



DISCLOSURE AND BARRING SERVICE (DBS) AND ASSOCIATED CHECKS POLICY

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1. INTRODUCTION

1.1 This DBS checks policy and procedure:

- outlines the Trust's procedure for obtaining disclosure and barring service (DBS) checks. From 1st December 2012 CRB (Criminal Records Bureau) checks are known as DBS checks;
- confirms the Trust will undertake enhanced DBS checks as part of its pre-employment processes for all posts;
- confirms that those CRB checks which were obtained prior to 1st December 2012 remain valid until their expiry date becomes due. There is no need to obtain DBS checks for all roles formerly requiring a CRB check until such time as the CRB disclosure expires or unless new information is added to the DBS due to a new warning, caution, reprimand or conviction.

2. SCOPE

Who is included in these arrangements?

- 2.1 This policy applies to anyone applying for or working for Reach South Academy Trust and its individual schools/academies.
- 2.2. It also applies to proprietors of the Trust and volunteers.

Who is excluded from these arrangements?

- 2.3. Ordinary visitors to the academy trust and its schools although visitors must be accompanied at all times when on visit.

3. LEGAL FRAMEWORK

3.1 At all times the policy will meet, at a minimum, statutory and employment law requirements as detailed below:

- Safeguarding Vulnerable Groups Act 2006
- Police Act 1997
- Rehabilitation of Offender's Act 1974
- Rehabilitation of Offenders (exceptions) Order 1975
- Guidance on the Rehabilitation of Offender's 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 1998
- Education (school teacher's 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 2015 (Updated in September 2018)

- General Data Protection Regulations 2018

4. COMMITMENT TO SAFER RECRUITMENT AND SAFEGUARDING

- 4.1 The Trust is committed to safer recruitment and safeguarding.
- 4.2 The Trust 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.
- 4.3 The Trust is committed to safer recruitment practices when recruiting new employees to work for the Trust or when using volunteers.
- 4.4 Enhanced disclosure and barring service checks are required for all roles at the Trust as they are all regulated activities, and for proprietors of the Trust. DBS checks are only one element of a wider framework of safer recruitment practices the Trust undertakes.

5. WORKING WITH CHILDREN AND YOUNG PEOPLE

- 5.1 The Trust will ensure all employees, temporary staff and volunteers act in accordance with the individual academies guidance for safer working practices for adults who work with children and young people.

6. AGENCY WORKERS

- 6.1 The Trust through the appropriate Headteacher / Principal 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 Head teacher / Principal will ask to have sight of this 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 now be carrying out with the Trust. It may not be sufficient to use a previous DBS check – a new one may need to be applied for.
- 6.2 Where this is a central Trust appointment the responsibility lies with the HR Team.
- 6.3 Breaks in employment will be investigated.
- 6.4 The Trust will carry out a risk assessment, even if the agency has carried out their own risk assessment, before the person begins work at the Trust.
- 6.5 Advice will be sought from the HR Team.

7. TUPE TRANSFERS

- 7.1 Where employee(s) transfer to the Trust as part of a service transfer under the Transfer of Undertakings (TUPE) Regulations, the DBS checks of such employee(s) will transfer to the Trust. Where the employee moves to another

school within the Trust a new enhanced DBS check will be carried out. All volunteers will undertake a new check on transfer.

8. OBTAINING DBS CHECKS

- 8.1 At the point of having a DBS check the employee can opt to subscribe to the DBS's online update service which has an annual subscription fee payable by the employee. 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.
- 8.2 For all employees who have subscribed to the DBS online update service, the Trust will request permission from the employee to check the status of their DBS check, which is carried out online. The Trust 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 reprimand
 - been banned from working with children or vulnerable adults or both
 - A new conviction
- 8.3 For employees who are not subscribed to the online update service the Trust will apply for a DBS check in the usual way via the DBS service that the Trust has access to.
- 8.4 The DBS check will be sent to the applicant / employee by the DBS. The Trust will not have sight of the check first. The Trust will request from the applicant / employee sight of the original DBS check as part of the safer recruitment process. This will be checked before the applicant / employee can begin work.

9. INFORMATION REQUIRED FROM THE APPLICANT

- 9.1 In order to carry out thorough DBS disclosure checks, the Trust 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. The Trust will also need to see the applicant's original DBS certificate, if one was previously issued.
- 9.2 This information is also required as part of the recruitment procedure to meet with the Trusts obligations under the Asylum Act 2002.
- 9.3 For employees who choose to subscribe to the DBS online update service the Trust will ask for permission to check their DBS check online.

10. OVERSEAS CANDIDATES

- 10.1 If a candidate has not previously worked in the UK, or has lived overseas for three months or more in the last 10 years it will be necessary for the candidate to include these details in their application form or to complete a separate document providing further details.
- 10.2 It may be necessary for the candidate to obtain a 'certificate of good character' (a criminal record check) from their country of origin. This is dependent on the candidate's eligibility in the country they lived. The process for obtaining such a certificate varies from country to country. Further information can be found here – <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants> It is the candidates responsibility to obtain an overseas police check or 'Certificate of Good Conduct'.
- 10.3 For further advice please contact the HR Team at hr@reachsouth.org
- 10.4 The Trust should also request references and follow up any written references by telephoning the referees and noting that this has been done on the single central record.

11. REGULATED ACTIVITY AT THE TRUST

- 11.1 Regulated activity relating to children is defined as work that a barred person must not do. All posts at the Trust are considered regulated activity. Enhanced DBS checks and barring list checks are required for all posts within the Trust and for proprietors of the academy trust.
- 11.2 A DBS check is not required in respect of the activities in 11.1 above if the person undertaking these activities is a supervised volunteer.

12. TRUSTS ROLE – CHECKING THE DBS CERTIFICATE

- 12.1 The HR Team does not receive a copy of the DBS check from the DBS. The Head Teacher/Principal is responsible for asking candidates/employees to bring in their copy of the DBS certificate to be checked.
- 12.2 Where this is a central Trust appointment the responsibility lies with the HR Team.

13 DISCLOSURE OF PAST CONVICTIONS

For all roles exempted from the Rehabilitation of Offenders Act 1974

- 13.1 Where a role is exempted from the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 the applicant / employee is required to be completely honest in disclosing all convictions throughout their entire life, from the age of criminal responsibility (10 years).
- 13.2 All posts at the Trust are exempted from the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, and no conviction will ever be considered

spent and applicants / employees must declare it, unless it is a 'protected conviction/caution' (see below).

- 13.3 Applicants / employees need to be informed that if they have accepted a caution, warning or reprimand from the Police these must be declared as relevant offences.

14. PROTECTED CONVICTIONS/CAUTIONS

- 14.1. All roles at the Trust are exempted from the Rehabilitation of Offender Act 1974 (Exceptions) Order 1975. Applicants are required to be completely honest in disclosing all convictions and cautions throughout their entire life, from the age of criminal responsibility (10 years) except for protected convictions or protected cautions.

- 14.2 Where an applicant or employee has accepted a caution, warning or reprimand from the police then these must be declared as relevant offences.

- 14.3 A conviction is a "protected conviction" if:

- It does not relate to a "listed offence", such as violent and sexual offences.
- No custodial sentence was imposed.
- The individual has no other convictions. (Where the individual has more than one conviction, all convictions will be included on the certificate.)
- It was received by a person aged under 18 at the time of the conviction and **five and a half years or more** have elapsed.
- It was received by a person aged 18 or over at the time of the conviction and **11 years or more** have elapsed.

- 14.4 A caution is a protected caution if:

- It does not relate to a listed offence.
- It was given to a person aged under 18 at the time of the caution and **two years or more** have elapsed.
- It was given to a person aged 18 or over at the time of the caution and **six years or more** have elapsed.

15. THE EMPLOYMENT OF EX-OFFENDERS

- 15.1 The Trust 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.

16. BARRED LISTS

- 16.1 The children's barred list (previously known as List 99) is held and administered by the disclosure and barring service.
- 16.2 All applicants / employees are required to declare if they are barred from working in any roles.

- 16.3 There are some offences which may result in a person having been made subject of a Disqualification Order (DO). 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 Trust will report them to the police.
- 16.4 Any person who has been convicted of an offence under Schedule 1 of the Children and Young Persons Act 1933 (as amended by subsequent legislation) they will not be eligible to apply for a restricted post.
- 16.5 A person will never be allowed to work or volunteer at the Trust if they have been barred from carrying out a restricted post.

17. PROHIBITION ORDERS - TEACHERS

- 17.1 Every time a teacher commences employment at the Trust (for a supply teacher this will be for each time they undertake a period of supply work). The Trust must check whether a 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).
- 17.2 Prohibition orders are an additional check to that undertaken as part of the enhanced DBS check.

18. SECTION 128 DIRECTION CHECKS

- 18.1 A section 128 direction prohibits or restricts a person from taking part in the management of an independent school, including academies and free schools. A person who is prohibited is unable to participate in any management of an independent school such as: a management position in an independent school, academy or free school as an employee; a trustee of an academy or free school trust; a governor or member of a proprietor body for an independent school; or a governor on any governing body in an independent school, academy or free school that retains or has been delegated any management responsibilities. A check for a section 128 direction can be carried out using the Teacher Services' system.

A Section 128 Direction check is required for all employees and volunteers in management positions within the Trust and its individual schools. These include Trustees, Governors, Senior Leadership roles and Business Management/Finance roles.

- 18.2 On appointment the Trust must check whether these individuals are 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).
- 18.3 Section 128 Direction Checks are an additional check to that undertaken as part of the enhanced DBS check.

19. TRANSGENDER APPLICATIONS

- 19.1 An applicant may contact the Trust HR team if they are a transgender applicant who does not want to reveal details of their previous identity to the Trust.

20. HANDLING OF DBS DATA

Secure Storage and Handling of Data

- 20.1 Any information provided by the DBS as part of a DBS disclosure will be securely stored and handled in line with the General Data Protection Regulations 2018.
- 20.2 The Trust will observe the DBS code of practice including the opportunity for you to appeal to the DBS about the check information provided.

21. POLICY ISSUES

The Disciplinary Policy

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

New Offences for Existing Employees

- 21.2 All employees at the Trust are required as part of their contract of employment to inform the head teacher / principal (in the case of the head teacher / principal or other central employees, the Chief Executive Officer) 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.
- 21.3 DBS certificates do not expire. It is the policy of this Trust that all employees/volunteers undertake to complete an annual self-declaration form whereby the employee/volunteer will confirm any changes or new offences.
- 21.4 Where an employee/volunteer subscribes to the DBS online update service permission will be sought from the individual to follow out an annual check.
- 21.5 Where an employee/volunteer does not subscribe to the DBS online update service an annual process of self-declaration will be undertaken.

22. ROLES AND RESPONSIBILITIES

Applicant and Employee Responsibilities

- 22.1 To be completely honest in declaring all convictions before employment.
- 22.2 To be completely honest in declaring subsequent convictions after having been employed.
- 22.3 To provide such information as is requested in order for a DBS check to be carried out.
- 22.4 For those who choose to subscribe to the DBS online update checking service, to notify the Trust and to give permission to carry out an online check either when joining the Trust for the first time or when a subsequent recheck is to be carried out.
- 22.5 To bring in their DBS check to be checked by the individual School or the Trust for those in the central team.

23. MANAGEMENT RESPONSIBILITIES

- 23.1 When information is received regarding a candidate's offending background, to confirm with the HR Team whether the information is relevant to the role being applied for.
- 23.2 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 the HR team.
- 23.3 Not to unfairly discriminate against an applicant with a criminal record.
- 23.4 To assess whether safeguarding training is required for employees or volunteers and ensure they attend such training and any refresher courses.
- 23.5 To undertake safeguarding training themselves and any refresher courses.
- 23.6 To check the information appearing on the DBS check.
- 23.7 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.
- 23.8 To undertake all safer recruitment reference checking including DBS checks.