

Education Central Multi Academy Trust

Disclosure and Barring Service (DBS) Policy

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Disclosure and Barring Service (DBS) Policy

Introduction

This policy reflects the changes to criminal record checks since the creation of the Disclosure and Barring Service (DBS) and supports the aim of Education Central Multi Academy Trust (ECMAT) and its academies to protect children, young people and employees. It also sets out the recommended requirements and expectations in respect of agency workers and contractors.

This policy applies to the workforce of all ECMAT academies and covers both employees and volunteers including governors.

Purpose of the Policy

The purpose of this Policy is:

- to ensure that appropriate DBS checks are undertaken as part of safer recruitment practices throughout ECMAT and its academies;
- to ensure that vulnerable groups including children are protected whilst engaged in services provided and/or organised by ECMAT;
- to provide employees, managers and headteachers with clear and consistent advice and guidance on the use and processing of DBS checks.

Aims of the Policy

By using the DBS, the Trust aims to assess applicant's suitability for their position of trust:

- in complying with relevant legislation, for the protection of vulnerable groups including children;
- to treat all applicants for positions fairly; and
- not to discriminate unfairly against any subject of a DBS on the basis of information revealed (Please see the policy on the recruitment of Ex-Offenders)

Legal Framework

This application for and use of DBS is based on a number of separate pieces of legislation and statutory guidance including: Keeping Children Safe in Education.

Disclosure and Barring Service (DBS)

The DBS was established 1 December 2012 under the Protection of Freedoms Act 2012 and merges the functions previously carried out by the Criminal Records Bureau (CRB) and the Independent Safeguarding Authority (ISA).

The primary role of the DBS is to help employers make safer recruitment decisions and prevent unsuitable people from working with vulnerable groups including children, through its criminal record checking and barring functions.

Checking Service

Children's Barred List – (Formerly List 99). This only allows employers to access the criminal record history of people working, or seeking to work in certain positions, especially those that involve working with children in specific situations.

The DBS searches police records and, in relevant cases, barred list information, and then issues a DBS Disclosure to the applicant and employer to help them make an informed recruitment decision.

If a person is included in the children's barred list, employment by the educational establishment is prohibited. The Children's Barred List check is not a comprehensive check against the barred list – this can only be obtained through an Enhanced criminal record check. A separate Children's Barred List check, depending on the result, may enable an applicant to start work while the enhanced disclosure is being processed (subject to all other pre-employment checks being completed).

Referrals and Barring

The barring side of the DBS processes referrals about individuals who have harmed or pose a risk of harm to children and/or vulnerable groups.

The Disclosure and Barring Service:

- makes decisions about who should be placed on the children's barred list and/or adults Barred List and prevented by law from working with children or vulnerable groups;
- reviews barring decisions to include someone on a DBS Barred List(s);
- reviews a person's inclusion on a DBS Barred List(s);
- reaches decisions as to whether to remove an individual from a DBS Barred list(s).

An employer is breaking the law if they knowingly employ someone in a Regulated Activity with a group from which they are barred from working.

The employer has a legal duty to make a referral to the DBS when one of their workers or volunteers has harmed or poses a risk of harm to a child or vulnerable adult.

For information about Regulated Activity, please refer to page 5.

A barred person is breaking the law if they seek, offer or engage in Regulated Activity with a group from which they are barred from working, be it paid or voluntary.

Types of DBS Checks for Schools and Academies

All staff and volunteers working in academies require an enhanced disclosure (including the children's barred list check) as the work is deemed to be a regulated activity; the enhanced disclosure will include information held on the Disclosure and Barring Service barred list. For those academies that have pupils aged 18 years or over, the enhanced disclosure must be checked against both the children's and vulnerable adults' lists to ensure full compliance.

The full lists of the different types of checks are:

- Enhanced Disclosure (including the Barred List Check) if the job involves regulated activity. The enhanced disclosure will include information held on the Disclosure and Barring Service barred lists.
- Enhanced Disclosure (excluding the Barred List Check) – an enhanced disclosure contains the same information as a standard disclosure but also includes any non-conviction information held by local police, where they consider it to be relevant to the post and where this is thought necessary in the interests of preventing or detecting crime.
- Standard Check – where the post or office is included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, for example, Accountant or Solicitor. Standard DBS checks show details of both spent (old) and unspent (current) convictions including cautions, reprimands and warnings held on the Police National Computer.

A DBS check cannot be undertaken for anyone under the age of 16 years.

The Definition of Regulated Activity

The full definition of Regulated Activity is set out in Schedule 4 of the Safeguarding Vulnerable Groups Act 2006.

The definition of Regulated Activity relating to children includes those who provide:

- Unsupervised activities - teach, train, instruct, care for or supervise children, or provide advice/guidance on well-being, or drive a vehicle only for children (if done regularly);
- Work for a limited range of establishments with opportunity for contact e.g. schools/academies, children's homes, childcare premises (if done regularly but not work by supervised volunteers);
- Relevant personal care e.g. washing or dressing, or healthcare by or supervised by a professional (even if done once); Registered child minding and foster carers.

Posts in Schools/Academies Providing Regulated Activity

The enhanced disclosure will include any information held on the Disclosure and Barring Service barred lists. The following posts are identified as providing regulated activity and require an Enhanced Disclosure with Barred List check:

- Teachers (including NQTs and Unqualified Teachers)
- All support staff employed directly by the school/academy
- Agency staff – e.g. supply teachers, support staff, administrative etc.
- Volunteers – i.e. parents or governors wanting to undertake unsupervised volunteer work and any other volunteers
- Students on extended work related learning in another school/academy or nursery (over 15 days)
- 6th formers and younger students on regular community work e.g. helping with a football club
- Invigilators
- Interpreters
- After school/academy club staff
- Self-employed staff e.g. sports/drama/music etc.

It is sufficient, for academies to seek written confirmation that appropriate DBS checks have been carried out and by whom, and to confirm the identity of any visitors. Written confirmation may be in the form of a letter or public statement from the employing organisations/agency website as in the case with Ofsted.

The Headteacher should be provided with written confirmation from the relevant agency, that appropriate checks have been completed and visitors should be required to provide that written confirmation.

Where schools/academies are using an individual on secondment from an organisation external to ECMAT, verification must be sought that the individual has been DBS cleared within the last 3 years. If the 3 year period falls during the period of secondment, a DBS check must be undertaken.

Where the employee begins work with a DBS application in progress the school/academy should ensure that children are not left unsupervised around that person until notification of satisfactory DBS is received.

Headteachers will need to be mindful of the confidentiality of information that may be contained within the DBS certificates. If there is an adverse disclosure the academy must complete the risk assessment at Appendix 1 to confirm continued suitability for the post. Advice must be sought from your HR Lead.

Frequency of DBS Check

There is a requirement for all staff who have unbroken service (that is, no break of 3 months or more) to be checked three-yearly. This has been the practice operated by ECMAT since the organisation was established. Ofsted advise that the school/academy should be encouraged to risk assess each case individually and be prepared to demonstrate the basis of their decisions. However, given our desire to provide a safe and secure environment for all young people and staff, the position of the ECMAT Board is that academies should recheck existing employees once every three years.

DBS Update Service

The Trust will not accept checks completed via the online DBS Update Service. All new employees are subject to a new Enhanced Disclosure Check.

DBS Portability within ECMAT

ECMAT has adopted an internal portability policy in line with the following principles. Where applicable, this will allow portability of the DBS Disclosure between ECMAT schools/academies only.

- A previous DBS Disclosure can be accepted if it was undertaken via Staffordshire County Council's as the Registered body via the E-Bulk process (The E-Bulk service allows The Trust and academies to submit multiple electronic applications for DBS certificates and receive the results electronically);
- There is not a break of service of more than three months;
- The date of issue of the DBS Disclosure is less than 12 months;
- The client group is not changing, e.g. the previous DBS Disclosure was issued to work with children and the new or additional role applied for is also to work with children;
- There is not a significant change in the type of role, provided that there are no additional requirements;
- The new post requires a DBS check at the same level or lower than the original DBS Disclosure;
- The applicant is not entering Education for the first time;

- The line manager or Head Teacher has seen the applicant's original DBS Disclosure Certificate;
- Providing the normal safer recruitment processes have been followed, including obtaining references, medical clearance and ID verification;
- If a concern has arisen as a result of any pre-employment check, a new DBS check should be undertaken.

There are considerations to make when accepting a previously issued DBS check:

- Using a previously-issued DBS Disclosure does not constitute a fresh DBS check. The person's criminal record or other relevant information may have changed since it was issued.
- A previously issued DBS Disclosure is only relevant to the specific position applied for under the previous application.
- Prior to 10 September 2012, an Enhanced DBS Disclosure could include relevant information held by local police forces. However, the decision to release this information was made by the Chief Police Officer in consideration of the specific role in question. Therefore, there may be further information available.
- Occasionally, 'approved' non-conviction information provided by local police records may have been withheld from the applicant's copy, if it was thought necessary in the interests of the prevention or detection of crime. Therefore, contact should be made with the previous Headteacher, to ascertain if any additional information was revealed in a separate letter.
- Information revealed through a DBS check, or any additional information provided, can only be passed to individuals who need to see it as part of the recruitment decision for which the DBS check was requested.

If contacted by another organisation about a previously issued DBS check, only the following information must be provided:

- Whether or not the information provided by the other organisation reflects that which appears on the academy record of the DBS check.
- If the police did or did not issue additional information under cover of a separate letter.

Portability is not accepted by the Trust where individuals are appointed externally. All new appointments are subject to an enhanced DBS check.

Adverse Disclosures

Having a conviction will not necessarily bar someone from employment with the academy. The academy will only take a criminal record into account when the conviction is relevant. Protection of the applicant's rights and interests must be weighed against the rights and interests of service users, employees and the public, including the Trust's duties and responsibilities towards these or other groups.

If a DBS Disclosure reveals details of convictions which may render the applicant or employee unsuitable for the post, advice must be sought and a risk assessment must be undertaken (see Appendix 2).

Fixed Penalties, Convictions and Cautions During Employment

If an employee receives a fixed penalty, caution or conviction during their employment which could have an impact on their suitability to perform their job role, they must immediately disclose it to their Headteacher who should complete a risk assessment. HR advice must be sought in order to help determine continued suitability for the job role where there is a concern regarding suitability.

If an employee does not disclose receipt of a fixed penalty, caution or conviction to their Headteacher and at a later date the Headteacher becomes aware of this, an investigation may be undertaken in accordance with the academy's disciplinary policy.

If the employee is in a notifiable occupation, which is the case for all school/academy jobs, the police will provide details to the academy of any relevant cautions or convictions. This will usually result in an investigation being undertaken.

Where the academy becomes aware of a fixed penalty, caution or conviction which could have an impact on the employee's suitability for a job role, consideration should also be given to suspension from the current post and/or alternative duties whilst an investigation is carried out.

Prohibition Orders

A prohibition check should be undertaken for everyone in 'teaching work', not just those with QTS. The check should also be carried out for any appointee who is to occupy a 'management role', or is to be a governor/Local Advisory Board member in order to check whether the individual has been barred from taking part in the management of the academy.

A record of the prohibition order check must be recorded on the school's/academy's single central record.

It is a requirement on the employer that before an appointment of a teacher is made that the necessary enquiries are made to ensure that the teacher is not included on the list of prohibited teachers before the offer of appointment is made.

Commencement of Employment Prior to Disclosure

A Disclosure should be obtained before an individual starts work. Where it is essential to engage an employee or volunteer prior to the receipt of a Disclosure, a written risk assessment must be completed. In all cases an Enhanced Disclosure must have been applied for and all other recruitment checks completed. Where there is no current DBS certificate, arrangements must be put in place to ensure the individual has no unsupervised contact with children or vulnerable adults until such time that the Disclosure is received.

Applicant's Right to Challenge Disclosure Content

Content of a DBS certificate can be challenged or disputed if it contains an error, or inaccurate or irrelevant information. Challenges and disputes should be made immediately by contacting the DBS and should be raised within 3 months of the date of issue on the certificate.

The applicant, or a person who has a legitimate interest in the accuracy of a certificate such as the counter signatory; employer; or licensing authority may raise the dispute after discussing the reasons for the dispute with the applicant.

If the disputed information could exclude an employee from their post they should be given an opportunity to dispute the information with the DBS. If appropriate it may be necessary to arrange alternative duties or suspension until this is resolved.

Referral to the DBS

Where an employee is dismissed or removed from regulated activity or resigns before any dismissal or removal because they have harmed or posed a risk of harm to a child or vulnerable adult, the employer has a legal duty to refer the person to the DBS.

The DBS can make barring decisions about people who are referred to it (usually following a disciplinary process) with the possible consequence of the person being barred from working or volunteering with children and/or vulnerable adults.

Consequently:

- The Hearing Officer in any disciplinary hearing must consider whether the conduct requires a DBS referral; or
- Where there is a resignation prior to the conclusion of any disciplinary proceedings, the Headteacher must consider whether a DBS referral is required; or
- Where an employee becomes aware of any conduct which could require a referral they must report it to their Headteacher. The Headteacher will then determine what action is required including whether a DBS referral is required.

The ECMAT HR team must be informed of any decision to make a DBS referral. A HR team member will support the academy to complete the first draft of the DBS referral form as soon

as possible and within 2 weeks of the decision to refer. The Headteacher will then complete and check the referral form particularly with reference to the reasons for concern and evidence base for the referral. The completed form must be returned to HR as soon as possible and within 2 weeks of receiving the form for review and approval. On receipt of the completed form the HR team will make the referral and inform the Headteacher of the date it is made.

If the academy believes an employee or volunteer has committed a criminal offence, information may be passed to the police.

Agency Workers

Where an Agency Worker is working in a post which would require a DBS disclosure, the Headteacher must ensure that the Agency Worker has the appropriate DBS check, and a prohibition order check, for the post and has had sight of the disclosure.

Contractors and Visitors to Premises

Contractors and other visitors to premises where children and vulnerable adult services are provided may not be eligible for a DBS Disclosure. It is therefore essential that appropriate supervision is provided to contractors/visitors and unsupervised contact with children and vulnerable adults is avoided.

Safer working practices should be adopted including signing in and out of the premises; displaying visitor badges; carrying out work out of hours where possible; and provision of any relevant policies and procedures to be complied with during the period visiting the premises.

For visitors not included on the Academy Single Central Record, schools/academies should require them to sign in. Where unsupervised access to children is likely e.g. visiting Local Authority staff – schools/academies should check their proof of identity.

Contracted staff that come into regular contact with children and young people, such as cleaning, caretaking and kitchen staff, should be included on the single central record, as in the case of agency supply staff. Written assurances from the providing organisation are sufficient proof that the relevant checks have been undertaken. This requirement is usually included in the contract that academies have set up. A letter or copy of a contract that states that an agency or contractor has carried out all appropriate checks, including DBS checks, is sufficient proof.

Officers of ECMAT do not qualify for DBS clearance as they do not have unsupervised regular access to children and therefore appropriate supervision and the normal risk assessment that applies to all visitors while they are on academy premises, is sufficient. However, the policy decision is that any ECMAT Officer from the core central team will be DBS checked at an enhanced level.

Volunteers

Volunteers who work in a regulated activity area will be required to undergo an enhanced DBS check.

Volunteers who are not engaging in regulated activity but have the opportunity to come in to regular contact with children, e.g. supervised volunteers, will be required to undergo an enhanced DBS check.

Governors

An enhanced DBS check should be requested for all Governors/Local Advisory Board members given the high profile and sensitive nature of their roles. Academies must record this information on the Trust's Single Central Record accordingly.

Board Members

Board Members including Trustees and Directors of the Trust will be subject to an enhanced DBS check and the information must be recorded on the Trust's Single Central Record.

Handling of DBS Certificate Information

The academy and ECMAT will comply with all the requirements of the DBS code of practice in the secure storage, handling, use, retention and disposal of certificates and certificate information. The Code states that "Registered Bodies must retain disclosure information, its content or any representation of the same in any format for no longer than is necessary and for a maximum of six months following the recruitment decision unless a dispute is raised or, in exceptional circumstances, where DBS agreement is secured.

Appendix 1 - DBS Cause for Concern Risk Assessment Pro-Forma

Please complete this form fully. You must seek advice from the ECMAT HR team as it will form the basis of a decision to appoint where an adverse disclosure has been identified on a returned DBS check.

Name of Headteacher	
Name of Applicant	
Position Applied For	
Position Reference Number	
Date of Risk Assessment	

Does the applicant meet all the essential criteria for the post in terms of skills, knowledge, experience and ability?
In which country was the offence committed? (Some activities are offences in Scotland and not in England and/or Wales and vice versa)
What was the nature of the crime, when did the relevant offence(s) occur e.g. less/more than two years ago, what were the circumstances involved and what was the sentence?
Do the matters disclosed form any pattern? Was the offence a one-off, or part of a history of offending e.g. is the offence likely to re-occur?
What is the seriousness of the offence(s) and relevance to the safety of other employees, customers, service users and property?

Are there any assessments and reports from those agencies involved in the applicant's process of rehabilitation e.g. probation service, specialists working in prison, other agencies?

Are the type and/or nature of the offence(s) directly relevant to the post?

What is the nature of the contact the applicant will have with children/adults/the public and how vulnerable are they?

Was the relevant offence committed at work (either paid or unpaid work)? Does the job present any opportunities for the applicant to re-offend in the place of work?

Are there any mitigating circumstances e.g. any relevant information offered by the applicant about the circumstances that led to the offence being committed e.g. the influence of domestic or financial difficulties?

Has the applicant's circumstances changed since the offence was committed, making re-offending less likely (e.g. improved personal circumstances, drug addiction therapy etc.). Can the applicant demonstrate any efforts not to re-offend? (E.g. rehabilitation course)

What level of and how much supervision is available to the applicant?

Can any safeguards be implemented to reduce/remove any risk e.g. no unsupervised contact?

Additional comments from the Headteacher			
Outcome of Risk Assessment			
Headteacher Signature		Date	

Appendix 2 - DBS Adverse Disclosure Risk Assessment

Please complete this form fully. You must seek advice from the ECMAT HR team as it will form the basis of a decision to determine continued employability where an adverse disclosure has been identified on a returned DBS check.

Name of Headteacher			
Name of Employee			
Job Title		Start Date in Current Post	
ECMAT Start Date		Continuous Service Date	
DBS Number		Date of Check	

Nature of Offence(s) <i>Please detail below</i>			
Seriousness of Offence(s)			
Date of Offence <i>Consider length of time since the offence</i>			
Relevant to Post?	Yes		No
Was the offence declared to ECMAT at the time of the incident?	Yes		No
Circumstances of Offence <i>Please detail below. Is there a plausible explanation relating to the offence?</i>			
Are the offences considered to be spent under the Rehabilitation of Offenders Act 1974? <i>N.B. Any conviction involving a child is never spent</i>	Yes		No
Is there a pattern of offending behaviour? <i>Please detail below</i>	Yes		No

Has there been a change of circumstances since the offence? <i>Please detail below</i>	Yes		No	
Is the offence still regarded as a criminal offence?	Yes		No	
Personal qualities of the employee <i>Please detail below, taking into consideration the employee's level of remorse and level of openness and honesty regarding the offence.</i>				
Outcome <i>Please detail the outcome of the risk assessment and the reason for this.</i>				

Headteacher Signature		Date	
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Employee Consent

I consent to this document being retained on my recruitment/personal file.	
Signature	
Name	
Date	

Appendix 3 - Risk Assessment for Employees Starting Work before an Enhanced DBS Check is Returned

Name of Headteacher	
Name of Applicant	
Position Applied For	
Position Reference Number	
Date of Risk Assessment	

Questions	Comments			
Is this post eligible for a Barred List Check? <i>If 'No', then sign off will be required by an appropriate senior leader on the completion of this form before the applicant may start in role.</i>	Yes		No	
Has the Barred List check been undertaken if applicable? <i>If applicable and the answer here is 'no' then this must be undertaken</i>	Yes		No	
Is the applicant barred from working with Children/Adults? <i>If 'Yes', end process now. If 'No', have all Pre-employment checks been undertaken including:</i>	Yes		No	
References - checked and verified	Yes		No	
Application form checked and all breaks in employment and or training accounted for	Yes		No	
Identity has been validated	Yes		No	
Has a correctly completed DBS check application form been sent to DBS?	Yes		No	
What level of and how much supervision is available to the applicant from an appropriately qualified and experienced member of staff?				
Can any safeguards be implemented to reduce/remove any risk? <i>E.g. no unsupervised contact?</i>	Yes		No	

Has the applicant advised of any disclosures that the DBS check will show?	Yes		No	
<i>If 'Yes', what is the impact of these?</i>				
Any questions/additional comments from the applicant?				

Applicant's Declaration

I understand that if I am allowed to start work before my enhanced DBS check is returned it is subject to the information I have supplied and that this is complete and correct. False information, or a failure to supply the details required could lead to a withdrawal of the offer of employment.

Signature of Applicant		Date	
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Additional Comments

Any additional comments in support of an employee starting work before an enhanced DBS check is returned.

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Outcome of Risk Assessment

Allow employee to begin before the enhanced DBS is returned?	Yes		No	
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Please state (if applicable) whether approval is dependent upon conditions being met, such as recommendations, restrictions or safeguards to be implemented by the employing service.

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Headteacher Signature		Date	
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Appendix 4 - Policy Statement on the Recruitment of Ex-offenders

This policy is available to all Disclosure applicants from the outset of the recruitment process.

This Trust and its academies comply fully with the Code of Practice and undertake to treat all applicants for positions fairly. They undertake not to discriminate unfairly against any subject of a DBS check on the basis of a conviction or other information revealed.

This Trust and its academies are committed to the fair treatment of its staff, potential staff and users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependents, age, physical/mental disability or offending background.

We actively promote equality of opportunity for all with the right mix of talent, skills and potential and welcome applications from a wide range of candidates, including those with criminal records. We select all candidates for interview based on their skills, qualifications and experience.

DBS checks will form part of the recruitment process and we encourage all applicants called for interview to provide details of their criminal record at an early stage in the application process. We request that this information is sent under separate, confidential cover to a *designated person within the academy and we guarantee that this information will only be seen by those who need to see it as part of the recruitment process.

The *designated person in this academy is: (Academy to tick as appropriate)

The Head Teacher	
Bursar/Office Manager/Business Manager	
Clerk to Governors	
Chair of Governors	
Lead Safeguarding person of selection panel	

Unless the nature of the position allows the school/academy to ask questions about your entire criminal record, we only ask about 'unspent' convictions as defined in the Rehabilitation of Offenders Act 1974.

Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.

We undertake to discuss any matter revealed in a DBS check with the person seeking the position before withdrawing a conditional offer of employment.

Appendix 5 - Handling of DBS Certificate Information

Guidance on Secure storage, handling, use, retention and disposal of Disclosure and Barring Service (DBS) certificates and certificate information.

General Principles

As an organisation, using the Disclosure and Barring Service (DBS) checking service to help assess the suitability of applicants for positions of trust, this Trust and its academies comply fully with the Code of Practice regarding the correct handling, use, storage, retention and disposal of certificates and certificate information. We also comply fully with our obligations under the Data Protection Act 1998 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of certificate information and have a written policy on these matters, which is available to those who wish to see it on request.

Storage and Access

Certificate information should be kept securely, in lockable, non-portable, storage containers with access strictly controlled and limited to those who are entitled to see it as part of their duties.

Handling

In accordance with section 124 of the Police Act 1997, certificate information is only passed to those who are authorised to receive it in the course of their duties; it is a criminal offence to pass this information to anyone who is not entitled to receive it. In this academy the following positions will be handling DBS certificates:

(Academy to tick as appropriate)

The Headteacher	
Bursar/Office Manager/Business Manager	
Clerk to Governors	
Chair of Governors	

Usage

Certificate information is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

Retention

Once a recruitment (or other relevant) decision has been made and relevant information has been recorded on the Single Central Record, we do not keep certificate copies for any longer than is necessary. This is generally for a period of up to six months, to allow for the consideration and resolution of any disputes or complaints. If, in very exceptional circumstances, it is considered necessary to keep certificate information for longer than six months, the school/academy will consult the DBS about this and will give full consideration

to the privacy and human rights of the individual before doing so. Throughout this time, the usual conditions regarding safe storage and strictly controlled access will prevail.

Disposal

Once the retention period has elapsed, we will ensure that any DBS certificate information is immediately returned to the applicant who will be asked to sign a receipt. Any other DBS certificate information will be destroyed by secure means, i.e. by shredding, pulping or burning. While awaiting return or destruction, certificate information will not be kept in any insecure receptacle (e.g. waste bin or confidential waste sack). We will not keep any photocopy or other image of the certificate or any copy or representation of the contents of a certificate. However, notwithstanding the above, we will keep a record of the date of issue of a certificate, the name of the subject, the type of certificate requested, the position for which the certificate was requested, the unique reference number of the certificates and the details of the recruitment decision taken in accordance with the completion of the school's/academy's single central record.

Appendix 6 - Disclosure and Barring Service Frequently asked Questions and Answers and Further Advice

1. Is Ofsted asking for more than the legal requirements?

Ofsted works very closely with the Department for Education to ensure that their inspectors do not expect schools or other providers to exceed the legal requirements. However, inspectors will wish to discuss those situations where providers have the authority to make their own decisions about safeguarding arrangements as part of the inspection of leadership and governance. Therefore the advice below is based on information directly from Ofsted and considered in line with guidance from DBS.

2. Are DBS checks required for all visitors or volunteers to schools?

DBS checks are not required for visitors who do not have unsupervised access to children. Checks are required only for those who have regular and unsupervised access to children and young people. If a volunteer is being adequately supervised, they are not considered to be working in regulated activity however often they do this, and the school does not need to request a DBS check.

For the purposes of an Ofsted inspection, schools should be able to explain the rationale for those who have been checked and those who have not. The key criterion for checking volunteers is - *will they have regular unsupervised contact with children?* If so, then they should be checked.

3. Is written confirmation required that all recruitment and vetting checks have been carried out on individuals who come in to a school from an outside agency?

Yes, but the checks that are required depend on the type of staff involved and, as with other visitors, the key criterion is the opportunity for regular and unsupervised access to children. Visitors who will only have contact with children on an ad hoc or irregular basis for short periods of time are not eligible for DBS checks.

Visiting staff who do not have unsupervised regular access to children are not eligible for a DBS check. The normal risk assessment that applies to all visitors is sufficient.

For visiting staff who do have unsupervised regular access to children, such as educational psychologists, social workers, supply teachers, trainee teachers, nurses, sports coaches, inspectors, their 'providing' organisation (for example, the supply agency, the university, primary care trust, local authority and so on) should request the check.

It is sufficient for academies to seek written confirmation that appropriate checks, including DBS checks have been carried out and by whom, and to confirm the identity of these visitors. It is not necessary (or practicable) to require a date for such checks unless the providing organisation supplies a list of named individual supply staff. Written confirmation may be in the form of a public statement on the agency website, as is the case with Ofsted.

Contracted staff that come into regular contact with children and young people, such as cleaning, caretaking and kitchen staff, should be included on the single central record, as in the case of agency supply staff. Written assurances from the providing organisation are sufficient proof that the relevant checks have been undertaken. This requirement is usually included in the contract that academies have set up. A letter or copy of a contract that states that an agency or contractor has carried out all appropriate checks, including DBS checks, is sufficient proof.

All staff and volunteers employed in schools and academies require an enhanced disclosure (including the children's barred list check) as the work is deemed to be a regulated activity. The enhanced disclosure will include information held on the Disclosure and Barring Service barred list.

For those schools that have pupils aged 18 years or over, the enhanced disclosure must be checked against both the children's and vulnerable adult's lists to ensure full compliance.

Part-time staff may use the same DBS check for two or more posts as long as they are at a similar level and the academy has satisfied itself about their appropriateness. This might include, for example, a teacher employed part time for planning, preparation and assessment (PPA) or supply cover in one academy and as a classroom assistant in another.

4. How long will DBS disclosure certificates be kept?

Unless a dispute is in progress, Ofsted Inspectors do not need to see DBS certificates during an inspection. The DBS code of practice states that 'Registered Bodies must retain disclosure information, its content or any representation of the same in any format for no longer than is necessary and for a maximum of six months following the recruitment decision raised or, in exceptional circumstances, where DBS agreement is secured.'

5. Should schools retain documents that are evidence of identity?

Evidence of identity forms for DBS are different from that evidenced for recruitment checks. The identity evidence for both should at least be retained whilst the person is in the school's employment. All personnel records should be maintained for six years after employment ends.

6. DBS (CRB) checks only came into being in March 2002. Is there a requirement to undertake checks for staff employed before March 2002 if they have not changed jobs and there are no concerns?

No, staff recruited before March 2002 and who have continuity of service, that is, no break longer than three months – are not required to have been subject to DBS checks. However, there is a requirement for all these longer-serving staff who work with children and young people to have been checked against the Barred List. These records should be noted on the employee's personal file.

In general, academies are required to carry out the checks that were relevant at the time the appointment was made.

7. Is there still a need for a three year rolling programme of DBS checks?

There has never been a legal requirement for a rolling programme of three yearly checks for employees with unbroken service (that is, no break of three months or more). However, this has been the practice operated by ECMAT the organisation was established. Ofsted advise that the school/academy should be encouraged to risk assess each case individually and be prepared to demonstrate the basis of their decisions. However, given our desire to provide a safe and secure environment for all young people and staff the position of the ECMAT Board is that academies should recheck existing employees once every three years.

8. Should schools require a DBS check on sixth form students?

A DBS check is not required for students who, as part of their studies, or for their own personal development:

- Volunteer to work in school
- Have a work placement in school
- Mentor younger pupils
- Help with after school clubs
- Support the Duke of Edinburgh award

However, if a school pays some of its students to work e.g. as cleaners or lunch-time supervisors, the students become part of the school workforce and are then subject to the same checks as other new staff.

9. Is it a requirement for administrators in services regulated and/or inspected by Ofsted to be DBS checked if they have access to children's records?

Administrators who work with children's records and have regular contact with children because they work or live on the premises where services are being provided will require a check.