



## **CLAYTON VILLAGE PRIMARY SCHOOL**

# **Safeguarding: DBS Policy**

### **Contents**

Introduction

Statement of intent

Legal framework

1. Roles and responsibilities
2. Regulated activity
3. DBS procedures for staff
4. Counter Signatories
5. Criminal Record Checks
6. DBS procedures for visitors and volunteers
7. Disclosures containing criminal information
8. Making a decision
9. Overseas applicants
10. Recruitment of ex-offenders
11. Data handling
12. Disqualification by Association
13. DBS review
14. Monitoring and review

This should be read in conjunction with:

Recruitment of Ex-offenders Policy (Bradford Council Statement)

Safer Recruitment Policy

Code of Conduct

Safeguarding and Child Protection Policy

Whistleblowing Policy

Signed \_\_\_\_\_ Headteacher \_\_\_\_\_ Date

Signed \_\_\_\_\_ Chair of Governors \_\_\_\_\_ Date

**This policy was reviewed in September 2017 and will be reviewed in September 2019**

## INTRODUCTION

This policy and procedure document applies to all employees of Clayton Village Primary School as well as volunteers and school governors.

At Clayton Village Primary we endeavour to:

- Create the right atmosphere for children to work, grow and develop their individual potential, helping them to become competent and confident adults able to live their own lives and contribute to society.
- Provide a climate where children learn to co-operate with others, care for their peers and environment and respect the fact that not everyone looks, feels or thinks the same.

The principles of the policy will also be applied to agency staff, self-employed individuals engaged by the school, individuals employed by any contractors/sub-contractors (where the contract agreement specifies the requirement for a criminal record check) and appropriate staff in organisations that are providing long term work placements for children and young people. In such cases organisations are required to either adopt this policy or produce their own policy complying with the general principles of this policy.

## STATEMENT OF INTENT

At Clayton Village 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.

**The primary role of the Disclosure and Barring Service (DBS) is to help employers make safer recruitment decisions and prevent unsuitable people from working with vulnerable groups including children.**

The Governing Body is also committed to the elimination of discrimination and to equal treatment in employment. This applies to prospective employment and all stages of employment and includes providing equal opportunities to both potential and existing employees, including ex-offenders, subject to the over-riding duty to protect children and young people. The policy and procedure has been developed to comply with legislation relevant to criminal record checking.

## **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 (as amended in 2016)
- The Education (Independent School Standards) Regulations 2014
- 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 (2016) 'Keeping children safe in education'

### **1. Roles and responsibilities**

1.1. The governing body 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 and an appropriate risk assessment on their suitability to work with children.
- Ensuring that this DBS Policy and the 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.

1.2. 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 single central record.

- 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 one month prior to the renewal date (to be completed every five years).

## **2. Regulated activity**

2.1. 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, unpaid 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.

2.2. 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-6am).

## **3. DBS procedures for staff**

3.1. All those in regulated activity, as defined in section 3 of this policy, are required to obtain an enhanced DBS check with barred list information.

3.2. 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.

3.3. 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 check.

3.4. The school will carry out all “relevant checks”, including an enhanced DBS certificate with barred list check, for existing staff:

- Every 5 years, or after an extended absence of 6 months or more.
- Where there are concerns about a staff member’s suitability to work with children.
- Where a person moves from a post that was not regulated activity into work that is regulated activity.

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

- 3.5. When employing agency staff from a third-party organisation, the school will obtain written notification that the organisation has carried out the relevant checks, including a barred list check prior to their appointment where necessary.
- 3.6. Contractors who engage in regulated activity will be required to obtain an enhanced DBS with barred list check.
- 3.7. 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.
- 3.8. 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.

#### **4. DBS Counter Signatories**

Counter signatories have an important role in the Disclosure and Barring Service (DBS) checking process. A counter signatory is a person within a registered body (Bradford Council in the case of Clayton Village Primary School) who is registered with the DBS to countersign applications, making a declaration that the position is eligible for the DBS check requested, and receive the DBS certificate.

#### **5. Criminal record checks**

There are three different types of criminal record check offered by the DBS, standard, enhanced and enhanced with a barred list.

##### **5.1. Standard check**

The standard check is available for certain specified occupations and entry into certain specified professions. It contains details of all spent and unspent convictions, cautions, reprimands and final warnings from the Police National Computer (PNC).

##### **5.2. Enhanced check**

The enhanced check is available for those carrying out certain activities or working in regulated activity with children or adults. It contains the same PNC information as the standard check but also includes a check of police records held locally.

##### **5.3. Enhanced with a barred list check**

An enhanced check with barring lists is only available for those individuals who are in regulated activity. It contains the same PNC information and check of police records held locally as an enhanced check but in addition will check against the children's and/or adults' barring lists.

##### **5.4. How long is a criminal record check valid for?**

There is no official expiry date for a criminal record check issued by the Disclosure and Barring Service (DBS). Any information revealed on a DBS certificate will be accurate at the time the certificate was issued. Clayton Village

Primary School will check the date of issue on the certificate to decide whether to request a newer one. It is advised that a DBS certificate can be kept for no longer than six months, to allow for consideration and resolution of any disputes or complaints after a recruitment or suitability decision is made. We will follow any guidance given to us by Bradford Council regarding this practice.

#### 5.5. People who are not required to obtain DBS clearance

It is not necessary to obtain a CRB Disclosure for:-

- staff appointed before 2002 who have not previously been DBS checked unless moving roles into posts with closer contact with children or where there are concerns about suitability to work with children. The exception to this is workers from overseas.
- public sector staff such as psychologists, nurses, dentists and centrally employed teachers (because they will have been checked by their own organisations). However, the school will check the identity of such staff on arrival to ensure impostors do not gain access to children;
- visitors who have business with the Headteacher or other staff who have brief contact with children with a member of staff present;
- visitors or contractors who come on site only to carry out emergency repairs or service equipment and who would not be expected to be left unsupervised on school premises;
- volunteers or parents who only accompany staff and children on one off outings or trips that do not involve overnight stays, or who only help at specific one off events e.g. a sports day, school fete.
- People who are on site before or after school hours and when children are not present, e.g. local groups who hire premises for community or leisure activities, cleaners who only come in after children have gone home, or before they arrive.

#### 6. **DBS procedures for visitors and volunteers**

- The Headteacher will use their professional judgement when deciding whether visitors and volunteers (including parents) will need to be escorted or supervised.
- An enhanced DBS check with barred list information will be obtained for volunteers (including parents) 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 (not including barred list information) if there is a risk that the volunteer may come into contact with children.
- Under no circumstances will a visitor or volunteer in respect of whom no DBS checks have been obtained, be left unsupervised or allowed to work in regulated activity.
- The school will undertake a risk assessment for all supervised volunteers to decide whether an enhanced DBS check is required, with consideration for:
  - 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 his or her suitability.

- Whether the role is eligible for an enhanced DBS check.
- If the school has any concerns regarding a volunteer that may pose a risk to pupils, and as 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.

## **7. Disclosures containing criminal information**

- 7.1. 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
- 7.2. 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.
- 7.3. 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.
- 7.4. 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.
- 7.5. 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 body and LA.
- 7.6. For prospective employees, all posts will remain pending whilst meetings and investigations take place.
- 7.7. 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 Staff Disciplinary Policy and suspended with entitlement to full pay.
- 7.8. The Headteacher will consult other Headteachers from the West One LAP when deciding what adjustments will need to be made for the employee concerned.
- 7.9. An exception to section 5.7 is if the Headteacher was already aware of the employee's convictions and had previously discussed with the governing body

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.

## **8. Making a decision**

- 8.1. The Headteacher will consider the magnitude of any DBS disclosures.
- 8.2. 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
- 8.3. 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.
- 8.4. 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.
- 8.5. 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).
- 8.6. 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
- 8.7. A risk assessment will be conducted by the Headteacher following a positive disclosure, before deciding on the candidate's suitability.
- 8.8. A record of all recruitment decisions following positive DBS disclosures will be kept by the school business manager.
- 8.9. Depending on the circumstances of each case, the chair of the governing body may be asked to countersign the form recording the recruitment decision.

## **9. Overseas applicants**

- 9.1. A candidate from overseas will be checked in the same way as other candidates 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.
- 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. Recruitment of ex-offenders**

- 10.1. The school is aware of its responsibility under the Police Act 1997 not to discriminate applicants on the basis of their criminal record.
- 10.2. 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.
- 10.3. The school selects all candidates for interview based on their skills, qualifications and experience.
- 10.4. 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.
- 10.5. During the recruitment process, the school will ensure that a discussion takes place to evaluate any offences or other matters relevant to the position.
- 10.6. 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.
- 10.7. 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 6 and section 7 of this policy.
- 10.8. All applicants can access a copy of the school's Recruitment of Ex-offenders Policy prior to the interview via the school's website.

## **11. Data handling**

- 11.1. DBS certificates are not kept in school. Where Bradford Council alerts the school to disclosed offences, the individual would be asked to give sight of their certificate. Where the school requires sight of the DBS certificate in this instance, (as they are covered by the Data Protection Act 1998) all certificates will be stored in accordance with the school's Data Protection Policy, and will be stored in a securely locked and non-portable cabinet which is located in the school office.
- 11.2. In accordance with the Police Act 1997, access to DBS certificates is strictly controlled and records will only be accessed by the Headteacher and school business manager.

- 11.3. If, in exceptional circumstances, and as part of their duties, another member of staff is required to access a DBS certificate, the school will keep a record of the named individual, and the individual whom the DBS certificate concerns will be informed prior to the sharing of the information.
- 11.4. 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.
- 11.5. 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.
- 11.6. 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.
- 11.7. DBS certificates will be disposed of securely such as by shredding, pulping or burning.
- 11.8. Although the school will not keep any copy of the certificate, a record will be kept of the following on the SCR:
  - 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

## **12. Disqualification by Association**

Identifying staff who may be 'disqualified by association'

- 12.1. In order to identify cases where a staff member working in relevant childcare settings may be disqualified 'by association', schools must ask only relevant staff to provide, to the best of their knowledge, information about someone who lives or is employed in their household.

School will make staff aware of the disqualification guidance by:

- 12.2.
  - referring to the guidance in the school's safeguarding, safer recruitment and DBS policies
  - drawing the guidance to the attention of their staff
  - recording these checks on the Single Central Record or maintain a separate record
- 12.3. Staff such as caretakers, cleaners, drivers, transport escorts, catering and office staff, who are not employed to directly provide childcare, are not covered by the legislation.

Who is covered by 'Disqualification under the Childcare Act 2006'?

#### Staff

- 12.4. Staff are covered by the Act if they are employed and/or provide childcare in either the early years or later years.
- 12.5. Early Years means from birth until 1st September following a child's fifth birthday i.e. up to and including reception age.
- 12.6. Later Years means children under the age of 8.

#### Managers

- 12.7. Staff who are directly concerned in the management of early or later years provision are covered by the legislation. Schools will need to use their judgement to determine who is covered, but this will include the Headteacher, and may also include other members of the school's leadership team and any manager, supervisor, leader or volunteer responsible for the day-to-day management of the provision.

Full guidance can be found here including the list of offences.

### 13. **DBS Review**

- 13.1. In addition to a 5-year re-check, employees of the school and those in regulated activity are required to complete an annual disclosure to self-declare any pending prosecutions, convictions, cautions or bind-overs which may have been had since the last check was completed. See Appendix A.
- 13.2. Disclosure of a criminal offence need not necessarily stop you from continuing in your employment. In making this decision the Headteacher will consider the nature of the offence. Failure to declare a conviction could result in summary dismissal if the discrepancy comes to light. Any information should be provided on the form below and will be kept completely confidential.

### 14. **Monitoring and review**

- 14.1. This policy will be reviewed on an annual basis by the Headteacher and school business manager in conjunction with the governing body.
- 14.2. Any changes made to the policy will be amended by the Headteacher and will be communicated to all members of staff.
- 14.3. All staff are required to familiarise themselves with this policy as part of their induction programme.



**Appendix A: Annual Self-Declaration**  
**CRIMINAL RECORD ANNUAL SELF DISCLOSURE DECLARATION**

Name ..... Role.....

Clayton Village Primary School carries out DBS checks on new employees and for those with a break in service of 6 months or more. In addition to a 5 year check, employees of the school are required to complete the following annual disclosure to self-declare any **pending prosecutions, convictions, cautions or bind-overs which you have had since the last check was completed.**

As your role in school involves substantial opportunity for access to children, it is therefore exempt from the Rehabilitation of Offenders Act 1974. The statement “that after a certain period of time, convictions need not be disclosed and those convictions be treated as if they never took place” **does not apply.**

Disclosure of a criminal offence need not necessarily stop you from continuing in your employment. In making this decision the Headteacher will consider the nature of the offence. Failure to declare a conviction could result in summary dismissal if the discrepancy comes to light. Any information should be provided on the form below and will be kept completely confidential.

**Car park or speeding offences may be discounted. All other information will be treated in the strictest confidence.**

**SECTION 1**

Circle appropriate response

Have you received a conviction, caution, reprimand or a warning which has been recorded on a police central record, (includes ‘spent’ and ‘unspent’ convictions) or has any information been held locally by police forces that are grounds to be considered relevant, since your last declaration? This also includes any information that may be held on the DBS’s children and adults barred list.

No                      If ‘No’ go to Section 2  
 Yes                     If ‘Yes’ provide the relevant information in the following grids:

Date of offence	Offence	Conviction/pending

Date of caution	Reason for caution

**SECTION 2**

*Circle appropriate response*

**Disqualification by Association**

Are you associated with (living in the same household as another person who is disqualified from working with children lives or works)?

**No**                      **Yes**

**SECTION 3**

Do you wish to provide further information?

No                      If 'No' go to Section 4 and complete the declaration

Yes                      If 'Yes' provide the relevant information in the following grid

**Additional information :**

Proceed to Section 4 and complete the declaration

**SECTION 4**

Declaration



I declare that the information I have provided in relation to criminal convictions, prosecutions pending and cautions is accurate.

I agree that further enquiries that are considered necessary may be undertaken, including a full Disclosure Barring Service check.

Signed .....

Date .....