



DBS Policy

April 2021

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Statement of Intent

At The Tower Trust, we are committed to promoting the welfare of our staff, pupils and visitors. Ensuring the safety of our school community is of paramount importance and, as a result, this policy has been created to establish a safe environment where pupils are cared for appropriately and are free from harm.

For certain roles, the school may be required to request a DBS check as part of its recruitment process. This check may also include barred list information held on the DBS barred list, as well as any information held by the police which is relevant to the role applied for.

DBS checks allow the school to ascertain an individual's suitability to work with children in an educational environment. This policy will ensure that all staff, pupils and parents are aware of the measures taken by the school to promote the welfare of the school community.

All staff are required to familiarise themselves with this policy as part of their induction programme.

1. Legal framework

1.1. This policy has due regard to legislation and statutory guidance including, but not limited to, the following:

- Rehabilitation of Offenders Act 1974
- Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2016
- Police Act 1997
- The Police Act 1997 (Criminal Records) (Registration) Regulations 2006
- Childcare (Disqualification) Regulations 2018
- Data Protection Act 2018
- Safeguarding Vulnerable Groups Act 2006
- Equality Act 2010
- Human Rights Act 1998
- Children Act 1989
- The General Data Protection Regulation
- DfE (2020) 'Keeping Children Safe in Education'
- DBS (2014) 'Sample policy on the recruitment of ex-offenders'
- DBS (2018) 'Handling of DBS certificate information'
- Home Office (2015) 'Revised Code of Practice for Disclosure and Barring Service Registered Persons'

1.2. This policy operates in conjunction with the following school policies and documents:

- Recruitment and Selection Policy
- Recruitment of Ex-Offenders Policy
- Child Protection and Safeguarding Policy
- Single Central Record
- Data Protection Policy
- Data Retention Policy
- Disciplinary Policy and Procedure

2. Definitions

Standard DBS

2.1. This provides information about convictions, cautions, reprimands and warnings held on the Police National Computer (PNC), regardless of whether they are spent under the Rehabilitation of Offenders Act 1974. The law does allow for certain old and minor matters to be filtered out.

Enhanced DBS

2.2. This provides the same information as a standard check, plus any approved information held by the police which a chief officer reasonably believes to be relevant and considers ought to be disclosed.

Enhanced DBS with barred list check

- 2.3. Where people are working or seeking to work in regulated activity with children, this allows an additional check to be made as to whether the person appears on the children's barred list.

Regulated activity

- 2.4. Regulated activity includes:

- Teaching, training, instructing, caring for or supervising children if the person is unsupervised, or providing advice or guidance on physical, emotional or educational wellbeing, or driving a vehicle only for children.
- Work for a limited range of establishments (known as 'specified places', which include schools and colleges) with the opportunity for contact with children, but not including work done by supervised volunteers.

- 2.5. Work under 2.4 is regulated activity if it is carried out frequently by the same person or if the 'period condition' is satisfied. The period condition is satisfied if:

- The person carrying out the activity does so at any time on more than three days in any period of 30 days.
- If the activity is done at any time between 2:00am and 6:00am and it gives the person the opportunity to have face-to-face contact with children.

- 2.6. Some activities are always regulated activities, regardless of frequency or whether the person conducting the activity is supervised. This includes the following:

- Intimate or personal care, or overnight activity, including helping a child with eating and drinking for reasons of illness or disability or in connection with toileting, washing, bathing and dressing for reasons of age, illness and disability.
- Health care, i.e. care for children provided by, or under the direction or supervision of, a regulated health care professional.

3. Roles and responsibilities

- 3.1. The Trust Board is responsible for:

- Approving the CEO decisions with regards to disclosure information concerning existing and prospective staff.
- Ensuring that this DBS Policy and the Home Office's Code of Practice (CoP) is adhered to at all times.
- Ensuring all agreed DBS procedures are adhered to for both current and prospective staff.
- Monitoring the school's single central record (SCR), ensuring its compliance with requirements.

- 3.2. The headteacher is responsible for:
- Making decisions with regards to disclosure information concerning existing and prospective staff.
 - Ensuring that they are aware of any posts in the school that are subject to a DBS check.
 - Maintaining an up-to-date SCR.
 - Ensuring that any job descriptions and person specifications for any posts within the school indicate whether an individual will require a DBS check, as well as what level of check is required.
 - Taking reasonable steps to make sure that any individual who is not a staff, but who is covering an existing post or other work within the school, holds the appropriate level of DBS check.
 - Ensuring that all members of staff hold current, acceptable DBS checks according to the appropriate level required, and that upcoming renewals are applied for within two months prior to the renewal date.
 - Ensuring that new staff are aware of the DBS update service and encouraging them to subscribe to this.
 - Informing the CEO of any decisions made regarding disclosure information.

4. Procedures for staff

New members of staff

- 4.1. Staff who will be in regulated activity are required to obtain an enhanced DBS certificate with a barred list check.
- 4.2. All other staff who have an opportunity for regular contact with children who are not engaging in regulated activity are required to obtain an enhanced DBS certificate, which does not include barred list information.
- 4.3. Staff are required to show the original DBS certificate to the school before they begin their employment or as soon as practicable after their employment begins.
- 4.4. Where a member of staff will start work in regulated activity before the DBS certificate is available, the school will ensure the individual is appropriately supervised and that all other checks, including a separate barred list check, have been carried out.
- 4.5. There is no requirement for the school to obtain an enhanced DBS certificate or carry out checks for events that may have occurred outside the UK if, during a period which ended not more than three months before the individual's appointment, they have worked in:
- A school in England:
 - Which brought them regularly into contact with children or young people.
 - To which they were appointed on or after 12 May 2006 and which did not bring them regularly into contact with children or young people.
 - In an institution within the FE sector in England, or in a 16-19 academy, in a post which involved the provision of education which brought them into regular contact with children or young people.

All other pre-appointment checks will be completed, including a barred list check, where an individual is engaging in regulated activity.

- 4.6. For staff who work in childcare provision, or who are directly concerned with the management of such provision, the school will ensure the appropriate checks are carried out to confirm the individuals are not disqualified under the Childcare (Disqualification) Regulations 2018.

Existing staff

- 4.7. Where the school has concerns about an existing staff member's suitability to work with children, all relevant checks will be carried out as if the individual were a new member of staff.
- 4.8. If a member of staff moves from a post that was not in regulated activity into a post involving regulated activity, all the relevant checks will be carried out.
- 4.9. As a good practice, all staff employed by the Trust will have their DBS renewed every three years

Agency and third-party staff

- 4.10. The school will obtain written confirmation from any agency or third-party organisation that the organisation has carried out all the necessary DBS checks on an individual who will be working at the school that the school would otherwise perform.
- 4.11. Where the position requires a barred list check, this will be obtained by the agency or third party prior to appointing the individual.
- 4.12. The school will check that the individual presenting themselves for work is the same person for whom the checks have been made.

Trainee/student teachers

- 4.13. Where applicants for ITT are salaried by the school, the school will ensure that all necessary DBS checks are carried out. As trainee teachers are likely to be engaging in regulated activity, an enhanced DBS certificate (including barred list information) must be obtained.
- 4.14. Where trainee teachers are fee-funded, the training provider is responsible for carrying out the necessary checks. The school will obtain written confirmation that the necessary checks have been carried out, and that the trainee has been judged by the provider to be suitable to work with children.

5. Procedures for Trustees

- 5.1. Enhanced DBS checks are mandatory for trustees but not associate members. The Trust Board will apply for a certificate for any trustees who does not have an enhanced certificate.

- 5.2. The Trust Board may request an enhanced DBS certificate without a barred list check on an individual as part of the appointment process for trustees.
- 5.3. A barred list check will be required for trustees who, aside from their trustee duties, are engaged in regulated activity.
- 5.4. The Trust will contact The Teaching Regulation Agency (TRA) Teacher Services to check if a proposed trustee is barred because of a section 128 direction.
- 5.5. All members of the Trust, individual charity trustees and the chair of the board of trustees are required to obtain an enhanced DBS check – a section 128 check will also be carried out.

6. Procedures for volunteers

- 6.1. Under no circumstances will a volunteer who has undergone no checks be left unsupervised or allowed to work in regulated activity.
- 6.2. The school will obtain an enhanced DBS check, with barred list information, for any volunteer who is new to working in regulated activity.
- 6.3. In some circumstances, the school may obtain an enhanced DBS certificate for volunteers who are not engaged in regulated activity but will not request barred list information.
- 6.4. There is no requirement to re-check volunteers in regulated activity if they have already had a DBS check, including barred list information; however, the school will conduct a repeat DBS check, with barred list information, where there are concerns about a volunteer.
- 6.5. The school will undertake a risk assessment and use their professional judgement when deciding whether to obtain an enhanced DBS certificate for any volunteer not engaging in regulated activity. The risk assessment will consider the following:
 - The nature of the volunteer's work with children
 - What the school knows about the volunteer, including formal or informal information offered by others
 - Whether the volunteer has other employment or undertakes voluntary activities where referees can advise on their suitability
 - Whether the role is eligible for an enhanced DBS check
- 6.6. Details of the risk assessment will be recorded.
- 6.7. The school will determine whether a volunteer is supervised. For a person to be considered supervised, the supervision must be:
 - By a person who is in regulated activity.

- Regular and day-to-day.
- Reasonable in all the circumstances to ensure the protection of children

6.8. When allowing any volunteers to work at the school, the school will check that the individual presenting themselves for work is the same person for whom the checks have been made.

7. Procedures for visitors

- 7.1. The school does not have the power to request DBS checks to be carried out on visitors.
- 7.2. The school will use their professional judgement when considering the need to escort or supervise visitors.

8. Procedures for contractors

- 8.1. Under no circumstances will a contractor who has undergone no checks be allowed to work unsupervised or engage in regulated activity at the school. The school is responsible for determining the appropriate level of supervision depending on the circumstances.
- 8.2. Contractors who engage in regulated activity will be required to obtain an enhanced DBS certificate with barred list check.
- 8.3. Any contractors who have the opportunity for regular contact with children, but who would not be in regulated activity, will be required to obtain an enhanced DBS check. In considering whether contact is regular, it is irrelevant whether the contractor works on a single site or across a number of sites.
- 8.4. If a contractor working at the school is self-employed, the school will consider if they need to obtain a DBS check on the contractor's behalf.
- 8.5. The school will check the identity of contractors and their staff upon arrival to the school.

9. Staff who have lived or worked outside the UK

- 9.1. From 1 January 2021, the Teaching Regulation Agency will no longer maintain a list of EEA teachers with sanctions. Schools will continue to carry out safer recruitment checks on all candidates and will make any further checks they think relevant. New staff members who have lived or worked outside the UK will be checked in the same way as all other staff, in line with the procedures outlined in section 4 of this policy.

- 9.2. The DBS cannot obtain police records from overseas; however, a check will be conducted to establish whether the individual has disclosed any criminal convictions during their time in the UK.
- 9.3. As the DBS cannot provide details of police records for overseas applications, the school is aware that the DBS information may not provide a complete picture of a candidate's criminal record.
- 9.4. In relation to the above, the school will conduct additional recruitment checks such as obtaining a certificate of good conduct from relevant embassies or the police.
- 9.5. For teaching staff, obtain proof of their past conduct as a teacher from the professional regulating authority in the country in which they worked, where available.
- 9.6. The school will be extra vigilant when considering an applicant from overseas and will obtain additional references to ensure their suitability for the role.

10. Procedures for adults supervising children on work experience

- 10.1. The school will consider the specific circumstances of the work experience placement when considering what level, if any, of DBS check is required on individuals supervising pupils, including those aged 16 and over, on the placement.
- 10.2. Consideration will be given to whether the person providing supervision to the pupil will be unsupervised themselves and providing the supervision frequently, i.e. more than three days in a 30-day period, or overnight.
- 10.3. The school will ask the employer providing the work experience to confirm that any member of staff who will be working with the child unsupervised and frequently is not a barred person.
- 10.4. Work experience providers are not able to request any DBS checks for pupils under 16.
- 10.5. The school will ensure all work experience providers have policies and procedures in place to protect pupils from harm.

11. Procedures for alternative provision

- 11.1. Where a pupil is placed in alternative provision, the school will obtain written confirmation from the provider that the appropriate DBS checks have been carried out on the provider's staff.

12. Disclosures containing criminal information

- 12.1. A DBS check is considered to contain criminal information if it includes details of the following:
- A police record of convictions, cautions, reprimands and final warnings
 - DBS barred list
 - Any other relevant criminal information obtained by the police
- 12.2. In the event of a disclosure containing criminal information, the school will check whether the individual has obtained any previous criminal convictions or cautions by instructing them to complete a disclosure review form, which will be followed by a meeting.
- 12.3. The headteacher will discuss the disclosed information with the Trust Board and LA immediately to agree a course of action regarding any prospective or existing staff.
- 12.4. The individual will be required to attend a meeting with the headteacher to confirm that the convictions are theirs. If the individual denies that the convictions relate to them, the headteacher or the DSL will contact the DBS to carry out an investigation.
- 12.5. If it is established by the DBS that the convictions do concern the individual, the headteacher will explore the circumstances surrounding these and their suitability to work with children, in accordance with the trust board and LA.
- 12.6. For prospective staff, all posts will remain pending whilst meetings and investigations take place.
- 12.7. For current staff, the headteacher will consider whether adjustments will need to be made whilst meetings and investigations take place, including:
- The nature of the offence or other matters revealed
 - The length of time since the offence or other matters occurred
 - Whether there is a pattern of offending behaviour
 - Any extenuating circumstances surrounding the offence and explanations offered
 - Whether the staff can continue their practice.
 - Whether closer supervision is required of the staff.
 - Whether the staff should be temporarily transferred to other duties.
 - Whether the staff should be dealt with in accordance with the Disciplinary Policy and Procedure and suspended with entitlement to full pay.
- 12.8. The headteacher will consult the CEO/HR when deciding what adjustments will need to be made for the staff concerned.
- 12.9. An exception to section 14.7 is if the headteacher was already aware of the staff's convictions and had previously discussed with the trust board and LA that they were

still suitable for their appointment, or, if it is revealed that the convictions do not relate to the individual concerned.

13. Making a recruitment decision

- 13.1. The school will consider the magnitude of any DBS disclosures.
- 13.2. **Major disclosures** will result in the candidate being automatically unsuitable for the role. These include where the adult is named on the following lists:
 - Children's barred list
 - Adults' barred list
- 13.3. **Serious disclosures** which involve criminal activity, but do not pose a risk to pupils, will be discussed with the CEO prior to the candidate being accepted for the role.
- 13.4. The school will endeavour to ascertain the relevant facts from the individual and decide upon a conclusion. Following this, the candidate will receive a rejection or acceptance letter.
- 13.5. When considering an applicant who will not be working in regulated activity, the school will not take into account any minor or old convictions which are 'protected' from disclosure, as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013 and 2020).
- 13.6. When deciding to accept or reject a candidate, the school will consider the following information:
 - The relevance of the disclosure in relation to the position applied for
 - The nature of the offence or other matters revealed
 - The length of time since the offence or other matters occurred
 - Whether there is a pattern of offending behaviour
 - Whether the candidate's circumstances have changed since the offending behaviour or other matters occurred
 - Any extenuating circumstances surrounding the offence and explanations offered
- 13.7. A risk assessment will be conducted by the school following a positive disclosure, before deciding on the candidate's suitability.
- 13.8. A record of all recruitment decisions following positive DBS disclosures will be kept by the school.
- 13.9. Depending on the circumstances of each case, the CEO or the chair of the trust board may be asked to countersign the form recording the recruitment decision.

14. DBS update service

- 14.1. Staff members will be encouraged to join the DBS update service to ensure that their DBS certificates are up-to-date.
- 14.2. The school will check the status of any DBS certificates every three years as a good practice.

15. Referral to the DBS

- 15.1. The Trust has a legal duty to refer to the DBS any member of staff who has harmed, or poses a risk of harm, to a pupil where:
 - The harm test is satisfied.
 - The staff member has received a caution or conviction for a relevant offence, or if there is reason to believe the staff member has committed a listed relevant offence.
 - The staff member has been removed from working in regulated activity, or would have been removed had they not left the school.
 - The staff member has been moved to an area of work not in regulated activity.
 - The staff member has been suspended.
- 15.2. Referrals will be made as soon as possible after the resignation, removal or redeployment of the staff member.

16. Recruitment of ex-offenders

- 16.1. The school is aware of its responsibility under the Police Act 1997 not to discriminate applicants based on their criminal record.
- 16.2. The school will only ask an individual to provide details of convictions and cautions that the school is legally entitled to consider when recruiting candidates.
- 16.3. The school selects all candidates for interview based on their skills, qualifications and experience.
- 16.4. All job application forms, job adverts and recruitment briefs that require a DBS check will outline that an application for a DBS certificate will be submitted for all candidates once they have been offered the position.
- 16.5. During the recruitment process, the school will ensure that a discussion between the recruitment panel and headteacher/CEO takes place to evaluate any offences or other matters relevant to the position.

- 16.6. Candidates will be informed that failure to reveal any information which is directly related to the post could result in withdrawal of an offer of employment.
- 16.7. Any DBS certificates that reveal criminal information will be discussed with the individual, and their eligibility for the position will be reviewed in accordance with section 14 and section 15 of this policy.
- 16.8. All applicants will be given a copy of the school's Recruitment of Ex-Offenders Policy, this will be included in the job information pack.

17. Single central record (SCR)

- 17.1. The school maintains an up-to-date SCR of pre-appointment checks covering all staff (including teacher trainees on salaried routes) and supply staff.
- 17.2. The SCR indicates whether the following checks have been carried out or certificates obtained, and the date on which each check was completed, or certificate obtained:
 - An identity check
 - A barred list check
 - An enhanced DBS check
 - A prohibition from teaching check
 - A section 128 check for trustees.
 - Further checks on individuals who have lived or worked outside the UK
 - A check of professional qualifications
 - A check to establish the individual's right to work in the UK
- 17.3. For supply staff, the SCR also records whether written confirmation has been received from the agency supplying the member of staff that the relevant checks have been carried out and the appropriate certificates have been obtained, and details of the date on which the confirmation was received and whether any enhanced DBS certificate check have been provided in respect of the member of staff.
- 17.4. There is no requirement for fee-funded trainee teachers to be recorded on the SCR.
- 17.5. The SCR is securely stored electronically.

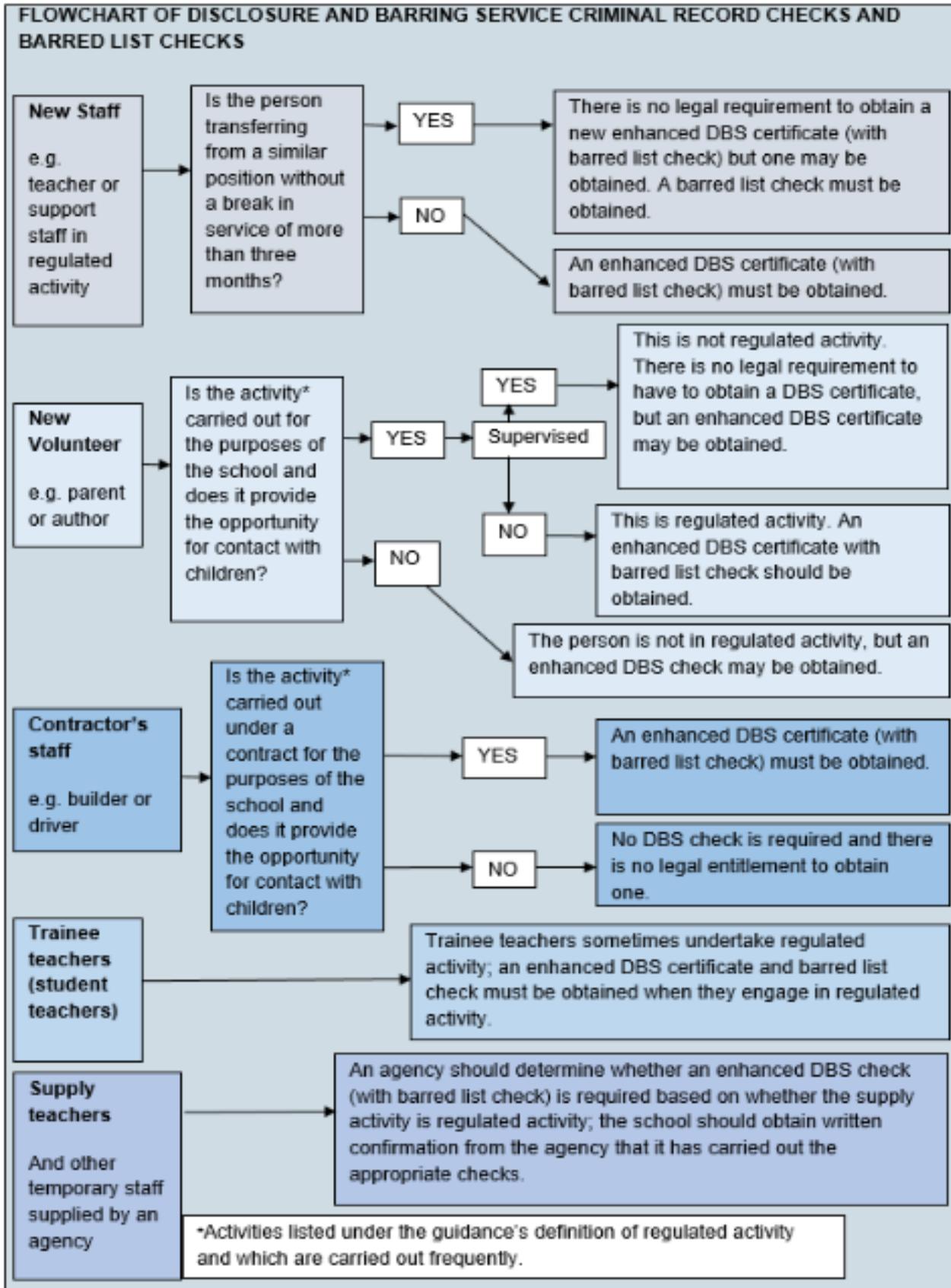
18. Data handling

- 18.1. In accordance with the Police Act 1997, access to DBS certificates is strictly controlled and records will only be accessed by the authorised officer(s).
- 18.2. If in exceptional circumstances, and as part of their duties, another member of staff is required to access a DBS certificate, the school will keep a record of the named



individual, and the individual whom the DBS certificate concerns will be informed prior to the sharing of the information.

- 18.3. DBS certificate information will only be used for the specific purpose for which it was requested and for which the individual's full consent has been given.
- 18.4. The school will not keep DBS certificates for any longer than is necessary once a recruitment decision has been made – usually, for no longer than six months to allow for the consideration and resolution of any disputes or complaints. Copies of other documents used to verify the applicants identify, right to work and required qualifications will be kept for the HR file.
- 18.5. In exceptional circumstances, such as safeguarding audits, the school may decide to retain DBS certificates for longer than six months. In such cases, the school will consult the DBS and will have due regard to the data protection and human rights of the individual concerned.
- 18.6. Any copy of DBS certificates will be disposed of securely such as by shredding, pulping or burning.
- 18.7. Prior to disposal, all waste will be stored securely in a confidential waste bin.
- 18.8. Although the school will not keep any copy of the certificate, a record will be kept of the following on the school's SCR:
 - The date of issue of the certificate
 - The name of the subject
 - The type of certificate requested
 - The position for which it applied to
 - The unique reference number
 - The details of the final recruitment decision





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Approved by Chair of Trustees: Daniel Scullion

Chief Executive Officer: Susan Ward
