



Guidance for Disclosure and Barring Service (DBS) And Safer Recruitment

1. Introduction

- 1.1 The Disclosure and Barring Service is an executive arm of the Home Office. The Disclosure and Barring Service (DBS) was introduced in April 2002 and was set up to provide a thorough vetting service for organisations.
- 1.2 The DBS provides access to information held on the Police National Computer (PNC), information held by local police forces, as well as lists held by the DoH and DfE. The purpose being that the disclosure service enables organisations to make safer and more informed checks therefore aiding the recruitment decision.
- 1.3 Strictly Education is a Registered Body of the DBS. It is also an Umbrella Body that can countersign Disclosure applications on behalf of others and therefore is bound by their DBS code of practice details of which is available from <https://www.gov.uk/government/publications/dbs-code-of-practice>

2. Levels of Disclosure

- 2.1 There are three levels of Disclosure that are provided by the DBS, either Basic, Standard or Enhanced.
- 2.2 The level of Disclosure (Standard or Enhanced) required will depend on the type of work involved and can only be requested by an employer. Strictly Education holds the level of check (if so required) against the position details. Strictly Education also holds a list of DBS counter signatories.
- 2.3 Enhanced Disclosures will be used for posts involving greater contact/access to children or vulnerable adults such as Social Workers, Home Care Assistants, Teachers, and Youth & Community Workers etc.
- 2.4 All School positions are designated at an Enhanced level these will include:
 - Teachers
 - Support Staff
 - Ancillary Staff eg Caterlink Staff
 - Peripatetic teachers
 - Regular volunteers
 - Sports coaches
 - Wrap –Around Care Staff
- 2.5 Recruiting managers may decide that where there is access to sensitive data pertaining to the vulnerable that a suitable check be undertaken. Advice can be from HR or reference can also be made to the DBS Disclosure Access Category codes, which details the categories, types and levels of posts for which a Disclosure is required. This can be accessed via www.DBS.gov.uk
- 2.6 There are however exempt positions, as set out in the Exceptions order to the Rehabilitation of Offenders Act 1974, further information can be found by reference to the Local Authority's



Policy and Procedure on ROA, or by contacting the DBS on 0870 9090811 or by visiting the Disclosure website at www.gov.uk/government/organisations/disclosure-and-barring-service

3. Recruitment

- 3.1 The Academy is committed to employing from a wide-ranging labour pool. It will make every effort to prevent unfair discrimination against ex-offenders who work for the Academy or who may be job applicants or volunteers.
- 3.2 The Academy is committed to the principles of the Rehabilitation of Offenders Act 1974, whereby certain convictions are considered 'spent' after a stipulated period of time. To this end, candidates for some jobs do not have to disclose convictions once they are spent. When a person applies for a job with the Academy, the Academy, in most cases will not take into account previous time-expired convictions as laid down in the Rehabilitation of Offenders Act 1974 (ROA 1974) unless the job requires that all convictions be disclosed, as set out in 3.3.
- 3.3 Disclosure and Barring Service (DBS) checks are required for all posts, which require applicants to disclose their convictions even if they would otherwise be considered 'spent'. Such jobs include those where the potential employees will have access to vulnerable members of the community such as the young, elderly and those with disabilities and professions such as legal, accountants and lawyers. This applies both to paid work and voluntary work.

The definition of a 'Volunteer as set out in the Police Act 1997 (Criminal Records) Regulations 2002 is:

Any person engaged in an activity which involves spending time, unpaid (except for travel and other approved out-of-pocket expenses), doing something which aims to benefit some third party other than or in addition to a close relative'

http://www.legislation.gov.uk/ukxi/2002/233/pdfs/ukxi_20020233_en.pdf

- 3.4 Applicants for jobs which fall into the exempt category will be advised as part of the recruitment process that they will be required to complete a Disclosure of Criminal Background form. All applicants are provided with Disclosure guidance and Applicant DBS explanatory notes. Copies are available in application packs, on the Intranet /First Class systems.
 - 3.4.1 The Academy will undertake its' own Disclosure and Barring Service check where an applicant is successful in applying for an excepted job or profession.
- 3.6 In the event that a disclosure reveals any cautions or convictions, an assessment will be made as to the candidate's suitability for employment.
- 3.7 The Local Authority's Policy and Procedure for the Employment of Ex Offenders is available on the Intranet, the Jobs and Careers section of the RBWM web site.
- 3.8 For DBS designated posts, employment will be offered subject to the receipt of a satisfactory disclosure from the DBS.
- 3.9 The Recruitment and Selection Code of Practice identifies what action is taken in the event that an unsatisfactory check is returned.
- 3.10 Separate arrangements exist for the Self Employed and Agency staff. Confirmation of

DBS is required if applicable to post.

4. Portability

- 4.1 The DBS, effective from 1st April 2006, decided to withdraw its endorsement of portability, which concurs with the Local Authority's. The decision was taken as a direct result of the inherent risks associated with the re-use of a disclosure.
- 4.2. It is the intention of the Academy to adopt the Disclosure and Barring Service ((DBS) update service in 2018.
- 4.3 All external professionals should show evidence of their DBS check before they will be given access to the school site. The Office Manager will sign a record of each check which will be kept in the SCR. External staff should be encouraged to carry their DBS certificate at all times when they are on site. Checks on external professionals who work on site regularly will be carried out annually.
- 4.4 All external professionals will also be required to show evidence that they have received Safeguarding Training. If it is deemed necessary, they will be given the necessary Safeguarding Training.

5. Renewal of DBS

The Academy will renew the DBS of all staff on a three-yearly cycle. The application for each renewal will be made the term before the expiry date. Whilst the application will made by the School Office Manager it is also the responsibility of every staff member to be aware of the expiry date of their DBS.

All Senior Leaders and Governors are required to undertake Section 128 in addition to the 3 yearly renewal cycle.

The Childcare (Disqualification) Regulations 2009 are made under section 75 of the Childcare Act 2006 and set out the circumstances in which an individual will be disqualified for the purposes of section 75 of the Act. Under section 76(3) schools are prohibited from employing a disqualified person in connection with relevant childcare provision in the settings set out at paragraph 6.

[https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/528473/Disqualification on under the childcare act June2016.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/528473/Disqualification_on_under_the_childcare_act_June2016.pdf)

Staff are required to complete a Disqualification by Association form as part of the recruitment process. Foundation Stage Staff are required to complete one annually. It is the responsibility of staff to ensure that if these circumstances change that they inform the Executive Principal immediately.

6. External guidance

- 6.1 The Care Quality Commission (CQC) advise that if any member of staff requires a DBS check for their work in an establishment or agency registered or inspected by the CQC, then they must by law have one.
- 6.2 The Department of Health (DoH) National Care Standards Commission is reviewing repeat DBS checks every 3 years. Social Care staff will therefore be subject to re-checks as required.



- 6.3.1 With the implementation of Contact Point, (the national register for children and young people) those staff who will access this register, will therefore be subject to re-checks every three years.
- 6.4 Current Department for Education (DfE) guidance is that existing staff whose checks were under the old police check/list 99 system prior to the introduction of DBS disclosure remain current as long as:
- there are no concerns
 - no change to existing role/responsibility
 - no break of service of 3 months
- 6.5 By law, all school staff newly-employed from 12 May 2006 must have an Enhanced DBS clearance, unless they have continuous employment with less than three months break and no increase in their contact with children.
- 6.6 All recruiting managers must ensure compliance with this policy. Any failure to comply will be considered a breach of conduct and subject to potential disciplinary action.

7. Costs

- 7.1 Fees for the Disclosure service are set by the Disclosure service. An internal administration charge is also payable. Fees for DBS checks are charged back to the unit/school direct.
- 7.2 Further information can be obtained from Strictly Education on 01908 208208

Related Policies

Child Protection and Safeguarding

The Governing Body approved this policy on date: **5th October 2018**

Signed:

Chair of Governors

Signed:

Executive Principal