



Disclosure and Barring Service Policy and Procedure

This policy is applicable to: the Wolds Learning Partnership (WLP)

Version 2.0

<p>Important: This document can only be considered valid when viewed on the website. If this document has been printed or saved to another location, you must check that the version number on your copy matches that of the document online.</p>	
<p>Name of Responsible Committee/Individual:</p>	<p>LGB & Board of Trustees</p>
<p>Monitoring</p>	<p>This policy will be monitored and reviewed by the relevant body</p>
<p>Target Audience:</p>	<p>All Staff</p>
<p>Related Documents</p>	<p>Recruitment Policy and Procedure</p>
<p>References</p>	<p>Home Office Code of Practice for Registered Persons and Other Recipients of Disclosure Information (Revised April 2009) OFSTED guidance (www.ofsted.gov.uk) DBS guidance (www.gov.uk/home-office) Keeping Children Safe in Education (September 2018) Education Act 2002 Education (Independent Schools Standards) Regulations 2014 Statutory Guidance 'Working Together to Safeguard Children' June 2018 Statutory Guidance 'Disqualifications Under the Childcare Act 2006' February 2015 Childcare (Disqualification) Regulations 2009</p>

Policy Statement

The safety of children and young people is paramount and the Wolds Learning Partnership (WLP) is fully committed to safeguarding and promoting the welfare of children and young people and to the rigorous



implementation of Disclosure and Barring (DBS) procedures, guidelines and arrangements, Department of Education advice and guidance and OFSTED requirements. 'Keeping Children Safe in Education' (March 2015) defines safeguarding and promoting the welfare of children as *'protecting children from maltreatment; preventing impairment of children's health or development; ensuring that children grow up in circumstances consistent with the provision of safe and effective care; and taking action to enable all children to have the best outcomes'*. This policy should be read in conjunction with the WLP's Recruitment and Selection Policy and it aims to prevent those who pose a risk of harm from working with children, ensuring the school adheres to its legal and statutory responsibilities.

The WLP has robust recruitment and selection processes in place and DBS checks form part of those processes, alongside barred list checks, prohibition checks, carefully designed assessment processes with skilled assessors working collaboratively to ensure all recruitment and selection decisions are well considered and evidence based.

The DBS was launched on 1 December 2012 and it replaced the Criminal Records Bureau (CRB) and the Independent Safeguarding Authority (ISA). Following the Protection of Freedoms Act 2012 further changes to DBS guidelines were made. The Rehabilitation of Offenders Act 1974 also ensures that candidates are not unfairly treated and that risk assessments take into account the nature of the disclosure and its relevance to the role the candidate has applied for. This policy and procedure is underpinned by this legislative and statutory framework.

Whilst a DBS check will only be undertaken after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned it is likely that most appointments will require an enhanced DBS certificate, which includes the barred list information as most roles within the school engage in regulated activity. For those positions where a DBS check is required, relevant recruitment documentation will contain a statement that a DBS check will be requested in the event of the individual being offered the position.

Where a DBS check forms part of the recruitment process, all applicants will be encouraged to provide details of their criminal record at an early stage. This information will be managed by the Human Resources Department and will only be seen by those who need to see it as part of the recruitment process.

The WLP will ensure that staff involved in the recruitment process are suitably trained. Senior leaders, the CEO and, where appropriate, members of the Board of Trustees and the Local Governing Body, will identify and assess the relevance and circumstances of offences. Offences will be discussed in an open, measured way with the individual. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment. Failure of current staff to reveal a change in their DBS status may result in further investigation under the WLP Disciplinary Policy and Procedure.

Every subject of a DBS check will be made aware of the existence of the DBS guidance and a copy will be made available on request. The WLP undertakes to discuss any matter revealed in a DBS check with the individual alongside a thorough risk assessment prior to any action (such as the withdrawal of a conditional offer of employment) being taken.

Applicants can subscribe to the DBS Update Service. The Update Service will then keep their certificate up-to-date. Once the individual has subscribed they can take their certificate with them from role to role where the same level and type of check are required. Registration lasts for one year and the cost to individuals is £13 per annum and free for volunteers. This fee will be re-reimbursed by the individual schools while they



are employed in the WLP. The employee must ensure that their updated certificate is shown to the person responsible for the updating of the Single Central Record (SCR) in their school as soon as it is completed or renewed and the school should also check the update service to ensure staff/volunteers have up-to-date certificates.

Purpose and Scope

Under the Rehabilitation of Offenders Act 1974, a person with a criminal record is not required to disclose any spent convictions unless the position they are applying for, or are currently undertaking, is listed as an exception under the act. As a registered body, the WLP must ensure that it does not breach the requirements of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975. The Education Alliance's DBS Policy and Procedure details the actions the WLP undertakes to ensure that it meets its statutory and legal obligations.

This policy applies to all staff and candidates that meet the criteria (e.g. where work is defined as a regulated activity relating to children, as specified within the DBS guidance). As an organisation using the DBS service to assess applicants' suitability for positions of trust and for staff undertaking regulated activities, the WLP complies fully with DBS guidance and undertakes to treat all staff and applicants fairly. The WLP will not discriminate unfairly against any subject of a DBS check on the basis of a conviction or other information revealed. The WLP also takes into account other forms of statutory guidance such as 'Keeping Children Safe in Education' and 'Working Together to Safeguard Children'.

The WLP is committed to fair treatment of staff, potential staff and other stakeholders, regardless of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex or sexual orientation.

This policy will be made available to DBS applicants at the outset of the recruitment process.

Roles and Responsibilities

The Board of Trustees of the WLP is responsible for the approval of this policy and procedure and the Chair of the Board of Trustees must approve/refuse any request made to commence employment of a new member of staff prior to receipt of a DBS clearance. The Board of Trustees must ensure that the WLP undertakes appropriate DBS checks as per its legal and statutory responsibilities.

The **CEO** of The WLP is responsible for ensuring that this policy and procedure is implemented fairly, consistently and objectively.

Headteachers are responsible for overseeing the introduction, implementation, monitoring and review of this policy and will report to the CEO and Board of Trustees as required. The Head of Personnel/School Business Managers will undertake DBS checks, providing advice, guidance and support to candidates, volunteers, agency workers, contractors and visitors that meet the criteria and are therefore required to provide a DBS check. The Head of Personnel/School Business Managers will also provide advice and guidance to leaders when DBS checks detail convictions, cautions or other forms of information. The Head of Personnel/School Business Managers will also ensure that appropriate guidance is in place in relation to contractors and agency staff and that this information is disseminated effectively.

Leaders must ensure that before recruiting new staff they familiarise themselves with both the Recruitment and Selection Policy and Procedure and the DBS Policy and Procedure. They must ensure that they deal with any disclosure made by staff, candidates, visitors, contractors, agency staff or volunteers with discretion, sensitivity and objectivity, ensuring that the DBS Policy and Procedure is adhered to. Leaders should seek advice from the Human Resources Department when a disclosure is made. Leaders procuring services must



also ensure that the provider of that contract undertakes appropriate safer recruitment checks on staff that are going to work at WLP, which will include DBS checks for those staff that meet the criteria. Where agency workers, contractors, visitors and volunteers do not meet the criteria for a DBS check, the responsible manager must undertake a thorough risk assessment prior to the commencement of that activity with support from the Human Resources Department, ensuring appropriate supervision is in place at all times.

DBS subjects are required to disclose any criminal conviction or caution they have received as per the DBS guidelines. **Employees** are required to notify their line manager and/or the Head of Personnel/Business Managers if their DBS status changes. Any charges brought against them for any criminal offence (including convictions and cautions), whether connected to their employment or not, must be reported immediately to their line manager.

Equality and Diversity

The WLP is committed to:

- Eliminating discrimination and promoting equality and diversity in its policies, procedures and guidelines. Disclosures will be dealt with on a case by case basis in line with DBS guidance, thus ensuring that DBS subjects are not treated unfairly.
- Delivering high quality teaching and services that meet the diverse needs of its student population and its workforce, ensuring that no individual or group is disadvantaged.

Vision and Values

The WLP's vision is to develop a culture of respect, honesty and high aspiration, encouraging staff and pupils/students to inspire each other and learn to value greatness, ambition and achievement of all kinds. DBS subjects and staff disclosing criminal offences, convictions and cautions will be treated with dignity and respect and the DBS Policy and Procedure will be implemented fairly, consistently, objectively, sensitively and discreetly.

Levels of Disclosure

All staff employed to work at the WLP must provide a DBS check prior to commencing employment. This is due to the nature of the environment and the unsupervised access staff have to children on a day to day basis. There are three types of DBS checks:

- Standard – a check of the Police National Computer (PNC) records of convictions, cautions, reprimands and warnings;
- Enhanced – a check if the PNC records as above, plus other information held by the police that is considered relevant by the police; and
- Enhanced with a barred list check for people working in regulated activity with children (it includes a check against the DBS Children's Barred List)

DBS subjects must be aged 16 or above. Where candidates or staff are required to provide the WLP with a DBS check, if they are a member of the Update Service, with their permission the Head of Personnel/School Business Managers can use their DBS Certificate and carry out a free, instant online check to see if any new information has come to light since its issue.

The DBS no longer automatically issues a copy of the applicant's DBS Certificate to the Registered Body who countersigned the DBS application form, therefore when the WLP undertakes DBS checks, the Head of Personnel/School Business Managers must ask the applicant for sight of their DBS Certificate (copies will not



be accepted). In only issuing applicants with a copy, the DBS is placing the individual in charge of their own data.

People requiring a DBS Check

All **newly appointed staff** will automatically be required to complete an Enhanced Disclosure prior to taking up a post at the WLP.

Only when a DBS Certificate is provided that contains no information that may preclude the individual from working with children, can it be considered that they have DBS clearance.

Staff must discuss any concerns or changes to their DBS status as they arise. Failure to disclose any criminal activities, convictions or warnings may result in an investigation under the WLPs Disciplinary Policy and Procedure. Where a member of staff applies and secures an alternative post at the WLP, their DBS status should be reviewed as they may require a DBS check if they haven't had one previously or if their previous role only required a Standard Disclosure.

Trainee/Student Teachers are likely to be engaged in regulated activity; therefore the WLP will ensure that all necessary checks have been undertaken. Where trainee teachers (ITT) are fee-funded it is the responsibility of the initial teacher training provider to carry out the necessary checks and the WLP will obtain written confirmation from the ITT provider that these checks have been carried out and that the trainee has been judged by the provider to be suitable to work with children.

Visitors who do not have unsupervised access to children should be risk assessed and appropriately supervised at all times when on school site. Visitors that have unsupervised access to children should be DBS checked by their employer. The school must ensure that the DBS is seen, along with photo id and recorded on the central record on the first visit for frequent visitors. Other visitors must show their DBS each time they come to school.

Contractors and agency workers that come into regular contact with children and young people should be detailed on the single central record. Contractors must show their DBS certificate and photo id to the school on the first visit and then thereafter when requested to do so. Any contractor or agency worker who does not have a current DBS certificate must be accompanied at all times by a member of the school staff.

Volunteers are defined as 'a person who spends their time doing something that aims to benefit either an individual or group (other than, or in addition to, close relatives), and is not paid (except for travelling and other approved out-of-pocket expenses). Volunteers will receive a DBS check free of charge. If they are supervised their disclosure will not include a check against the barred lists, however, if they will have unsupervised access to children that fits the DBS criteria, their disclosure will include the barred lists check. Any volunteers who does not have a current DBS certificate must be accompanied at all times by a member of the school staff.

Whilst members of the Local Governing Body/Trustees & Members are no longer eligible for an enhanced DBS check unless a risk assessment indicates that the criteria of the DBS is met in relation to the work they will undertake within the school and the frequency of unsupervised access they will have to children and young people, members of the Governing Body, Board of Trustees and Members of the WLP are required to have an DBS check.



The WLP must check that those staff working in a **childcare provision** and those directly concerned with the management of such provision are not disqualified under the Childcare (Disqualification) Regulations 2009, adhering to the statutory guidance 'Disqualification under the Childcare Act 2006' (February 2015).

Status Check

With the individual's permission, the Head of Personnel/School Business Managers can go online for a free and instant check (where the individual has subscribed to the Update Service) to find out whether the individual's Certificate is up-to-date.

If a Status Check shows that there has been a change in status since the last DBS Certificate was issued and the applicant has not produced their new Certificate within 28 days of its issue, the Head of Personnel/School Business Managers will ask for a copy of their Certificate.

Online Status Checks are available at www.gov.uk/dbs-update-service. A result of 'no status change' means that the certificate remains valid and up-to-date, whereas a result of 'status change' means that the Certificate is out of date and the WLP will be required to ask for a new Certificate to see the new information.

DBS Guidance

The WLP complies with DBS guidance, ensuring that the processes for applying for DBS checks are appropriate and that sensitive, personal information, disclosed by the DBS is handled and stored appropriately, and that information is used fairly.

The X61, 'Position Applied For' field on the DBS application form provides a relevancy test when releasing non-conviction information about an individual. The relevancy test is based on the type of workforce rather than the actual job role, therefore DBS Certificates can be taken from role to role within the same workforce (e.g. working with children or adults or both). When completing a DBS application form the Head of Personnel/School Business Managers must ensure that the 'Position Applied For' section is completed accurately. The workforce descriptors are as follows:

- Child workforce
- Adult workforce
- Child and adult workforce
- Other workforce
- Line 1 of section X61 must indicate one of the above workforces, which is followed by Line 2, which details the 'Position Applied For'.

Counter-signatories will ensure that staff and applicants:

- Have the right to work in the UK
- Understand why a DBS check is required and what it is
- Understand where they can obtain independent advice on the DBS application process
- Are given the opportunity to declare information and to explain whether or not a check will reveal information about them

Counter-signatories will ensure that DBS checks are only carried out for those people that meet the criteria for a DBS check. They will also ensure that application forms are completed fully and that the information is accurate. Counter-signatories will also check and confirm the applicant's identity and verify evidence of their name, date of birth and current address. If there are any discrepancies, further clarification should be sought via the applicant in the first instance. Suspected identity fraud will be reported to the DBS immediately.



DBS checks are stored securely in a locked cabinet. They must be destroyed no later than 6 months after the DBS clearance is received by the WLP.

DBS Checks for Overseas Applicants

The DBS cannot access criminal records held overseas, but it is possible to submit an application while the applicant is overseas. In a small number of cases overseas criminal records are held on the PNC and these could be revealed as part of a DBS check. The East Riding DBS may be required to contact the embassy or High Commission of the country in question. The Home Office has published guidance relating to criminal record checks for overseas applicants and the Department for Education has also issued guidance on the employment of overseas trained teachers. The East Riding DBS will ensure this guidance is followed in such circumstances and any concerns will be raised with the CEO of the WLP and the Chair of the Board of Trustees.

Disclosures

Information revealed by the DBS must be dealt with sensitively and cautiously. In deciding whether or not the information revealed results in an applicant being unsuitable for the post the following considerations may be helpful:

- How long ago did the conviction/caution/warning/issue occur?
- Is there a pattern of behaviour?
- What were the circumstances at the time?
- Has the subject been open and honest?
- Does the disclosure relate to the work they would be/are employed to undertake?
- What are the risks?

Additional advice must be sought from the East Riding Human Resources Department prior to any decision being taken. A decision must be made in collaboration with the Headteachers and the CEO of the WLP.

Commencement of Employment pending DBS Clearance

Ideally DBS clearances for new starters are received by the WLP prior to their commencement in their post. Where it is vital that a new employee commences prior to the receipt of a DBS clearance, a careful risk assessment will be undertaken involving the Headteachers, the CEO and the Chair of the Board of Trustees. If the decision is made to commence employment prior to receipt of a DBS clearance the CEO and the Headteachers will ensure that appropriate supervision is in place and that all other checks detailed in the 'Keeping Children Safe in Education' statutory guidance have been satisfactorily completed. The WLP will only commence someone prior to the receipt of a DBS clearance under exceptional circumstances.

Referring someone for a DBS check

If there are concerns about an existing employee's suitability to work with children the CEO of the WLP and the Headteachers will ensure all relevant checks are carried out as though the employee were a new member of staff and they will notify the Chair of the Board of Trustees of their concerns. Similarly, if an employee working at the WLP moves from a post that was not regulated activity to work which is regulated activity, the relevant checks for the regulated activity will be undertaken.

The WLP has a legal duty to refer to the DBS anyone who has harmed, or poses a risk of harm, to a child or vulnerable adult. An assessment must be undertaken regarding the following considerations:

- Anyone who has harmed or poses a risk of harm to a child or vulnerable adult



- Where the harm test is satisfied in respect of that individual
- Where the individual has received a caution or conviction for a relevant offence
- If there is reason to believe that the individual has committed a listed relevant offence
- That the individual has been removed from working (paid or unpaid) in regulated activity or would have been removed had they not left

Where a teacher is dismissed (or could have been dismissed had they not left) because of serious misconduct, the Chair of the Board of Trustees and the CEO of the Trust must consider whether or not the Secretary of State should be informed as required by sections 141D and 141E of the Education Act 2002. The Secretary of State may investigate the case and if they do and find there is a case to answer, they must then decide whether to make a prohibition order in respect of that individual.

Monitoring of Compliance with and effectiveness of this

Effectiveness and compliance of this Policy will be monitored by the HR Department. The Local Governing Body and Board of Trustees will monitor the outcomes and impact of this policy on a regular basis.

Review

This policy will be reviewed within 2 years of the date of implementation.