



Wonder
Learning Partnership
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DBS Policy

This policy is applicable to the Wonder Learning Partnership (WLP)

Important: This document can only be considered valid when viewed on the Wonder Learning Partnership website. If this document has been printed or saved to another location, you must check that the version date matches that of the document online.

The Wonder Learning Partnership welcomes the support of the recognised trade unions in seeking to implement this policy in a fair and consistent manner and actively encourages employees who are members of a trade union to seek the support of their trade union representative at the earliest opportunity.

Version Approved: June 2026

Chief Executive Officer (CEO) Approved:	Summer Term 2026
Name of Responsible Committee/Individual:	People & Culture Committee
Implementation Date:	Summer Term 2026
Review Date:	Summer Term 2029

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Introduction

The Wonder Learning Partnership is committed to ensuring people who pose a threat to children are prevented from working in positions of trust with children. As part of this commitment to safeguarding, the Trust will ensure that a rigorous pre-employment checking process is undertaken for all new staff, volunteers and other adults working within its schools.

Under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 and regulations made under the Policy Act 1997, the Trust must obtain conviction and barring information to enable it to assess the suitability of individuals to work with children within its setting. This information is obtained through a self-declaration process and obtaining an appropriate Disclosure and Barring Service (DBS) certificate. This will include a children's barred list check for those working in regulated activity.

This policy details how the Trust will request, consider and use conviction information obtained through DBS certificates, including the decision-making process when information is disclosed. It will also outline how the Trust will share, store and retain conviction information to ensure compliance with the DBS Code of Practice.

Whilst the disclosure of conviction and barring information is important when assessing the suitability of an individual to work with children, it is recognised that this is just one part of the initial assessment and the ongoing aim of maintaining a safer culture within the Trust. Therefore, this policy also includes the measures in place to ensure relevant information is shared with the Trust during employment.

This policy should be read in conjunction with the Trust's Recruitment and Selection Policy and Procedure, the staff Code of Conduct, Safeguarding Policy and statutory guidance including Keeping Children Safe in Education.

Policy statement

The Trust requires all employees to have a satisfactory enhanced DBS check for work with children on commencement. All employees of the Trust are considered to be working in regulated activity and must, therefore, also have a satisfactory children's barred list check. All offers of employment will be made conditionally subject to a range of pre-employment checks including these DBS and barred lists checks.

It is this Trust's policy that the DBS check is completed prior to the employee's commencement in school. In very exceptional circumstances, an employee may be able to commence before the DBS check is complete, however, this will be subject to a written risk assessment being in place and subject to other checks being completed, including the completion of a separate children's barred list check (see section 5) and with the written consent of the Chief Operating Officer. No new employee can commence pending return of their DBS check, without the explicit agreement of the Chief Operating Officer.

Where the individual has declared any information through their self-declaration process, they will not be allowed to start employment until this information has been confirmed

through a DBS certificate and consideration through the Trust's DBS decision-making process (see Decision Making Process).

DBS application process

The Trust will include in recruitment adverts and documentation that the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 applies, and the post is subject to a satisfactory enhanced DBS check for work with children.

Candidates shortlisted for interview will be asked to complete a self-declaration form allowing any conviction or relevant information to be discussed and considered at interview. Individuals will only be asked to declare cautions and convictions which are not protected and will, therefore, appear on an enhanced DBS check.

Candidates will be asked to bring to interview relevant identity documentation in line with DBS checking requirements. A copy of these documents will be taken and used for the DBS verification process for the successful candidate and then retained on their confidential personal file. For unsuccessful candidates, copies of identity documents will be confidentially destroyed when a recruitment decision has been made.

The Trust's policy is to check original identity documents in person, preferably at interview. Where this has not been possible, the successful applicant will be asked to bring in their documents as soon as possible for checking. All ID checking will be undertaken in line with the prevailing guidance from the DBS, including what are acceptable documents.

All new staff joining the Trust must undertake a new DBS check to assess suitability to work with children. When a conditional offer of employment is made, the successful applicant will be required to apply for their DBS in a timely manner. There are some limited situations where the Trust will not require the individual to undertake a new DBS check and these are detailed in Portability below.

The applicant is required to provide the Trust with their original DBS certificate to check, usually before an unconditional offer of employment can be confirmed. If information is disclosed in the certificate, the Trust will use its DBS decision-making process to decide whether to proceed with the appointment. Failure to allow the Trust to view the original certificate will result in the offer of employment being withdrawn.

Regulated activity

In summary, a person will be engaging in regulated activity with children if, as a result of their work, they:

- will be responsible, on a regular basis, for teaching, training, instructing, caring for or supervising children, including providing advice/guidance on wellbeing or driving a vehicle only for children
- will be working on a regular basis in a specified establishment, such as a school, or in connection with the purposes of the establishment, where the work give opportunity for contact with children, or

- engage in intimate or personal care or healthcare or any overnight activity, even if this happens only once.

Regular is defined as on more than 3 days in any period of 30 days or overnight, specified as between 2am and 6am. Regulated activity does not include supervised volunteers or those working on an ad hoc and very temporary basis in a role which does not include teaching or training. Further information regarding the definition of Regulated Activity is available within Keeping Children Safe in Education.

This Trust will only request children's barred list information for those working in regulated activity. This will not usually include supervised volunteers, governors, trustees and members unless, as part of their role, they are involved in safeguarding decisions or undertake duties which gives them regular, unsupervised access to pupils or have another role within the Trust which is covered by the definition of regulated activity or undertake.

The children's barred list check will be requested as part of the enhanced DBS application process and will be included in the DBS certificate when it is issued. A separate children's barred list check will only be undertaken when an employee starts prior to the return of the DBS certificate as detailed below.

Starting employment prior to the return of the DBS

In some circumstances, there may be exceptional reasons which mean an employee is required to commence employment with the Trust prior to the return of their DBS certificate. In all such cases, the Chief Operating Officer must authorise this, and the following conditions must be met:

- an application for an enhanced DBS with barred list check must have been submitted
- a separate children's barred list check has been undertaken prior to the individual starting work (through the DfE Sign-in portal)
- all other pre-employment checks have been completed and no concerns have been identified

In such cases, a documented risk assessment will be put in place, outlining the supervision arrangements, which will be shared with the employee. The risk assessment will be reviewed regularly.

Decision-making process where information is disclosed

A disclosure regarding an individual's criminal record or other suitability information, may be made at various points of the recruitment process, including:

- self-disclosure at shortlisting
- during the selection/interview process
- through the DBS application process or on the DBS certificate
- when a separate children's barred list is undertaken

When information is disclosed prior to and during the interview process, this will be discussed with the candidate, including the circumstances surrounding it, and a record of this discussion will be made. If this individual is made a conditional offer of employment, confirmation of this information will be sought through the DBS process.

Where the DBS certificate contains information, the Chief Executive Officer will make the final appointment decision.

It is an offence for a barred person to seek work with children, so if information of this nature arises during the recruitment process, the school will notify relevant agencies, including the LADO, the Police and the Disclosure and Barring Service.

Portability

The Trust's policy position is that DBS checks are not portable (transferrable) from other employers. The only exception to this is where the individual has a DBS certificate registered on the DBS Update Service (see below).

Existing volunteers who take up paid employment with the Trust will be required to undertake a new DBS check, with barred list check, due to the level of responsibility being greater than that of a volunteer, and the potential for additional information to be disclosed by the DBS.

DBS Update Service

The Trust will accept DBS certificates registered with the DBS Update Service provided that: the original DBS certificate is appropriate for the role appointed to, that is it:

- is for the same workforce i.e. the children's workforce
- is at the correct level, i.e. an enhanced DBS
- includes the same barred list if relevant i.e. the children's barred list
- is for the same employment status e.g. employee or volunteer
- the DBS Update Service check, when undertaken, is clear i.e. no change to the information shown on the original DBS certificate

Where these conditions are not met, the individual will be asked to apply for a new DBS check.

When the Update Service is used, the Trust will view the original DBS certificate and still check the individual's identity documents. The Trust will obtain consent from the individual before checking their certificate using the Update Service. A record that the check has been undertaken will be made and retained on the employee's personal file.

Where the original DBS certificate contained information, and it has been confirmed through the Update Service that this information has not changed, the Trust's DBS decision-making process as detailed above will apply.

Arrangements for other adults working in the school

Supply and casual workers

Where supply and casual staff are directly employed by the Trust, they will be subject to an enhanced DBS, including a children's barred list check if they are assessed as working in regulated activity. If a supply or casual worker does not work for a period of three months or more across all or any schools in the Trust, the Trust will undertake rechecks before offering them any further work.

Volunteers

The Headteacher/People Lead will undertake a risk assessment to determine what checks need to be undertaken for each volunteer and what supervision arrangements are appropriate. Volunteers working in a school are required to have a satisfactory enhanced DBS for work with children. Those who volunteer for one-off events, for example, parents helping out on sports days, are not required to have a DBS but must be accompanied by a member of staff at all times. Where a volunteer is in regulated activity (see section 4 above), they will be required to have an enhanced DBS for work with children, including a barred list check.

The DBS definition of a volunteer is someone who spends unpaid time doing something which aims to benefit someone other than themselves. Therefore, roles such as a student undertaking work experience, or a person attending a school to gain experience with children with a view to completing a teaching course, are not volunteers for DBS purposes.

Any individual moving from a voluntary to a paid position within the Trust will be required to apply for a new enhanced DBS with barred list check prior to confirmation in their new role.

Governors, trustees and members

In line with the Academy Trust Handbook, all governors, trustees and members will be required to have a satisfactory volunteer enhanced DBS for work with children, without a children's barred list check. The DBS check for the Chair of the Trust Board will be carried out by the Secretary of State.

If the governor, trustee or member has another voluntary position in school, they will be considered for a barred list check in line with the arrangements for other volunteers (see above).

Students

The Trust will obtain written confirmation from the training provider regarding the checks it has undertaken on any student placed in the setting. This will cover all the pre-appointment checks that the Trust would otherwise be required to perform, including an enhanced DBS, with children's barred list check if applicable, and that the trainee has been judged by the provider to be suitable to work with children.

Agency supply staff

Where the Trust engages agency supply staff it will ensure receipt of written confirmation of all pre-employment checks, including an enhanced DBS for work with children including barred list check, before the individual is allowed to start work in the school.

Contractors and visitors

The Trust will ensure that any contractor, who is to work at the school, has been subject to the appropriate level of DBS check, including whether they require a barred list check. These checks are undertaken by the contractor's employer, but the Trust will ensure it obtains written confirmation from that organisation that the appropriate checks have been undertaken. The Trust will set out its safeguarding requirements in contractual documentation with any providers.

The nature and purpose of their visit will determine whether any checks are required on visitors to schools within the Trust. Where no checks have been undertaken, the visitor will be appropriately supervised whilst in school. For visitors who are there in a professional capacity, the Trust will check their identity on arrival and obtain assurance from the visitor's employer that they have had the appropriate DBS check and other pre-employment checks if relevant.

Ongoing measures to support safeguarding

This Trust is committed to ensuring a culture of safeguarding and has in place ongoing measures following the initial assessment of suitability undertaken on first appointment.

Rechecking

Ongoing employment with the Trust is subject to an individual's suitability to work with children and any employee selected for a recheck will be required to comply with this request.

The Trust's policy is to recheck all staff every 3 years.

If the employee is registered with the DBS Update Service, then the recheck may take place using this service. The Update Service will only be used where the conditions detailed in above are met and the Trust will require sight of the original DBS certificate. Separate consent to access the Update Service for a recheck will be sought from the employee.

A recheck may also be requested where there are reasonable safeguarding concerns and the employee's suitability for their role needs to be reassessed. In such cases, advice may be sought from the Local Authority Designated Officer (LADO). If information is disclosed through the rechecking process, the Headteacher/DSL will determine next steps, including whether a LADO referral is required.

Declaration of convictions during employment.

Under the Trust's staff Code of Conduct, and individual contracts of employment, employees are required to notify the Trust of any information which may impact, or be perceived to impact, their suitability to work with children. This information should be shared with the Headteacher, the Chief Executive Officer in the case of a Headteacher or the Chair of the Academy Trust Board in the case of the CEO. Any information shared will be treated in the strictest confidence and in line with the arrangements detailed below in Handling, use and retention. Where such information is disclosed, the school will seek HR advice.

Handling, use and retention of DBS certificate information

As an organisation using the Disclosure and Barring Service (DBS) to help assess the suitability of applicants for positions of trust, the Trust ensures the correct handling, use, storage, retention and disposal of DBS certificate information and complies with its obligations under the Data Protection Act 2018. This includes copies of DBS certificates (paper and electronic) and criminal record and non-conviction information (disclosed by the Police) obtained from DBS certificates.

Access to DBS certificate information within the Trust is limited to those who are entitled to see it as part of their duties. DBS certificate information is sensitive personal data and is only used for the specific purpose for which it was requested and for which the applicant's consent has been given. The Trust will ensure all such information is always held confidentially and securely.

The Trust recognises that there are legal restrictions on the retention of DBS certificate information, and this is limited to the time necessary to make a recruitment (or other) decision, including the consideration and resolution of any disputes or complaints. Where information has been disclosed and a decision is made to proceed with employment, the documented rationale for this decision will be retained on the individual's personal file, however, no detail regarding the DBS certificate information will be included within this.

The Trust may take a copy of a DBS certificate to support the decision-making process, but this will be destroyed once the employment decision has been made or where any disputes or complaints have been resolved. The Trust will ensure that any copies of DBS certificates and any documents containing DBS certificate information, including self-declarations by the employee, are securely destroyed or permanently deleted, if held electronically. Copies of DBS certificates will not be retained on personal files.

The Trust will keep a record of the relevant details from DBS checks on the single central record for all individual's appointed to work in the school.