



# EMMANUEL SCHOOLS FOUNDATION

## DISCLOSURE AND BARRING SERVICE POLICY



**Last review:** January 2018  
**ESF Approved:** February 2018  
**Next review:** September 2020  
Version 2

# DISCLOSURE AND BARRING SERVICE POLICY

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## 1. Introduction

Emmanuel Schools Foundation (“ESF”) is committed to providing the best possible care and education to its students and to safeguarding and promoting the welfare of children and young people. ESF recognises that in order to achieve these aims, it is of fundamental importance to attract, recruit and retain staff of the highest calibre who share this commitment.

All recruitment within ESF adheres to the Department for Education Keeping Children Safe in Education 2016 and- Safer Recruitment in Education 2007 document. On 1 December 2012 the former Criminal Record Bureau and Independent Safeguarding Authorities merged to form the Disclosure and Barring Service (DBS), the DBS was established under the Protection of Freedoms Act 2012.

The DBS’s statutory responsibilities are:

- Processing requests for criminal records checks as defined by Part V of the Police Act 1997; for applications made in England and Wales;
- Deciding whether it is appropriate for a person to be placed on or removed from a barred list under the Safeguarding Vulnerable Groups Act 2006 or Safeguarding Vulnerable Groups (Northern Ireland) Order 2007;
- Maintaining the DBS children’s barred list and the DBS adults barred list, for England, Wales and Northern Ireland.

This policy document sets out the procedures for Disclosure and Barring service (DBS) checks. These checks must be undertaken where required and form part of a sound and safe recruitment process at ESF. Safer employment processes extend beyond recruitment and ESF should ensure each worker understands their duty of care as well as which behaviours make up safer practice and which behaviours to avoid.

ESF must be committed to complying with the DBS Code of Practice and must also fully comply with its obligations under the Data Protection Act and other relevant legislation regarding the safe handling, use, storage, retention and disposal of disclosure information.

### **Regulatory / Independent Regulatory Bodies**

The primary role of the DBS (formerly the Criminal Records Bureau and the Independent Safeguarding Authority) is to help employers make safer recruitment decisions and prevent unsuitable people from working with vulnerable groups including children. The DBS was established under the Protection of Freedoms Act 2012 and merges the functions previously carried out by the Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA).

It enables organisations, including schools, to obtain criminal record information about prospective employees and volunteers by accessing information from the Police National Computer, and local police information. The DBS is responsible for deciding who should be barred from working with children or vulnerable adults, or both. In terms of barring the DBS has four main duties:

1. To maintain a list of individuals who are barred from engaging in regulated activity\* with children – the DBS children’s barred list
2. To maintain a list of individuals who are barred from engaging in regulated activity with adults who may be vulnerable – the DBS adults barred list
3. To reach decisions about whether an individual should be included in one or both barred lists
4. To reach decisions as to whether to remove a person from a barred list

Inclusion on the DBS barred lists has the same effect as inclusion on the previous lists; List 99, PoCA, PoVA, POCVA or the Unsuitable Person’s Lists.

\*Regulated activities are the activities that the DBS can bar people from doing. For a definition of 'Regulated Activity for children' see Appendix A.

## **2. Legal position**

### 2.1 Legal framework

#### **The Rehabilitation of Offenders Act 1974 and The Rehabilitation of Offenders**

##### **Act 1974 (Exceptions) (Amendment) (England and Wales) Order 2012**

The Rehabilitation of Offenders Act 1974 aims to ensure that a person who has been convicted of a criminal offence in the past and who has not re-offended for a specified period is, so far as possible, freed from the stigma of that conviction, and is treated as if the offence and conviction for it never occurred.

Under the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) (England and Wales) Order 2012 some jobs and categories of employment are exempt from the provisions of the Act and in such cases 'spent' convictions must be disclosed. If a person is employed in a school they must disclose their convictions.

The amendments to the Exceptions Order 1975 (2013) provide that certain spent convictions and cautions are 'protected' and are not subject to disclosure to employers, and cannot be taken into account. Please refer to the guidance and criteria on the filtering of these cautions and convictions which can be found at the Disclosure and Barring Service website.

##### **Safeguarding Vulnerable Groups Act 2006**

This provided the legislative framework for a Vetting and Barring scheme, it also brought in the requirement for two separate but aligned barred lists, the provision for ISA (now DBS) to make decisions around individuals that should be barred from working with vulnerable groups, outlined monitoring arrangements and proposed two types of activities where CRB (now DBS) checks would be required which were for controlled and regulated activity.

##### **Protection of Freedoms Act 2012**

This Act includes the restriction of the scope of the 'vetting and barring' scheme for protecting vulnerable groups and makes changes to the system of criminal records checks. As a result the Safeguarding Vulnerable Groups Act 2006 will be amended by this act and the major changes were:

- A new definition of regulated activity
- The repeal of controlled activity
- The repeal of registration and continuous monitoring
- The introduction of a minimum age of 16 at which someone can apply for a DBS check
- Only posts which meet the definition of regulated activity can have an enhanced DBS check with barred list check
- Establishing the Disclosure and Barring Service (DBS) as a merger of the functions of the Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA) as a non-department public body sponsored by the Home Office

### 2.2. Legal requirements of the DBS

- All staff on ESF payroll, whether supervised or not remain in regulated activity and checks on these individuals should continue in the same way. This includes cleaners and caretakers working in schools.
- Enhanced DBS checks can be obtained where a post or situation meets the criteria outlined in Schedule 4 of the Safeguarding Vulnerable Groups Act 2006. Where reference is made to this check throughout this policy this criteria will need to be met.
- A volunteer will not be in regulated activity if they are supervised to a reasonable level in which case an enhanced DBS check with barred list check would not be a requirement (for guidance on what is a reasonable level of supervision see Appendix B). ESF does have the

discretion, however, to request an enhanced DBS check for a volunteer. If the volunteer is unsupervised, they will be in regulated activity and will therefore be required to receive an enhanced DBS check with barred list check.

- From September 2016 it has been mandatory for all Governors and Directors to undergo an enhanced DBS check.
- It is still an offence for an employer to engage in regulated activity someone whom they know has been barred by the DBS.
- A person who is barred by the DBS from working in regulated activity will be breaking the law if they work or volunteer, or try to work or volunteer in regulated activity.
- If the school provides regulated activity and dismisses a member of staff or a volunteer because they have harmed, or posed a risk of harm to a child or vulnerable adult, or the school would have dismissed if they had not left, the school must refer this information to the DBS.
- Police may use common law powers to provide information directly to employers in cases where this is necessary, for example to prevent harm to others. Where information is disclosed from the police using their common powers this must not be fed back to the candidate(s). Discussions must take place and an agreement reached with the police in terms of the information that will be provided to the candidate to ensure current police investigations are not compromised.

### 2.3 DBS Update Service

The DBS introduced its Update Service on 17 June 2013 which allows employers to check the status of an existing DBS certificate if it is for the same workforce where the same type and level of criminal record check is required and you have permission of the individual. For a small sum (£13 per annum), individuals can take their DBS check with them from role to role. ESF can go online to see if the information presented is still current and valid, i.e. carry out a “status check”. This will provide an instant result. It is important to stress that ESF must have the permission of the individual they are checking and the type of check required must be the same as the original check e.g. if an enhanced DBS check with barred list check is required then that’s what the original certificate must include, if not then a new enhanced DBS check must be requested, the original certificate must also be viewed. Please note the ‘status check’ can be undertaken via the Disclosure Barring Website.

If the individual is not subscribed to the DBS update service (this is not mandatory) or they do not give their permission then a DBS check must be requested in the usual way.

## 3. ESF position

- 3.1 An enhanced DBS check with barred list check is compulsory for new appointments to your school workforce where they have transferred from outside of the Foundation. It also includes former members of your staff who have had a break in service of more than three months<sup>1</sup>.
- 3.2 Standard DBS disclosures are not acceptable and this applies equally to all appointments whether permanent, temporary or casual. All DBS checks must be enhanced.
- 3.3 For any avoidance of doubt, it is not necessary to have sight of an enhanced DBS check or an enhanced DBS check with barred list check for staff transferring from other ESF schools without a break of service or where there has been a break of service of less than three months. However, details of the DBS certificate held on the SCR will need to be transferred.
- 3.4 ESF schools will endeavour to ensure that all staff are subject to an Enhanced DBS disclosure. Though this is not a legal requirement, in the interests of best practice and our commitment to safeguarding children, ESF believes this to be fundamental.
- 3.5 It has never been a requirement to conduct CRB [now DBS] checks on staff that have been in post before 2002 and have not moved since. Ofsted guidance to Inspectors recognises that if

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<sup>1</sup> Maternity leave and long term sick leave are not classed as a break in service.

schools are complying with the regulations and guidance they are doing all that can be required of them.

The School does however, have a responsibility to hold evidence that staff appointed before 1 March 2002 have been checked against List 99. In addition, any staff and volunteers appointed on or after 1 March 2002, who come into regular contact or have unsupervised access to children and who have not had continuity of employment in a school in England (i.e. a break of service longer than three months), have been subject to enhanced DBS checks with barred list check and other designated recruitment checks.

#### **4. The deployment of staff**

- 4.1 Offers of employment to successful candidates must be conditional upon a satisfactory enhanced DBS check with barred list check where applicable (this can be a DBS update service check where the individual is subscribed to the service, give their permission for the check to be undertaken and the type of check required is the same as the original check - the original DBS certificate must also be viewed).

**Please note that until a satisfactory enhanced DBS check with barred list check has been viewed by the school's nominated person responsible for DBS checks, the person must not be deployed to work directly with children or in a situation where they can have unsupervised access to children.**

- 4.2 However, if an enhanced DBS check with barred list check has been applied for but has not been received by the individual before they are due to start work, you do have the discretion to allow the person to start work provided that the Principal is confident that all other pre-employment checks have been carried out, i.e.:
- obtaining and scrutinising comprehensive information from the person, and taking up and satisfactorily resolving any discrepancies
  - obtaining independent professional and character references that answer specific questions to help assess the person's suitability to work with children and following up any concerns
  - a face to face interview that explores the person's suitability to work with children as well as their suitability for the post
    - verifying the person's identity
    - verifying that the person has any academic or vocational qualifications claimed
    - checking their previous employment history and experience
    - verifying that they have the health and physical capacity for the job
    - a check against the DBS children's barred list. This list contains details of those who are banned or restricted from working in an education setting
    - check of their eligibility to work in the UK
    - prohibition from teaching check

and provided that the person is not deployed to work directly with children or in a situation where they can have unsupervised access to children. Arrangements will be reviewed at least every two weeks until the Disclosure is received but should not be permitted to continue for more than six weeks.

In other words, all possible action has been taken to ensure that no risk to children could arise. In these situations, a full risk assessment must be undertaken.

**DBS barred individuals seeking to undertake work with vulnerable groups may face a prison sentence or a fine. Employers in regulated activity who knowingly employ barred individuals may face a prison sentence or a fine.**

- 4.3 It is essential that detailed records relating to the recruitment and selection process for all staff are retained securely as evidence that sound and safe processes have been followed. This includes recording information on the school's single central record. Recruitment appointment information should be kept on the successful candidate's personal file for the time they are employed plus 10 years. For unsuccessful candidates information should be

kept for 6 months. There is no requirement to keep copies of DBS certificates. If a school chooses to keep a copy they must have the individual's consent and it should not be retained for any longer than six months.

## **5. Portability**

In circumstances where newly appointed staff are moving from another educational establishment or a position which required the appropriate Enhanced DBS disclosure, ESF will not accept a DBS from a previous employer, where a new employee has registered with the update service, the employee must produce a copy of their certificate, so that ESF can ensure that their current DBS is for the appropriate level. A status check will be carried out in line the DBS procedures. If not a new Enhance DBS disclosure will be completed.

## **6. Agency Supply teachers**

6.1 Where Agency Supply Teachers can produce evidence of a satisfactory enhanced DBS check with barred list check and can produce evidence that they have worked from 1 June 2002 onwards, then they are eligible to work in schools. Agency Supply Teachers who are unable to produce this evidence must not be used.

If the school is using a supply agency the school must receive written confirmation and evidence that all relevant checks have been undertaken. Where there is disclosed information, the school must require a fresh DBS check with barred list check from the agency before the individual starts work and must view the fresh enhanced DBS check. The school must require the supply agency to provide the written notifications and copies of the enhanced DBS check with barred list check where appropriate through the contract or other arrangements which it makes with the supply agency. Where there are matters disclosed a risk assessment should be undertaken. If schools wish to they can use the DBS Update Service to check the supply teacher's certificate is still current. The supply teacher must be subscribed to the DBS Update Service, have given the school permission to undertake the check and the level of check required must be the same as the original check - the original DBS certificate must also be viewed).

## **7. Invigilators**

7.1 By the very nature of examinations, there may be a gap in excess of three months between an invigilator visiting a school. Provided that an enhanced DBS check with barred list check was obtained when the Invigilator was first employed, together with all the other pre-employment checks listed above, we can reasonably advise that where an Invigilator is used regularly by the schools, it will not be necessary to seek further DBS disclosures each time the Invigilator is subsequently used.

7.2 If schools wish to they can use the DBS Update Service to check the invigilator's certificate is still current. The invigilator must be subscribed to the DBS Update Service, have given the school permission to undertake the check and the level of check required must be the same as the original check - the original DBS certificate must also be viewed).

## **8. Overseas teachers**

8.1 As the DBS cannot access criminal records held overseas, an enhanced DBS check or an enhanced DBS check with barred list check may not provide a complete picture of an individual's criminal records. The DBS will not normally be able to provide a disclosure if an applicant has never previously lived in the UK; no purpose will be served by seeking a disclosure through the DBS on their arrival in this country as the person concerned will not have a criminal record in this country nor will they appear on DBS barred lists.

8.2 In some countries, applicants can apply to their home Police Force for a "Certificate of Good Conduct". The level of information contained in these certificates varies from country to country: some are complete extracts from the criminal record; others are partial. If you are recruiting people from overseas and wish to check their overseas criminal record, you should contact the embassy or High Commission of the country in question in order to obtain such a certificate as part of the recruitment process. Certificates should be originals, not copies and

it is the individual's responsibility to provide the certificate when requested. Further information regarding this process can be found by contacting the Foreign and Commonwealth Office (FCO) Response Centre Helpline 020 7008 1500 or by visiting gov.uk where an A-Z list for the process for each country can be found.

- 8.3 All normal pre-employment checks of identity, qualifications and references must be carried out thoroughly before confirming an appointment.
- 8.4 Overseas teachers must have the right to work in the UK. The Immigration, Asylum and Nationality Act 2006 places an onus on employers to ensure that employees start work on or after 26 February 2008 having the right to work in UK Schools will be subject to a significant fine for negligently employing a worker who is not a resident of a European Economic Area Country. For deliberately employing such workers there will be an unlimited fine or imprisonment. Before a potential employees starts work, schools must check and copy documents which confirm the person's identity and right to work in the UK. Where a photographic document is utilised, the photograph must be clearly identifiable from the copied image, therefore it is advisable that a colour copy or scanned image is retained.

## **9. Volunteers**

- 9.1 Children see volunteers as safe and trustworthy adults. Under the Protection of Freedoms Act 2012 volunteers who are supervised to the statutory level will not be considered to be undertaking a regulated activity so will not be eligible for an enhanced DBS check with barred list check. However, a school does have the discretion, to require an enhanced DBS check for any volunteer.
- 9.2 Where a school chooses not to undertake a discretionary check on a volunteer that they deem to be supervised to a reasonable level, the school should have clear risk assessment outlining how the decision has been made about the level of supervision in place.
- 9.3 When considering whether the volunteer will be in a regulated activity or not the following should be taken into consideration:
- The volunteer must be supervised by a person who is in regulated activity
  - Supervision must take place "on a regular basis". This means that supervision must not, for example, be concentrated during the first few weeks of an activity and then tail off thereafter, becoming the exception not the rule. It must take place on an ongoing basis, whether the volunteer has just started or has been doing the activity for some time.
  - The supervision must be reasonable in the circumstances: within the statutory duty, the level of supervision may differ, depending on all the circumstances of a case. Schools should consider the following factors in deciding the specific level of supervision the organisation will require in an individual case:
    - ages of the children, including whether their ages differ widely; o number of children that the individual is working with; o whether or not other workers are helping to look after the children; o the nature of the individual's opportunity for contact with children; o how vulnerable the children are (the more they are, the more a school might opt for volunteers to be in regulated activity);
    - how many workers would be supervised by each supervising worker
- For further guidance on supervision please see Appendix B). For all other recruitment checks it must adopt the same recruitment measures as it would paid staff.
- 9.4 In other circumstances, for example where a school approaches a parent who is well known to the school to take on a particular role, a streamlined procedure can be adopted - seeking references, checking to ensure others in the school community know of no concerns and can make a positive recommendation, conducting an informal interview to gauge the person's aptitude and suitability, and undertaking an enhanced DBS check. Evidence of such processes should be kept securely by schools and recorded on the school's Single Central Record.

- 9.5 In other circumstances, e.g. where a volunteer's role will be "one-off", accompanying teachers and students on a day outing, helping at a concert or school fete, those kind of measures would, in the majority of cases, not be eligible for an enhanced DBS check with barred list check. Schools need to consider this to ensure that such people are not charged with taking children to the toilet, for example. In the few cases where the person is left alone and unsupervised in charge of children an enhanced DBS check with barred list check can be requested.
- 9.6 Parents who voluntarily transport students for school activities (e.g. sports activities and visits) would not expect to undergo an enhanced DBS check with barred list check. However, if the transport is organised by the school **and** is a regular occurrence (4 or more days in a 30 day period) there would be a requirement for the parent to undergo an enhanced DBS check with barred list check if they are not supervised by someone who is in a regulated activity.
- 9.7 Where volunteers recruited by another organisation to work in a school, e.g. sports coaches from a local club, the school should obtain written assurance from that organisation that the person has been properly vetted and this confirmation should be retained by the school and produced if required during an Ofsted inspection.
- 9.8 Where volunteers will be working unsupervised in a school they are in regulated activity so will be required to undergo full checks including an enhanced DBS check with barred list check.
- 9.9 If schools wish to they can use the DBS Update Service to check the volunteer's certificate is still current. The volunteer must be subscribed to the DBS Update Service, have given the school permission to undertake the check and the level of check required must be the same as the original check - the original DBS certificate must also be viewed).

## **10. Regular Contractors**

- 10.1 Where schools use regular contractors that are provided by a contractor, it is the responsibility of that contractor to have its staff checked. This must be a specific requirement contained in any contract for these services with the Authority or with schools. The school should seek written confirmation that these checks have been carried out by the contractor and we would encourage Principals to routinely check with workers the contractor sent to the school that they have had an enhanced DBS check and bring to the attention of the contractor any concerns arising. Schools are not able to request an enhanced DBS check with barred list check on contractors unless they meet the definition of regulated activity under the Protection of Freedoms Act 2013.
- 10.2 If schools wish to they can use the DBS Update Service to check the contractor's certificate is still current. The contractor must be subscribed to the DBS Update Service, have given the school permission to undertake the check and the level of check required must be the same as the original check - the original DBS certificate must also be viewed).

## **11. Visitors**

Visitors and ad hoc workers (excluding examination invigilators) do not require a DBS check, however, they must be accompanied at all times by a member of staff when on site.

Ad hoc workers are workers who will only have contact with children on an ad hoc or irregular basis for short periods of time. Examples include:

- Visitors who have business with the Principal or other staff or who have brief contact with children with a member of staff present.
- Visitors and contractors who come onto site only to carry out emergency repairs or service equipment and who would not be expected to be left unsupervised on ESF premises.

- Volunteers or parents who only accompany staff and children on one-off outings or trips that do not involve overnight stays, or who help at specific one off events.
- Secondary students on Key Stage 4 work experience in other schools, colleges or nursery classes; secondary students undertaking work in another school or college as part of voluntary service, citizenship or vocational studies; or Key Stage 5 or Sixth Form students in connection with a short careers or subject placement. In these cases the school will be responsible for ensuring that the student is suitable for the placement in question.
- People who are on site before or after school hours and when children are not present, eg local groups who hire premises for activities.

## **12. NQT's**

Students undertaking Initial Teacher Training are subject to an enhanced DBS check with barred list check via their teacher training institution. However, a further check must be made by the school before a Newly Qualified Teacher can be deployed to work directly with children in ESF's schools. This can be a check of the DBS Update Service as long as the NQT is subscribed to the service, has given each school permission to undertake the check and the level of check required is the same as the original check - the original DBS certificate must also be viewed).

## **13. Governors**

From September 2016 it is mandatory for all Governors and Directors to undergo an enhanced DBS check in line with The School Governance (Constitution and Federations) (England) (Amendment) Regulations. Where a Governor/Director has been appointed and does not hold an enhanced DBS certificate, a certificate must be applied for within 21 days of their election/appointment.

## **14. Educational visits (including residential)**

(See also sections 9.1, 9.3 and 9.4 which are also relevant to Educational Visits)

- 14.1 It will be necessary for employees and volunteers accompanying residential visits to have undergone enhanced DBS checks with barred list check before the visits take place. For day visits only, where volunteers will be supervised at **all** times, there is no requirement to undertake an enhanced DBS check. See also sections 9.1 to 9.4 where volunteers are being used. Where this is **not** the case the volunteer will be required to undergo an enhanced DBS check and barred list check.
- 14.2 When planning residential visits it is important to plan well in advance to give sufficient time for the DBS process to be completed.
- 14.3 Schools should satisfy themselves that the appropriate safeguarding procedures have been followed in terms of checks on employees and volunteers going on the trip.
- 14.4 When using external providers for activities, transport or accommodation where their staff could have significant unsupervised access to young people, the school should seek assurances that the provider has sufficient safeguarding systems in place.
- 14.5 If schools wish to they can use the DBS Update Service to check the eligible employees and volunteers certificates are still current. The individuals must be subscribed to the DBS Update Service, have given the school permission to undertake the check and the level of check required must be the same as the original check - the original DBS certificate must also be viewed).

## **15. Work experience placements**

Schools arranging work placements for students need to ensure that employers and training organisations are aware of safeguarding issues and asked to co-operate in putting appropriate safeguards in place.

The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 was amended by the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) (England and Wales) Order 2012 so that employers could no longer request enhanced DBS checks with barred list checks for staff supervising children aged 16 to 17 on work experience. However, schools may be concerned about whether a childrens' barred list check should be carried out on staff specifically designated to supervise a child under the age of 16 while on work experience. In many instances it may not be necessary. It depends on the circumstances of the work experience, in particular the nature of the supervision and the frequency of the activity being supervised, to determine if any checks are necessary. The considerations would include whether the person will be:

- unsupervised: and
- providing the teaching/training/instruction/supervision frequently (at least once a week or on more than three days in a 30 day period, or overnight)

If the person working with the child is unsupervised and the same person is in frequent contact with the child, the work is likely to be in a regulated activity. If this is the case schools could ask the employer providing the work experience to ensure the person providing the supervision is not a barred person. Schools should not ask an employer to conduct a check on staff who are simply working alongside the student.

Enhanced DBS checks with or without a barred list check cannot be requested for anyone who is under the age of 16.

## **16. Storage and Access**

Disclosure information should not be kept on the personal file and must be stored separately and securely, in lockable, non-portable storage containers e.g. lockable filing cabinet.

Access to Disclosures (storage containers) must be strictly controlled and limited to those who are entitled to see it as part of their duties.

### **16.1 Handling**

In accordance with section 124 of the Police Act 1997, Disclosure information may only be passed to those who are authorised to receive it in the course of their duties. It should be recognised that unauthorised revealing of information contained in the Disclosure to anyone not entitled to receive it is a criminal offence.

### **16.2 Usage**

Disclosure information must be used only for the specific purpose for which it is requested and for which the applicant's full consent has been given i.e. to assist with determining the suitability of an individual for employment in a particular position. It should not be used at any other time for other purposes.

### **16.3 Retention**

Having made a recruitment decision Disclosure information should not be kept for any longer than is absolutely necessary. This will generally be for a period not exceeding six months and will be to allow for the consideration and resolution of any disputes or complaints.

16.3.1 If there are circumstances requiring a Disclosure to be kept for longer than six months the DBS must be consulted and full consideration given to Data Protection and Human Rights aspects.

16.3.2 Throughout any extended period of retention the same conditions of storage and access will apply.

#### 16.4 Disposal

16.4.1 Disclosures should be destroyed by suitably secure means to ensure they cannot be accessed by anyone who is not authorised to do so.

16.4.2 No copy (electronic or otherwise) of the Disclosure will be retained.

16.4.3 The following record of a Disclosure may be retained,

- The date of issue
- The name of the subject
- Level of Disclosure
- Position to which subject was recruited
- Unique reference number of the Disclosure

### 17. Administrative arrangements

17.1 For this procedure to work effectively, it is important that DBS Disclosure online applications are completed as early as possible in the selection process. Once an appointment is made, the link to the application can be emailed to the candidate for them to complete their portion of the application. Applicants can use their application reference number to subscribe to the DBS Update Service when they apply for their DBS check.

17.2 Formal confirmation of the offer of appointment will be sent to the successful candidate(s), making it clear that the offer is conditional upon a satisfactory DBS disclosure.

17.3 You will need to ask the individual for sight of their DBS certificate. Registered Bodies will only be entitled to ask the DBS for a copy of the individual's DBS Certificate if all of the following conditions apply:

- The individual is subscribed to the Update Service; and
- The employer has carried out a status check which revealed a change to the DBS Certificate; and as a result
- The individual has applied for a new DBS check as the result of a change to an existing DBS Certificate; and
- The DBS issued the new DBS Certificate to the applicant more than 28 days ago; and
- The applicant has not shown the employer their new DBS Certificate.

In all cases where an enhanced DBS check is required, the school will need to view the DBS certificate which has been issued to the individual.

Having viewed the DBS certificate, the Principal will need to take appropriate action in each case. Where there are no matters disclosed, an appropriate note of the viewing of the DBS certificate (number etc.) can be recorded in the school's single central record.

If there are disclosures on the DBS to review then a risk assessment should be undertaken on both when and what the declarations are. It would then be at the Principal's discretion whether that person should be employed. Any risk assessments should then be stored in a secure container.

17.4 The turnaround time for DBS checks should be quick enough in most cases to enable the individual to obtain their DBS certificate and provide it to the school before the effective date of appointment, but you do need to bear this in mind when agreeing a start date with the person. If the individual is

registered with the DBS Update Service and the criteria for checking is met, the checking process will be instant.

- 17.5 Copies of DBS certificates can only be retained with the permission of the individual. If a copy is kept, it must be stored in line with the storage and retention of disclosure information, in this policy, and the Data Protection Act. See the DBS Code of Practice. Details can be found on the DBS website.
- 17.6 It is a requirement of ESF that all DBS's are renewed every seven years if the person in question remains employed and/or associated with ESF by virtue of their position e.g. governor.

#### **18. DBS checks and the wider recruitment process**

- 18.1 It is important to emphasise that the DBS process is just one part of a sound and safe recruitment process. It is important not to rely solely on criminal record checks to screen out unsuitable applicants. Those checks are an essential safeguard but they will only pick up the small percentage of abusers who have been convicted, have come to the attention of the Police, or who have been listed. Many individuals who are unsuited to working with children will not have any previous convictions and will not appear on the DBS Barred Lists.
- 18.2 If you have not already done so, you must read the document produced by the Department for Education 'Keeping Children Safe in Education' section 1 as a minimum and you should share this information with your Governing Body. Since January 2010 there has been a statutory requirement that at least one member of the recruitment panel has undertaken the accredited safer recruitment training.
- 18.3 Making safeguarding an integral part of your recruitment and selection process is an essential part of creating a safe environment for children.

#### **19. Related Policies**

This Policy should be read in conjunction with the following:-

Safeguarding and Child Protection Policy

Safer Recruitment Procedures

Visitor Policy/Privacy Notice

Contractor Management Procedures

## **Appendix A: Regulated Activity – Children**

Regulated activity relating to children comprises of:-

- (i) Unsupervised activities: teach, train, instruct, care for or supervise children, or provide advice/guidance on well-being, or drive a vehicle only for children;
- (ii) Work for a limited range of establishments ('specified places'), with opportunity for contact: for example, schools, children's homes, childcare premises. Not work by supervised volunteers;  
  
Work under (i) or (ii) is regulated activity only if done regularly. Regularly means carried out by the same person frequently (once a week or more often), or on 4 or more days in a 30-day period (or in some cases, overnight). The statutory guidance about supervision of activity, which would be regulated activity if unsupervised (for volunteers in schools), is included in summary form in Appendix B.
- (iii) Relevant personal care, for example washing or dressing; or health care by or supervised by a professional;
- (iv) Registered childminding; and foster-carers

## **Appendix B: Supervision guidance for schools (volunteers)**

This guidance applies when a school decides to supervise a volunteer with the aim that the supervised work will not be regulated activity (when it would be, if it was not supervised). Where the volunteer is being supervised the law makes three main points to ensure that the supervision provided is robust enough for the volunteer to remain out of regulated activity:

- the volunteer must be supervised by a person who is in regulated activity.
- supervision must take place "on a regular basis". This means that supervision must not, for example, be concentrated during the first few weeks of an activity and then tail off thereafter, becoming the exception not the rule. It must take place on an ongoing basis, whether the volunteer has just started or has been doing the activity for some time.
- The supervision must be reasonable in the circumstances: within the statutory duty, the level of supervision may differ, depending on all the circumstances of a case. Schools should consider the following factors in deciding the specific level of supervision the organisation will require in an individual case:
  - ages of the children, including whether their ages differ widely;
  - the number of children that the individual is working with;
  - whether or not other workers are helping to look after the children;
  - the nature of the individual's opportunity for contact with children;
  - how vulnerable the children are (the more they are, the more a school might opt for volunteers to be in regulated activity);
  - how many workers would be supervised by each supervising worker.

In law, an organisation will have no entitlement to do a barred list check on a worker who, because they are supervised, is not in regulated activity.

## Appendix C: Disclosure and Barring Referral

Under the Disclosure and Barring Guidelines, each school has a duty to report any cause for concern regarding risk of harm to children to the DBS Service should these be established. Below is the procedure to be followed by all staff should there be **any** concerns:

