



# DBS Policy and Procedure

## Brierley CE (VC) Primary School

Approved by:	Governing Body	Date: Spring 2024
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*Paul Catwright*

## **Our Vision**

Though we are many, we are one body. Together, we learn and grow.

God is at the heart of all we do, shining His light to guide us on our journey. Together, we face change and transformation with courage.

In love, we nurture all to be resilient, hopeful and aspirational; to become the very best version of ourselves, knowing that we are loved.

Each member of our school community is honoured and celebrated for their unique character and qualities: difference is met with dignity and compassion. Though we are many, we are one body.

Our community at Brierley stretches beyond the school, where we share God's message of love through our actions, our thoughts and our words as we continue on life's path.

## **POLICY STATEMENT**

The safety of children and young people is paramount, and Brierley CE (VC) Primary School is committed to implementing the Disclosure and Barring (DBS) procedures and arrangements.

The DBS (formerly the CRB Agency) was set up by the Home Office to improve access to criminal record checks for employment related purposes and to help organisations make safer recruitment decisions; this applies to staff with access to children under 18 years of age, vulnerable adults or other positions of trust that fall within the Rehabilitation of Offenders Act 1974. The DBS and the Independent Safeguarding Authority (ISA) both became part of the Disclosure and Barring Service (DBS) in December 2012.

The DBS Code of Practice requires the school to have a written policy and procedure on the recruitment of people with a criminal record<sup>[1]</sup> and to ensure anyone applying for a job at the school receives a copy. The School is committed to the principle of equal opportunities and, subject to the overriding consideration of protecting children, we will endeavor to prevent unfair discrimination against those with a criminal record.

This policy applies to the appointment of all employees, paid and unpaid, including volunteers, supply staff and peripatetic staff. It is designed to assist in ensuring that all persons working at Brierley CE (VC) Primary School are trustworthy and reliable and are not subject to any offences, which are a risk to our pupils.

This policy is designed to supplement the School's Safer Recruitment Policy and Procedure.

## **PROCEDURE**

### **Disclosure and Barring Scheme and Background**

The original Vetting and Barring Scheme was introduced in 2009. The Scheme was one of the recommendations made by the Bichard Report into the Soham murders and was implemented by the Safeguarding Vulnerable Groups Act 2006. There were originally two bodies involved in the Scheme; The Independent Safeguarding Authority (ISA) – responsible for making all barring decisions relating to individuals and for the upkeep of the lists of barred individuals. The Criminal Records Bureau (CRB) – a processing function relating to the barred list and the online police database.

In 2010 the Government commenced a review of the Scheme and changes were implemented in the Protection of Freedoms Act 2012. From December 2012 the ISA and CRB merged to form the Disclosure and Barring Service (DBS). Many parts of this Scheme remain unchanged, in particular it is a criminal offence:-

- for an employer to knowingly employ (either on a paid or voluntary basis) a barred person in Regulated Activity.
- to allow someone to work in Regulated Activity without carrying out the required checks. Where a person is removed from Regulated Activity by an employer because the person has caused harm to a child or a vulnerable adult, the ISA must be notified.

### **Regulated Activity**

Any position undertaken at, or on behalf of the School, will amount to "regulated activity" if it is carried out:

- frequently, meaning once a week or more; or
- overnight, meaning between 2.00 am and 6.00 am; or
- satisfies the "period condition", meaning four times or more in a 30 day period; and
- provides the opportunity for contact with children.

Roles which are carried out on an unpaid / voluntary basis will only amount to regulated activity if, in addition to the above, they are carried out on an unsupervised basis.

The School is not permitted to check the Children's Barred List unless an individual will be engaging in "regulated activity". The School is required to carry out an enhanced DBS check for all staff, supply staff and governors who will be engaging in regulated activity. However, the School can also carry out an enhanced DBS check on a person who would be carrying out regulated activity but for the fact that they do not carry out their duties frequently enough i.e. roles which would amount to regulated activity if carried out more frequently

### **Enhanced Certificates**

All Brierley CE (VC) Primary School DBS Certificates will be at an Enhanced level. This involves an extra level of check with local police force records in addition to checks with the Police National Computer and the government department lists held by the Department for Children, Schools and Families and Department of Health, where appropriate. The government's safer recruitment initiative stipulates that all staff in an educational establishment must have an enhanced Certificate.

### **DBS Update Service**

The online DBS Update Service allows:

- Applicants to keep their DBS certificates up-to-date
- Employers to do a DBS check against a DBS certificate previously issued.

When the applicant initially applies for a DBS check they can register to use the Update Service with a registration cost of £13 per year. There is no charge if the applicant is a volunteer.

The DBS tracking service can be used to check the progress of the DBS certificate.

Where an applicant subscribes to the DBS Update Service the applicant must give consent to the school to check there have not been changes since the issue of a disclosure certificate.

To check a DBS Certificate status online the School will obtain the applicant's permission in the first instance. The School can then see the results from the check straight away.

## **Recruitment of staff**

Job applicants will be asked to state any convictions on their application form. Those invited to attend an interview will be advised in writing that relevant criminal convictions will be discussed at the interview in order to assess job-related risks. Applicants are encouraged to submit written details, dates and any other relevant information, in confidence, to the Head of Human Resources, who will ensure the security of this sensitive information.

To speed up the recruitment process, applicants invited to attend an interview will be asked to complete a DBS form and requested to bring the relevant ID with them to be verified by the interviewing officers.

The School will apply for a DBS Certificate only for applicants offered a position. The information obtained will be used to help establish whether that person has a background that might make him/her unsuitable for the job or voluntary position in question. The School will not apply to the DBS Certificate to run a check without the knowledge and consent of the person concerned. The forms of unsuccessful applicants will be destroyed after a period of six months.

If a DBS Certificate reveals any convictions the school will follow a fair process. Please see Recruitment of Ex-offenders' policy and procedure.

## **Check on staff recruited from abroad**

All new employees where persons have lived outside the UK are subject to additional checks in accordance with Immigration, Asylum and Nationality Act 2006. The School, in accordance with the UK Border Agency Code of Practice, will, if applicable, sponsor all new foreign members of staff (see Certificate of Sponsorship section).

In addition, applicants who have lived/travelled abroad for more than 3 months will need to obtain a police check from the relevant Country.

## **Renewal of DBS Certificates**

The DBS Certificate does not recommend a specific renewal interval for DBS checks. However, following the National Care Standards' recommendation, it is the School's policy to renew all DBS Certificates every three years.

## **Prohibition Order**

Prohibition Order means that the person concerned is not allowed to undertake unsupervised teaching work in schools. Where an individual is prohibited, their name and details will appear on the Prohibited List. A Prohibition Order is a lifetime ban.

As part of the Safeguarding Checks, and in addition to the DBS Certificate, a check will be undertaken on all applicants that have been teaching profession against the Prohibited List.

## **Storage and access**

DBS Certificate information will be kept in a locked cabinet with access strictly limited to those who are entitled to see it as part of their duties. It is a criminal offence to pass this information to anyone who is not entitled to receive it.

## **Usage**

Certificate information is used only 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, we retain DBS Certificate information generally for a period of up to six months. This is to allow time to consider and resolve any disputes or complaints. If, in exceptional circumstances, it is considered necessary to keep the information for longer, we will consult the DBS, taking data protection and human rights issues into consideration.

## **Disposal**

Once the retention period has elapsed, any Certificate information will be destroyed by secure means, ie by shredding, pulping or burning. We will not keep a copy of the Certificate or record its contents. We may, however, 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 it was requested, the unique reference number of the Certificate and the details of the recruitment decision taken.

See appendix a for further guidance on who to who requires a DBS

## **FREQUENTLY ASKED QUESTIONS**

### **1. How long does it take to receive my DBS Certificate?**

We will send you an application form to complete; meet you to check your form and verify your identity. On average the process can take 3-4 weeks (but may take longer if you have lived at various addresses).

### **2. What do I receive from the DBS?**

You will receive a certificate from the DBS stating whether or not you have a police record and, where appropriate, will confirm that your details have been checked against the list of those banned from working with vulnerable adults or children. In order for the school to verify the DBS Certificate you must contact the Human Resources Department for them to take a copy.

### **3. Is my DBS certificate portable?**

Yes, if you register with the DBS Update Service. Further details can be found at <https://www.gov.uk/dbs-update-service>.

### **4. What happens if I have a previous conviction(s)?**

Having a criminal record will not necessarily stop you from working at Brierley CE (VC) Primary School. This will depend on the nature of your work, the circumstances and background of the offence(s) and the time elapsed. Please read our policy and procedure on Recruitment of Ex-offenders.

### **5. What happens if I have a criminal conviction during employment?**

It is important, if you have a criminal conviction, that you disclose this information either to the Bursar or the Head teacher as soon as possible. You will be asked to attend an interview to

explain the background and circumstances regarding the conviction. Failure to reveal information directly relevant your role may lead to disciplinary action.

6. Who will know about my criminal record?

If a criminal record is revealed through a DBS check, the Bursar, Headmaster and Head of Human Resources will know the details of the convictions, and any agencies with which the School is obliged to share that information (ie if you have applied to work with children when banned from doing so).

7. The information on my Certificate is wrong – what can I do?

If you think that any information contained on your Certificate is wrong, please contact the DBS Certificate Dispute line on 0870 9090 778 who will advise on their dispute procedures.

8. Can I refuse to apply for a Certificate?

It is compulsory to check your details against the list of people banned from working with children. Brierley CE (VC) Primary School is obliged to insist on DBS Certificate from applicants and members of staff.

9. How long are Certificates valid?

A Certificate carries no period of validity. The information it contains reflects the position at the date of its issue. The closer this date, the more reliance can be placed on its content. Brierley CE (VC) Primary School has a policy of renewals every three years.

10. Do all parent helpers and volunteers need to obtain a Certificate?

This depends on the level of contact and Regulated Activity or the possibility that helpers may be alone with or have some responsibility for pupils. The School will use its discretion about whether or not it is needed.

11. Do teachers from overseas need to be checked?

Yes. Overseas teachers will be treated the same as any new employee. In addition, any member of staff that has lived/worked abroad will need to obtain the relevant police check from the country they lived/worked in before they commence employment.

12. How long does a teacher newly arrived from overseas need to live in the country before a Check is carried out?

If the teacher has lived in this country previously, a Check against the Barred List can be done immediately. Those who have not lived here previously should contact their embassy to seek a letter of good conduct and a police check from the Country.

### 13. Can I start my employment before my DBS arrives?

No. Under the School's Safer Recruitment policy all staff must have a DBS Certificate in place before commencing work.

*[1] A criminal record is a record of a person's convictions, whether spent or unspent, under the Rehabilitation of Offenders Act 1974, cautions, reprimands, final warnings and other non-conviction information such as acquittals.*

## Appendix a

### DBS and barred list checks: who needs one?

The Childcare Act 2006 and the Childcare (Disqualification) Regulations 2018 apply to any member of staff who works in a 'childcare' role.

Staff are considered as working in a 'childcare' role if they provide early years childcare or later years childcare. This is defined as:

- *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 for children in the early years age range; and*
- *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 or supervised activity for children above reception age during school hours (including extended school hours for co-curricular learning activities, such as the school's choir or sports teams) but it does include before school settings, such as breakfast clubs, and after school provision.*

The statutory guidance refers to a 'member of staff' as any individual who is employed by a school or local authority, those undertaking training in schools (both salaried and unsalaried), casual workers, agency/supply staff, self-employed workers and volunteers.

All 'staff' who work in the above settings, including those who are directly concerned in the management of such early or later years provision, are required to read and understand the statutory guidance, regarding their suitability to work with children in these settings. Staff are required to inform their line manager immediately should they be disqualified from working with children.

There are a number of reasons that a person may be disqualified from working with children, under the Childcare Act 2006. You may be disqualified if:

- you are on the Disclosure & Barring Service Children's Barred List
- you have been found to have committed certain violent and sexual criminal offences against children (or adults);
- there are grounds relating to your care of children including where an order is made in respect of a child under your care;
- you have had registration refused or cancelled in relation to childcare or children's homes or been disqualified from private fostering;
- you have been found to have committed an offence overseas which would constitute an offence regarding disqualification under the 2018 Regulations if it had been done in any part of the United Kingdom.

Individuals who are disqualified are not permitted to continue to work in early or later years provision or be directly concerned in the management of that provision. They can, however, usually apply to Ofsted for a waiver of disqualification – details of how to apply for a waiver are included in the DfE statutory guidance ‘Disqualification under the Childcare Act 2006’.

JOB ROLE	ENHANCED DBS CHECK	BARRED LIST CHECK*	NOTES
<b>New school staff</b>	Yes	If in regulated activity*	<p>New school staff need an enhanced DBS check. This will need to include barred list information if they’re engaging in regulated activity.</p> <p>Most staff in schools work in regulated activity, as they work regularly in a position that provides an opportunity for contact with children.</p>
<b>Existing staff</b>	No, unless: <ul style="list-style-type: none"> <li>You have concerns about their suitability to work with children</li> <li>The person moves from a role that isn’t regulated activity into one that is regulated activity</li> </ul>	No, unless: <ul style="list-style-type: none"> <li>You have concerns about their suitability to work with children</li> <li>The person moves from a role that isn’t regulated activity into one that is regulated activity</li> </ul>	<p>DBS checks don’t expire, and there’s no requirement to renew them regularly.</p>
<b>Appointees from another school/college</b>	No, unless there’s been a break in employment of more than 3 months	If in regulated activity*	<p>You don’t have to obtain new enhanced DBS checks for appointees who’ve worked in a similar position without a break in service of more than 3 months, but you can if you wish.</p> <p>Either way, a new barred list check must always be obtained where staff will be working in regulated activity.</p>



JOB ROLE	ENHANCED DBS CHECK	BARRED LIST CHECK*	NOTES
<b>Agency/supply staff</b>	Yes (to be completed by the agency/third-party organisation)	If in regulated activity* (to be completed by the agency/third-party organisation)	You must obtain written notification from the organisation that employs the staff member that the necessary checks have been carried out.
<b><u>Contractors</u></b>	Yes, if in regulated activity* Yes, if they have the opportunity for contact with children during their work	If in regulated activity*	Where a contractor is engaging in regulated activity, an enhanced DBS check with barred list information will be required.  Where a contractor has the opportunity for contact with children during their work, but isn't in regulated activity, they'll need an enhanced DBS check without barred list information.  If the contractor is self-employed, you'll need to apply for the DBS check. If they're employed by someone else, you should get written confirmation of checks from the employer.
<b><u>Governors/trustees</u></b>	Yes	If in regulated activity*	Maintained school governors, academy members, trustees and local governors all require enhanced DBS checks. They'll only need barred list checks if also engaging in regulated activity – governance is not itself a regulated activity.  The chair of trustees must have a DBS check countersigned by the secretary of state.
<b>Trainee teachers (salaried)</b>	Yes	If in regulated activity*	For trainee teachers who are salaried by the school, the school is responsible for carrying out the necessary checks.

JOB ROLE	ENHANCED DBS CHECK	BARRED LIST CHECK*	NOTES
<b>Trainee teachers (fee-funded)</b>	Yes (to be completed by initial teacher training provider)	If in regulated activity* (to be completed by initial teacher training provider)	Where trainee teachers are fee-funded, it's the responsibility of the initial teacher training provider to carry out the necessary checks.  You should obtain written confirmation from the provider that the checks have been carried out and the trainee has been judged by the provider to be suitable to work with children.
<b><u>Volunteers</u></b>	Yes, if in regulated activity*  Yes, if not in regulated activity but you think it's necessary	If in regulated activity*	There's no requirement to conduct an enhanced DBS check on supervised volunteers, but you can ask for one (without barred list information) if you wish – do a risk assessment and use this and your professional judgement to decide if it's necessary.  If volunteers will be in regulated activity, you <b>must</b> get an enhanced DBS check with barred list information.
<b>Visitors</b>	No	No	You don't have the power to conduct DBS checks on volunteers, or ask to see existing certificates.

**Source:** [Keeping Children Safe in Education, GOV.UK – DfE](#)

\* Barred list checks can only be carried out on those who are engaging in regulated activity. The definition of 'regulated activity' includes where individuals:

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