



SOUTH DARLEY C of E PRIMARY SCHOOL

DISCLOSURE AND DISBARRING (DBS) POLICY

Person/Committee responsible for reviewing/updating this plan	Headteacher
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31.01.17	FGB31012017.6.1	HEADTEACHER	
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Statement of intent

At South Darley CE Primary 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 in order 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 Disclosure and Barring Service (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/carers are aware of the measures taken by the school to promote the welfare of the school community.

Legal framework

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

- The Protection of Freedoms Act 2012
- The Rehabilitation of Offenders Act 1974
- The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2015)
- The Police Act 1997
- The Police Act 1997 (Criminal Records) (Registration) Regulations 2006
- The Data Protection Act 1998
- The Safeguarding Vulnerable Groups Act 2006
- The School Governance (Constitution) (England) Regulations 2012
- The School Governance (Constitution and Federations) (England) (Amendment) Regulations 2016
- The Equality Act 2010

This policy also has due regard to statutory guidance, including, but not limited to, the following:

- Home Office (2015) 'Revised Code of Practice for Disclosure and Barring Service Registered Persons'
- DfE (2015) 'Keeping children safe in education'

Roles and responsibilities

The Headteacher is responsible for:

- Making decisions in regards to disclosure information concerning existing and prospective employees.
- Ensuring that any disclosure containing convictions for an existing or prospective employee is discussed with the LA before deciding on their suitability for employment
- Ensuring that current and prospective employees do not commence or continue their practice without a satisfactory DBS check
- Ensuring that this DBS Policy and the Code of Practice is adhered to at all times.
- Ensuring that the identity of any existing or prospective employee is confirmed and verified beyond reasonable doubt before commencing or continuing employment
- Maintaining an up-to-date single central register.

- 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 new employees or volunteers are aware of the update service and encouraging them to subscribe to this.

Regulated activity

For the purpose of this policy, engaging in “**regulated activity**” involves any individual who

- Will be responsible for teaching, training, instructing, caring for or supervising children at the school
- Will carry out paid or unsupervised work regularly at the school, and where that work provides an opportunity for contact with children.
- Engages in intimate or personal care or overnight activity, even if this happens only once.

Regulated activity is described as being ‘regular’ if it is carried out by the same person and is conducted:

- Once a week or more often
- On four or more days in a 30 day period
- Overnight (between 2am and 6am)

DBS procedures for staff

All those in regulated activity, as defined above, are required to obtain an enhanced DBS check with barred list information.

Only members of staff who have the opportunity for regular contact with children, but who would not be engaging in regulated activity, are required to obtain an enhanced DBS certificate that does not include a barred list check.

In accordance with the School Governance (Constitution and Federations) (England) (Amendment) Regulations 2016, all Governors at the school are required to obtain an enhanced DBS certificate that does not include a barred list check.

The school will carry out all ‘relevant checks’, including an enhanced DBS certificate with barred list check, for existing staff where:

- There are concerns about a staff member’s suitability to work with children
- A person moves from a post that was not regulated activity into work that is regulated activity.

N.B. Other than in the above circumstances, the school will not request a DBS certificate or barred list check for any existing staff.

Where employing agency staff from a third-party organization, the school will obtain written notification that the organisation has carried out the relevant checks, including a barred list prior to their appointment where necessary.

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

The school will check that the individual presenting themselves for work is the same person for whom the checks have been made when employing any member of staff.

All members of staff will be encouraged to subscribe to the DBS update service to ensure that their DBS certificates are up-to-date.

The school will only check the status of any DBS certificate if this is legally required for a new role or a change in roles. The individual's consent will be gained before the DBS certificate status is checked.

DBS procedures for visitors and volunteers

The school considers it best practice to request DBS certificates for visitors if they are attending school at least once per week on a regular basis, even if they are not in regulated activity. The Headteacher will use their professional judgement when deciding whether visitors will need to be escorted or supervised.

An enhanced DBS check with barred list information will be obtained for volunteers who will work in regulated activity with children. Although DBS checks are not required for supervised volunteers, the school may obtain an enhanced DBS check if it is required.

The school will undertake a risk assessment for all supervised volunteers to decide whether an enhanced DBS check is required, with consideration to:-

- The nature of the volunteer's work with children
- What the school knows about the volunteer
- Whether the volunteer has referees who can advise on their suitability
- Whether the role is eligible for an enhanced DBS check.

Parents/carers who volunteer at the school are also covered by the volunteer regulations surrounding DBS checks. As a result, the school will:

- Carry out DBS checks for parents/carers who will be engaging in regulated activity.
- Use professional judgement to decide whether or not to carry out checks on supervised parent/carer volunteers.

If the school has any concerns regarding a volunteer that may pose a risk to pupils, and as a result the volunteer is removed from the school, a referral will be made to the DBS by the Headteacher.

The school will not conduct any DBS checks for any volunteers who are under the age of 16.

When allowing any visitors or 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.

The Governing Body of South Darley CE Primary School have taken the decision to cease the 3 yearly DBS renewal checks. Staff will be checked initially upon starting employment with the school. Volunteers remain subject to 3 yearly checks.

Disclosures containing criminal information

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.

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 new disclosure form, which will be followed by a meeting.

The Headteacher will discuss the disclosed information with the Governing Body and LA immediately to agree a course of action regarding any prospective or existing employee.

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.

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 Body and the LA.

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

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 School Discipline Policy and suspended from duty (with entitlement to full pay where appropriate).

An exception to this is if the Headteacher was already aware of the employee's convictions and had previously discussed with the Governing Body and the LA that they were still suitable for their appointment, or if it is revealed that the convictions do not relate to the individual concerned.

Making a decision

The Headteacher will consider the magnitude of any DBS disclosures.

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
- Adult's Barred List

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.

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

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).

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

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

A record of all recruitment decisions following positive DBS disclosures will be kept by the School Business Assistant. Depending on the circumstances of each case, the Chair of the Governing Body may be asked to countersign the form.

Overseas applicants

A candidate from overseas will be checked in the same way as other candidates in line with the procedures outlined above. 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. As the DSB 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.

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

Recruitment of ex-offenders

The school is aware of its responsibilities under the Police Act 1997 not to discriminate applications on the basis of their criminal record. 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.

The school selects all candidates for interview based on their skills, qualifications and experience most suitable to the post. 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. During the recruitment process, the school will ensure that a discussion takes place to evaluate any offences or other matters relevant to the position. 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.

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 this policy.

Data handling

As DBS certificates are covered by the Data Protection Act 1998, the school will not keep copies of the certificate. Although the school will not keep any copy of the certificate, 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 applies to
- The unique reference number
- The details of the final recruitment decision

Key information from the certificate will be stored by the School as part of its Single Central Register and this will be stored in a securely locked cabinet in the school office. In accordance with the Police Act 1997, access to DBS certificates is strictly controlled and records will only be accessed by those deemed essential by the Headteacher.

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.

In exceptional circumstances, the school may decide to retain a copy of the DBS certificate. In such cases, the school will consult with the DBS and will have due regard to the data protection and human rights of the individual concerned.

Disqualification under the Childcare Act

Under DfE guidance 'Disqualification under the Childcare Act 2006', schools which provide care for pupils under the age of 8 have to ensure that staff and volunteers are not disqualified from doing so under the regulations.

Each volunteer or staff member will be given the 'DfE statutory Guidance – Disqualification under the Childcare Act 2006 – February 2015 – Staff factsheet' and asked to complete 'Form A – Employee Declaration' on an annual basis. Volunteers and staff members will also be given 'Form B – Employee & Volunteer Disqualification' which should be completed and returned when the volunteer or employee believes they, or a household member, may have a conviction, caution or order made against them which may disqualify them from working with children in relevant age groups, under the 2009 Childcare (Disqualification) Regulations.

Where the school becomes aware of information which may lead to the disqualification of an employee, it MUST inform Ofsted as soon as possible and at the latest within 14 days of becoming aware.

Failure to do so is a breach of the Regulations. Individuals who are so identified may apply to Ofsted for a waiver to allow them to continue working with children. The volunteer or staff member must make the application, not the school.

The school must make any third party aware of declarations received concerning their convictions/cautions/orders. This will be undertaken in writing by special delivery post.

Once it has been identified that an employee fulfils the disqualification criteria, they are not permitted to work in the provision for children from reception age to 8 years of age, out of school hours or be directly involved in the management of that provision.

Depending on the context of the school concerned and the nature of the reason for disqualification, there may be a need to consider the supervision of the individual. If a waiver is granted by Ofsted, it will then be up to the school to make a decision as to whether to continue to employ that person. Where a waiver is not granted, the school will determine whether the individual can be permanently deployed where they will not be involved in the provision for the relevant age groups of children. This may lead to a hearing to consider the allegations that the staff member is disqualified from working with young children which in turn may be a reason to terminate the contract of employment.

Annual Declaration in Changes to DBS Status

Volunteers and staff will be asked to complete an annual declaration to confirm that there has been no material change in circumstances since their original Disclosure (or subsequent one) and that they have not been the subject of any subsequent conviction, bindover, caution or police warning.

Should there be a change in any individual's DBS status, the school will follow the procedures outlined in the disclosures containing a criminal conviction section of this policy.

Monitoring and review

This policy will be reviewed on a four yearly basis by the Headteacher but may be reviewed at an earlier date following receipt of advice on policy or procedure changes.