

Title	Disclosure and Barring Service Checks
Associated Policies	<ul style="list-style-type: none"> • Staff Induction (TPO/STA/15) • Single Equality Policy (TPO/EO/01) • Safeguarding and Child Protection (TPO/HS/05) • Staff Records (TPO/STA/16) • Data Protection (TPO/STA/25) • Recruitment Policy (TPO/STA/27)

REVIEWED: MARCH 2018

NEXT REVIEW: MARCH 2021

1. Policy Statement

- 1.1 The Brooke Weston Trust and the Governors of the Academies are committed to safeguarding and promoting the welfare of children and young people and the rigorous implementation of Disclosure and Barring Service (DBS) procedures and arrangements. We expect all staff and volunteers to share this commitment.
- 1.2 This policy sets out the Trust's requirements in carrying out criminal records checks (DBS) and checks against DBS barred lists of individuals who are unsuitable for working with children and adults.
- 1.3 This policy complies with the DBS Code of Practice, obligations under the Data Protection Act 1998, the general provisions of employment law, *Safeguarding Children and Safer Recruitment in Education* 2011, *Keeping Children Safe in Education* (2016) and the Trust's safeguarding and equal opportunities policies.
- 1.4 This Policy does not form part of any employee's contract of employment and is entirely non-contractual. It may be amended, withdrawn, suspended or departed from at the discretion of the Trust.

2. Who does this policy apply to?

- 2.1 This policy applies to all employees of the Brooke Weston Trust, and any individual seeking to become part of the Academy community. In addition, certain types of voluntary work, student placements, school governors, preferred contractors and other regulated positions will also come under the provisions of the policy, particularly where they involve unsupervised contact with children or adults.

3. Who is responsible for carrying out this policy?

- 3.1 The implementation of this policy will be monitored by the Senior Leadership Team and the governors of the Academy and will remain under constant review by Brooke Weston Trust.

4. DBS Disclosure and DBS Barred List Checks

- 4.1 The Disclosure and Barring Service (DBS) provide disclosures of criminal records via a DBS check (formerly a CRB check).
- 4.2 A 'Standard' DBS check contains details of all spent and unspent convictions, cautions, reprimands and final warnings from the Police National Computer.
- 4.3 An 'Enhanced' DBS check contains the same information as the Standard check, plus any additional information held locally by police forces that is reasonably considered relevant to the post applied for.
- 4.4 An 'Enhanced DBS with lists checks' contains the same information as the Enhanced check, plus a check of the appropriate DBS barred lists. This will show whether an individual has been barred from working with either children, vulnerable adults or both of these vulnerable groups. It is an offence to let a person commence work in 'regulated activity', working with children or in areas where adults may be vulnerable, without checking the relevant barred list. It is illegal for employers to engage any individual in a regulated position if they have been barred from such work by the DBS.

4.5 'Regulated activity' is work that a barred person must not do. It involves contact with children or vulnerable adults and is:

- Of a specified nature; or
- In a specified setting

And is done either:

- Frequently (once a week or more)
- Intensively (on 4 or more days in a 30 day period)
- Overnight (between 2am and 6am where there is opportunity for face to face contact)

Schools, childcare premises (including nurseries) and children's centres are '**specified settings**' therefore all activity in those settings is Regulated Activity.

Work carried out by supervised volunteers is NOT regulated activity.

5. Who should be checked?

- 5.1 All individuals over the age of 16 years in a position which meets the definition of regulated activity (see paragraph 4.5) will be subject to an Enhanced Level DBS Disclosure check and DBS Barred List check. This includes employees and unsupervised volunteers.
- 5.2 Where a position does not meet the definition of 'regulated activity' (for example, supervised volunteers), it will not be possible to request a check against the DBS Barred Lists. However the school will be able to use its discretion as to whether an Enhanced DBS Disclosure check is required.
- 5.3 Governors in positions that include regular unsupervised contact (see paragraph 4.5) with children must be subject to an Enhanced Level DBS Disclosure check and DBS Barred List check. All Governors are asked to sign a declaration confirming their suitability to fulfil the role.
- 5.4 Students or work experience placements who will have regular unsupervised contact with children must be subject to an Enhanced Level DBS Disclosure check and DBS Barred List check. This will normally be arranged by the organisation arranging the placement.
- 5.5 In the case of contractors, agency workers and peripatetic workers, academies must follow the process as set out in paragraph 6.1.9 of the Safeguarding Policy:
 - Contractor to provide original and valid DBS certificate and photo ID to school/site for scrutiny. If approved then proceed to step 2, if rejected then refuse entry to contractor (notwithstanding option to provide escort)
 - Acceptance by school/site of documentation.
 - Site inserts copy of documentation into an "approved visitors" folder with register at reception. NB all documentation must be destroyed on completion of project.
 - Contractor "signed into/onto" site and given formal site induction by Site Manager and safeguarding lead who outlines Safeguarding Policy/practice at earliest opportunity.
 - Contractor issued with an "approved visitor" badge.
 - Contractor conducts work.
 - On departure signs out, returns badge and visit duration is recorded in approved visitor register.
 - On subsequent visits contractor shows photo ID and signs in at reception. Reception refers to approved visitor register and records and alerts contractor to any known issues/risks/events.
 - Site staff notified accordingly by reception staff.
 - Approved visitor granted access to site to undertake work task.
- 5.6 Agency supply teachers are covered by the definition of regulated activity and must be subject to an Enhanced Level DBS Disclosure check and DBS Barred List check.

6. Procedures

- 6.1 Recruitment documentation for employees and volunteers (for example, job adverts, job descriptions, application forms) will, where appropriate clearly state that the post is subject to a DBS Disclosure check and a check of the DBS Barred Lists.
- 6.2 Relevant individuals (see paragraph 5) will be issued with a DBS Disclosure Application form and are required to complete and return it, together with the original copies of three documents which confirm their identity. See appendix 1 for a list of accepted ID documentation.
- 6.3 It is advisable to ask the individual to complete this once they are confirmed as the preferred candidate. Only once confirmation is received that they are not on the barred list can they start work in regulated activity.
- 6.4 Whilst all efforts should be made to obtain a DBS Disclosure check before an individual commences work, a successful candidate can, at the School's discretion, be allowed to commence prior to a satisfactory disclosure certificate being received. In such instances, an enhanced DBS Disclosure check form must still have been submitted. A written risk assessment should be undertaken by the Principal or recruiting manager and appropriate control measures put in place e.g. supervised working. Whilst there is discretion regarding starting an individual before a DBS Disclosure has been received, there is no such discretion regarding DBS Barred List checks. The school must ensure that a satisfactory DBS Barred List check has been obtained before allowing an individual to commence work in a regulated position.
- 6.5 In the event of the disclosure certificate revealing a criminal record, the Business Manager will inform the Principal. The Principal will meet with the individual to discuss the DBS Disclosure content with the applicant before any recruitment confirmation is made. The purpose of this discussion will be to obtain further relevant information from the applicant to enable the Principal to make an informed decision regarding the applicant's suitability for the position applied for. The Principal may wish to discuss with their HR representative, but the final recruitment decision is made by the Principal. Relevant information discussed with the candidate and the final recruitment decision will be recorded in writing (see appendix 2).
- 6.6 **Non-EEA (Non-European Area) Applicants**
As part of the recruitment process, all non-EEA applicants will be required to provide evidence of their 'right to work' within the UK. This will need to be presented, along with two supporting documents confirming identity and current address, as part of the DBS ID verification process. If an applicant is unable to provide this documentation, the school will be unable to submit a DBS check.

7. Policy Review

- 7.1 This policy will be monitored as part of the Academy's annual internal review and reviewed on a three year cycle or as required by legislature changes.

APPENDIX 1 – Accepted ID Documents

Group 1: Primary identity documents

Document	Notes
Passport	Any current valid passport
Biometric residence permit	UK
Photocard driving licence	UK/Isle of Man/Channel Islands and EU (full or provisional)
Birth certificate – issued within 12 months of birth	UK and Channel Islands - including those issued by UK authorities overseas, e.g. Embassies, High Commissions and HM Forces
Adoption certificate	UK and Channel Islands

Group 2: Trusted government documents

Document	Notes
Old-style paper driving licence	UK/Isle of Man/Channel Islands and EU (full or provisional)
Photocard driving licence	All countries (full or provisional) excluding UK/Isle of Man/Channel Islands and EU
Birth certificate - issued more than 12 months after time of birth	UK and Channel Islands
Marriage/Civil partnership certificate	UK and Channel Islands
HM Forces ID card	UK
Firearms licence	UK, Channel Islands and Isle of Man

Group 2b: Financial and social history documents

Document	Notes	Validity
Mortgage statement	UK or EEA	Issued in last 12 months
Financial statement, e.g. pension or endowment	UK	Issued in last 12 months
P45 or P60 statement	UK and Channel Islands	Issued in last 12 months
Council Tax statement	UK and Channel Islands	Issued in last 12 months
Bank or building society account opening confirmation letter	UK	Issued in last 3 months
Credit card statement	UK or EEA	Issued in last 3 months
Utility bill	UK - not mobile telephone bill	Issued in last 3 months
Benefit statement, e.g. Child Benefit, pension	UK	Issued in last 3 months
Central or local government, government agency, or local council document giving entitlement e.g. from the Employment Service, HMRC	UK and Channel Islands	Issued in last 3 months
Bank or building society statement	UK, Channel Islands and EEA	Issued in last 3 months
Work permit or visa	UK	Valid up to expiry date
Sponsorship letter from future employment provider	Non-UK/non-EEA - valid only for applicants residing outside the UK at time of application	Must still be valid
EU National ID card	EU	Must still be valid
Cards carrying the PASS accreditation logo	UK and Channel Islands	Must still be valid

Letter from head teacher or college principal	UK - for 16-19 yr olds in full time education - only used in exceptional circumstances if other documents cannot be provided	
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European Union (EU) countries:	European Economic Area (EEA) includes EU countries plus:
Austria Belgium Bulgaria Croatia Cyprus Czech Republic Denmark Estonia Finland France Germany Greece Hungary Ireland Italy Latvia Lithuania Luxembourg Malta Netherlands Poland Portugal Romania Slovakia Slovenia Spain Sweden	Iceland Lichtenstein Norway

APPENDIX 2 - Positive DBS – Record of Recruitment Decision

Positive DBS – Record of Recruitment Decision

All disclosures which are relevant to child protection, regardless of the seriousness of the offence(s)/conviction(s)/charge(s) revealed, will be subject to an objective assessment. All sections of this form must be completed and the form retained on file.

Section 1: General

Date	
Name of applicant	
Post applied for	

Section 2:

Does the applicant meet all the essential criteria for the post i.e. skills, knowledge and ability?	Yes	No
Is the type/nature of the offence(s) directly relevant to the post? (see Notes at the end of this form)	Yes	No
When did the relevant offence(s) occur?	Less than 2 years ago	More than 2 years ago
Is there a pattern of related offences?	Yes	No
Is there a pattern of unrelated offences?	Yes	No
Is the context/circumstance still relevant today?	Yes	No
Was the relevant offence(s) committed at work (i.e. paid employment)?	Yes	No
What level of independence will the post holder have?	Close Supervision	Minimal Supervision
Does the applicant demonstrate a determination not to re-offend?	Yes	No
Did the applicant declare the relevant offence(s) on their application form?	Yes	No
What response did the applicant give when questioned about the offence(s) revealed?		
Have 2 references been received?	Yes	No
What do the references say about the applicant's suitability for work in a "regulated position"?		
In light of the above, does the applicant constitute an unacceptable 'risk'?	Yes	No

Section 3:

Name	
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Declaration	I understand the School's policy on the Recruitment of Ex-Offenders and having considered the above assessment I believe the applicant does/does not* constitute a risk for the following reasons (please provide detail): Therefore, the applicant should/should not* be offered this post Please note: If you are proposing to appoint a person with a conviction for a HIGH RISK offence you are advised to ensure that Section 3 is countersigned by the Chair of Governors. *delete as appropriate
Signed	
Date signed	
Signed	Principal
Date	

Guidance Notes – Recruitment of Ex-Offenders

These guidance notes are taken from EPM's Model Policy of Ex-Offenders and are provided as a reminder of the types of offences that the School considers high risk when employing an individual to work with children of vulnerable adults

You can find further guidance on accepting a positive DBS result from NACRO at the link below: <https://www.nacro.org.uk/resettlement-advice-service/support-for-employers/employing-someone-with-a-criminal-record/>

Work with Children

Under the Protection of Children Act 1999 and the Criminal Justice and Courts Services Act 2000, it is unlawful to employ persons, regardless of any mitigating circumstances, who may have regular contact with children who are either:

- Included on the list maintained by the Secretary of State for Health of people judged to be unsuitable to work with children. Unsuitability includes, but is not limited to, previous convictions. Referral to the list must be made by a "childcare organisation" if the person concerned was employed in a post involving the care of children and commits misconduct (whether or not within the course of their employment) which has harmed a child or put a child at risk of harm;

OR

- Subject to a disqualifying order made on being convicted or charged with the following offences against children:
- Murder
- Manslaughter
- Rape
- Other serious sexual offences
- Grievous bodily harm
- Other serious acts of violence.
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It is the School's normal policy to consider it a high risk to employ persons, who may have regular contact with children, if they have been convicted or charged at any time of the following offences against children or adults:

- Murder
- Manslaughter
- Rape
- Other serious sexual offences
- Grievous bodily harm
- Other serious acts of violence
- Serious class A drug related offences.