



DURANTS SCHOOL – POLICY DOCUMENT

Durants School Disclosure and Barring (DBS)

April 2023

Reviewed & updated: April 2023 (Karly Barker)

Next review date: April 2026

Durants School Disclosure and Barring POLICY

1. POLICY

1.1 Durants School is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment. This School recognises that the best way to protect against the abuse of children and vulnerable adults is through the adoption of nationally recommended safeguarding children practices, specifically safer recruitment practices and practices designed to maintain a safe culture.

1.2 This document sets out the School's requirements in respect of:

- Criminal records checks i.e Disclosure and Barring Service (DBS) Disclosure checks; DBS Children's and Adults Barred Lists checks; and
- Administrative arrangements to ensure that both these checks are carried out in accordance with relevant legislation and the DBS requirements.

2. RESPONSIBILITIES

2.1 The Headteacher is responsible for:

- Ensuring that the requirements to undertake DBS Disclosure checks and DBS Barred List checks are met.;
- Ensuring that no-one unsuitable to work with children is knowingly permitted to do so;
- Following the Disciplinary Procedure where appropriate in such cases; and
- Contacting the Local Authority Designated Officer (LADO) when an individual is removed from 'regulated activity' as a result of their behaviour towards children so that consideration can be given to a DBS referral.

2.2 All School workers are required to:

- Inform the Headteacher or line manager immediately if they are subject to police arrest, a criminal conviction, caution, ban, police enquiry or are pending prosecution. Failure to do so may lead to disciplinary action being taken; and
- Ensure that any inappropriate behaviour within school towards children is reported immediately to the Headteacher, Designated Teacher or line manager or where the concern relates to any of these individuals, to the Local Authority Designated Officer (LADO).

3. EQUALITY OF OPPORTUNITY

3.1 Durants School commitment to equality of opportunity extends to applicants with a criminal record.

4. DBS DISCLOSURE AND DBS BARRED LIST CHECKS

4.1 DBS Disclosure Check

4.1.1 An Enhanced DBS Disclosure check will show unfiltered criminal convictions and cautions and other relevant non-conviction related information disclosed at the Chief Police Officer's discretion. In a very small number of circumstances further additional information may be sent separately under Common Law powers

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to the Registered Body (in this case the Local Authority) by the Police; the content of any 'additional information' must be treated in the strictest confidence and must not be revealed to the applicant. (Full details of the filtering rules and a list of offences which will never be filtered is available on the DBS website at www.gov.uk/government/publications/dbs-filtering-guidance).

4.2 DBS Barred List Check

4.2.1 A DBS Barred List check will reveal whether an individual has been barred by the Disclosure and Barring Service from working with either children or vulnerable adults or both of these vulnerable groups. It is illegal for employers to engage any individual in a regulated position if they have been barred from such work by the DBS. A DBS Barred List check does not provide information regarding an individual's criminal record.

4.2.2 Both checks are provided through the completion of the DBS Disclosure application form.

5. REQUIREMENTS REGARDING DBS DISCLOSURE AND DBS BARRED LISTS CHECKS

5.1 Who should be checked

5.1.1 All individuals over the age of 16 years (school staff, supply and casual workers, volunteers, governors, agency workers, contractors (including work experience providers, and consultants) working in a position which meets the definition of 'regulated activity' must be subject to an Enhanced Level DBS Disclosure check and DBS Barred List check.

5.1.2 Where a position does not meet the definition of 'regulated activity' a check against the DBS Barred Lists cannot be carried out for legal reasons, however the school/ Headteacher can exercise discretion as to whether an Enhanced DBS Disclosure check is required for such a position. In these circumstances a risk assessment will be undertaken to determine whether an enhanced DBS Disclosure check should be carried out. The results of the risk assessment will be recorded along with the reasons for the decision reached.

5.2 Timing of DBS Disclosure checks and DBS Barred List checks

5.2.1 Whilst all efforts will be made to obtain a DBS Disclosure check before an individual commences work, a successful candidate can, at the Headteacher's discretion, be allowed to commence work prior to a satisfactory disclosure certificate being received. In such instances, an enhanced DBS Disclosure check must have been initiated, that is, the completed DBS application form will have been checked for accuracy, the submitted evidence of identity checked and the completed DBS application form together with the necessary copies of ID submitted to the School Business Manager.

5.2.2 There is no similar discretion regarding DBS Barred List checks; these must be undertaken before an individual is allowed to commence 'regulated activity'.

6. REGULATED ACTIVITY

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6.1 The following categories of worker will be regarded as undertaking regulated activity and require a DBS Disclosure check and a DBS Barred List check.

6.2 Paid Workers

- All paid workers who work regularly* at the school (if they are employed or engaged directly by the school);
- All workers involved in the provision of relevant personal care to children at the school and (should one be working in the school)
- All health care professionals delivering or supervising the delivery of health care to children at the school

*Regular is defined as frequently (once a week or more often for several weeks), or on 4 or more days in a 30-day period or overnight

6.3 Volunteers

6.3.1 Volunteers will be undertaking regulated activity if they:

- are not *supervised and
- are teaching, training or supervising children and are due to volunteer on a regular basis or
- are not teaching, training or supervising children but are due to volunteer on a regular and on-going basis.

* supervision means under reasonable, regular, day to day supervision by another person engaging in regulated activity

6.4 Contractors and Agency Workers

6.4.1 Contractors and agency workers will be undertaking regulated activity if:

- their presence on site is expected to be *‘regular’ and
- these services involve ‘teaching, training or supervision of children’ or
- these services do not involve ‘teaching, training or supervision of children’ but they will be ‘contracted to provide services on an ongoing basis’.

*Regular is defined as frequently (once a week or more often for several weeks), or on 4 or more days in a 30-day period or overnight

6.4.2 These checks should be carried by the contractor /or agency and the school will then require the contractor / agency to confirm in writing that the checks have been carried out and that the individuals concerned are suitable to work with children.

6.4.3 Agency supply teachers are covered by the definition of ‘regulated activity’.

6.5 Work Experience Placements

6.5.1 If one or more of the following conditions apply, that is, if a placement is:

- (a) for more than one day per week on an on-going basis or
- (b) for longer than one term in any academic year or
- (c) aimed at children who may be vulnerable, e.g. those who have special needs or are young (aged under 16) or
- (d) one where the workplace supervisor or a colleague will have substantial unsupervised access to the child, because of the nature of the business (i.e. micro business, sole trader or journeyman); or
- (e) one which has a residential component

then any person whose normal duties will include regularly caring for, training, looking after or supervising a child in the workplace should be DBS Barred List checked and subject to a DBS Disclosure check to ensure s/he is not disqualified from working with children or otherwise unsuitable to be responsible for them.

6.5.3 This should not include people who will have contact with the child simply because s/he will be in the same location, or as part of their work. It is intended to apply to people who are specifically designated to have responsibility for looking after, supervising or directly training a child or children throughout the placement.

6.5.4 DBS Disclosure Checks should normally be arranged by the organisation arranging the placement, through the school and the person should be regarded as a volunteer for the purpose of the Disclosure.

6.5.5 For further information regarding pupils/students in workplace placements, please see Paragraphs 2 to 7 in Safeguarding Children – Additional Advice and Guidance in the DfE's Safeguarding Children and Safer Recruitment in Education guidance (2007).

6.5.6 Secondary students aged 16 or over in Work Experience placements in primary or special schools should be treated the same as volunteers in terms of determining which checks, if any, apply. Secondary students under 16 years of age should not be DBS Barred List or DBS Disclosure Checked.

7.0 DBS DISCLOSURE AND DBS BARRED LIST PROCESS

7.1 Job Advert/Supporting Information must:

Include the following statement: Durants School is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment and clearly state that the post is subject to a DBS Barred List and DBS Disclosure check (where appropriate).

7.2 Documents issued to applicants to include:

- an Application Form that complies with the requirements laid down in the DfE's Safeguarding Children Guidance;
- a Policy Statement on the Recruitment of Ex-Offenders; and
- a job description and person specification clearly stating the individual's responsibility for promoting and safeguarding the welfare of children and as essential criteria, a satisfactory DBS Disclosure check and a DBS Barred List check (where appropriate).

7.3 Document for Shortlisted Candidates

A standard form requiring shortlisted candidates to declare their 'unfiltered'

criminal record.

7.3.1 Employment Contracts: all employment contracts will include the following wording

“Your appointment to this post is subject to a DBS Barred List check and a satisfactory Enhanced Disclosure and Barring Service (DBS Disclosure) check which may be required to be updated at any other time during your employment in this post as deemed reasonable by the School. Failure to give your consent to DBS checks being undertaken on this basis, or if information is received which renders you potentially unsuitable to work with children/vulnerable adults may mean that your continued employment will need to be considered, the outcome of which may be dismissal. You are referred to the Schools’ DBS Disclosure Policy and Procedure”

7.4 Recruitment Documentation (Volunteers)

7.4.1 Documents issued to any prospective volunteer who will be working regularly in the school must:

- include the following statement: Durants School is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment
- clearly state, where appropriate, that the role is subject to DBS Disclosure check and a DBS Barred List Check.

7.4.2 Documents issued to volunteer applicants to include, where appropriate:

- an Application Form that complies with the requirements laid down in the DfE’s Safeguarding Children Guidance which clearly states whether the DBS Barred List check applies and a Policy Statement on the Recruitment of Ex-Offenders

7.4.3 Document for all volunteers the school intends to use and for whom it is determined that an enhanced DBS check will be necessary:

- A self declaration form requiring the volunteer to declare their ‘unfiltered’ criminal record.

8. PROCESSING OF DBS DISCLOSURE APPLICATIONS FOR NEW WORKERS

8.1 A member of Durants Senior Management staff will sit with the applicant and complete an DBS application online.

8.2 The school will then wait for confirmation of the disclosure via email which indicates any convictions or warnings. The email will contain the following information:

Lists that have been checked and are clear have the comment “Certificate contains no information”. You can make a recruitment decision without seeing the applicants copy.

Lists that have been checked and are not clear have the comment “please wait to see the applicant’s copy.” The applicant will receive a disclosure certificate within the next 2 days showing details of the offence. You must ask them to show you their copy before making a recruitment decision.

8.3 Once the DBS Disclosure application is processed by the DBS a Disclosure Certificate will be issued by the DBS to the applicant. This will be sent to the applicants home address. Applicants will be required to share

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their Disclosure Certificate with the school as part of the recruitment process. Any delay in doing so may result in a delay in their appointment being confirmed and them being allowed to commence work. A photocopy is taken and stays on file for 6 months.

- 8.4 School will complete a DBS Disclosure return form and forward to personnel with all the relevant recruitment paperwork.

The school recognises that there may be occasions when an applicant wishes to dispute the contents of the DBS Disclosure with the DBS. In such cases a recruitment decision will not be finalised until the outcome of the dispute is known.

9. DBS DISCLOSURE CHECK AND A DBS BARRED LIST CHECK FOR EXISTING WORKERS

9.1 The school may deem it necessary to carry out a DBS Disclosure check on an existing worker for one of the following reasons:

- Where checks have not been implemented previously for certain voluntary roles but on review by the Headteacher become necessary;
- Where an existing volunteer moves from a role that did not require a DBS Disclosure check to be carried out to one that does; or
- Where information comes to light or the circumstances are judged by the Headteacher to warrant a re-check.

9.2 It may be necessary to carry out a DBS Barred List check for one of the following reasons:

- Where a certain voluntary role has previously been judged to fall outside the definition of 'regulated activity' but is now judged by the Headteacher to fall within the definition of regulated activity;
- Where an existing volunteer moves from a role that is not 'regulated activity' to one that is 'regulated activity'
- Where information comes to light or the circumstances are judged by the Headteacher to warrant a re-check.

9.3 In these circumstances the Headteacher should arrange for a notification letter to be issued to the individual and arrange for them to complete an online application form. The individual should be advised that

they must share their DBS Disclosure Certificate with the school once it is received (unless they wish to dispute the information disclosed by the DBS).

9.4 Where an individual does not give their consent to a DBS Barred List check and/or a DBS Disclosure check being made OR does not share the DBS Disclosure Certificate with the school once received, the Headteacher / relevant manager will provide the opportunity for the worker to discuss the matter. If, despite such discussions, the worker still refuses to co-operate the school reserves the right to move the individual to a position which does not require a DBS Barred List Check and/or a DBS Disclosure check or where a suitable alternative position does not exist, to terminate the individual's employment/supply/casual or voluntary work. Further advice can be sought from Enfield Council Personnel Department.

10.

RECEIVING AN UNSATISFACTORY DISCLOSURE

10.1 New starters

10.1.1 Where the disclosure certificate reveals a criminal record the applicant must not under any circumstances be permitted to commence working until the two steps below have been followed. If they have been allowed to commence work prior to the DBS check being completed they must be removed from that work immediately. They must only be allowed to commence/recommence work when the Headteacher determines, as a result of the steps outlined below, that it is appropriate for them to do so.

10.1.2 Step 1 Headteacher to discuss the DBS Disclosure content with the applicant before any recruitment confirmation is made. The purpose of this discussion will be to obtain further relevant information from the applicant to enable the Headteacher to make an informed decision regarding the applicant's suitability for the position applied for.

Step 2 Headteacher to seek advice from Enfield Council.

10.2 Existing Workers

10.2.1 Should a disclosure containing relevant convictions/other information be received for an existing employee which call into question their suitability for employment with children, the Headteacher will consider whether it is necessary to suspend the employee or temporarily moving the employee to an alternative role which does not involve working with children pending a disciplinary investigation. Where an investigation finds evidence to call into question the employee's suitability, a Disciplinary Hearing should be convened to consider the employee's employment position with the school.

10.2.4 If the existing worker is not an employee, for example a volunteer or a supply Teacher or casual support worker, an investigation will be undertaken into their suitability with the individual being provided with the opportunity to provide any relevant information he/she wants taken into consideration by the school when reaching a decision regarding the continuing use of the individual's services.

10.2.5 Where the school decides that the worker is unsuitable to continue in their role working with children, they will be informed that their services are no longer required.

10.2.6 Where, following an investigation, a decision is taken to dismiss or remove an individual (paid or unpaid) from working in regulated activity, the school will contact the Local Authority Designated Officer (LADO) to determine whether a DBS referral is appropriate.

11. INCLUSION ON THE DBS CHILDREN’S AND/OR VULNERABLE ADULTS BARRED LISTS

11.1 Barred Persons

11.1.1 It is a criminal offence for a person who is barred from undertaking regulated activity to knowingly apply for, offer to do, accept or undertake regulated activity work, paid or unpaid. Similarly it is an offence for the school to offer a position which involves regulated activity to any person whose name is included on the relevant DBS Barred List.

If such a person inadvertently applies for, offers to do, accepts or undertakes any such work he/she should bring the fact immediately to the attention of the Headteacher.

11.1.2 Where the DBS Barred Check reveals the inclusion of a person on the relevant DBS Barred List:

- The Headteacher will arrange to discuss the matter with the person before any final decision is made regarding the person’s suitability for the position applied for. If the person believes the information provided by the DBS to be incorrect regarding their inclusion on the DBS Barred List they should contact the DBS who will be able to provide them with details of the DBS disputes procedure. The final recruitment decisions should be deferred until the outcome of the disputes process is known
- While any dispute is being resolved the applicant will not, under any circumstances, be permitted to commence working and, in those instances where an individual has commenced work prior to the DBS Barred List check being completed, they will be removed from that work with immediate effect
- If the applicant accepts their inclusion on the DBS Barred List or the dispute is resolved to the effect that they are rightfully included on the list, they will be informed that any provisional offer of work (paid or unpaid) is withdrawn. The Headteacher will notify the DBS and the police

12. DISCREPANCY IN CRIMINAL RECORDS INFORMATION

12.1 Where there is a discrepancy in the information provided by the applicant through the self declaration process and the information contained within the DBS Disclosure Certificate, the relevant manager should arrange to discuss the matter with the individual before any decision is made regarding the person’s suitability for the position applied for. If the person believes the information provided by the DBS to be incorrect they should contact the DBS who will be able to provide them with details of the DBS disputes procedure. The person should not be allowed to commence work and, in those instances where they have commenced work prior to the DBS check being completed), they must be removed from that work with immediate effect

12.2 Recruitment decisions should be deferred until the outcome of the disputes process is known.

13. STORAGE OF DBS DISCLOSURE CERTIFICATES

13.1 In accordance with the DBS Code of Practice, any copies of Disclosure certificates issued by the DBS will be stored in locked cabinets with only relevant school staff designated by the Headteacher having access.

13.2 Any DBS Disclosure Certificates will be retained by the school for a period of 6 months after which they will be destroyed through confidential means. The exception to this is where there is a requirement to retain disclosure certificates for inspection as part of a regulatory process by a Government body/agency.

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In such circumstances Disclosure Certificates will be retained until they have been inspected by the relevant Government body after which they will be destroyed. The Council's policy on the Storage of DBS Disclosure Information, which will be adhered to by the School.

14. PORTABILITY OF DBS DISCLOSURES

14.1 Given the potential complexities that can arise in using a Disclosure for one position to assess an applicant's suitability for another position, it is the policy of Enfield Council as the School's Registered Body, not to accept Disclosure certificates which have been issued to other Registered Bodies unless the relevant individual has subscribed to the DBS's Update Service and the 'Status Check' carried out using this Service indicates that their enhanced DBS certificate is 'current'. Similarly it is the policy of the Council not to disclose any information regarding Disclosures to any other organisation.

14.2 However the School accepts the internal portability of Disclosures issued to Enfield Council as a Registered Body providing ALL of the following five requirements are met:-

- The new position is one that is eligible to be DBS Disclosure checked i.e. it is exempt from the Rehabilitation of Offenders Act 1974 and
- That both the current position and the new position require the same level of DBS check (Enhanced in schools). The Head Teacher would obtain a signed statement from the previous HT that both positions were the same level and that they know of nothing in addition. It must be the HT as they may be the only person who knows
- The Headteacher has obtained the written consent of the candidate before asking the Counter-signatory to release any information about a previous Disclosure.
- The individual does not have a gap between engagements with schools in England of three months or more and
- Confirmation has been obtained from DBS Agency that the police have not provided additional information under their common law powers. In the unlikely event that additional information has been provided by the police a fresh Disclosure Application must be carried out.

14.3 It is the preference of the school for all personnel to have a DBS check that states Durants School as the named employer.

15. CHECKING OF OVERSEAS APPLICANTS

15.1 The Disclosure and Barring Service can only access criminal records (convictions, cautions, reprimands and warnings) held on the Police National Computer (PNC) in England, Wales, and those recorded from Scotland. There is also some Northern Ireland conviction data held on the PNC. If an applicant is undertaking 'regulated activity' or is assessed as needing to have an enhanced DBS check and is living or has lived for a substantial period overseas, the DBS criminal records check may not provide a complete picture of their criminal record, if they have one. In these circumstances and in addition to a DBS Disclosure check, a criminal records check, certificate of good conduct or equivalent should be sought from the overseas country in which the applicant has been or is living.

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15.2 Further advice on the checking of overseas applicants can be obtained from the Enfield Council Personnel Department.