

St Patrick's RC Primary School

Fairfield

'May Christ Be Seen In Us'



DBS Policy

Approved Autumn 2020

Review Autumn 2021

**St Patrick's RC Primary School
Fairfield
Section 1 Recruitment
1.3 Disclosure and Barring Service (DBS)
Model Policy for Schools**

CONTENTS

		Page
1.0	Introduction	3
2.0	Safe Recruitment and Safeguarding	3
3.0	Legal Requirement and Ofsted Guidance	3-4
4.0	Types of DBS checks for Schools	4
5.0	Regulated Activity	4-5
6.0	Posts in Schools Defined as a Regulated Activity	5
	6.1 School Appointments	5
	6.2 Local Authority/Agency Appointments	6
	6.3 Sub-Contractors	7
7.0	New Appointments	7
	7.1 Appointments from Overseas	7
8.0	Agency workers	7-8
9.0	Contractors	8
10.0	Visitors	8
11.0	School Governors	8-9
12.0	Governors of Academies/Independent and Free Schools	9
13.0	Volunteers	9-10
14.0	Part Time Staff	10
15.0	NEREO DBS Applications	10-11
16.0	DBS Online Update Service	11
17.0	Adverse Disclosures	11-12
18.0	Fixed Penalty, Convictions and Cautions during Employment	12
19.0	Commencement of Employment Prior to Disclosure	12
20.0	Applicant's Right to Challenge Disclosure Content	12-13
21.0	Referral to the DBS	13
22.0	Gender Recognition Certificates	13
23.0	Handling of DBS Certificate Information	13
Appendix 1	DBS – Cause for Concern Risk Assessment Pro-forma	14-15
Appendix 2	Risk Assessment – Employees Starting Work Before an Enhanced Check is Returned	16-17
Appendix 3	Policy Statement on the Recruitment of Ex-Offenders	18
Appendix 4	Handling of DBS Certificate Information	19-20
Appendix 5	Flowchart of Disclosure and Barring Service criminal record checks and barred list checks	21
Appendix 6	Xentrall Shared Services – Update Service Request From	22
	Further Advice and Contacts	23

Disclosure and Barring Service (DBS)

Model Policy for Schools

1.0 Introduction

This policy reflects the changes to criminal record checks since the creation of the Disclosure Barring Service (DBS) and supports the schools aim to protect vulnerable adults and children. It also sets out the recommended requirements and expectations in respect of agency workers and contractors.

This policy applies to all school workforces which includes anyone employed by the school including those employed to deliver extended services. The policy applies to all school employees and volunteers.

Xentrall Services manage the DBS application and renewal process for maintained schools and for schools who buy the service from Stockton Borough Council.

This policy should be read in conjunction with the following documents:

- DBS guidance at GOV.UK
- DfE Keeping children safe in education – statutory guidance for schools and colleges September 2018
- Working together to Safeguard Children July 2018
- HR Briefing 9 Recruitment and Selection Guidance for Schools 2018
- Revised Code of Practice for Disclosure and Barring Service Registered Persons November 2015 Ofsted, Inspecting safeguarding in early years, education and skills settings - October 2018

2. Safe Recruitment and Safeguarding

DBS checks are just one aspect of safe recruitment and safeguarding and the DBS check itself is only a snapshot in time of a person's criminal record. HR Briefing 9 Recruitment and Selection Guidance for Schools (updated 2018), provides further advice and guidance to schools and academies on the whole recruitment process and includes the below essential arrangements for safeguarding:

- Safe recruitment – identity checks, reference checks, face to face interviews;
- Safe working practices – vigilant and ongoing day to day management;
- Training and awareness – ensuring employees are appropriately trained and aware of safeguarding issues;
- Confidential reporting procedures to ensure that employees are able to express any concerns they may have.

3.0 Legal Requirements and Ofsted Guidance

Ofsted expects early years settings, schools and further education and skills providers to be able to demonstrate that they meet all regulations and duties for the purposes of the

safeguarding judgment under leadership and management in the inspection handbook for the appropriate remit.

Ofsted advice is that the school should be encouraged to risk assess each case individually and be prepared to demonstrate the basis of their decisions. Where a school allows an individual to start work in regulated activity before the DBS certificate is available then it must be ensured that the individual is appropriately supervised and that all other checks, including a separate barred list check, have been completed. **Appendix 2** of this document *Risk Assessment – Employees Starting Work Before an Enhanced Check is Returned* will assist in the risk assessment exercise in these instances.

Ofsted has established a definition for 'administrative errors' in relation to the single central record however, **no allowance will be made** for breaches to the requirements for the Disclosure and Barring Scheme (DBS) disclosures.

Further information from Ofsted is available in regard to DBS checks in Annex 2 of the Inspecting safeguarding, in early years, education and skills settings guidance October 2018 which can be found on the website at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/754198/Inspecting_safeguarding_guidance_061118.pdf

4.0 Types of DBS Checks for Schools

All staff employed in schools require an enhanced disclosure (including the children's barred list check) as the work is deemed to be a regulated activity, see below. The enhanced disclosure will include information held on the Disclosure and Barring Service barred list. Please refer to paragraph 12 for guidance regarding volunteers.

The full lists of the different types of checks are:

- **Enhanced Disclosure (including the barred list check)** if the job involves regulated activity (see below) the enhanced disclosure will include information held on the Disclosure and Barring Service barred lists.
- **Enhanced Disclosure (excluding the barred list check)** – an enhanced disclosure contains the same information as a standard disclosure but also includes any approved information held by local police, where they consider it to be relevant to the post and where it is thought necessary to disclose
- **Standard Check** – where the post or office is included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, for example, Accountant or Solicitor.

NB: A DBS check cannot be undertaken for anyone under the age of 16 years.

For those schools and Academy's that have pupils 18 years or over, the enhanced disclosure must be checked where the employee is deemed to be working in a regulated activity, against both the children's and vulnerable adult's lists to ensure full compliance.

A factsheet in relation to regulated activity relating to Adults can be found at:

5.0 Regulated Activity

©Stockton Borough Council – All rights reserved

The full definition of Regulated Activity is set out in Schedule 4 of the Safeguarding Vulnerable Groups Act 2006 (as amended). It still excludes activity carried out in the course of family relationships, and personal, non-commercial relationships between two people living in the same household who treat each other as family.

A Regulated Activity relating to Children includes those who provide:

- a) teaching, training, instructing, caring for (see (c) below) or supervising children if the person is unsupervised, or providing advice or guidance on physical, emotional or educational well-being, or driving a vehicle only for children,
- b) work for a limited range of establishments (known as 'specified places', which include schools and colleges), with the opportunity for contact with children, but not including work done by supervised volunteers;

Work under (a) or (b) is regulated activity only if done regularly.

Some activities are always regulated activities, regardless of their frequency or whether they are supervised or not. This includes:

- c) relevant personal care, or health care provided by or provided under the supervision of a health care professional:
 - personal care includes helping a child, with eating and drinking for reasons of illness or disability, or in connection with toileting, washing, bathing and dressing for reasons of age, illness or disability
 - health care means care for children provided by, or under the direction or supervision of, a regulated health care professional.

(KCSIE Guidance September 2018)

6.0 Posts in Schools Defined as a Regulated Activity

6.1 School Appointments

The following posts are identified as a regulated activity and require an **Enhanced Disclosure**; including a barred list check. The enhanced disclosure will include any information held on the Disclosure and Barring Service barred lists:

- Teachers (including NQTs and Unqualified Teachers)
- All support staff employed directly by the school
- Agency staff – e.g. supply teachers, support staff, administrative etc.
- Volunteers – (see paragraph 12 Volunteers for further guidance)
- Students on extended work related learning in another school or nursery (over 15 days)
- 6th formers and younger students on regular community work e.g. helping with a football club
- Invigilators
- Interpreters
- After school club staff
(Where there is a third party ensure that there are clear lines of accountability and written agreements setting out responsibilities for recruitment and vetting of staff and

- volunteers)
- Self-employed staff e.g. sports/drama/music etc.
(Ensure there is a written agreement in place to include appropriate health & safety checks are in place and ensure that child protection training has been undertaken)

6.2 Local Authority and Agency Appointments

The following posts which are identified under regulated activity and are recruited to and directly employed by Stockton Borough Council, an Agency or a fee paying student will be DBS checked by the Local Authority, relevant agency (please refer to Paragraph 7 for guidance for Agency Workers) or training establishment.

<ul style="list-style-type: none"> • Assessment Teams • Fieldwork Teams • Emergency Duty Team • Children’s Rights & Participation • Independent Reviewing Officers • Complex Needs • Leaving Care Service • Permanence • Child Placement Team • All Children’s Centres and Homes • First Contact <p>NB: For any other job roles the school will need to exercise supervision of SBC employees when visiting the school premises</p>	<ul style="list-style-type: none"> • Education Improvement Service • Engagement & Inclusion • Education Psychology • Youth Workers • Tees Valley Music Service • Youth Offending Staff • Youth Direction staff • Special Educational Needs team • All Library staff • Learning & Skills Tutor – U18 • Family Support Team
--	--

It is sufficient for schools to seek written confirmation that appropriate DBS checks have been carried out and by whom and to confirm the identity of these visitors. It is not necessary (or practicable) to require a date for such checks. Written confirmation may be in the form of a letter or public statement on the employing organisations/agency website as in the case with visiting Ofsted Inspectors.

The Headteacher should be provided with written confirmation from the Local Authority, Agency or training provider, that appropriate checks have been completed and visiting officers may be required to provide that written confirmation.

Where the employee begins work with a DBS application in progress the school should ensure that children are not left unsupervised around that person until notification of satisfactory DBS is received.

6.3 Sub-Contractors

Taxi Drivers – Taxi drivers are DBS cleared by Stockton Borough Council when their taxi licences are issued and therefore they will have a DBS certificate to show the school on request.

Tees Active- Swimming Instructors/sports coaches etc. from Tees Active will also have been DBS cleared and their employer will be able to confirm that the necessary clearance is in place.

Catering - All catering positions are deemed to be a regulated activity if working with children and therefore if a school has their catering service from Stockton's' Catering Service or an outside provider the staff must be DBS cleared through their employer who will be able to confirm that the necessary clearance is in place.

7. New Appointments

A person who has a DBS certificate or is registered with the DBS update service will not require a further DBS check provided the level of the previous check is at the correct level i.e. enhanced.

Where no previous DBS disclosure is evident or the person is not registered with the DBS update service the school **must** request a DBS.

Where a DBS certificate is held but there has been a break in service of more than 3 months a new DBS check **must** be undertaken unless the person is registered with the DBS update service which will confirm the current DBS status.

Where the person is required to start work and is not registered with the DBS update service, there is no DBS disclosure or there has been a break of service for more than 3 months, the school **must** carry out the risk assessment at **Appendix 3** and a barred list check while a DBS disclosure is requested before the person can start work. Please refer to paragraph 19 below for further information in this respect.

7.1 Appointments from Overseas

A DBS disclosure or equivalent will be required for any person appointed from overseas. This includes British citizens and anyone who has worked or lived abroad for a period of 12 months or more in the previous 10 years.

The person will need to provide a certificate of good conduct or a police certificate from their country of origin. Further details on the appointment of overseas employees are provide on the GOV.UK website and are explained further in the HR Briefing 9 Part One of the Recruitment & Selection guidance for Schools.

8. Agency Workers

Where an Agency Worker is working in a post which would require a DBS disclosure, the Headteacher must ensure that the Agency Worker has the appropriate DBS check, in the case of a teacher a prohibition order check and has had written confirmation from the agency, or third party organisation who have carried out the checks that the necessary checks have been undertaken.

Guidance is that the agency worker put forward must have been checked against the relevant list of those barred from working with children held by the Disclosure and Barring Service within the last 12 months. Employment agencies and businesses must provide written confirmation of this to the organisation employing the person.

The school must also check that the person presenting themselves for work is the same person on whom the checks have been made.

9. Contractors

Due to the new definitions of regulated activity, contractors and other visitors to premises where children and vulnerable adult services are provided are unlikely to have or be eligible for a DBS Disclosure. It is therefore essential that appropriate supervision is provided to contractors and visitors and all unsupervised contact with children and vulnerable adults is avoided.

Contractors working in a regulated activity will require an enhanced DBS certificate (including barred list information). For all other contractors who are not engaging in a regulated activity, but whose work provides them with an opportunity for regular contact with children an enhanced DBS check (not including barred list check) will be required.

If a contractor is working in a regulated activity and is self-employed, the school can consider obtaining their own DBS check as self-employed people are not able to make an application directly to the DBS on their own account.

Safer working practices should be adopted including signing in and out of the premises; displaying visitor badges; carrying out work out of school hours where possible; and provision of any relevant policies and procedures to be complied with during the period visiting the premises.

The identity of contractors and their staff should always be checked on arrival at school.

10 Visitors

Schools do not have the power to request DBS checks and barred list checks, or ask to see DBS certificates for visitors e.g. children's relatives attending sports day. Headteachers should use their professional judgment about the need to escort or supervise visitors.

Officers of the Local Authority i.e. Health & Safety representatives, HR Advisors, Finance Officers etc., no longer qualify for DBS clearance as they do not have unsupervised regular access to children and therefore appropriate supervision and the normal risk assessment that applies to all visitors while they are on school premises, is sufficient.

The identity of visitors in an official capacity as above should always be checked on arrival at school.

11. School Governors

In accordance with the Kcsie September 2018 paragraph 167 which sets out that all Governors in maintained schools are required to have an enhanced criminal record certificate from the DBS. This is also in accordance with The School Governance (Constitution and Federations) (England) (Amendment) Regulations 2016.

Governors who are volunteers should be treated on the same basis as other volunteers, that is, an **enhanced DBS check** (which will include a barred list check) which should only be requested if the Governor will be engaging in a regulated activity. Please see paragraph 13 below re Volunteers.

In all cases the Enhanced check is **without** a Barred List check unless the Governor is engaging in a regulated activity as set out in Paragraph 5 above.

12. Governors of Academies/Independent and Free Schools

Before an individual becomes either the proprietor of an independent school or the chair of a body of people which is the proprietor of an independent school, the Secretary of State will carry out an enhanced DBS check and obtain a certificate for that person and their identity checked. See paragraph 169 – 172 of Kcsie September 2018

Where the Chair of an Academy trust that is converting from a maintained school has been DBS cleared by the Local Authority previously the requirement for a further check is not required.

The Chair of a body of people must ensure that enhanced DBS checks are undertaken where relevant for other members of the body and identity checks are completed before or as soon as practicable after an individual takes up their position.

In the case of an academy trust newly established to operate a free school, the DfE will ask the DBS to conduct checks on all members and directors of the new trust. Academy trusts, including those established to run a free school, have the same responsibilities as all independent schools in relation to requesting enhanced DBS certificates for permanent and supply staff.

13. Volunteers

Under no circumstances should a volunteer in respect of whom no checks have been obtained be left unsupervised or be allowed to work in regulated activity. Kcsie September 2018 paragraph 161 – 166.

Where the volunteer is carrying out an activity which provides the opportunity for contact with children the following advice is provided:

- a) Supervised activity:
This is not a regulated activity and there is no legal requirement to obtain a DBS certificate but an enhanced DBS certificate **may** be obtained
- b) Un-supervised activity:
This is a regulated activity and an enhanced DBS certificate with a barred list check **must** be obtained.

Where the volunteer's work does not give the opportunity for contact with children this is not a regulated activity but an enhanced DBS check **may** be carried out.

The DBS definition of a volunteer is defined in the Police Act 1997 (criminal records) Regulations 2002 as:

“Any person engaged in an activity which involves spending time, unpaid (except for travel and other approved out-of-pocket expenses), doing something which aims to benefit some third party and not a close relative.”

To qualify for a free-of-charge criminal record check, the applicant must not benefit directly from the position the DBS application is being submitted for. The applicant must not:

- benefit directly from the position for which the DBS application is being submitted
- receive any payment (except for travel and other approved out-of-pocket expenses)
- be on a work placement
- be on a course that requires them to do this job role
- be in a trainee position that will lead to a full time role/qualification

It states on the DBS application form ‘By placing a cross in the yes box (at section 68) you confirm that the post meets the DBS definition for a free-of-charge volunteer application.

Please note that DBS may recover the application fee if box 68 is marked in error and this could result in the cancellation of your DBS registration’.

Further guidance is provided on the Gov.uk web site as follows:

<https://www.gov.uk/guidance/dbs-check-requests-guidance-for-employers>

And the flow chart at **Appendix 5** of this policy taken from the Keeping children safe in education statutory guidance for schools and colleges September 2018.

14. Part-time staff

Part-time staff may use the same DBS check for two or more posts as long as the posts are at a similar level and the school has satisfied itself about their appropriateness. This might include, for example, a teacher employed part time for planning, preparation and assessment (PPA) or supply cover in one school and as a teaching assistant in another.

15 NEREO – DBS Applications

All school DBS applications are now processed in partnership with the North East Regional Employers Organisation (NEREO) and was introduced by Xentrall Services, and rolled out to all schools in 2016.

Since June 2013 a copy of a DBS certificate has only been provided to the applicant, and not the employer, however through the secure NEREO platform, Xentrall receive notification of the DBS result and are able to confirm to the school direct the certificate number and issue date or whether the DBS certificate must be seen by the Headteacher. The outcome of the clearance is received approximately 5 working days before the employee or applicant receives their certificate.

In cases where notification is received that Headteachers must view the certificate, Xentrall will email the Headteacher to advise them accordingly

Where there is an adverse disclosure the Headteacher must complete the risk assessment at **Appendix 1** to confirm continued suitability for the post. Advice must be sought from your HR Advisor.

Headteachers will need to be mindful of the confidentiality of information that may be contained within the DBS certificates.

16. DBS Online Update Service

An update service is available through the DBS. This is a subscription service that allows individuals to keep their DBS certificates up to date and therefore is an up to date check when they move jobs or roles.

Applicants and employees are responsible for registering for this service and there is an annual fee (currently £13) for maintaining this service. Employees and applicants are not required to subscribe to the update service.

Where an applicant has subscribed, the Headteacher can carry out an online check for the successful applicant to see if the results show anything that would make the applicant unsuitable. This is called a “status check”.

Xentrall Services can provide this service for schools and a pro-forma to make that request is included in this policy at Appendix 6. However before carrying out the on-line check the Headteacher must obtain the employee or applicant’s consent either verbally or in writing beforehand and have sight of the original certificate to check that it is the same type and level that is required for their current role as this is all you are legally entitled to check.

If a different type or level of check is required or if the status check indicates that there has been a change, a full Enhance DBS Disclosure check will be required.

There is no registration process or fee for employers to check a certificate but the employer must be legally entitled to carry out a check and have the workers permission.

The detailed guidance for employers and frequently asked questions can be found on the DBS web site: <https://www.gov.uk/dbs-update-service>

The outcome of a valid Status check will be one of the following:

- **This Certificate did not reveal any information and remains current as no further information has been identified since its issue.** This means that the individual’s certificate contains no criminality or barring information and no new information is available.
- **This Certificate remains current as no further information has been identified since its issue.** This means that the individual’s Certificate did contain criminality or barring information and no new information is available.
- **This Certificate is no longer current. Please apply for a new DBS check to get the most up to date information.** This means that the individual’s Certificate should not be relied upon as new information is now available and you should request a new DBS check.

17. Adverse Disclosures

Having a conviction will not necessarily bar someone from employment with the school. The school will only take a criminal record into account when the conviction is relevant. Protection of the applicant's rights and interests must be weighed against the rights and interests of service users, employees and the public, including the Council's duties and responsibilities towards these or other groups. Stockton Borough Council's Policy Statement on the recruitment of ex-offenders is at **Appendix 3**.

If a DBS check reveals details of any convictions a risk assessment must be undertaken. Where convictions are revealed which may render the applicant or employee unsuitable for the post, advice must be sought from your HR Advisor and in either case the risk assessment pro-forma at **Appendix 1** must be completed.

18. Fixed Penalty, Convictions and Cautions during Employment

If an employee receives a fixed penalty, caution or conviction during their employment which could have an impact on their suitability to perform their job role they must immediately disclose it to their Headteacher who should complete the risk assessment pro-forma at **Appendix 1**. HR advice must be sought in order to help determine continued suitability for the job role where there is a concern.

If an employee does not disclose receipt of a fixed penalty, caution or conviction to their Headteacher and at a later date the Headteacher becomes aware of this, an investigation may be undertaken in accordance with the school's adopted Disciplinary Procedures.

If the employee is in a notifiable occupation; which is the case for all school jobs, the police will provide details to the Local Authority of any relevant cautions or convictions. This will usually result in an investigation being undertaken.

Where the school becomes aware of a fixed penalty, caution or conviction which could have an impact on the employee's suitability for a job role, consideration should also be given to suspension from the current post and/or alternative duties whilst an investigation is carried out.

19. Commencement of Employment Prior to Disclosure

A Disclosure should be obtained before an individual starts work. Where it is essential to engage an employee or volunteer prior to the receipt of a Disclosure a written risk assessment at **Appendix 2** must be completed. In all cases an Enhanced Disclosure must have been applied for and all other recruitment checks completed. Where there is no current DBS certificate, arrangements must be put in place to ensure the individual has no unsupervised contact with children or vulnerable adults until such time that the Disclosure is received.

20. Applicant's Right to Challenge Disclosure Content

Content of a DBS certificate can be challenged or disputed if it contains an error, or inaccurate or irrelevant information. Challenges and disputes should be made immediately

by contacting the DBS and should be raised within 3 months of the date of issue on the certificate.

The applicant, or a person who has a legitimate interest in the accuracy of a certificate such as the counter signatory; employer; or licensing authority may raise the dispute after discussing the reasons for the dispute with the applicant.

If the disputed information could exclude an employee from their post they should be given an opportunity to dispute the information with the DBS. If appropriate it may be necessary to arrange alternative duties or suspension until this is resolved.

21. Referral to the DBS

Where an employee is dismissed or removed from regulated activity or resigns before any dismissal or removal because they have harmed or posed a risk of harm to a child or vulnerable adult, the employer has a legal duty to refer the person to the DBS.

The DBS can make barring decisions about people who are referred to it (usually following a disciplinary process) with the possible consequence of the person being barred from working or volunteering with children and/or vulnerable adults.

The Schools HR Advisory Service should be informed of any decision to make a DBS referral. A HR Advisor will advise the Headteacher on process who will then complete and check the referral form particularly with reference to the reasons for concern and evidence base for the referral. The completed form must be returned to HR as soon as possible and within 2 weeks of the decision to refer. On receipt of the completed form the HR Advisor will forward the referral to the DBS and inform the Headteacher of the date it is made.

HR will liaise with the Headteacher to ensure that the referral is made as soon as possible and within a maximum 4 week period.

If the school believes an employee or volunteer has committed a criminal offence, information may be passed to the police.

22. Gender Recognition Certificates

The Gender Recognition Act 2004 allows transsexual people who have undergone gender reassignment to apply for a gender recognition certificate. When a full gender certificate has been issued, the person is legally considered to be of the acquired gender.

If the person is required to undergo a DBS check as part of the recruitment process they must disclose any previous names and/or gender to the DBS who have established a special application procedure to maintain confidentiality (email: sensitive@db.s.gsi.gov.uk or telephone 0151 6761452).

Gender confidentiality will be maintained where the individual has no criminal convictions and where there is no other information held by any Policy Authority, as a clear Disclosure certificate is the ultimate result. However, if they have convictions under their previous gender that were considered relevant to the position, then the individual's gender change would become evident through the provision of conviction information on the DBS Disclosure certificate showing both gender names.

23. Handling of DBS Certificate Information

The school and Stockton Borough Council on their behalf will comply with the requirements of the DBS in the secure storage, handling, use, retention and disposal of certificates and certificate information. Please see **Appendix 4** for further information.

APPENDIX 1

DBS - Cause for Concern Risk Assessment Pro-forma

Please complete this form fully. You must seek advice from the HR Advisory Service as it will form the basis of a decision to appoint where an adverse disclosure has been identified which may render the applicant or employee unsuitable for the post

Name of School

Name of Applicant.....

Position Applied For

Service Area.....

Date of Risk Assessment.....

Questions	Comments
Does the applicant meet all the essential criteria for the post in terms of skills, knowledge, experience and ability?	
The country in which the offence was committed e.g. some activities are offences in Scotland and not in England and/or Wales and vice versa. Whether the offence has since been decriminalised by Parliament.	
What was the nature of the crime, when did the relevant offence(s) occur e.g. less/more than two years ago, what were the circumstances involved and what was the sentence?	
Do the matters disclosed form any pattern? Was the offence a one-off, or part of a history of offending e.g. is the offence likely to re-occur?	
What is the seriousness of the offence(s) and relevance to the safety of other employees, pupils, service users and property?	
Are there any assessments and reports from those	

--

APPENDIX 2

Risk Assessment – Employees Starting Work before an Enhanced DBS Check is Returned

Name of School.....

Name of Applicant

Position Applied For.....

Date of Risk Assessment.....

Questions	Comments
Has the Barred List check been undertaken where applicable? <i>If the answer here is 'no' then this must be undertaken</i>	Yes No
Is the applicant barred from working with Children/Adults? If 'Yes' end process now.	Yes No
Have all Pre-employment checks been undertaken including <ul style="list-style-type: none"> • References checked and verified. • Application form checked and all breaks in employment and or training are accounted for. • Identity has been validated. 	Yes No Yes No Yes No
Has a correctly completed DBS check application form been sent to DBS?	Yes No
Will the applicant receive supervision from an appropriately qualified and experienced member of staff until DBS clearance is received?	Yes No
Can any safeguards be implemented to reduce/remove any risk e.g. no unsupervised contact?	Yes No
Has the applicant advised of any disclosures that the DBS check will show? If so, what is the impact of these – see Appendix 1: Cause for Concern Risk Assessment Pro-forma.	Yes No
Any questions/additional comments from the applicant?	

Declaration by applicant and any additional comments in support of an employee starting work before an enhanced DBS check is returned:

I understand that if I am allowed to start work before my enhanced DBS check is returned it is subject to the information I have supplied and that this is complete and correct. False information, or a failure to supply the details required could lead to a withdrawal of the offer of employment.

Signature: Date.....

Outcome of Risk Assessment (delete as appropriate):
Allow employee to begin before the enhanced DBS is returned?
Yes
No

Please state (if applicable) whether approval is dependent upon conditions being met, such as recommendations, restrictions or safeguards to be implemented by the employing service

Signature of Headteacher:

APPENDIX 3

Policy Statement on the Recruitment of Ex-offenders

This policy should be made available to all Disclosure applicants from the outset of the recruitment process.

This school complies fully with the Code of Practice and undertakes to treat all applicants for positions fairly. It undertakes not to discriminate unfairly against any subject of a DBS check on the basis of a conviction or other information revealed.

This school is committed to the fair treatment of its staff, potential staff or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependents, age, physical/mental disability or offending background. We actively promote equality of opportunity for all with the right mix of talent, skills and potential and welcome applications from a wide range of candidates, including those with criminal records. We select all candidates for interview based on their skills, qualifications and experience.

DBS checks will form part of the recruitment process and we encourage all applicants called for interview to provide details of their criminal record at an early stage in the application process. We request that this information is sent under separate, confidential cover to a *designated person within the school and we guarantee that this information will only be seen by those who need to see it as part of the recruitment process.

The designated person in this school is:

- *The Head Teacher
- *School Bursar/Manager
- *School Clerk
- *Chair of Governors
- *Lead Safeguarding person of selection panel

(*School to delete as appropriate)

Unless the nature of the position allows the school to ask questions about your entire criminal record, only questions about 'unspent' convictions as defined in the Rehabilitation of Offenders Act 1974 will be asked.

The school will ensure that all those who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. The school will also ensure that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974. Advice will also be sought from the schools HR Advisory Service where appropriate.

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

We undertake to discuss any matter revealed in a DBS check with the person seeking the position before withdrawing a conditional offer of employment.

APPENDIX 4

Handling of DBS certificate information

Secure storage, handling, use, retention and disposal of Disclosure and Barring Service (DBS) certificates and certificate information

General principles

As an organisation, using the Disclosure and Barring Service (DBS) checking service to help assess the suitability of applicants for positions of trust, this school complies fully with the Code of Practice regarding the correct handling, use, storage, retention and disposal of certificates and certificate information. It also complies fully with its obligations under the **Data Protection Regulations (incl. GDPR)** and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of certificate information and has a written policy on these matters, which is available to those who wish to see it on request.

Storage and access

Certificate information should be kept securely, in lockable, non-portable, storage containers with access strictly controlled and limited to those who are entitled to see it as part of their duties.

Handling

In accordance with section 124 of the Police Act 1997, certificate information is only passed to those who are authorised to receive it in the course of their duties; it is a criminal offence to pass this information to anyone who is not entitled to receive it. In this school the following persons will be handling DBS certificates:

- *The Headteacher
- *School Bursar/Manager
- *School Clerk
- *Chair of Governors

(*School to delete as appropriate)

Usage

Certificate information is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

Retention

Once a recruitment (or other relevant) decision has been made, the school will not keep certificate information for any longer than is necessary. This is generally for a period of up to six months, to allow for the consideration and resolution of any disputes or complaints. If, in very exceptional circumstances, it is considered necessary to keep certificate information for longer than six months, the school will consult the DBS about this and will give full consideration to the Data Protection and Human Rights of the individual before doing so. Throughout this time, the usual conditions regarding the safe storage and strictly controlled access will prevail.

Disposal

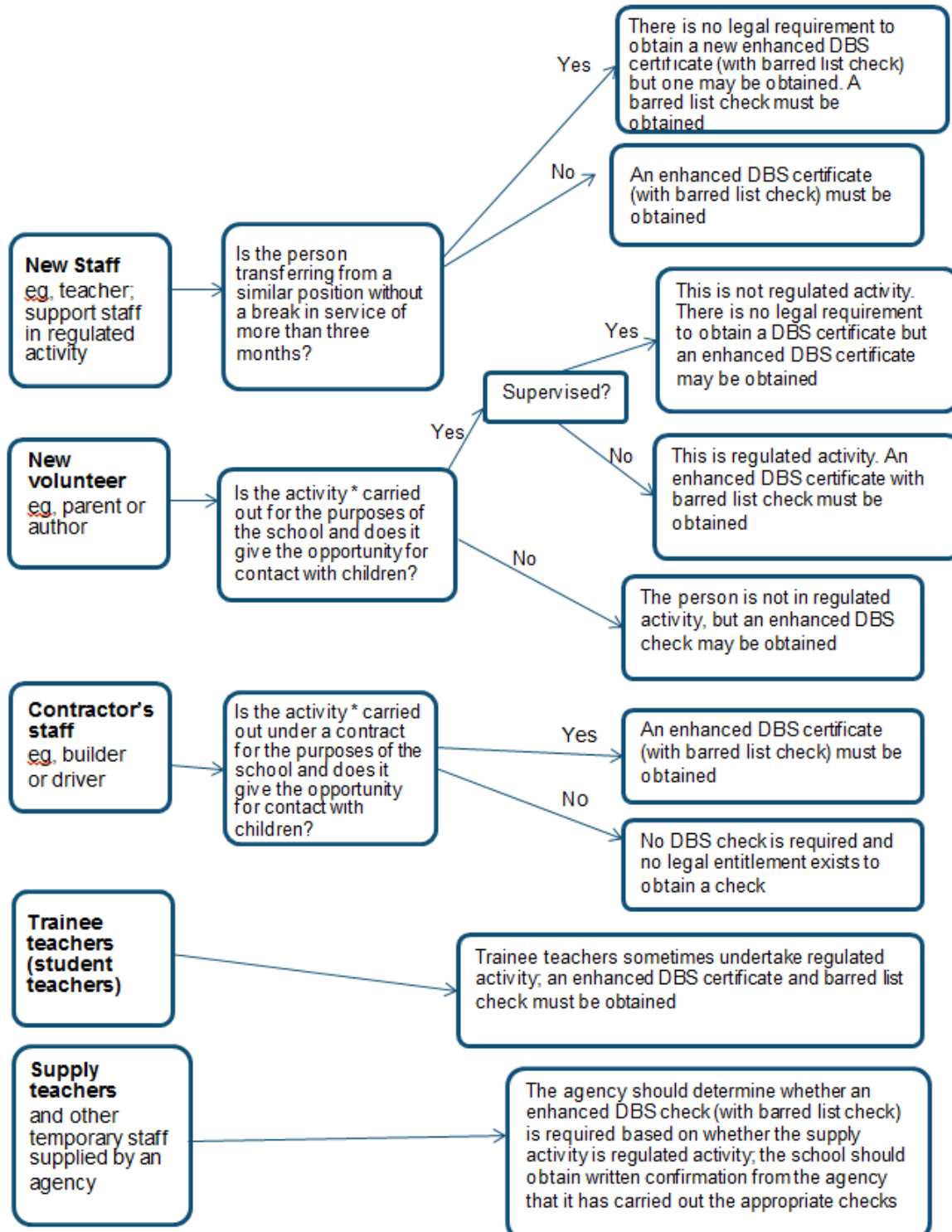
Once the retention period has elapsed, the school will ensure that any DBS certificate information is immediately returned to the applicant who will be asked to sign a receipt. Any other DBS certificate information will be destroyed by secure means, i.e. by shredding, pulping or burning. While awaiting return or destruction, certificate information will not be kept in any

insecure receptacle (e.g. waste bin or confidential waste sack). The school will not keep any photocopy or other image of the certificate or any copy or representation of the contents of a certificate. However, notwithstanding the above, the school will keep a record of the date of issue of a certificate, the name of the subject, the type of certificate requested, the position for which the certificate was requested, the unique reference number of the certificate and the details of the recruitment decision taken in accordance with the completion of the schools single central record

APPENDIX 5

Flowchart of Disclosure and Barring Service criminal record checks and barred list checks


Keeping children safe in education September 2018



* Activities listed under the guidance's definition of regulated activity and which are carried out 'frequently'

APPENDIX 6

If an individual has subscribed to the DBS update service then the Authority can carry out a status check on their existing certificate – with their permission, **and as long as you are legally entitled to the same level of DBS Certificate** - rather than requesting a new DBS check.

<h1>DBS Update Service</h1>		 <small>Shared Services Delivering Excellence for All</small>	
NAME:			
DBS DISCLOSURE REFERENCE NUMBER:			
ISSUE DATE:			
DATE OF BIRTH:			
Do you have the applicant's consent to carry out a status check?	Yes	No	
Have you seen the applicant's original certificate?	Yes	No	
Have you seen the applicants ID to confirm their identity?	Yes	No	
Are you legally entitled to the same level of DBS certificate – standard or enhanced?	Yes	No	
Does the DBS certificate only contain the exact workforce that you are entitled to know about for the role you are recruiting for?	Yes	No	
WORKFORCE (This will appear before the applicants job title on the certificate)	Children		
	Adults		
	Children & Adults		
	Other		
IF THE CERTIFICATE SHOWS CONVICTIONS HAVE YOU CONTACTED YOUR HR ADVISORY REPRESENTATIVE?	Yes	No	N/A
CERTIFICATE VIEWED BY:			

Further advice

Other useful sources of information:

Keeping children safe in education DfE guidance September 2018

HR Briefing 9 Recruitment & Selection Guidance for Schools 2018

www.gov.uk/disclosure-barring-service

www.ofsted.gov.uk

www.education.gov.uk

Schools HR Advisory Service:

NAME	TITLE	TELEPHONE No.	EMAIL ADDRESS
		(01642)	
Anne Rix	HR Manager (Schools)	526952	anne.rix@stockton.gov.uk
Joanne Mylan	Senior HR Advisor	526954	joanne.mylan@stockton.gov.uk
Clair Bell	HR Advisor	526863	clair.bell@stockton.gov.uk
Shellena Hussain	Senior HR Advisor	528271	shellena.hussain@stockton.gov.uk

Address

Schools HR Advisory Service
Human Resources
1stFloor
Municipal Buildings
Church Road
Stockton-On-Tees
TS18 1LD