



St. Nicholas
School

DBS Policy

St Nicholas School is a UNICEF Rights Respecting School and promotes rights respecting values in all its policies



The Governing Board of St Nicholas School formally adopted

This Policy on 14th October 2021

To be reviewed October 2022

Signed

Headteacher

Signed

Chair of Governors

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Statement of intent

At St Nicholas School, 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.

1. Legal framework

1.1. This policy has due regard to legislation and statutory guidance including, but not limited to, the following:

- Rehabilitation of Offenders Act 1974
- Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2016
- Police Act 1997
- The Police Act 1997 (Criminal Records) (Registration) Regulations 2006
- Childcare (Disqualification) Regulations 2018
- Data Protection Act 2018
- Safeguarding Vulnerable Groups Act 2006
- Equality Act 2010
- [New] Human Rights Act 1998
- Children Act 1989
- The General Data Protection Regulation
- DfE (2020) 'Keeping children safe in education'
- DBS (2014) 'Sample policy on the recruitment of ex-offenders'
- DBS (2018) 'Handling of DBS certificate information'

- Home Office (2015) 'Revised Code of Practice for Disclosure and Barring Service Registered Persons'

1.2. This policy operates in conjunction with the following school policies:

- Safer Recruitment Policy
- Child Protection and Safeguarding Policy
- Single Central Record Policy
- Data Protection Policy
- Disciplinary Policy and Procedure

2. Definitions

Standard DBS

2.1. This provides information about convictions, cautions, reprimands and warnings held on the Police National Computer (PNC), regardless of whether they are spent under the Rehabilitation of Offenders Act 1974. The law does allow for certain old and minor matters to be filtered out.

Enhanced DBS

2.2. This provides the same information as a standard check, plus any approved information held by the police which a chief officer reasonably believes to be relevant and considers ought to be disclosed.

Enhanced DBS with barred list check

2.3. Where people are working or seeking to work in regulated activity with children, this allows an additional check to be made as to whether the person appears on the children's barred list.

Regulated activity

2.4. 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.
- 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.

2.5. Work under 2.4 is regulated activity if it is carried out frequently by the same person or if the 'period condition' is satisfied. The period condition is satisfied if:

- The person carrying out the activity does so at any time on more than three days in any period of 30 days.
- If the activity is done at any time between 2:00am and 6:00am and it gives the person the opportunity to have face-to-face contact with children.

2.6. Some activities are always regulated activities, regardless of frequency or whether the person conducting the activity is supervised. This includes the following:

- Intimate or personal care, or overnight, including 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 and disability
- Health care, i.e. care for children provided by, or under the direction or supervision of, a regulated health care professional

3. Roles and responsibilities

3.1. The governing board is responsible for:

- Approving the Head Teacher's decisions with regards to disclosure information concerning existing and prospective employees.
- Ensuring that current and prospective employees do not commence or continue their practice without a satisfactory DBS check and an appropriate risk assessment on their suitability to work with children.
- Ensuring that this DBS Policy and the Home Office's Code of Practice (CoP) is adhered to at all times.
- Ensuring that the identity of any existing or prospective employee is confirmed and verified beyond doubt before commencing or continuing employment.
- Informing the LA of any decisions made regarding disclosure information.
- Monitoring the school's single central record (SCR), ensuring its compliance with requirements.

3.2. The headteacher is responsible for:

- 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 upcoming renewals are applied for within two months prior to the renewal date.

- Ensuring that new employees are aware of the DBS update service and encouraging them to subscribe to this.
- Informing the LA of any decisions made regarding disclosure information.

4. Procedures for staff

4.1. New members of staff

- Staff who will be in regulated activity are required to obtain an enhanced DBS certificate with a barred list check.
- 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.
- Staff are required to show the original DBS certificate to the Head Teacher or SBL before they begin their employment or as soon as practicable after their employment begins.
- 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.
- 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
- All other pre-appointment checks will be completed, including a barred list check, where an individual is engaging in regulated activity.

4.2. Existing staff

- 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.
- 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.
- All school staff are required to have an updated enhanced DBS check every 3 years.

4.3. Agency and third-party staff

- The school 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.
- Where the position requires a barred list check, this will be obtained by the agency or third party prior to appointing the individual.
- The school business Leader or a member of the Senior leadership team will check that the individual presenting themselves for work is the same person for whom the checks have been made.

4.4. Trainee/student teachers

- Where applicants for initial teacher training are salaried by the school, the headteacher will ensure that all necessary DBS checks are carried out.
- Where trainee teachers are fee-funded, the training provider is responsible for carrying out the necessary checks. The headteacher 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.

5. Procedures for governors

- 5.1. Governors are required to have an enhanced DBS certificate. The governing board will apply for a certificate for any governor who does not have an enhanced certificate.
- 5.2. A barred list check will only be required for governors who, aside from their governance duties, are engaged in regulated activity.
- 5.3. The Governing Board will contact The Teaching Regulation Agency (TRA) Teachers Service to check if a proposed Governor is barred because of a section 128 direction.

6. Procedures for volunteers

- 6.1. Under no circumstances will a volunteer who has undergone no checks be left unsupervised or allowed to work in regulated activity.
- 6.2. The school business manager will obtain an enhanced DBS check, with barred list information, for any volunteer who is new to working in regulated activity.
- 6.3. In some circumstances, the Head Teacher may obtain an enhanced DBS certificate for volunteers who are not engaged in regulated activity but will not request barred list information
- 6.4. 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.

6.5. 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

6.6. Details of the risk assessment will be recorded.

6.7. 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

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

7. Procedures for visitors

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

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

8. Procedures for contractors

8.1. 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

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

8.3. 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.

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

8.5. The site manager will check the identity of contractors and their staff upon arrival to the school.

9. Staff who have lived or worked outside the UK

- 9.1. 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.
- 9.2. 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.
- 9.3. 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.
- 9.4. 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.
- 9.5. A check will also be made for any teacher sanctions or restrictions that a European Economic Area (EEA) authority has imposed - the school will consider the circumstances that led to any EEA restriction or sanction when deciding an applicant's suitability for employment.
- 9.6. The school will be extra vigilant when considering an applicant from overseas and will obtain additional references to ensure their suitability for the role.

10. Procedures for adults supervising children on work experience

- 10.1. 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.
- 10.2. 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.
- 10.3. The Head Teacher will ask the employer providing the work experience to confirm that any member of staff who will be working with the child unsupervised and frequently is not a barred person.
- 10.4. 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.
- 10.5. Work experience providers are not able to request any DBS checks for pupils under 16.
- 10.6. The school will ensure all work experience providers have policies and procedures in place to protect pupils from harm.

11.Procedures for alternative provision

- 11.1. 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.

12.Disclosures containing criminal information

- 12.1. A DBS check is considered to contain criminal information if it includes details of the following:
- A police record of convictions, cautions, reprimands and final warnings
 - DBS barred list
 - Any other relevant criminal information obtained by the police
- 12.2. In the event of a disclosure containing criminal information, the headteacher will check whether the individual has obtained any previous criminal convictions or cautions by instructing them to complete a disclosure review form, which will be followed by a meeting.
- 12.3. The headteacher will discuss the disclosed information with the governing board and LA immediately to agree a course of action regarding any prospective or existing employee.
- 12.4. The 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.
- 12.5. If 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.
- 12.6. For prospective employees, all posts will remain pending whilst meetings and investigations take place.
- 12.7. 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.
- 12.8. The headteacher will consult the SBL when deciding what adjustments will need to be made for the employee concerned.

12.9. An exception to section 13.7 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.

13. Making a decision

13.1. The headteacher will consider the magnitude of any DBS disclosures.

13.2. **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

13.3. **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.

13.4. 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.

13.5. When considering an applicant, 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 2015).

13.6. 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

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

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

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

14.DBs update service

- 14.1. Staff members will be encouraged to join the DBS update service to ensure that their DBS certificates are up-to-date.
- 14.2. 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.
- 14.3. 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.

15.Referral to the DBS

- 15.1. 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.
- 15.2. Referrals will be made as soon as possible after the resignation, removal or redeployment of the staff member.

16.Recruitment of ex-offenders

- 16.1. The school is aware of its responsibility under the Police Act 1997 not to discriminate applicants based on their criminal record.
- 16.2. 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.
- 16.3. The school selects all candidates for interview based on their skills, qualifications and experience.
- 16.4. 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.
- 16.5. 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.

- 16.6. 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.
- 16.7. 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 13](#) and [section 14](#) of this policy.
- 16.8. All applicants will be given a copy of the school's [Recruitment of Ex-offenders Policy](#) prior to the interview.

17. Single central record (SCR)

- 17.1. The headteacher maintains an up-to-date SCR of pre-appointment checks covering all staff (including teacher trainees on salaried routes) and supply staff, and all members of the proprietor body.
- 17.2. The SCR indicates whether the following checks have been carried out or certificates obtained, and the date on which each check was completed, or certificate obtained:
 - An identity check
 - A barred list check (which forms part of an enhanced DBS check)
 - An enhanced DBS check
 - A prohibition from teaching check.
 - A section 128 check for Governors
 - Further checks on individuals who have lived or worked outside the UK
 - A check of professional qualifications
 - A check to establish the individual's right to work in the UK
 - A qualification check (where relevant to the post)
 - Other information is recorded on the SCR including induction and ID checks carried out.
- 17.3. 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.
- 17.4. There is no requirement for fee-funded trainee teachers to be recorded on the SCR.
- 17.5. The SCR is securely stored electronically.

18. Data handling

- 18.1. Any copies of DBS (subsequent to September 2018) certificates will be stored in accordance with the school's Data Protection Policy and will be stored on the school server
- 18.2. In accordance with the Police Act 1997, access to DBS certificates is strictly controlled and records will only be accessed by the Headteacher and SBL.
- 18.3. DBS certificate information will only be used for the specific purpose for which it was requested and for which the individual's full consent has been given.

- 18.4. The school will not keep DBS certificates for any longer than is necessary once a recruitment decision has been made – usually, for no longer than six months to allow for the consideration and resolution of any disputes or complaints.
- 18.5. In exceptional circumstances, the school may decide to retain DBS certificates for longer than six months. In such cases, the school will consult the DBS and will have due regard to the data protection and human rights of the individual concerned.
- 18.6. DBS certificates will be disposed of securely such as by shredding, pulping or burning.
- 18.7. Prior to disposal, all waste will be stored securely in a confidential waste bin.
- 18.8. A record will be kept of the following:
 - The date of issue of the certificate
 - The name of the subject
 - The type of certificate requested
 - The position for which it applied to
 - The unique reference number
 - The details of the final recruitment decision

19. Monitoring and review

- 19.1. This policy will be reviewed on an annual basis by the headteacher and SBL in conjunction with the governing board.
- 19.2. Any changes made to the policy will be amended by the headteacher and will be communicated to all members of staff.
- 19.3. All staff are required to familiarise themselves with this policy as part of their induction programme

The next scheduled review date for this policy is October 2022

Recruitment of ex-offenders policy

St Nicholas School is required to send a copy of its policy on the recruitment of ex-offenders to all job applicants.

- The governing board fully complies with the DBS Code of Practice and will not discriminate unfairly against any subject of a disclosure on the basis of conviction or other information revealed.
- All applicants are subject to a DBS check before the job appointment is confirmed; this includes details of convictions, cautions and reprimands, as well as spent and unspent convictions. A positive disclosure will not necessarily prohibit a candidate from being offered a position.
- The school will not take into account any minor or old convictions which are 'protected' from disclosure when considering an applicant, as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2015).
- The school is committed to the fair treatment of all applicants, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical or mental disability or offending background.
- The school promotes equal opportunity and welcomes applicants from a wide range of backgrounds, including those with criminal records.
- Candidates are selected for interviews based on their skills, qualifications and expertise.
- All application forms and recruitment notices will contain a statement that a disclosure will be requested if a position is offered.
- All applicants are encouraged to provide details of their criminal record at the earliest stage possible. This may be sent under a separate and confidential cover.
- All applicants will be made aware of the existence of the DBS Code of Practice and will be provided with a copy on request.
- The school is committed to ensuring all disclosure information will only be seen by those who require access as part of their duties.
- The school will discuss any matters revealed on a DBS certificate with the applicant before withdrawing a conditional offer of employment.
- At the interview, or in a subsequent discussion, open and measured discussion will take place on the subject of the offences.
- Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of any offer made.
- Legal advice is available for all involved in the recruitment process to ensure they can identify and assess the relevance and circumstances of offences.
- All recruitment personnel have received appropriate training and guidance in the relevant legislation relating to the employment of ex-offenders.

FLOWCHART OF DISCLOSURE AND BARRING SERVICE CRIMINAL RECORD CHECKS AND BARRED LIST CHECKS



