

DBS

Guidance Document

For Managers



Reach South Academy Trust (RSAT): DBS Checks Principles of Approach

- It is RSAT's policy to do a new DBS check on arrival into the Trust.
- There is (currently) no requirement by the Trust to do DBS renewals on a regular or planned activity basis (this will be reviewed in the 2021/22 Academic Year)
- A Self Disqualification Form must be completed by every member of staff at the start of each Academic Year and must be forwarded to HR for P:File archiving and the OSCR updated accordingly.
- Where a Pre-Starter Risk Assessment is required (due to new DBS check not being completed in time for proposed start date) then a previous employer DBS certificated can be accepted and reviewed as part of the risk assessment process. (This would only be applicable where there has been no break in employment/service between previous employer and joining RSAT). *In this instance the EDBS section in OSCR is completed until a new check is completed.*
- Volunteers over the age of 18 are required to undergo the same DBS checks as pre starters/staff do.
- In addition to a full identity check at time of visit, contractors will require a DBS check where they are completing scheduled works (or planned visits) within term time. In this instance they should undergo the same checks as staff or a Letter of Assurance should be submitted by their Employer or where they are self employed RSAT should undertake their own check of the contractor (at RSAT's expense). Where contractors are attending/visiting site during School holiday/break or closure period then a full Identity check should still be carried out at each and every visit as per normal policy however a DBS check is not required (see guidance below).

DBS checks: renewals

In line with Keeping Children Safe in Education (KCSIE) DBS checks do not routinely need to be renewed.

When to ask for a new DBS check

DBS checks don't expire and there's no requirement to renew them as a matter of course. For existing staff members, you'll only need to ask for a new DBS check if:

- A person moves from a post that was not regulated activity into work that is regulated activity
- There's been a break in service of 12 weeks or more
- There are concerns about a staff member's suitability to work with children

Existing volunteers involved in regulated activity who have already been DBS checked, will only need to be re-checked if your school has any concerns. See paragraph 294 of KCSIE linked above.

Make sure you have an ongoing culture of vigilance

Although DBS checks don't need to be routinely renewed, you should have an ongoing culture of vigilance to ensure that staff continue to share information that may have implications for the safeguarding of children.

Staff can also use the DBS Update Service, which costs £13 a year. If a staff member has subscribed to the service, RSAT can carry out a free, instant check to find out if the information on a DBS certificate is current and up to date.

Regulated activity in schools

Schools must ensure that individuals in regulated activity are not barred from working with children, by carrying out a barred list check through the DBS. Read about what counts as regulated activity in a school, and what the exceptions are.

What counts as regulated activity?

A person is in regulated activity if they **regularly** (once a week or more often, or on more than 3 days in a 30-day period):

- Are responsible for teaching, training, instructing, caring for or supervising children
- Provide advice or guidance to children on physical, emotional or educational wellbeing
- Drive a vehicle only for children

Even if it happens only once, a person is also in regulated activity when they:

- Do any of the above activities (except for driving a vehicle) between 2am and 6am and have the opportunity for face-to-face contact with children
- Engage in intimate or personal care

An activity is regulated if:

- It's carried out frequently (once a week or more often, or on more than 3 days in a 30-day period) by the same person, and
- The person is engaged in paid or unsupervised unpaid work for a school, or in connection with the school, and
- It gives them the opportunity to have contact with children

This includes activity in:

- All schools providing full-time (or mainly full-time) education for children
- Pupil referral units
- Nursery schools
- Childcare premises (including nurseries)

A person is also in regulated activity if they're:

- Managing or supervising someone else in regulated activity on a day-to-day basis
- Providing day-to-day management or supervision of a volunteer who is engaging in activity that would be regulated if unsupervised

Which activities don't count?

Certain activities don't count as regulated activity, even if they take place in a school. For example:

- Family arrangements and personal, non-commercial arrangements
- Activity by a person in a group assisting or acting on behalf of, or under direction of, another person engaging in regulated activity in relation to children (the 'peer exemption')
- Supervised volunteers
- Activity in a school by someone who has been contracted to provide occasional or temporary services (whether paid or unpaid), unless the work includes teaching, training or supervision of children

This list isn't exhaustive – for further information refer to the DfE's factual note on regulated activity in relation to children for further information on specific cases.

Who needs a barred list check?

Anyone engaging in regulated activity must have an enhanced Disclosure and Barring (DBS) check, including barred list information. The barred list is maintained by the DBS and includes people who have been deemed unsuitable to work with children.

Most school staff are in regulated activity, so would need to have these checks. Schools commit an offence if they allow barred individuals to carry out any form of regulated activity.

DBS checks: Volunteers (16+ yrs.)

Schools should carry out a risk assessment and use their professional judgement to determine what checks are needed for volunteers.

There is a RSAT template risk assessment available.

Carry out a risk assessment to identify the level of risk

You should carry out a risk assessment and use your professional judgement to determine what checks (if any) are needed.

Your risk assessment should consider:

- The nature of the work, including:
 - Whether it will be considered 'regulated activity'
 - The level of supervision involved (see section below for more detail on this)
- What you know about the volunteer, including formal or informal information offered by staff, parents and other volunteers
- Whether the volunteer is able to provide references from other employment or voluntary activities
- Whether the role is eligible for a disclosure and barring service (DBS) check and if it is, what level is appropriate

Determine the level of check required (if any)

Identify whether a volunteer is considered to be supervised

You should get an enhanced DBS check with a barred list check if the volunteer is in regulated activity.

Volunteers that do one of the following **unsupervised** will be in regulated activity:

- Teach or look after children regularly
- Provide personal care on a one-off basis in schools or colleges

This is explained in paragraph 290 of KCSIE linked above.

What counts as 'supervision'?

Any role that is sufficiently supervised does not count as regulated activity and it is illegal to ask for a barred list check. This is explained in paragraph 291 of KCSIE linked above.

For volunteers to be considered 'supervised', this supervision must be the following:

- Carried out by a person who is in regulated activity themselves
- Regular and day-to-day
- Reasonable in all circumstances to ensure the protection of children

'Regular' means it takes place on an ongoing basis.

When deciding on what's reasonable, consider:

- The ages of the children, including whether their ages differ widely
- The number of children the individual is working with
- Whether or not other workers are helping to look after the children
- The individual's opportunity for contact with children
- How vulnerable the children are
- How many workers would be supervised by each supervising worker

DBS checks for volunteers are **free of charge**, as long as they're not being paid for their work and aren't only caring for a close relative.

If the volunteer refuses to undergo a DBS check

If the volunteer is:

- In regulated activity and refuses a check, you must refuse their help
- Not in regulated activity, you're within your rights to refuse their help

You should explain the school's policy on DBS checks to the volunteer and say the Trust does not make exceptions. This could affect the status of a verbal/conditional job offer that has been as it may need to be withdrawn. In this instance you should contact a member of the HR team to discuss further and get advice on next steps.

DBS checks for Contractors

Decide who needs which check

Contractors **must** have an **enhanced DBS check** if their work will bring them into contact with children.

Use your professional judgement to decide if the amount of contact they have merited a check. For example, if they're working outside of school hours or in areas where the children don't go, they wouldn't need a check. This is also the case if you cordon off the areas where contractors are working.

If they're in regulated activity they must have an enhanced DBS check with a **barred list check**.

You should set out your safeguarding requirements in the contract you have with the contractor or company. You must not allow a contractor who hasn't had any checks to work unsupervised or engage in regulated activity.

Responsibilities for carrying out the checks

You should make sure any contractors working in school have had the appropriate level of DBS check.

Employees of a contracted company

If the contractors are employees of a company or organisation, it is the company's or organisation's responsibility to carry out the required checks and provide you with written confirmation (known as a Letter of Assurance) that the checks have been carried out. Within Reach South Academy Trust this is known as a Letter of Assurance.

Self-employed contractors

If the contractor is self-employed, the School should carry out a DBS check itself, as self-employed people can't make applications to the DBS on their own account. In this instance RSAT will pay for the DBS check and then deduct this amount from the contractors first payment.

Check the identity of contractors

When contractors arrive at school, you'll need to:

- **Check their identity** (see paragraph 277 of KCSIE)
- **Record/Register** that you've checked their identity on the single central record (SCR) (or a site-based register/log) and are satisfied with the proof they've provided. You don't need to keep copies of the identity documents on file

KCSIE does not explicitly say that you must record contractors on the SCR, but it does say all staff who work at the school must be included, including third-party supply staff, so it's best to include contractors too. Please note it is RSAT's policy that they are included in the OSCR for the School.

DBS Checks for agency staff

Understand which checks you must carry out on agency staff such as supply teachers. Find out whether you need to get DBS certificates and what to record on the SCR and use the RSAT DBS Validation template form to record written confirmation of checks. This document would then be uploaded onto the OSCR for agency staff member. It is RSAT's policy that all agency staff are included on the School OSCR.

What you must do:

When employing someone via an agency, you must:

- Get written confirmation from the agency that it's carried out the checks on the staff member that you would have done if you employed them directly (see our record form below for a list of these checks) known as a Letter of Assurance.
- Make sure you receive written confirmation that an enhanced DBS check has been obtained – you can use the DBS Validation Form to do this and upload it (as above)
- Make sure that the enhanced DBS certificate comes with barred list information, where the position requires it, and that this is done **before** any appointment is made
- Check that the person presenting themselves for work is the same person on whom the checks were carried out

When you should get a copy of the DBS certificate to review/check

For Academies and independent schools: you must get a copy of the certificate to review/check (in line with GDPR requirements RSAT do not retain copies of DBS certificates) regardless of whether a positive disclosure has been made (see paragraph 19(2)(a)(ii) of this legislation).

Completing the single central record

On your single central record (SCR), you must set out (or show a copy of correspondence confirming):

- Whether you have written confirmation that the agency has carried out the relevant checks and obtained the appropriate certificates
- The date that confirmation was received
- Whether details of any enhanced DBS check certificate have been provided (independent schools and non-maintained special schools should also include the date on which this certificate was obtained)

What if a DBS checks records a result?

Notify the Head Teacher or a member of SLT immediately and contact HR for further advice/guidance. In some instances a Risk Assessment can be carried out and a historical conviction or record of conviction may not be a concern or affect an individual's employment with the Trust. This is why a risk assessment is carried out to determine whether or not to proceed with the job offer/employment contract.

What do I record on the OSCR if the DBS certificate shows a result?

In the relevant field under DBS section you would input 'Result Recorded' and then in (brackets) what section it was recorded under in certificate/ You would also input more info into the notes section (ensuring content is mindful of GDPR).

E.g. **Result Recorded [PRC]** if it is recorded under Police Records section of the certificate as referred to in your Q/example below.

DBS Certificate sections are (and codes):

- Police Records of conviction, cautions, reprimands and warnings (**PRC**)
- Information from list held under Section 142 of Education Act 2002 (**S142**)
- DBS Children's Barred List Information (**CBL**)
- DBS Adult's Barred List Information (**ABL**)
- Other relevant information disclosed at the Chief Police Officer(s) discretion (**ORI**)

Terms of Reference/Bibliography

Document Content/Contributor Source

[*The Key 2021 – Pupils and parents: Safeguarding checks and the SCR: DBS Checks Renewals*]

For further reference/reading:

When to ask for a DBS Check is set out in: paragraph 327 of [Keeping Children Safe in Education \(KCSIE\)](#).

For a full legal definition of regulated activity is set out in: Parts 1 and 3 of [schedule 4 of the Safeguarding Vulnerable Groups Act 2006](#). It's summarised in [Keeping Children Safe in Education](#) (paragraph 217 and the following page) and explained in the DfE's factual note on regulated activity in relation to children (the last document [here](#)).

What counts as 'supervision' is explained in: Annex F of KCSIE (which replicates the DfE's statutory [guidance on supervision](#)).

Completing your SCR is set out in: Paragraph 252 of KCSIE.

DBS Checks for Volunteers (over 16 yrs.) is set out in: Paragraphs 288 to 289 of [Keeping Children Safe in Education \(KCSIE\)](#).

DBS Checks for Agency staff is set out in: Paragraphs 268-271 of KCSIE.

DBS Checks for Contractors is set out in: These requirements are outlined in paragraphs 272 to 275 of [Keeping Children Safe in Education \(KCSIE\)](#).

DBS Checks for Self Employed Contractors is set out in: Paragraph 276 of KCSIE.

Developing a culture of ongoing vigilance is explained in: [Paragraphs 325 and 326 of Keeping Children Safe in Education \(KCSIE\)](#)