



Disclosure & Barring Policy (DBS)

Agreed by Governors on: 04/12/2017

Signed by Chair of Governors: Sally Birkbeck

Sally Birkbeck

Statutory policy No

Frequency of review period: Annually

Document History

Date	Description
09/12/13	Agreed by Governors
20/01/14	Amendment proposed to Governor
12/05/14	Wording amendments approved by Governors
19/01/15	Review Done and NCTL teacher checks added page 4
07/12/15	Agreed by Governors
05/09/16	Agreed by Governors
04/12/17	Agreed by Governors

Note to Governors only amendments made to Policy are to remove the old CRB reference as CRBs are no longer applicable in this school

Safe Happy Learning

Policy Scope and Accountability

- Staff, governors, parents and the wider school community should have regard to this policy.
- Accountability for leading administrating, implementing and reviewing policy rests with the school leadership.
- Accountability for performing as policy requires rests with all staff.

Introduction

This policy has been written with regard to the Keeping Children Safe in Education statutory guidance September 2016 and local statutory requirements and guidance for maintained schools DBS procedures.

Aims

This document aims to inform parents and others of the school's policy on the use of the Disclosure and Barring Service, enhanced DSB checks and update Service

Policy

The school will follow the national statutory requirements with regards to Disclosure and Barring .It will also have regard to other national and local guidance.

Governors will ensure all staff, students and people who have unsupervised regulated activity with children have an enhanced DBS with barred list check in place. The Safeguarding Vulnerable Groups Act 2006 provides that the type of work listed below will be regulated activity if 'it is carried out frequently by the same person' or if the person carrying out the activity does so at any time on more than 3 days in a period of 30 days. 'Frequently' is described as doing something once a week or more.

Regulated Activity includes:

1. Teaching, training, instructing, caring for or supervising children if the person is unsupervised, or providing advice or guidance on well-being, or driving a vehicle only for children.
2. Work for a limited range of establishments including schools and colleges, with the opportunity for contact with children, but not including work done by supervised volunteers.
3. Some activities are always regulated activities regardless of their frequency and whether they are supervised or not. This includes:
 - a) Personal care or health care. Personal care includes helping a child, for reasons of age, illness or disability, with eating or drinking or in connection with toileting, washing bathing and dressing.
 - b) Health care means care for children provided by, or under the direction or supervision of regulated health care professional.

General Principles.

As an organisation using the Disclosure and Barring Service to help assess the suitability of applicants for positions of trust, this school complies fully with the DBS Regulations. It also complies fully with its obligations under the Data Protection Act and other relevant legislation.

OFSTED Safeguarding requirements will be met.

This Policy is available on the school website or a paper copy is available

on request.

Roles and Responsibilities

- The head teacher will ensure adherence to this policy and legal reporting requirements
- Requests for information about any concern that would be disclosed in a DBS check which might affect a person's work in or access to the school will be asked at interview and recorded on a Criminal Background Form
- Such requests may also be made and recorded to any one accessing the building who does not require a DBS check.
- Staff will act in accordance with the policy
- The school will have designated staff who will undertake the checks of information and completion of forms as part of their responsibilities, which includes the Office Manager.

Other Policies and procedures linked to this policy

- Child Protection
- Visitors and Door Protocol
- Keeping Children Safe in Education statutory guidance for schools and colleges September 2016
- Supervision of Contractors
- Data Protection

Personnel requiring a DBS check.

Current Employed Staff

- All permanent staff at Delius School have a current Enhanced DBS and Barred list check
- No further checks are required for these staff members unless they have a break in service of 3 months or more (sickness/maternity/suspension do not constitute a break in service).
- All permanent staff are also registered on the Update Service from the local authorities DBS team.
- Permission is required for the school to complete ongoing **annual checks** on the Update Service. These checks will minimise the need to renew the DBS disclosure on a three yearly basis because over time the continuous tracking ensures any concerns are raised immediately. If school has any concerns about an individual employee, before their annual update check is due, they have the right to access the update service for an up to date record. If this highlights any changes from the last check a new enhanced DBS will be completed with immediate effect as details of the concern are not available.
- All documentation will be stored in school following data protection requirements.

Multiple Roles in School

- As all staff will have an Enhanced DBS Disclosure and Barred list check, this will cover them in the event they have multiple job roles within school.

New Permanent, Temporary or Casual Staff (without an existing DBS check)

- New staff will electronically complete a DBS form. They can take up their posts prior to a full DBS check, providing a Risk Assessment is in place and they work under the close supervision of a colleague, who has an enhanced DBS with Barred list check in place. Both staff will be informed of the reasons for this supervision.
- At the same time the member of staff will be asked to electronically register on the Update Service from the Local Authority's DBS team
- If disclosures are raised from the DBS check a Risk Assessment will take place to ascertain if current employment can continue.
- Permission is required for the school to complete ongoing **annual checks** on the Update Service. These checks will minimise the need to renew the DBS disclosure on a three yearly basis because over time the continuous tracking ensures any concerns are raised immediately. If school has any concerns about an individual employee, before their annual update check is due, they have the right to access the update service for an up to date record. If this highlights any changes from the last check a new enhanced DBS will be completed with immediate effect as details of the concerns are not available.
- All documentation will be stored by school as required.

New Permanent Staff, Temporary or Casual Staff (who already have an Enhanced DBS and currently registered on the Update Service with an organisation where the update is current)

- There is no statutory requirement that another DBS check is carried out before taking up a new position, provided they have continuous service and the check is at the correct level for the new post : i.e. enhanced, position applied for is "Child Workforce" with Barred list check and they are already registered on the Update Service. This makes the DBS check "Portable."
- Before employment commences details of the current DBS check will be taken from the new staff member
- School will ask the individual for permission to use their DBS number and permission to make an initial check and ongoing annual checks
- If disclosures are raised from the initial Update Service check a new DBS check will be completed as details of the concerns are not available. A Risk Assessment will take place to ascertain if employment can commence. This will include close supervision f r o m a colleague, who has an enhanced DBS with list Barred list check in place, whilst awaiting the new DBS disclosure details.
- Using the details of the disclosure from the DBS check a Risk Assessment will ascertain if the employment can continue.

Additional check for any Teacher, newly qualified or fully qualified teacher working in school and are being paid by school.

- Through the DFE secure access portal the school will use the National College for Teaching and Learning teacher services employers' portal to view the records of any newly qualified or fully qualified teacher working in school, or being considered for a position in school.
- The individual will be asked to supply their date of birth and teacher number and using this information the following checks will be made:
- If any active restrictions are in place
- If the teacher has been the subject of a decision by the Secretary of State not to impose a prohibition order following a determination by a professional conduct panel of unacceptable professional conduct, conduct

that may bring the teaching profession into disrepute or conviction of a relevant offence.

- The teacher is not prohibited from teaching
- If the teacher has failed to successfully complete their induction or probation period
- If the teacher is the subject of a suspension or conditional order imposed by the General Teaching Council for England (prior to abolition) that is still current.

The above checks are in place for all teachers currently working in school. The checks will be made on any teacher being considered for a position in school before the position is formally offered to the teacher.

Where a trainee teacher, newly qualified or fully qualified teacher is offered a position in school, a record that the above checks have been made will be stored on the school's single central register.

Access to the DFE secure access portal will be restricted to the Head Teacher, Business Manager and Office Manager.

Trainee/Student Teachers

- Where the applicant for initial teacher training are salaried by school we will ensure all the necessary checks are carried out. As trainee teachers are likely to be engaging in regulated activity, this will be subject to the same guidance and policy as new staff, temporary or casual staff with or without a DBS check in place.
- Where trainee teachers are funded from other establishments ie other schools, colleges or universities, it is the responsibility of the initial trainee teacher provider to carry out the necessary checks. We will obtain written confirmation from the training provider that these checks have been carried out and that **the trainee has been judged to be suitable to work with children**. There is no requirement for the school to record details of fee-funded trainees on the single central register.

Agency/ Supply Staff

- No member of staff from an agency (teaching, non-teaching classroom staff or administration) will work in school without the following being in place:
- The employment business supplying the member of staff must provide written confirmation they have carried out the relevant checks and obtained the appropriate certificates, whether an enhanced DBS check with Barred list check has been provided for the member of staff, and the date the confirmation was received, no matter how short that placement.
- The person presenting for work must provide school with proof of identity.
- In line with the Data Protection Act schools do not have to keep a copy of the DBS certificates but if they do choose to retain a copy it should not be retained for longer than 6 months.
- A prohibited from teachers check if applicable
- Further checks on people living or working outside the UK
- A professional qualifications check
- A check to establish the person's right to work in the UK
- Supply staff employed directly by the school and not through an agency basis will be DBS checked and be subject to the same guidance and policy as new staff, temporary or casual staff with or without a DBS check in

place.

Agency and third party staff i.e. Health Professionals

- No member of staff from the above categories will work in school without the following:
- Written notification from the agency, or third party organisation they use that the organisation has carried out the checks (in respect of the enhanced DBS certificate that written notification has been received that confirms the certificate has been obtained by either the employment business or other such business), on an individual who will be working at the school. Where the position required a barred list check this must be obtained by the agency or third party prior to appointing that individual.
- The person presenting for work must provide the school with proof of identity.
Or
- They have a DBS check undertaken by school in line with new staff temporary or casual with or without a DBS

Regular Contractors i.e. catering and cleaning staff

- School will ensure any contractor, or employees of the contractor, has been subject to the appropriate level of DBS check. Contractors engaging in regulated activity will require an enhanced DBS certificate, including barred list check.
- No member of staff from the above categories will work in school without the following:
- Written notification from the agency, or third party organisation they use that the organisation has carried out the checks (in respect of the enhanced DBS certificate that written notification has been received that confirms the certificate has been obtained by either the employment business or other such business), on an individual who will be working at the school. Where the position required a barred list check this must be obtained by the agency or third party prior to appointing that individual.
- The person presenting for work must provide the school with proof of identity
- They have a DBS check undertaken by school in line with new staff temporary or casual with or without a DBS
- Under no circumstances will a contractor in respect of whom no checks have been obtained be allowed to work unsupervised, or engage in regulated activity.

Building Contractors working in school

- DBS checks are not required, because they are not allowed in school when Delius Special School pupils are in school.
- Or they fully supervised at all times if Delius Special School pupils are in school.
- Under no circumstances will a contractor in respect of whom no checks have been obtained be allowed to work unsupervised, or engage in regulated activity.
- BMDC employees who do not have regular contact with children will be supervised at all times when on site if the pupils are in school
- Requests for information about any concern that would be disclosed in a DBS check which might affect the contractors access to the school may be asked on their arrival and recorded on a Criminal Background Form and included in the Risk Assessment.

Regular Volunteers including volunteers on residential (including parents)

- Under no circumstances will a volunteer in respect of whom no checks have been obtained be allowed to work unsupervised, or engage in regulated activity.
- Volunteers who on an unsupervised basis teach or look after pupils regularly, or provide personal care on a one off basis in school will be in regulated activity. School will obtain an enhanced DBS certificate, including barred list check. In line with new staff, temporary or casual with or without a DBS check in place.
- Existing volunteers who are engaging in regulated activity do not have to be re-checked if they already have a DBS with a barred list check in place. However school may conduct a repeat DBS check including barred list check on any individual should they have concerns. .
- School is not legally permitted to request a barred list check on volunteers not in regulated activity. Therefore School may obtain an Enhanced DBS check, not including barred list check, for volunteers who are not engaging in regulated activity but have the opportunity to come in contact with pupils on a regular basis e.g. supervised volunteers. However these volunteers will be supervised at all times by a member of staff who does have an enhanced DBS check with barred list checks in place

Infrequent visitors (including parents)/students /volunteers/contractors

- DBS checks are not required. However, there will be no unsupervised contact with pupils or access to confidential/sensitive information (including meetings/discussions etc).
- Contractors/students and visitors will not take part in hygiene or changing routines with pupils.
- Students (etc) who require training and /or experience in hygiene or changing routines will be supervised at all times.
- Visitors will be escorted around school.

Volunteers who are part time members of staff/governors

- Part time members of staff/governors volunteering out of their contracted hours are covered by their staff/governor DBS. Providing they have a full enhanced DBS check in place with a Barred List check.
- However only Governors who have regulated activity, ie weekly activities with the children will be checked on the Barred List. Any other Governors will not be checked against the Barred List and so will be escorted around school at all times and will not be left unsupervised.

Parents/Carers and Family Visitors

- There will be no unsupervised contact with pupils or access to confidential/sensitive information (including meetings/discussions etc)
- Parents/carer/family will not take part in hygiene or changing routines with pupils- except for their own children/family. DBS checks are not required.

Work Placement Students

- DBS checks cannot be requested for children/young people under the age of 16.
- Work placement students will be supervised at all times by a member of staff with an enhanced DBS check and barred list check in place.
- Work placement students related to staff members will **NOT** be placed with any member of their family.

- Work place students will not take part in hygiene or changing routines with pupils.
- Work place students will be escorted around school at all times.

Governors

- **Governor already in post** – Will be subject to the same guidance and policy as Current Employed Staff. However only Governors who have regulated activity, ie weekly activities with the children will be checked on the Barred List. Any other Governors will not be checked against the Barred List and so will be escorted around school at all times and will not be left unsupervised.
- **New Governors** – Will be subject to the same guidance and policy as New Permanent, Temporary or Casual Staff with or without a DBS check in place. However only Governors who have regulated activity, i.e. weekly activities with the children will be checked on the Barred List. Any other Governor's will not be checked against the Barred List and so will be escorted around school at all times when pupils are in school and will not be left unsupervised. However when pupils are not in school Governors can move around school freely.

Visitors who 'Hire' the school facilities when Delius Special School pupils are not in school.

- The hire of the school facilities including the pool will not take place whilst Delius pupils are in the building.
- DBS checks are not required. However, there will be no unsupervised contact with pupils or access to confidential/sensitive information (including meetings/discussions etc).
- Requests for information about any concern that would be disclosed in a DBS check which might affect their access to the school will be asked before access to the school is agreed and recorded on a Criminal Background Form and included in the Risk Assessment
- No access to confidential/sensitive information will be allowed and detailed in the Risk Assessment.

Storage and Access.

Disclosure information is never kept on an applicant's personnel file and is always kept separately and 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, Disclosure information is only passed to those who are authorised to receive it in the course of their duties. We maintain a record of all those to whom Disclosures or Disclosure information has been revealed and we recognise that it is a criminal offence to pass information to anyone who is not entitled to receive it.

Confidentiality and respect for individual persons Disclosure information is to be maintained at all times, except where this would compromise the safeguarding of students in our care or the well-being of staff employed within the school. Should circumstances arise which require the sharing of this information this will be handled under Safeguarding Children and Young Adults good practice and legislative

frameworks. Where the sharing of information is required for the well-being of a member of staff employed within the school this will be handled under relevant legislation pertinent to the circumstances. In all such circumstances the sharing of information can only be permitted where the person is entitled to receive it, and a record be maintained of who this information has been shared with.

Disclosure 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, we do not keep Disclosure information for any longer than is absolutely 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 exceptional circumstances, it is considered necessary to keep disclosure information for longer than six months, we will consult DBS about this and will give full consideration to the Data Protection 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 disclosure information is immediately suitably destroyed by secure means (i.e. by shredding, pulping or burning). While awaiting destruction, disclosure information will not be kept in any insecure receptacle (e.g. waste bin). We will not keep any photocopy or other image of the Disclosure or any copy or representation of the contents of a Disclosure.

However, notwithstanding the above, we will keep a record of the date of issue of a disclosure, the name of the subject, the type of Disclosure requested, the position for which the Disclosure was requested, the unique reference number of the Disclosure and the details of the recruitment decision taken.