

# MODEL DISCLOSURE AND BARRING SERVICE (DBS) CHECKS POLICY AND PROCEDURE FOR ACADEMIES

This model policy will apply to both teaching and non-teaching staff and has been agreed with the following recognised unions: NEU, NAHT, NASUWT, ASCL, Unison, GMB and Unite

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## **Introduction**

1. This DBS checks policy and procedure:
  - outlines the academy's procedure for obtaining disclosure and barring service (DBS) checks.
  - confirms the academy will undertake enhanced DBS checks as part of its pre-employment processes for all posts;

## **Scope**

### **Who is included in these arrangements?**

2. This policy applies to anyone applying for or working for King Alfred Trust.
3. It also applies to proprietors of the academy trust and volunteers.

### **Who is excluded from these arrangements?**

4. Visitors to the academy although visitors must be accompanied at all times when on visit.

### **Commitment to safer recruitment and safeguarding**

5. The governing body of the academy is committed to safer recruitment and safeguarding
6. The academy is committed to promoting the safety and wellbeing of all pupils and employees, particularly those who would be incapable of protecting themselves from physical or sexual abuse, financial exploitation, or where there is a potential danger that their will or moral wellbeing may be subverted or over-powered
7. The academy is committed to safer recruitment practices when recruiting new employees to work for the academy or when using volunteers.
8. An enhanced disclosure and barring service check which includes barred list information is required for most roles at the academy as the majority of staff and volunteers will be engaging in regulated activity.

### **Regulated activity at the academy**

9. Regulated activity relating to children is defined as work that a barred person must not do.
10. Regulated activity includes:
  - a) Teaching, training, instructing, caring for or supervising children in an unsupervised capacity;
  - b) Providing advice/guidance on well-being to children in an unsupervised capacity;
  - c) Driving a vehicle for children only in an unsupervised capacity
  - d) Work for a limited range of establishments (specified places which include academies, schools and colleges) with opportunity for contact with children.
11. Work under (a), (b), (c) or (d) is regulated activity only if done regularly. This is work that is done on a 'regular' basis i.e. one or more times a week or on 3 or more days in a 30-day period. Some activities are always regulated activities, regardless of frequency or whether they are supervised or not. This includes:
  - e) Relevant 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.
  - Health care means care provided by, or under the direction or supervision of, a regulated health care professional.
12. A supervised volunteer is not in regulated activity. The academy may carry out an enhanced DBS check, without barred list information, for volunteers who are not engaging in regulated activity.
13. Further information can be found in [Eligibility guidance for enhanced DBS checks - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

### **Obtaining DBS checks**

14. In order to carry out thorough DBS disclosure checks, the academy will need to know any names, name changes, or aliases by which the applicant may have been known in the past, including maiden names, assumed name of step parent, change of name by deed poll, etc. The applicant will be required to produce originals of three documents from two specific lists, including an original copy of their birth certificate.

The DBS check will be received by the applicant / employee in hard-copy form. The Wiltshire Council recruitment team does not receive a copy of the DBS check from the DBS.

The Headteacher is responsible for asking candidates/employees to bring in their copy of the DBS certificate to be checked as part of the safer recruitment process. This will be checked before the applicant / employee can begin work.

15. For employees who choose to subscribe to the DBS update service the academy will ask for permission to check their DBS check online.

### **DBS Rechecks**

16. It is recommended as good practice that a DBS is re-checked within three years.
17. The academy will monitor the renewal date of DBS checks for employees and volunteers (including governors and trustees).
18. The employee will be required to complete the necessary forms and agree to checks being carried out. Where an employee / volunteer subscribed to the DBS update service, the academy will apply for an update on their DBS check status. A recheck will include checks against the barred lists.
19. If the academy is concerned about an existing employee or volunteer's suitability to work with children, the academy may carry out a DBS re-check, in addition to all other relevant checks as appropriate, at any point.

### **The DBS update service**

20. At the point of having a DBS check the employee can opt to subscribe to the DBS's [online update service](https://www.gov.uk) which has an annual subscription fee payable by the employee. For volunteers (including governors) there is no annual subscription fee, so is free. A DBS check from a previous role or employer within the same workforce will be portable if the

employee has subscribed to this online DBS update service. 'Within the same workforce' means within and across schools and academies.

21. For all employees who have subscribed to the DBS online update service, the academy will request permission from the employee to check the status of their DBS check, which is carried out online. The academy will apply for a new DBS check if additional information has been added to the DBS check since it was last issued. Additional information means:
  - a new caution
  - a new warning
  - a new reprimand
  - been banned from working with children or vulnerable adults or both
  - A new conviction
  - Any new, relevant, police information.
22. For employees who are not subscribed to the online update service the academy will apply for a DBS check in the usual way via the ebulk service which the academy has access to.

### **Agency workers**

23. The Headteacher will be responsible for checking that the agency (as the agency worker's employer) has carried out an up to date DBS check for the role. The Headteacher will need to obtain written notification from the agency, or the third-party organisation, that they have carried out the required checks (in respect of the enhanced DBS certificate, written notification that confirms the certificate has been obtained). The Headteacher must also check that the person presenting themselves for work is the same person on whom the checks have been made.
24. The headteacher should also ask to have sight of the DBS certificate and/or ask the agency to confirm the date of the DBS check and that it was obtained in relation to the role the agency worker will be carrying out with the academy.

### **TUPE transfers**

25. Where employee(s) transfer to the academy as part of a service transfer under the Transfer of Undertakings (TUPE) Regulations, the DBS checks of such employee(s) will transfer to the academy.

### **Transgender applicants**

26. Transgender applicants may make use of the special application procedure established by the DBS so that their previous name is not disclosed to the academy. The contact details for the confidential DBS sensitive applications for transgender applicants are 0151 676 1452 or email [sensitive@db.gov.uk](mailto:sensitive@db.gov.uk) for further advice about completing the form.

### **Overseas candidates**

27. If a candidate has not previously worked in the UK, or has lived overseas for some time, they must have the same checks as all other staff, including obtaining a DBS certificate, even if the individual has never been to the UK. In addition, academies must make any further checks they think appropriate so that any relevant checks that occurred outside the UK can be considered. These checks could include, where available:
  - An overseas criminal record check or 'certificate of good conduct' from their country of origin. The process for obtaining such a certificate varies from country

to country. Further information can be found here – [Criminal records checks for overseas applicants - GOV.UK \(www.gov.uk\)](#) .

- Obtaining a letter of professional standing from the professional regulating authority in the country in which the applicant has worked. Further advice is available from the National Recognition Information Centre for the United Kingdom, [UK ENIC](#).

### **Ex-service personnel who have served abroad**

28. Where an offer of employment is made to a member of the armed forces it will be necessary to not only carry out a DBS check into the successful candidate's background, but also to ask for the relevant branch of the armed forces (RAF, Army, Navy) to confirm in writing whether the candidate has a criminal record.
29. Partners of former armed forces personnel who are returning to work in the UK from abroad at the academy will need to supply a 'certificate of good conduct' from the country they were based in (see 'Overseas candidates' section above).

### **Employing ex-offenders and disclosure of convictions/cautions**

30. The academy is committed to equality of opportunity and recognises its responsibilities under the rehabilitation of offenders at work act. Unlawful treatment of ex-offenders, i.e. failure to employ an ex-offender without lawful justification, where this cannot be justified by the nature of the work, will not be tolerated. Refer to the recruitment of ex-offenders policy.
31. All roles at the academy are exempted from the Rehabilitation of Offender Act 1974 (Exceptions) Order 1975. Applicants are required to declare:
  - All unspent convictions and conditional cautions
  - All spent convictions and adult cautions that are not protected (i.e. that are not filtered out) as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2020).
32. 'Protected' means that they do not need to be disclosed, and if they are disclosed, the academy cannot take them into account. Protected cautions and convictions are filtered out of DBS checks. For more information refer to the government's [DBS filtering guidance](#).

### **New offences for existing employees**

33. All employees at the academy are required as part of their contract of employment to inform the Headteacher / Principal (in the case of the headteacher the chair of governors) of any police investigation, charge, caution, reprimand, warning, fine or conviction against them immediately. All such disclosures will be handled in accordance with the relevant procedure, and consideration will be given as to whether suspension from duties is required while an investigation takes place.
34. A legislation update effective from October 2023 means all unspent conditional cautions and convictions (as defined by the Rehabilitation of Offenders Act) will now be automatically disclosed. Existing employees may have new information relating to old disclosures appear on their DBS renewal. These will be handled through the same procedure as new offences outlined in the schools DBS application process.

## **Barred lists**

35. The children's barred list is held and administered by the Teacher Regulation Agency (TRA). Wiltshire council's recruitment team on behalf of the academy will work with the TRA to check applicants / employees against the names of individuals appearing on these lists.
36. All applicants / employees are required to declare if they are barred from working in any roles.
37. There are some offences which may result in a person having been made subject of a Disqualification Order (DO) under the Disqualification under the Childcare Act 2006. It is an offence for this person to apply for a post that is restricted under the DO). If a person is subject to a DO and they apply for a restricted post, the academy will report them to the police.
38. A person will never be allowed to work or volunteer at the academy if they have been barred from carrying out a restricted post.

For more information, refer to [The Disqualification under the Childcare Act 2006 guidance](#).

## **Prohibition orders - teachers**

38. Every time a teacher commences employment at the academy (for a supply teacher this will be for each time they undertake a period of supply work), the academy must check whether the teacher is the subject of a prohibition order by checking the employer access online site which is maintained by the National College for Teaching and Learning (NCTL).
39. Prohibition orders are an additional check to that undertaken as part of the enhanced DBS check.

## **Handling of DBS data**

### **Secure storage and handling of data**

40. Any information provided by the DBS as part of a DBS disclosure will be securely stored and handled and the content will be confidential to the Headteacher / Principal of the academy who is authorised to fulfil this role.
41. The academy will observe the DBS code of practice including the opportunity for you to appeal to the DBS about the check information provided. Refer to the academy's "storage of disclosure information policy".

## **Policy Issues**

### **The disciplinary policy**

42. For any employee who does not comply with the terms of the academy's DBS checks policy and where the academy feels they have behaved in a way which is felt to be dishonest in respect of this policy or which brings the academy's reputation into question, the employee may be subject to the academy's disciplinary policy. This could result in a dismissal from employment with the academy.

## **Roles and responsibilities**

### **Applicant and employee responsibilities**

43. To be completely honest in declaring all unspent convictions and conditional cautions and all spent convictions and adult cautions that are not protected before employment
44. To be completely honest in declaring subsequent convictions after having been employed.
45. To provide such information as is requested in order for a DBS check to be carried out.
46. For those who choose to subscribe to the DBS online checking service, to notify the Headteacher / Principal and to give permission to carry out an online check either when joining the academy for the first time or when a subsequent recheck is to be carried out.
47. To bring in their DBS check to be checked by the Headteacher / Principal.

### **Headteacher or Line manager responsibilities**

48. To ensure that the need for a DBS check is recorded on the Job Evaluation Questionnaire (JEQ) and job description for the role when the JEQ for a new role is submitted for evaluation or re-evaluation.
49. When information is received regarding a candidate's offending background, to confirm with a HR Adviser whether the information is relevant to the role being applied for.
50. Not to make a decision not to employ a candidate on the basis of a DBS check outcome without first discussing this with the candidate and a HR Adviser.
51. Not to unfairly discriminate against an applicant with a criminal record.
52. To assess whether safeguarding training is required for employees or volunteers and ensure they attend such training and any refresher courses.
53. To undertake safeguarding training themselves and any refresher courses.
54. To confirm on all recruitment materials relevant to a role whether it is exempt from the Rehabilitation of Offenders Act (under the Rehabilitation of Offenders Act (Exceptions) Order 1975), and that an enhanced DBS disclosure will be required for the successful candidate.
55. To undertake all safer recruitment reference checking including DBS checks.

### **Wiltshire Council Recruitment team's responsibilities**

56. The Recruitment team/your umbrella body will continue to work with the disclosure and barring service and will comply with the DBS guidelines and regulations as part of its role as a registered body.
57. The Recruitment Team /your umbrella body will strive at all times to ensure that all applications are legitimate applications based on the specific DBS category codes. Refer to [DBS eligibility guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/db eligibility-guidance)

## Related Information

- safeguarding vulnerable groups act 2006
- police act 1997
- rehabilitation of offenders' act 1974
- rehabilitation of offenders (exceptions) order 1975
- Guidance on the rehabilitation of offenders' act 2014
- section 142 of the education act 2002
- section 15 of the teaching and higher education act 1998
- section 6 of the protection of children act 1999
- sections 35 and 36 of the criminal justice and court services act 2000
- data protection act 2018
- education (school teachers qualifications) (England) regulations 2003
- education (specified work and registration) (England) regulations 2003
- education (prohibition from teaching or working with children) regulations 2003
- school staffing (England) regulations 2009
- protection of freedoms act 2012
- equality act 2010
- Keeping Children Safe in Education
- Immigration (Employment of Adults Subject to Immigration Control) (Maximum Penalty) (Amendment) Order 2014
- Immigration (Restrictions on Employment) (Codes of Practice and Amendment) Order 2014.