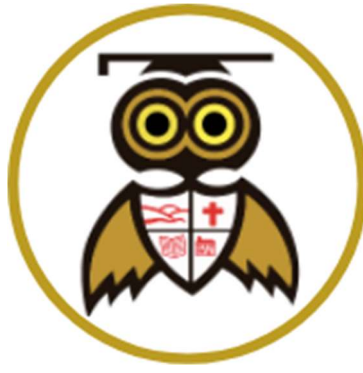




Orston Primary DBS Policy

Statement of Intent

At Orston Primary, we are committed to promoting the welfare of our staff, pupils and visitors. Ensuring the safety of our school community is of paramount importance and, as a result, this policy has been created to establish a safe environment where pupils are cared for appropriately and are free from harm.

For certain roles, the school may be required to request a DBS check as part of its recruitment process. This check may also include barred list information held on the DBS barred list, as well as any information held by the police which is relevant to the role applied for.

DBS checks allow the school to ascertain an individual's suitability to work with children in an educational environment. This policy will ensure that all staff, pupils and parents are aware of the measures taken by the school to promote the welfare of the school community.

Legal framework

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

- Rehabilitation of Offenders Act 1974
- Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2016
- Police Act 1997
- The Police Act 1997 (Criminal Records) (Registration) Regulations 2006
- Childcare (Disqualification) Regulations 2018
- Data Protection Act 2018
- Safeguarding Vulnerable Groups Act 2006
- Equality Act 2010
- Human Rights Act 1998
- Children Act 1989
- The General Data Protection Regulation
- DfE (2019) 'Keeping children safe in education'
- DBS (2018) 'Handling of DBS certificate information'
- Home Office (2015) 'Revised Code of Practice for Disclosure and Barring Service Registered Persons Definition'

2 Definitions

Standard DBS

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

Enhanced DBS

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

Enhanced DBS with barred list check

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

Regulated Activity

- 2.4 Regulated activity includes:
- Teaching, training, instructing, caring for or supervising children if the person is unsupervised, or providing advice or guidance on physical, emotional or educational wellbeing, or driving a vehicle only for children.
 - Work for schools and colleges with the opportunity for contact with children, but not including work done by supervised volunteers.
- 2.5 Some activities are always regulated activities, regardless of frequency or whether the person conducting the activity is supervised. This includes the following:
- Intimate or personal care, including helping a child with eating and drinking for reasons of illness or disability or in connection with toileting, washing, bathing and dressing for reasons of age, illness and disability.

3 Roles and Responsibilities

3.1 The governing board is responsible for:

- Approving the Headteacher's decisions with regards to disclosure information concerning existing and prospective employees
- Ensuring that this DBS Policy is adhered to at all times
- Ensuring all agreed DBS procedures are adhered to for both current and prospective employees.
- Monitoring the school's Single Central Record (SCR), ensuring its compliance with requirements.

3.2 The Headteacher is responsible for:

- Making decisions with regards to disclosure information concerning existing and prospective employees (apart from family members). In the case of family members, this falls to the Chair of Governors to make this decision.
- Ensuring that they are aware of any posts in the school that are subject to a DBS check
- 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 (kept up to date by the SBM).

4 Procedures for Staff

New members of Staff

Staff are required to show the original DBS certificate to the Headteacher before their employment begins. For staff who work in childcare provision, or who are directly concerned with the management of such provision, the school will ensure the appropriate checks are carried out to confirm the individuals are not disqualified under the Childcare (Disqualification) Regulations 2018.

Existing Staff

Where the school has concerns about an existing staff member's suitability to work with children, all relevant checks will be carried out as if the individual were a new member of staff.

Agency and third party staff

- 4.1 The Headteacher will obtain written confirmation from any agency or third-party organisation that the organisation has carried out all the necessary DBS checks on an individual who will be working at the school that the school would otherwise perform.
- 4.2 The Headteacher will check that the individual presenting themselves for work is the same person for whom the checks have been made – usually with photographic evidence.

Trainee/student teachers

- 4.3 Where trainee teachers are fee-funded, the training provider is responsible for carrying out the necessary checks. The Headteacher will obtain written confirmation that the necessary checks have been carried out, and that the trainee has been judged by the provider to be suitable to work with children.

5 Procedures for governors

Enhanced DBS checks are mandatory for governors but not associate members. The LA will apply for a certificate for any governor who does not have an enhanced certificate.

6 Procedures for volunteers

- 6.1 Under no circumstances will a volunteer, who has undergone no checks, be left unsupervised, or allowed to work in regulated activity.
- 6.2 The school will obtain an enhanced DBS check, with barred list information, for any volunteer who is new to working in regulated activity.

- 6.3 There is no requirement to re-check volunteers in regulated activity if they have already had a DBS check, including barred list information; however, the school will conduct a repeat DBS check, with barred list information, where there are concerns about a volunteer.
- 6.4 The Headteacher will undertake a risk assessment and use their professional judgement when deciding whether to obtain an enhanced DBS certificate for any volunteer not engaging in regulated activity. The risk assessment will consider the following:
- The nature of the volunteer's work with children
 - What the school knows about the volunteer, including formal or informal information offered by others
 - Whether the volunteer has other employment or undertakes voluntary activities where referees can advise on their suitability
 - Whether the role is eligible for an enhanced DBS check
- 6.5 Details of the risk assessment will be recorded.
- 6.6 The Headteacher will determine whether a volunteer is supervised. For a person to be considered supervised, the supervision must be:
- By a person who is in regulated activity.
 - Regular and day-to-day.
 - Reasonable in all the circumstances to ensure the protection of children
- 6.7 When allowing any volunteers to work at the school, the Headteacher will check that the individual presenting themselves for work is the same person for whom the checks have been made (usually through photographic evidence).

7 Procedures for visitors

- 7.1 The school does not have the power to request DBS checks to be carried out on visitors.
- 7.2 The Headteacher will use their professional judgement when considering the need to escort or supervise visitors.

8 Procedures for contractors

- 8.1 Under no circumstances will a contractor, who has undergone no checks, be allowed to work unsupervised or engage in regulated activity at the school. The school is responsible for determining the appropriate level of supervision depending on the circumstances.

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

8.3 Any contractors who have the opportunity for regular contact with children, but who would not be in regulated activity, will be required to obtain an enhanced DBS check. In considering whether contact is regular, it is irrelevant whether the contractor works on a single site or across a number of sites.

8.4 The Headteacher will check the identity of contractors and their staff upon arrival to the school.

9 Staff who have lived or worked outside the UK

9.1 New staff members who have lived or worked outside the UK will be checked in the same way as all other staff.

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

10 Procedures for adults supervising children on Work Experience

10.1 The school will consider the specific circumstances of the work experience placement when considering what level, if any, of DBS check is required on individuals supervising pupils, including those aged 16 and over, on the placement.

10.2 Consideration will be given to whether the person providing supervision to the pupil

will be unsupervised themselves and providing the supervision frequently

10.3 The Headteacher will ask the employer providing the work experience to confirm that

any member of staff who will be working with the child unsupervised and frequently is not a barred person.

10.4 Work experience providers are not able to request any DBS checks for pupils under 16.

10.5 The school will ensure all work experience providers have policies and procedures in place to protect pupils from harm

11 Disclosures containing criminal information

11.1 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
- A DBS barred list
- Any other relevant criminal information obtained by the Police

11.2 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.

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

11.4 If it is established by the DBS that the convictions do concern the individual, the Headteacher will explore the circumstances surrounding these and their suitability to work with children, in accordance with the governing board and LA.

11.5 The Headteacher will consult the Office manager and SLT when deciding what adjustments will need to be made for the employee concerned.

12 Making a recruitment decision

12.1 The Headteacher will consider the magnitude of any DBS disclosures.

12.2 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

12.3 Serious disclosures which involve criminal activity, but do not pose a risk to pupils:-

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

- 12.4 When considering an applicant who will not be working in regulated activity, 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 2016).
- 12.5 A risk assessment will be conducted by the Headteacher following a positive disclosure, before deciding on the candidate's suitability.

13 Referral to the DBS

- 13.1 The school has a legal duty to refer to the DBS any member of staff who has harmed, or poses a risk of harm, to a pupil where:
- The staff member has received a caution or conviction for a relevant offence, or if there is reason to believe the staff member has committed a listed relevant offence.
 - The staff member has been removed from working in regulated activity, or would have been removed had they not left the school.
 - The staff member has been moved to an area of work not in regulated activity.
 - The staff member has been suspended.
- 13.2 Referrals will be made as soon as possible after the resignation, removal or redeployment of the staff member.

14 Recruitment of ex-offenders

- 14.1 The school is aware of its responsibility under the Police Act 1997 not to discriminate applicants based on their criminal record.
- 14.2 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.
- 14.3 The school selects all candidates for interview based on their skills, qualifications and experience.

- 14.4 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.
- 14.5 During the recruitment process, the school will ensure that a discussion between the recruitment panel and Headteacher takes place to evaluate any offences or other matters relevant to the position.
- 14.6 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.

15 Single central record (SCR)

- 15.1 The School Office Manager maintains an up-to-date SCR of pre-appointment checks covering all staff, and members of the governing body.
- 15.2 The SCR indicates checks carried out and the date on which the check was completed, or certificate obtained.
- 15.3 There is no requirement for fee-funded trainee teachers to be recorded on the SCR.
- 15.4 The SCR is securely stored electronically.
- 15.5 The Administrative Assistant maintains an up to date electronic document with the details relating to students and contractors.

16 Data Handling

- 16.1 In accordance with the Police Act 1997, access to DBS certificates is strictly controlled and records will only be accessed by the Headteacher.
- 16.2 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.
- 16.3 DBS certificate information will only be used for the specific purpose for which it was requested and for which the individual's full consent has been given.
- 16.4 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 applied to
- The unique reference number
- The details of the final recruitment decision

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