whether the employee should be temporarily transferred to other duties.
- Whether the employee should be dealt with in accordance with the Disciplinary Policy and Procedure and suspended with entitlement to full pay.

25.9 The headteacher will consult the SBM when deciding what adjustments will need to be made for the employee concerned.

25.10 An exception to section 14.7 is if the headteacher was already aware of the employee's convictions and had previously discussed with the governing board and LA that they were still suitable for their appointment, or, if it is revealed that the convictions do not relate to the individual concerned.

## 26 Making a recruitment decision

26.1 The Headteacher will consider the magnitude of any DBS disclosures.

26.2 **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

26.3 **Serious disclosures** which involve criminal activity, but do not pose a risk to pupils, will be discussed with the headteacher prior to the candidate being accepted for the role.

26.4 The headteacher will endeavour to ascertain the relevant facts from the individual and decide upon a conclusion. Following this, the candidate will receive a rejection or acceptance letter.

26.5 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).

26.6 When deciding to accept or reject a candidate, the school will consider the following information:

- The relevance of the disclosure in relation to the position applied for
- The nature of the offence or other matters revealed
- The length of time since the offence or other matters occurred
- Whether there is a pattern of offending behaviour

- Whether the candidate's circumstances have changed since the offending behaviour or other matters occurred
- Any extenuating circumstances surrounding the offence and explanations offered

26.7A risk assessment will be conducted by the SBM/headteacher following a positive disclosure, before deciding on the candidate's suitability.

26.8A record of all recruitment decisions following positive DBS disclosures will be kept by the SBM.

26.9 Depending on the circumstances of each case, the chair of the governing board may be asked to countersign the form recording the recruitment decision.

## **27 DBS update service**

27.1 Staff members will be encouraged to join the DBS update service to ensure that their DBS certificates are up-to-date.

27.2 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.

27.3 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.

## **28 Referral to the DBS**

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

- The harm test is satisfied.
- The staff member has received a caution or conviction for a relevant offence, or if there is reason to believe the staff member has committed a listed relevant offence.
- The staff member has been removed from working in regulated activity, or would have been removed had they not left the school.
- The staff member has been moved to an area of work not in regulated activity.
- The staff member has been suspended.

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

## **29 Appointment without full DBS clearance**

29.1 Following an offer and acceptance of employment, employees should not normally commence working for the Council until full clearances of all relevant pre-employment checks, including DBS clearance, have been received and checked.

- 29.2 Any decision for employment to commence prior to receipt of full pre-employment checks can only be taken, following consideration of a completed Risk Assessment based on the nature of work, the level of exposure to children, young people or vulnerable adults and the information provided on the application form.
- 29.3 If offences have been disclosed, approval for employment to commence can only be given by the Assistant Director (Staying Safe) or Assistant Director Care Management, with reference to the relevant Director as appropriate. Should there be no disclosed offences, approval can be given by the HR Business Partner or Deputy HR Business partner.
- 29.4 The contract of any employee appointed prior to receiving clearance should remain subject to this condition being met. Until such time as the DBS clearance is received, the employee will remain subject to robust control measures of which they will be notified.
- 29.5 The line manager is responsible for monitoring the individual until clearance is received and ensuring progress on the DBS check is pursued at least every 14 days. The Assistant Director (Staying Safe) or Assistant Director Care Management remain accountable for this decision until the DBS clearance has been granted.
- 29.6 The Manager is responsible for fully completing and submitting a risk assessment to their HR Adviser for consideration in line with the guidance within this policy.

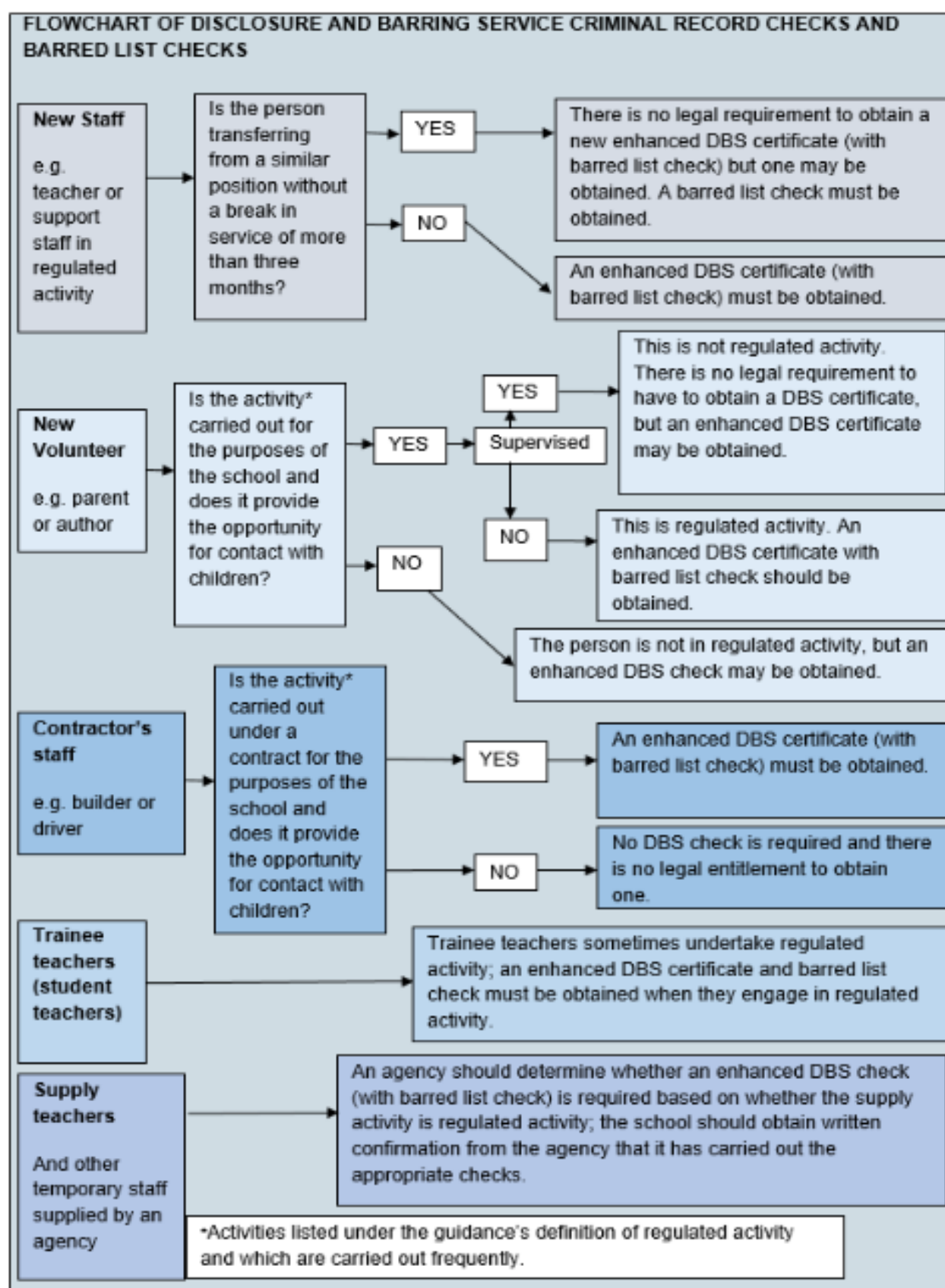
## **30 Recruitment of ex-offenders**

- 30.1 The school is aware of its responsibility under the Police Act 1997 not to discriminate applicants based on their criminal record.
- 30.2 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.
- 30.3 The school selects all candidates for interview based on their skills, qualifications and experience.
- 30.4 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.
- 30.5 During the recruitment process, the school will ensure that a discussion between the recruitment panel and headteacher takes place to evaluate any offences or other matters relevant to the position.
- 30.6 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.
- 30.7 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 [section 14](#) and [section 15](#) of this policy.

## **31 Data handling**

31.1 All DBS certificates will be checked and verified, but not stored.

## Flowchart of DBS



## APPENDIX A

# Safeguarding, Disclosure and Barring Policy Declaration

# Bolton Council

NAME:.....

Class/Faculty:.....

EXTENSION:.....

I confirm that I have received and read the Safeguarding, Disclosure & Barring Policy.

I understand that failure to disclose criminal convictions, cautions, reprimands, bind-overs and any other police involvement that occurs during my employment with the school, both within and outside of working hours, may result in disciplinary action being taken and may ultimately lead to my dismissal.

**SIGNED** .....

**DATE:** .....

I confirm that I have not had any undisclosed criminal convictions, cautions, reprimands, bind-overs and any other police involvement within the past twelve months.

**SIGNED** .....

**DATE:** .....

**HEAD TEACHER'S SIGNATURE:**.....

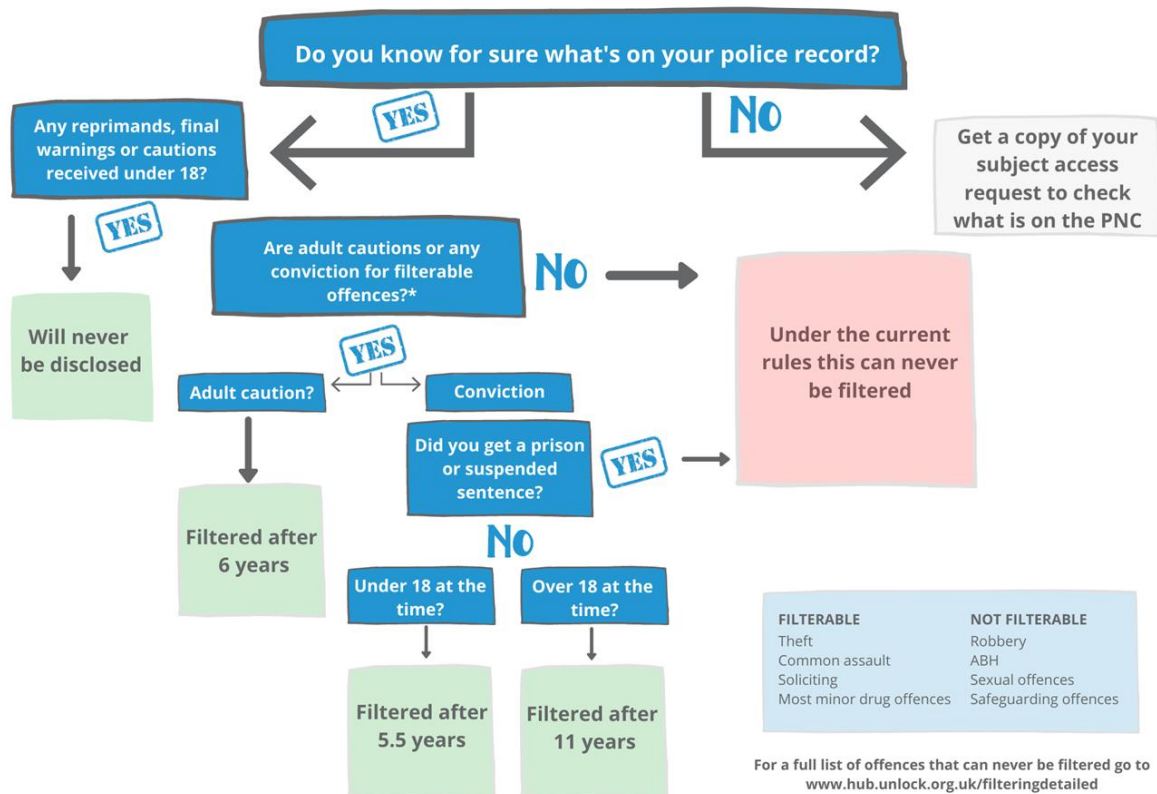
**DATE:**.....

Please send your completed declaration to your head teacher.

## DBS Filtering Rules

### What has changed?

**From 29 May 2013 (updated December 2020)** – a change in legislation means that certain old and minor convictions can be removed from the DBS certificate. Convictions that resulted in a custodial sentence will never be removed nor will certain serious convictions – more information can be found at <https://www.gov.uk/government/organisations/disclosure-and-barring-service>



### Where can I find more information?

By speaking to your nominated HR Adviser or HR Administrator.

Further information can be found on the HR Extranet and more detailed guidance documents on the DBS site: [www.gov.uk/db](http://www.gov.uk/db)



# Update Service Consent Form

In June 2013, the Disclosure & Barring Service introduced the Update Service which allows an employer to check an individual's DBS certificate is up to date, on-line via a secure log-in.

In order to be able to check your DBS status, I need to confirm that I have your consent to do so on the Disclosure and Barring Service system – the wording of the declaration is below for your information:

**I confirm I have the authority of the individual to which this DBS Certificate number relates to receive up-to-date information (within the meaning of section 116A of the Police Act 1997) in relation to their criminal record DBS Certificate for the purposes of asking an exempted question within the meaning of section 113A of the Police Act 1997; or in relation to their enhanced criminal record DBS Certificate for the purposes of asking an exempted question for a prescribed purpose within the meaning of section 113B of the Police Act 1997.**

Please therefore complete the declaration below, and return it to the School.

**Name:** \_\_\_\_\_

**Date of birth:** \_\_\_\_\_

**DBS Issue date:** \_\_\_\_\_

**DBS Certificate number:** \_\_\_\_\_

I consent to Bolton Council and {School Name} school making a check of my status on the DBS Update Service.

I understand that this consent document will be kept securely with other recruitment papers and held on my HR file for future reference and in accordance with the Data Protection Act.

**Signed:** \_\_\_\_\_

**Date:** \_\_\_\_\_

## APPENDIX D

### **Model letter and form for staff covered by the Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018, plus FAQs**

Dear

#### **Childcare Disqualification Requirements**

{School Name} undertake thorough safeguarding checks during the recruitment process as required under the Department for Education's statutory guidance on 'Keeping Children Safe in Education'. The Government has also issued supplementary guidance to this which includes a requirement for childcare disqualification checks to be carried out on certain groups of staff working in schools.

These arise from the Childcare (Disqualification) Regulations 2018 and the Education Act 2006. The Regulations prohibit anyone disqualified under the Regulations from working in a relevant setting.

As your post is covered by these Regulations, the school is legally required to ensure you are aware of these Regulations and seek to gather sufficient information about whether you are disqualified from working with children.

Under the legislation a person is disqualified if they are found to have committed an offence which is included in the 2018 regulations (a 'relevant' offence) this includes:

- Being convicted of a relevant offence
- On or after 6<sup>th</sup> April 2007, being given a caution for a relevant offence
- On or after 8<sup>th</sup> April 2013, being given a youth caution for a relevant offence

This letter, together with the FAQs ensures compliance with the first requirement above. In order to be fully compliant you are asked to advise the school (using the form attached) whether you have been disqualified from working with children. You are also required to inform the school should your circumstances under the legislation change.

The school will be under a duty to act should you confirm your disqualification – the details of this are included in the FAQs.

Please be assured the school understands this is a sensitive issue and will treat any information provided with due care and attention and in line with Data Protection policies.

Please complete and return the form below in a confidential envelope addressed to the Headteacher.

Yours sincerely

Headteacher

Encl: Childcare Disqualification Requirements FAQs

{School Name} School

Childcare Disqualification Requirements form for staff in scope of the regulations;

- Staff employed to work in Early Years (children under the age of 5)
  - Staff employed in later years (wrap around care for children under the age of 8)
- (to be issued with letter and FAQs)

Name: \_\_\_\_\_

Post: \_\_\_\_\_

School: \_\_\_\_\_

Date: \_\_\_\_\_

|    |  |          |
|----|--|----------|
|    |  |          |
| a) | Have you been disqualified from working with children?   | YES / NO |
| b) | Have you received a conviction or caution for a 'relevant' offence as prescribed in the legislation? | YES / NO |

Form to be returned to the Headteacher in an envelope marked as confidential.

## **APPENDIX E**

### **FAQs for staff in scope of the regulations**

#### **1. Who is covered by these Regulations?**

The Regulations cover staff working in nursery, primary or secondary school settings if they are employed and/or provide early years childcare (this includes from birth until 1 September following a child's fifth birthday i.e. up to and including reception age) or later years childcare (this covers children above reception age but who have not attained the age of 8) or if they are directly concerned with the management of such childcare.

This includes:

- Early years provision - staff who provide any care for a child up to and including reception age. This includes education in nursery and reception classes and/or any supervised activity (such as breakfast clubs, lunchtime supervision and after school care provided by the school) both during and outside of school hours.
- Later years provision (for children under 8) - staff who are employed to work in childcare provided by the school outside of school hours for children who are above reception age but who have not attained the age of 8. This does not include education for children above reception age during school hours but it does include before school settings, such as breakfast clubs, and after school provision.
- Staff who are directly concerned in the management of the above settings – including headteacher, members of the leadership team, supervisor, leader or volunteer responsible for the day to day management of the provision.

#### **2. Where are the disclosable offences set out?**

Full details of the relevant offences can be found:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/741597/APPENDICES-Disqualification\\_under\\_the\\_childcare\\_act\\_statguidance\\_4\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/741597/APPENDICES-Disqualification_under_the_childcare_act_statguidance_4_.pdf)

#### **3. What if a person is not sure whether they have a relevant offence?**

Cautions or convictions should only be provided if they are relevant to the childcare disqualification legislation.

If the person is unsure we would advise declaration of anything that they think may be relevant and schools can seek advice from the Schools HR Team - [HRschools@bolton.gov.uk](mailto:HRschools@bolton.gov.uk)

#### **4. What happens if I fall within the disqualification criteria?**

A DBS risk assessment will be completed and you will be asked to complete a waiver that will be considered by Ofsted. Whilst a waiver application is under consideration schools will need to decide

whether it is appropriate to redeploy you elsewhere in the school, or make adjustments to your role to avoid you from working in relevant childcare.

#### **5. How long will it take to process an application for a disqualification waiver?**

It is a matter for OFSTED as they have the responsibility for granting a waiver or not. The time it will take to process a waiver application will undoubtedly vary from case-to case; whilst many should be straightforward, others will unfortunately be more complex and take time to resolve.

#### **6. What constitutes childcare outside of the normal school day?**

Child care includes breakfast clubs, homework clubs, nursery and crèche provision provided by the school. Where activities are run by other providers on school premises but not managed by the school (e.g. lettings, football clubs etc ), these are not covered as they are not child care provision.

#### **7. How these Regulations sit with the Data Protection Act and the school passing information to OFSTED?**

Schools must ensure that they handle information fairly and lawfully and take care not to breach the Data Protection Act 2018 and General Data Protection Regulations (GDPR).

The Childcare (Disqualification) Regulations 2018 require employers to pass information to OFSTED and such statutory duties are allowed under the Data Protection Act.

#### **8. Further information**

Further guidance can be found in the Statutory Guidance Disqualification under the Childcare Act 2006.

<https://www.gov.uk/government/publications/disqualification-under-the-childcare-act-2006/disqualification-under-the-childcare-act-2006>

# APPENDIX F

## Single Central Record template



| Identity |         |     |                      |                    | Position Held |                   | Qualifications                     |                                       |                                       |  |                            | Vetting Checks           |                                |                                       |  |  |  |  | Right to work in UK      |  |   | Medical   | References                      |   | Sign                                      |                     |
|----------|---------|-----|----------------------|--------------------|---------------|-------------------|------------------------------------|---------------------------------------|---------------------------------------|--|----------------------------|--------------------------|--------------------------------|---------------------------------------|--|--|--|--|--------------------------|--|---|---|---------------------------------|---|---|---------------------|
| Name     | Address | DOB | Date address ID seen | Date photo ID seen | Start date    | Role or Job Title | Qualifications Required (yes / no) | If required, Qualifications Evidenced | If required, date Qualifications seen | If required, Teacher Registration Number | Date evidenced and checked | Date barred list checked | Date DBS evidenced and checked | If DBS Checked, DBS Disclosure Number | Date Teachers Register evidenced and checked | Date S128 Prohibition from Management checked. * | Overseas Police check /Required (yes / no) | If required, EEA Overseas check completed (yes / no) | Disqualification check * | Date Passport / Visa / Work Permit evidenced for Right to Work in the UK | If Required, Date Visa or Work Permit Expires (earliest date) | If Required, Most Recent Date Work Permit or Visa Evidenced | Date Medical Clearance Received | Date Satisfactory Reference One Completed | Date Satisfactory Reference Two Completed | Evidence Checked By |
|          |         |     |                      |                    |               |                   |                                    |                                       |                                       |  |                            |                          |                                |                                       |  |  |  |  |                          |  |   |   |                                 |   |   |                     |
|          |         |     |                      |                    |               |                   |                                    |                                       |                                       |  |                            |                          |                                |                                       |  |  |  |  |                          |  |   |   |                                 |   |   |                     |
|          |         |     |                      |                    |               |                   |                                    |                                       |                                       |  |                            |                          |                                |                                       |  |  |  |  |                          |  |   |   |                                 |   |   |                     |
|          |         |     |                      |                    |               |                   |                                    |                                       |                                       |  |                            |                          |                                |                                       |  |  |  |  |                          |  |   |   |                                 |   |   |                     |
|          |         |     |                      |                    |               |                   |                                    |                                       |                                       |  |                            |                          |                                |                                       |  |  |  |  |                          |  |   |   |                                 |   |   |                     |

\*Section 128 only applicable to Governors of maintained schools and Leadership of Academies.

\*Disqualification check only applicable to Primary Schools and Nurseries

## APPENDIX G

### Disclosure Form for Shortlisted Candidates – Children’s Workforce



Congratulations on being shortlisted. Please return this disclosure to the school **at least one day prior to interview**. If we have not received this, we reserve the right to withdraw the offer of interview.

|                   |         |       |
|-------------------|---------|-------|
| POST APPLIED FOR: | SCHOOL: | DATE: |
|-------------------|---------|-------|

|                        |                                  |  |               |
|------------------------|----------------------------------|--|---------------|
| Surname:               |                                  | Previous name(s) (if any):                                     |               |
| Forename(s):           |                                  | Preferred title:   | Date of birth |
| National Insurance No: | Teacher Ref. No (if applicable): | Date of recognition as qualified teacher, QTS (if applicable): |               |

***This post is exempt from the Rehabilitation of Offenders Act 1974; pre-employment checks will be carried out, references will be sought and successful candidates will be subject to an enhanced DBS check and other relevant checks with statutory bodies.***

The position you are applying for gives you privileged access to vulnerable groups, therefore you are required to disclose all spent convictions and cautions under the Rehabilitation of Offenders Act 1974 (Exemptions) Order 1975 unless they are “protected” convictions/cautions.

This means that, under the amendments made to the Rehabilitation of Offenders Act 1974 (Exemptions) Order 1975 (in 2013 and 2020), you must disclose all spent and unspent convictions, other than those which are “protected” and are not subject to disclosure to employers. Any “protected” cautions or convictions disclosed in error, will not be taken into account.

Guidance and criteria on the filtering of these cautions and convictions, along with a full list of offences which will never be removed from a certificate can be found on the Disclosure and Barring Service website: <https://www.gov.uk/government/news/disclosure-and-barring-service-filtering>

Failure to disclose any disclosable criminal convictions could lead to your application being rejected. If it is subsequently discovered, following appointment, that you have failed to disclose any disclosable criminal convictions, this will be determined as an act of gross misconduct and you may be summarily dismissed. A referral to the Police will be made where appropriate.

**It is an offence to knowingly apply for, offer to do, accept, or do any work in a regulated position if you have been disqualified from working with children.**

**Any offer of employment will be subject to checks being carried out in order to ensure that you are not subject to a prohibition order or an interim prohibition order.**

Failure to complete this form may render your application invalid.

|   |
|---|
| 1. Do you have any convictions or adult cautions that are unspent under the Rehabilitation of Offenders Act 1974? Yes / No  |
| 2. Do you have any other cautions or convictions that would not be filtered? Yes / No   |
| <p>If you answered yes to either of the above questions, please set out the following details:</p> <ul style="list-style-type: none"> <li>• Date of each conviction / pending hearing / reprimand / warning;</li> <li>• The offence;</li> <li>• The sentence; and</li> <li>• The Police Force / Court involved.</li> </ul> <p><i>Continue on a separate sheet if necessary.</i></p> |
| 3. As this post is working in regulated activity with children, please state whether you are included on the DBS children's barred list? Yes / No   |
| If yes, please provide details here   |
| 4. (Teaching posts only) Are you, or have you ever been, prohibited from teaching by the TRA or sanctioned by the GTCE? Yes / No / Not applicable   |
| If yes, please provide details here   |



|   |
|---|
| 5. *Management posts in independent schools / academies only<br>Have you been prohibited from management of an independent school (s128)? Yes / No / Not applicable |
| If yes, please provide details here   |
| 6. Have you lived or worked outside the UK for more than 3 months in the last 5 years? Yes / No   |
| If yes, please provide details here   |
| 7. Are you subject to any sanctions relating to work with children in any country outside the UK? Yes / No  |
| If yes, please provide details here   |

**Please complete the declaration below:**

I declare that all the information I have provided in this disclosure is full and correct at the time of application and that I have not omitted anything that could be relevant to the appointment of someone who will work with children. I understand that the recruitment panel may be made aware of any relevant information that I have disclosed in order to discuss the matter(s) with me as part of the recruitment process and that, if my application is successful, a risk assessment of the disclosed information will be held securely on my personnel file. I understand that the declaration of a criminal record will not necessarily prevent me from being offered this role.

**Signed:**

**Date:**

**Please return this form in a sealed envelope to:**

Please note that, if you are unsuccessful, this disclosure form will be securely destroyed within 6 months of your application.

## APPENDIX H

### Disclosure Form for Shortlisted Candidates – Children’s and Adult’s Workforce



Congratulations on being shortlisted. Please return this disclosure to the school **at least one day prior to interview**. If we have not received this, we reserve the right to withdraw the offer of interview.

|                   |         |       |
|-------------------|---------|-------|
| POST APPLIED FOR: | SCHOOL: | DATE: |
|-------------------|---------|-------|

|                        |                                  |  |               |
|------------------------|----------------------------------|--|---------------|
| Surname:               |                                  | Previous name(s) (if any):                                     |               |
| Forename(s):           |                                  | Preferred title:   | Date of birth |
| National Insurance No: | Teacher Ref. No (if applicable): | Date of recognition as qualified teacher, QTS (if applicable): |               |

***This post is exempt from the Rehabilitation of Offenders Act 1974; pre-employment checks will be carried out, references will be sought and successful candidates will be subject to an enhanced DBS check and other relevant checks with statutory bodies.***

The position you are applying for gives you privileged access to vulnerable groups, therefore you are required to disclose all spent convictions and cautions under the Rehabilitation of Offenders Act 1974 (Exemptions) Order 1975 unless they are “protected” convictions/cautions.

This means that, under the amendments made to the Rehabilitation of Offenders Act 1974 (Exemptions) Order 1975 (in 2013 and 2020), you must disclose all spent and unspent convictions, other than those which are “protected” and are not subject to disclosure to employers. Any “protected” cautions or convictions disclosed in error, will not be taken into account.

Guidance and criteria on the filtering of these cautions and convictions, along with a full list of offences which will never be removed from a certificate can be found on the Disclosure and Barring Service website: <https://www.gov.uk/government/news/disclosure-and-barring-service-filtering>

Failure to disclose any disclosable criminal convictions could lead to your application being rejected. If it is subsequently discovered, following appointment, that you have failed to disclose any disclosable criminal convictions, this will be determined as an act of gross misconduct and you may be summarily dismissed. A referral to the Police will be made where appropriate.

**It is an offence to knowingly apply for, offer to do, accept, or do any work in a regulated position if you have been disqualified from working with children.**

**Any offer of employment will be subject to checks being carried out in order to ensure that you are not subject to a prohibition order or an interim prohibition order.**

Failure to complete this form may render your application invalid.

|  |
|--|
| 8. Do you have any convictions or adult cautions that are unspent under the Rehabilitation of Offenders Act 1974? Yes / No   |
| 9. Do you have any other cautions or convictions that would not be filtered? Yes / No  |
| <p>If you answered yes to either of the above questions, please set out the following details:</p> <ul style="list-style-type: none"><li>• Date of each conviction / pending hearing / reprimand / warning;</li><li>• The offence;</li><li>• The sentence; and</li><li>• The Police Force / Court involved.</li></ul> <p><i>Continue on a separate sheet if necessary.</i></p> |
| 10. As this post is working in regulated activity with children, please state whether you included on the DBS children's barred list? Yes / No   |
| If yes, please provide details here  |
| 11. As this post is working in regulated activity with vulnerable adults over the age of 18, please state whether you included on the DBS Adults Barred list? Yes / No   |
| If yes, please provide details here  |

|  |
|--|
| 12. (Teaching posts only) Are you, or have you ever been, prohibited from teaching by the TRA or sanctioned by the GTCE? Yes / No / Not applicable                   |
| If yes, please provide details here  |
| 13. *Management posts in independent schools / academies only<br>Have you been prohibited from management of an independent school (s128)? Yes / No / Not applicable |
| If yes, please provide details here  |
| 14. Have you lived or worked outside the UK for more than 3 months in the last 5 years? Yes / No   |
| If yes, please provide details here  |
| 15. Are you subject to any sanctions relating to work with children in any country outside the UK?<br>Yes / No   |
| If yes, please provide details here  |

**Please complete the declaration below:**

I declare that all the information I have provided in this disclosure is full and correct at the time of application and that I have not omitted anything that could be relevant to the appointment of someone who will work with children. I understand that the recruitment panel may be made aware of any relevant information that I have disclosed in order to discuss the matter(s) with me as part of the recruitment process and that, if my application is successful, a risk assessment of the disclosed information will be held securely on my personnel file. I understand that the declaration of a criminal record will not necessarily prevent me from being offered this role.

**Signed:**

**Date:**

**Please return this form in a sealed envelope to:**

Please note that, if you are unsuccessful, this disclosure form will be securely destroyed within 6 months of your application.

## Appendix I

### SAFER RECRUITMENT RISK ASSESSMENT FORM

**Appendix A – Record of Safeguarding Risk Assessment – for pre-employment (A) and positive DBS checks (B).**

|                                   |                              |
|-----------------------------------|------------------------------|
| <b>Full Name:</b>                 | <b>Date of Birth:</b>        |
| <b>All Previous Names:</b>        | <b>Department/School:</b>    |
| <b>Job/ Position Applied for:</b> | <b>Manager/Head Teacher:</b> |

## Section A. MANAGER/HEAD TEACHER TO COMPLETE

**Request for pre-employment start without DBS** (the individual must not undertake any work (paid or unpaid) until this risk assessment has been considered and approved)

|   |  |
|---|--|
| Please explain why you need the person to commence work prior to all checks being received. |  |
|---|--|

| Question   | Applicable<br>(Please delete as appropriate) | Comments |
|--|--|----------|
| Have at least two satisfactory written references been received?   | Yes / No<br>If 'No' state reason             |          |
| Has the application form been checked for gaps/anomalies?  | Yes / No<br>Give details                     |          |
| Has medical clearance been obtained for a new starter?   | Yes / No<br>If 'No' state reason             |          |
| Will the person be supervised at all times until satisfactory DBS clearance is received?   | Yes / No<br>If 'No' state reason             |          |
| Has the individual disclosed any cautions, convictions, warnings, etc?   | Yes / No<br>If 'No' state reason             |          |
| If yes, at what stage were these disclosed?  |  |          |
| Further details: who was involved, when it occurred, what occurred, where incident/offence was committed, why it was committed. How does applicant now feel about incident or offence? |  |          |
| Details of proposed measures to manage the 'risk' of this individual commencing work prior to their DBS certificate being received. See 2.1.4 of policy for relevant criteria          |  |          |

**Section B. MANAGER/HEAD TEACHER TO COMPLETE – POSITIVE**

**DISCLOSURE** (the individual must not undertake any work (paid or unpaid) until risk assessment considered and approved)

A DBS certificate has been returned and contains information which may be relevant to employment/ volunteering. This may not bar the individual from working with us; it will depend on the nature of the position applied for and circumstances at the time of the incidents or offences. We therefore require an explanation for these incidents or offences, as well as the circumstances around the individual at the time.

Please complete the following information with details from the original certificate, ensuring the individual is aware that to withhold information or to give false information may be regarded as an attempt to falsify records which constitutes gross misconduct and could lead to dismissal under relevant procedures.

|                                  |  |
|----------------------------------|--|
| DBS Certificate Issue date       |  |
| DBS Certificate Reference Number |  |

|   |
|---|
| <b>Offence or Incident 1:</b>   |
| <b>Date of Offence or Incident:</b>   |
| <b>Sanction:</b>  |
| <b>Who was involved, when did it occur, what occurred, where the incident or offence was committed and why it was committed. It is also necessary to explain how the applicant now feels about the incident or offence.</b> |
| <b>Offence or Incident 2:</b>   |
| <b>Date of offence or incident:</b>   |
| <b>Sanction:</b>  |
| <b>Who was involved, when did it occur, what occurred, where the incident or offence was committed and why it was committed. It is also necessary to explain how the applicant now feels about the incident or offence.</b> |
| <b>Offence or Incident 3:</b>   |

|   |
|---|
| <b>Date of offence or incident:</b>   |
| <b>Sanction:</b>  |
| <b>Who was involved, when did it occur, what occurred, where the incident or offence was committed and why it was committed. It is also necessary to explain how the applicant now feels about the incident or offence.</b> |

**Declaration by Applicant**

I certify that the information contained in this document is true and complete. I understand that to knowingly make a false statement or omit information will result in my job or volunteering application being unsuccessful or, if employed, in my facing possible dismissal or other disciplinary action. I understand that this information will only be seen by persons' responsible for making a recruitment decision and will be held securely.

|                   |               |
|-------------------|---------------|
| <b>Signature:</b> | <b>Print:</b> |
|                   | <b>Date:</b>  |



## Section C. MANAGER/HEAD TEACHER TO COMPLETE IN ALL SITUATIONS

| Question  | Response<br>(Please delete as appropriate)  | Comments |
|---|---|----------|
| Did the applicant declare all the matters on their application form?  | Yes / No<br>If 'No' state reason  |          |
| Does the individual agree the information detailed on the DBS Certificate is correct?                               | Yes / No<br>If 'No' what do they think is incorrect and why?                                      |          |
| Were any offences work-related or committed within the context of a work setting?                                   | Yes / No<br>If 'Yes' give details   |          |
| Were any offences committed within the last 2 years?  | Yes / No<br>If 'Yes' explain context in of each offence e.g. where, how, why, details of victims. |          |
| What is the individual's attitude to the offence/s now?   | e.g. regret/remorse/ justified/denial   |          |
| Would they do anything differently now?   | Yes / No<br>If 'Yes' specify what   |          |
| Have the individual's circumstances changed since the conviction/s e.g. location/ friends/partner/education?        | Yes / No<br>If 'Yes' specify what   |          |
| Any mitigating circumstances e.g. immaturity, traumatic life event?   | Yes / No<br>If 'Yes' specify what   |          |
| Do the matters disclosed form any pattern e.g. repeat offences or repeat motivation (anger/financial/drugs/alcohol) | Yes / No<br>If 'Yes' specify  |          |

| Question  | Response<br>(Please delete as appropriate)   | Comments |
|---|--|----------|
| Can applicant demonstrate any efforts not to re-offend?<br><br>e.g. Rehabilitation course, Anger Management course, help for alcohol/drug abuse.  | Yes / No<br><br>If 'Yes' specify<br><br>(NB – completing Community Service is a punishment not a rehabilitation programme) |          |
| Does the post have any direct contact with the public and if so how vulnerable are they?  | Yes / No<br><br>If 'Yes' give details  |          |
| Can safeguards be implemented to reduce/remove any risk e.g. no unsupervised contact?   | Yes / No<br><br>If 'Yes' specify what  |          |
| What supervision is available and how readily?  | Give details   |          |
| Are you satisfied with the individual's explanation of the circumstances of the offence/s? All positive disclosures must be discussed with the candidate. Note down their explanation of the circumstances. |  |          |

#### Any further information

Is there any other information relevant to this Risk Assessment regarding the candidate, the work itself or the location/environment where the activities will take place?

#### Level of Risk:

Please complete the level of risk posed by appointing/employing the individual in this job. Give reasons.

|  |  |
|--|--|
| High Risk  |  |
| Medium Risk  |  |
| Low Risk   |  |
| Can protective measures be put in place to render the risk low? Yes / No   |  |
| Outline of the protective measures e.g. curtailment of access to children/information; additional supervision; change of work location; diversion to low risk tasks or training. |  |

Risk Assessment for name of individual completed by:

Signed (Manager)

Date:

Print Name (Manager)

## Section D. HR TEAM TO COMPLETE

|   |                                   |  |
|---|-----------------------------------|--|
| Children's Barred List check completed against all known names? (to be requested from HR) | Yes / No<br>If 'No' give details  |  |
| If yes, is Barred List check clear?   | Yes / No<br>If 'No' give details  |  |
| Name of person undertaking Barred List check  |                                   |  |
| For Teachers & Governors in maintained schools, prohibition orders checked?               | Yes / No<br>If 'No' give details  |  |
| If yes, is there a Prohibition Order in place?  | Yes / No<br>If 'Yes' give details |  |

-----  
-----

## Section E. AUTHORISATION

|   |
|---|
| <b>Authorised by Assistant Director / Headteacher or Chair of Governors / School Business Manager</b> |
| Is this person suitable to start work based on the DBS information and risk assessment?<br>Yes/No     |
| Comments: (Reasons for decision)  |

Risk Assessment Authorised by:

Signed (Assistant Director / Head Teacher):

Date:

Print Name (Assistant Director / Head Teacher):

Disclosure information & documents relating to convictions should be retained by the Authorised signatory pending any appeal and for secure disposal thereafter. This form should be retained securely on the HR File for employees.

**This approval is isolated to this position only and the circumstances as judged by the authorised signatory. This judgment is not transferable to other recruitment decisions.**