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# SAINT NICHOLAS SCHOOL

## DISCLOSURE BARRING SERVICE (DBS) POLICY

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*Note: This policy applies to all sections of the school including EYFS*

Reviewed April 2016

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### 1. INTRODUCTION

The school has fully adopted the DCSF policy guidelines: *Child Protection: Preventing Unsuitable People from Working with Children and Young Persons in the Education Service* and *Safeguarding Children: Safer Recruitment and Selection in Education Settings* and has therefore based this document on its recommendations.

### 2. POLICY STATEMENT

The safety of children and young people is paramount and this school is fully committed to safeguarding and promoting the welfare of children and young people and to the rigorous implementation of Disclosure and Barring Service (DBS) procedures and arrangements.

All staff employed at the school since 1 March 2002 are subject to vetting under these procedures.

### 3. WHAT IS DBS DISCLOSURE?

The Learning Trust is registered with the DBS and is therefore entitled to ask exempted questions, by virtue of the Exception Order of the Rehabilitation of Offenders Act 1974. It is necessary for The Learning Trust to be aware of all spent and unspent criminal records for staff appointed or about to be appointed to particular posts.

Requests for information about criminal convictions can only be made through the DBS, and are made on behalf of The Learning Trust by our "registered persons" (either the HR MIS Manager or the HR/DBS Practitioner).

There are two levels of Disclosure: standard and enhanced. The entire schools' workforce requires an Enhanced Disclosure, including support staff.

#### 3.1 Enhanced Disclosure

This level is required for those positions which involve a far greater degree of contact with children or vulnerable adults.

Enhanced Disclosures contain the same information as Standard but with the addition of local police force information considered relevant by Chief Police Officer(s).

The Enhanced check will show any convictions, cautions or bind-overs, including those that would be regarded as "spent" under the Rehabilitation of Offenders Act 1974, as well as details of whether they are included on List 99 and/or the Protection of Children Act (PoCA) List maintained by the Department of Health.

##### "Non-conviction" Information

Where an Enhanced Disclosure has been sought, the DBS may provide additional "non-conviction" information, which is held on local police records that does not form part of an individual's criminal record.

Non-conviction information may be included on both The Learning Trust's and the applicant's copy of the Disclosure. However, particularly sensitive information, such as details of a Police investigation, will not form part of the Disclosure documents and will be sent to the registered body only. In these circumstances, The Learning Trust's copy of the Disclosure document will indicate that the police are sending further information by letter.

This information will not be passed to the applicant.

#### 3.2 To whom does Enhanced Disclosure apply?

All newly appointed staff and volunteers recruited from beyond The Learning Trust will automatically complete an Enhanced Disclosure prior to taking up post. Enhanced Disclosure certificates from other authorities will not be accepted. This includes consultants who will be working in the school on a fixed-term contract.

All newly appointed staff/volunteers engaged by the school that have previously worked within The Learning Trust must complete an Enhanced Disclosure unless they can produce a DBS Enhanced Disclosure certificate

that is not more than three years old and they have not had three months or more break in service. Standard Disclosures will be required to be upgraded to an Enhanced Disclosure.

Only when an Enhanced Disclosure has been completed that contains no information that may preclude the individual from working with children, can it be considered that they have „DBS clearance“.

If an Enhanced Disclosure certificate is produced by the individual the school will see the original certificate and the school will note the certificate number and date of issue .

Where it is not possible to obtain clearance before appointment, the Head can decide that the employee can start work but should make sure that they are appropriately supervised. As a minimum, the employee must be checked against List 99 (see page 10) before they begin work.

### **Enhance Disclosure**

Enhanced Disclosure should be applied to the following:

- Teachers, including the Head.
- Any unqualified teachers or instructors working at the school.
- Student placements (not work experience students) or graduate trainees placed at the school.
- Any Governor who works at the school.
- Link Governors e.g. SEN and Child Protection Governors.
- Governor Helpers.
- Teaching Assistants, Classroom Assistants, Special Needs Assistant and other support staff e.g. Librarian/Library Assistants.
- Nursery Nurse.
- Midday Supervisors.
- Catering Staff.
- Pupil Escort/Driver – the office manager will gain written assurance from coach companies that all drivers have DBS certification
- Family Worker.
- Admin and Clerical Staff, First Aiders.
- Premises staff e.g. Caretakers/Site Managers/Agents/Supervisors/Handyperson.
- Technicians.
- Cleaners.
- Examination Invigilators.
- Parent Helpers - depending on the level of contact or the possibility that they may be alone with or have some responsibility for pupils e.g. school trips (see *Volunteers*, on page 8).

Please note that this list is not exhaustive. It is the responsibility of Head to ensure that anyone who enters the school has DBS clearance, where appropriate.

## **4. CLARIFICATION ON ENHANCED DISCLOSURE FOR PARTICULAR STAFF GROUPS**

### **4.1 After school clubs/extended schools**

Enhanced Disclosure will apply to any employees or volunteers involved in after school activities if there is contact with children or vulnerable adults. Responsibility for obtaining Disclosure will fall to the employing body which in most cases will be the school, but otherwise will fall to the committee that runs the club.

The office manager will advise visiting theatre companies that an original in-date DBS certificate must be produced on arrival.

## **4.2 Agency staff**

The Head must be satisfied that agency workers have an Enhanced Disclosure and current, satisfactory references, by checking with the agency responsible for their employment.

The agency staff member should be asked to produce his or her copy of the Enhanced Disclosure obtained by the agency and the school should then verify the validity of the document by checking with the agency. Written confirmation of the Enhanced Disclosure should be requested from the agency, confirming that there is no additional information other than that shown on the candidate's copy. This should be obtained by fax using the covering letter and the DBS Consent Form for Release of Information on the Intranet. The individual should complete the consent form attached to agree to the release of the information.

A separate Enhanced Disclosure will need to be obtained if the agency advises that the police Disclosed additional (brown envelope) information that was not included on the teacher's copy.

Once written confirmation of an agency worker's Enhanced Disclosure has been received, it will not be necessary to repeat this process every time that particular individual returns to work at the school, unless a period of 3 years has passed and a re-check is due.

Agencies supplying overseas teachers should give the school full details on clearance checks obtained.

## **4.3 Peripatetic staff**

All staff employed must have an Enhanced Disclosure.

## **4.4 Volunteers**

Volunteers who work at the school on a regular basis will need to be DBS checked. Any volunteer who will have unsupervised access to children will require an Enhanced Disclosure.

Some volunteers/parents who are volunteering for one-off trips (not involving an overnight stay) or who only help at specific events e.g. sports day/school fete etc may not need to be checked if they will not be left unsupervised in charge of children at any time.

The Head will make a risk assessment and apply their professional judgement in deciding whether an Enhanced Disclosure is needed, taking into account the following:

- The duration, frequency and nature of contact with children.
- What the school knows about the volunteer, including formal or informal information offered by staff, parents and other volunteers.
- Whether the volunteer is well known to others in the school community who are likely to be aware of behaviour that could give cause for concern.
- Whether the volunteer has other employment, or undertakes voluntary activities where referees would advise on suitability.
- Any other relevant information about the volunteer or the work they are likely to do.

## **4.5 Governors**

It is not a statutory requirement for governors to be DBS checked all governors do have an Enhanced Disclosure. However the school will ensure checks have been made on all governors,

## **4.6 Building contractors/tradespersons**

### **One-off visits**

A tradesperson attending the school on a one-off basis, for example, an electrician making repairs, does not need to be DBS checked as it is expected that they would not be allowed to walk around the school unaccompanied.

### **Contractors**

The operations manager and/or Bursar will ensure that the contract set up between the school and any employment business supplying staff requires the business to provide a notification that all recruitment checks have been undertaken on the staff supplied, and that this notification is received before the member of staff begins work at the school [Part 4, paragraph 20(2)(a) and (d), under Suitability of staff and proprietors; and, for the same reason, Part 3, paragraph 7(a) and (b), under Welfare, health and safety].

Contractors engaging in regulated activity will require an enhanced DBS certificate (including barred list information). For all other contractors who are not engaging in regulated activity, but whose work provides them with an opportunity for regular contact with children, an enhanced DBS check (not including barred list information) will be required.

Under no circumstances should a contractor in respect of whom no checks have been obtained be allowed to work unsupervised.

#### **4.7 Visitors**

People who visit the school on a regular basis will need to be DBS checked. Any visitor who will have unsupervised access to children will require an Enhanced Disclosure. Occasional visitors who have direct access to children e.g. school photographer and Father Christmas must have an Enhanced Disclosure.

Some visitors may not need to apply for an Enhanced Disclosure. These include:

- Visitors who have business with the Head or other staff or who have brief contact with a teacher present.
- Visitors who come on site only to carry out repairs or service equipment.
- Older pupils visiting the school may also not require an Enhanced Disclosure, for example:
- Secondary pupils on KS4 work experience in other schools or nursery classes.
- Secondary pupils undertaking work in another school as part of voluntary service, citizenship or vocational studies.
- KS5 or 6th Form pupils in connection with a short careers or subject placement.

In all such cases the pupils must work under close supervision and the school placing the pupil should ensure the pupil is suitable for the placement in question.

#### **4.8 'Friends' members (School parent body)**

Friends members who, for example, are staffing stalls at the summer fete, would not need to be checked, unless they are to have regular contact with children in another capacity.

### **5. APPLICANTS FROM ABROAD**

Overseas teachers and non-teaching members of staff need to be treated as any new employee. Both a List 99 check and a DBS Enhanced Disclosure must be completed prior to appointment.

The Criminal Records Bureau cannot establish details of criminal convictions acquired outside of the UK. Practices in other countries vary considerably but certificates or letters of good conduct may be obtainable from some overseas applicants from their embassy and be accepted pending DBS clearance, particularly if they have not resided in the UK at all. The level of information varies from country to country; some are complete extracts from the criminal record, and others are partial. Where an applicant is from a country where criminal record checks cannot be made, extra care must be taken in taking up references and conducting other background checks including asking probing questions at interview.

### **6. WHO PAYS FOR DBS CHECKS?**

The cost of DBS checks falls to the school. There is no charge for Governors or volunteer helpers who are required to undergo a check. However where an Enhanced Disclosure is required for Governors who are employees, then the school will carry the cost.

### **7. WHAT IS A LIST 99 CHECK?**

List 99 is a list of people who have been deemed unsuitable to work with children or vulnerable adults by the Secretary of State. List 99 checks must be undertaken on everyone working in the school, including staff and governors, who will have contact with children, before they start work. List 99 is automatically checked as part of the DBS Disclosure process. However, when a Disclosure remains outstanding when an individual begins work, a List 99 check must have been completed.

### **8. RECORD KEEPING**

The school needs to set up administrative systems to record pre-employment checks including DBS checks. DBS clearance letters should be kept in a central file separate from personnel files.

All staff records need to be securely stored under lock and key. There should be a consistent approach to recording evidence of receipt of satisfactory DBS Enhanced Disclosure. Use the Pre-employment Checks Register in the Recruitment and Selection Toolkit on the Intranet.

Staff within schools responsible for checking DBS applications and documentation must check all sections of the DBS Disclosure Application Form very carefully and be fully up to date on the guidance for this. Forms will be returned to the school if incomplete or incorrect and will therefore delay the process.