

Silsden Primary School DBS and Vetting Policy



Policy and Procedure: Disclosure and Barring Service and Vetting Policy

Date: 19th October 2017

Date of Board Approval:

Review date: June 2017

1. Introduction

- 1.1 This policy and procedure document applies to all employees of Silsden Primary School as well as volunteers and governors.
- 1.2 The principles of the policy will also be applied to agency staff, self employed individuals engaged by the School, individuals employed by any contractors/sub-contractors (where the contract agreement specifies the requirement for a DBS check) and appropriate staff in organisations that are providing long term work placements for children and young people. In such cases organisations are required to either adopt this policy or produce their own policy complying with the general principles of this policy.
- 1.3 The policy has been drawn up following consultation with the recognised trade unions and teachers' professional associations and is recommended to all school Governing Bodies for adoption.

2. The Legislation

- 2.1 The duties imposed by s175 of the Education Act 2002 make explicit the responsibility of local authorities, governing bodies and proprietors for safeguarding and promoting the welfare of children as part of fulfilling their common law duty of care towards the children for whom their organisation or establishment is responsible.
- 2.2 The requirement, under the intended School Staffing (England) (Amendment) (No 2) Regulations 2006 that:
 - School must keep a single central record detailing a range of checks carried out on their staff;
 - All new appointments who have lived outside the United Kingdom are subject to such additional checks as are deemed appropriate where the required DBS check is not considered sufficient to establish suitability to work with children and young people;
 - School must satisfy themselves that supply staff have undergone the necessary checks to assess their suitability for the post; and identity checks must be carried out on all appointments to the School workforce before the appointment is made.
- 2.3 In addition to the School staff, this document outlines the single central record requirements for different types of visitors (none school staff) to schools.

3. The Role of Silsden Primary School Governing Board

The School Governing Board is accountable for ensuring their establishment has effective policies and procedures in place in accordance with this guidance, and monitoring the School's compliance with them.

4. Headteacher

The Headteacher will ensure the policies and procedures adopted by the Governing Body are fully implemented, and followed by all staff; sufficient resources and time are allocated to enable the designated person and other staff to discharge their responsibilities. OFSTED will expect to see all policies relating to Safeguarding Children in a single file.

5. Extended Schools and Before and After School Activities

Where the School provides services or activities directly (under the supervision or management of School staff), the School's arrangements for safeguarding and child protection will apply.

Where services or activities are provided separately by another body, the School will seek assurance that the body concerned has appropriate policies and procedures in place in regard to safeguarding children and child protection, and there are arrangements to liaise with the School on these matters where appropriate.

6. Policy Statement

6.1 The School is committed to fulfilling its duty to protect children and young people by ensuring the highest integrity of those appointed to positions in the School as well as ensuring that appropriate checks are made in respect of agency staff, self employed individuals, employees of contractors/sub-contractors, volunteers and those who come into contact with children and young people within the School or on long term work placements.

6.2 We are also committed to the elimination of discrimination and to equal treatment in employment. This applies to prospective employment and all stages of employment and includes providing equal opportunities to both potential and existing employees, including ex-offenders, subject to the over-riding duty to protect children and young people. The policy and procedure has been developed to comply with legislation relevant to DBS checking.

6.3 The School recognises that criminal record checking forms part of installing a safer recruitment/ongoing safer culture and is committed to ensuring that the other appropriate policies/procedures (listed below) are in place to complement this policy.

- PACT HR Recruitment and Selection Policy
- Code of Conduct
- Dealing with allegations against staff
- Whistleblowing Policy
- Equality and Diversity Policy

7. Disclosure and Barring Service

7.1 The Disclosure and Barring Service (DBS) acts as a 'one-stop-shop' for organisations, checking police records and the Barred List (formally known as List 99). Personnel Checks Ltd is a Registered Body with the DBS and processes checks for schools and academies.

7.2 The School is responsible for ensuring that the appropriate DBS checks are undertaken in a timely way in accordance with this policy and ensuring we record the outcome of the check on

the Single Central Record. We will undertake the necessary identity checks and check the relevant documents and submit the identity checking form and DBS application form to Personnel Checks Ltd in a timely way.

7.3 DBS checks are available in cases where an employer is entitled to ask exempted questions under the Exceptions Order to the Rehabilitation of Offenders Act (ROA) 1974. This includes any organisation whose staff or volunteers work with children. In the School context where checks are undertaken checks will either be Enhanced Checks or Enhanced Checks with a barred list check.

7.3.1 *Enhanced check with a Barred list check*

This check is available to anyone employed in regulated activity i.e. regularly caring for, training, supervising or being in sole charge of children. It is important to request the check to be made for working with children as this may make a difference to the information that is disclosed. Such a check will show the criminal record of an individual including those convictions that are 'spent', any additional information from the police and a check against the Children's Barred List.

7.3.2 *Enhanced check*

Whereas all employees in School are entitled to an enhanced check with a Check of the Barred List, volunteers including Governors may not be as it will depend on their frequency of access to children and whether or not they are supervised. Where volunteers do not meet the requirements that would entitle them to an enhanced check with a check of the Barred List either because they do not have contact weekly, 4 times in a 30 day period or overnight, or where they undertake personal care or where they are supervised then they would only be entitled to an enhanced check without a check of the barred list.

7.3.3 *Disclosure Certificates*

A copy of the disclosure will be sent out to the applicant only.

8. Disclosure Portability

8.1 Portability between organisations

The DBS does not allow organisations to share disclosures with each other (except in relation to Supply Staffing Agencies). On this basis, DBS disclosures cannot be portable from one organisation to another.

8.2 Moving jobs within Silsden Primary School

Where an employee, already employed by Silsden Primary School, is being considered for another position within the School, a new check is not required unless there is a change in the level of contact with children and/or a change in personal details.

9. Posts Subject to Criminal Record Checks

9.1 The Protection of Freedoms Act 2012 set out a number of changes that affect employers and the checks they are able to carry out on potential employees and volunteers. Two of the main changes that impact on academies / school are a change in the definition and scope of Regulated Activities (RA) which will impact on governors and volunteers and the fact that it is no longer possible to carry out a DBS check on a young person aged less than 16 years at the time of application.

9.1 School staff

The School Staffing (England) (Amendment) Regulations 2006 make it mandatory for a DBS enhanced with a barred list check to be obtained for all newly appointed staff. This includes workers who do not work directly with children such as caretakers, administrative and other ancillary staff. The definition of newly appointed is anyone who has not worked in a school in England for 3 months or more.

9.2 Designated Senior Person for Child Protection

Any individual, including an existing member of staff, taking up this post will be subject to an enhanced DBS check.

9.3 Governors

Since 10 September 2012, Governors are no longer automatically subject to an enhanced DBS check, eligibility for an enhanced check with a check of the barred list depends on the level of contact with children. However, where the eligibility criteria is not met, at the discretion of the school, we will undertake an enhanced DBS check without a check of the barred list.

9.4 Volunteers

It is recognised that many parents and other volunteers help regularly in the classroom and with activities associated with the School. Some will require a DBS Disclosure because of the frequency of their volunteering activity and the contact they have with children, others will not.

9.4.1 Determining whether volunteer DBS checking is required

The DfE does not expect schools to check existing volunteers continuing with their old duties, unless they have cause for concern. For new volunteers, where the volunteering is frequent, intensive or overnight and involves contact with children, personal care or those changing duties to ones that will bring them into increased contact with children, we will obtain an enhanced DBS check. Statutory guidance states that frequent means once a week or more; intensive means four or more times in a thirty day period and overnight is from 2am to 6am.

9.4.2 Starting work pending a DBS check or where no check is required

Before allowing an employee or volunteer to commence their duties prior to the DBS check being received, the Headteacher should complete a risk assessment. Anyone who has not obtained a DBS check should not be left unsupervised with children.

9.5 Extended services & partnership staff

9.5.1 *Staff employed and managed by Silsden Primary School*

Staff employed and supervised or managed to undertake any extended services must be subject to the School's arrangements for staff appointments, recruitment, vetting checks and record keeping for all staff. All such appointments will be subject to an enhanced disclosure with barred list check.

9.5.2 *Staff employed by a third party*

Where extended services are provided by a third party, there should be clear lines of accountability and responsibility for carrying out recruitment and vetting checks for staff and volunteers. All staff are subject to enhanced disclosures with barred list check.

9.6 Agency supply staff

9.6.1 *Agency checks*

Staff supplied to the Silsden Primary School via an agency will be subject to checks by the agency itself. In all cases we will obtain written confirmation from the agency that appropriate checks have been completed. The School is not required to see evidence that the checks have been completed although it must have sight of a DBS check where relevant information is recorded. If the School wishes the individual to commence work where information has been added to the disclosure, we will undertake a new check for the individual (ensuring that the person does not start work until it is received).

9.6.2 *Identity checking agency staff*

Identity checks must be carried out by the School to confirm that the individual arriving to undertake work within the school is the individual that the agency intends to refer to them.

9.6.3 *Portability of disclosures for agency staff*

A Disclosure may be passed from agency to agency, between LAs and agencies, and between academies and agencies if the subject gives written consent. Regulations under the Police Act also authorise passing Disclosure information from agencies to academies where the subject's suitability for work at the school is under consideration. If, exceptionally, the DBS check refers to the existence of information in addition to that on the face of the check, a supply agency cannot pass this information on to a school. In this instance, we should obtain a new check prior to any work commencing.

9.8 Contractors and sub-contractors

Contracted staff who come into regular contact with children such as cleaning, caretaking and kitchen staff must be checked by the contractor in the same way as School employees, including having an enhanced DBS with barred list check and such requirements form part of the contract. The outcome of such checks must be notified to Silsden Primary School and included on the SCR. The contractor is also responsible for ensuring that the same procedures are followed by any sub-contractors.

9.8.1 *Building contractors*

Children should not be allowed in areas where builders are working, for health and safety reasons, so these workers should have no contact with children. However schools should ensure that arrangements are in place with contractors, via the contract where possible, to make sure that any of the contractors' staff that come into contact with children undergo appropriate checks including an enhanced disclosure. The contractor should provide the written confirmation to this effect although the School is not required to see evidence of such checks).

9.9 Staff from overseas

9.9.1 *Overseas staff to be checked*

Newly appointed staff and staff recruited since 2002 who have lived outside the United Kingdom must undergo the same checks as for all other staff in academies. This includes an Enhanced DBS with a barred list check.

9.9.2 *Additional checks to conduct*

Silsden Primary School will ensure that we have confirmation of each individual's right to work in the UK and this information should be included on the SCR. This should include passport information for EEA nationals and the date a work permit was received for those who require them. In addition, Schools must make such further checks as they consider appropriate due to the person having lived outside the United Kingdom. These further checks must be completed prior to an individual starting work.

DBS checks will not generally show offences committed by individuals whilst living abroad (except in the case of service personnel and their families). Therefore, in addition to an enhanced DBS with barred list check, additional checks such as obtaining certificates of good conduct from relevant embassies or police forces are necessary. The level of information contained in these certificates varies from country to country: some are complete extracts from the criminal record; others are partial. Extra care should, therefore, be taken in ensuring that references are taken up and that other background checks are conducted.

9.9.3 Further guidance on overseas appointments

Further information about the criminal record information which may be obtained from overseas police forces and countries, is available from the DBS at www.homeoffice.gov.uk/agencies-public-bodies/dbs.

9.10 People who are not required to obtain a DBS check

It is not necessary to obtain a DBS check for:-

- ❑ Public sector staff such as psychologists, nurses and dentists (because they will have been checked by their own organisations). However, the school should check the identity of such staff on arrival to ensure impostors do not gain access to children;
- ❑ Visitors who have business with the Headteacher or other staff who have brief contact with children with a member of staff present;
- ❑ Visitors or contractors who come on site only to carry out emergency repairs or service equipment and who would not be expected to be left unsupervised on school premises;
- ❑ Volunteers or parents who only accompany staff and children on one off outings or trips that do not involve overnight stays, or who only help at specific one off events e.g. a sports day, fête;
- ❑ People who are on site before or after School hours and when children are not present, e.g. local groups who hire premises for community or leisure activities, contract cleaners who only come in after children have gone home, or before they arrive.

10. Recruitment

DBS checking is a key element in the safer recruitment process but is only one aspect of ensuring that an applicant is the right person for the job role.

10.1 Elements of the recruitment and selection process

It starts with the process of planning the recruitment exercise and, where the post is advertised, ensuring that the advertisement makes clear our commitment to safeguarding and promoting the welfare of children. It also requires a consistent and thorough process of obtaining, collating, analysing, and evaluating information from and about applicants. From 1 January 2010 it has been a requirement for at least one member of any interviewing panel to have been trained in Safer Recruitment and certificates will need to be available for inspection. Refresher training will be undertaken every 5 years.

The main elements of the process include:

- ❑ Ensuring the job description makes reference to the responsibility for safeguarding and promoting the welfare of children;
- ❑ Ensuring that the person specification includes specific reference to suitability to work with children;
- ❑ Obtaining and scrutinising comprehensive information from applicants, taking up and satisfactorily resolving any discrepancies or anomalies;
- ❑ Obtaining independent professional and character references that answer specific questions to help assess an applicant's suitability to work with children and following up any concerns;
- ❑ A face-to-face interview that explores the candidate's suitability to work with children as well as his or her suitability for the post;
- ❑ Verifying the successful applicant's identity;
- ❑ Verifying that the successful applicant has any academic or vocational qualifications claimed;
- ❑ Checking his or her previous employment history and experience (and any gaps);
- ❑ Verifying that s/he has the health and physical capacity for the job;
- ❑ Verifying that s/he is able to work in the UK;
- ❑ The mandatory checking of information held under Section 142 of the Education Act 2002 (previously known as List 99) and an Enhanced Disclosure via the DBS.

10.2 Key principles of recruitment

Applicants will be made aware, at the earliest opportunity, that they will be required to disclose all criminal convictions including those that are spent. This will either be included as part of the advertisement and/or within the candidate recruitment pack.

Details of convictions will be requested on the appropriate application form

Applicants will also be requested to complete a right to work in the UK declaration form.

11. Commencing Appointment Pending Disclosure

The School is able to allow an employee to start employment pending a DBS check as long as other recruitment and vetting checks have been carried out. The Headteacher should weigh up the risks on a case by case basis and as a minimum ensures that:-

- ❑ The individual has completed a DBS Declaration Form;
- ❑ A risk assessment is carried out where required;
- ❑ The individual is appropriately supervised;
- ❑ All other checks, including checking Information that is held under Section 142 of the Education Act 2002 (the Children's Barred List) have been completed;
- ❑ The disclosure application is submitted before the individual commences work.

12. Disclosure of Convictions Arise During Employment

Employees are required to declare any cautions, convictions or reprimands (including judgements or investigations pending) that they receive during the course of their employment. The relevance of such disclosures will be considered as detailed below.

11. Retention of Information

11.1 Confidentiality of information

Information disclosed as part of a recruitment process, via self-declaration during the course of employment or as part of a DBS checking process will be treated as highly confidential. It is an offence for information in a disclosure to be passed to anyone who does not need it in the course of their duties.

12.2 Compliance with DBS standards

Disclosure information will be managed in accordance with DBS guidance on the security and retention of disclosures and disclosure information (see www.homeoffice.gov.uk/agencies-public-bodies/dbs). The key provisions are:-

- ❑ Disclosures will not be retained for periods longer than necessary (normally a maximum of 6 months from the date of the disclosure);
- ❑ Disclosures will be destroyed by secure means at the end of any retention period;
- ❑ The School will keep where applicable, the letter/email from the DBS Umbrella organisation confirming clearance of the individual;
- ❑ DBS disclosures must not be photocopied under any circumstances.

12.3 Records to be retained

Before a Disclosure is destroyed, records need to be kept by the School detailing:-

- ❑ The date the Disclosure was obtained;
- ❑ Who obtained it (i.e. School, local authority, supply agency);
- ❑ The unique reference number on the disclosure certificate.

In addition, where a disclosure reveals information about an individual the record of positive check will be completed and retained on the personal file of that individual. This record will not detail information about actual offences disclosed. These measures accord with the requirements of both the DBS and the School's SCR.

13. Silsden Primary School Record Keeping of Recruitment and Vetting Checks

13.1 Single central record

The DfE requires all academies/schools to be able to demonstrate that they have robust and accurate records of all recruitment and vetting checks carried out. This information must be compiled into a SCR of completed checks.

13.2 People to be included on the central record

- All staff who are employed to work at the School;
- All staff who are employed as supply staff to the School, whether employed directly by the School or through an agency;
- All others who have been chosen by the School to work in regular contact with children (volunteers and governors who also work as volunteers);
- People brought into the School to provide additional teaching or instruction for pupils but who are not staff members, such as specialist sports coaches, music tutors or artists;
- All others who are brought into the School and have regular contact with the children in the School.

13.3 Checks to be included on the central record

The single central record must indicate whether or not the following have been completed:

- Identity checks;
- Qualification checks for any qualifications legally required for the job e.g. those posts where a person must have QTS or NPQH;
- Additionally, for those applying for teaching posts, registration check with the Teaching Agency where appropriate;
- Checks of right to work in the United Kingdom;
- Checks on information held under the Children's Barred List
- DBS Enhanced Check and number;
- Further overseas records checks where appropriate.

The information needs to be recorded on the SCR by the person in the School with the responsibility for doing so, this is currently the School Business Manager. That person should sign and date the record to verify that they have checked the employee's (or volunteer's) details. The record needs to show the date on which check was completed or the relevant certificate obtained and should show who carried out the check.

14. DBS Renewals

In line with current legislation, DBS renewal of DBS checks will be undertaken in the following circumstances:-

- New Starters
- Staff moving to a significantly different role. I.e. from a cleaner to a LTS
- A break in service of 3 months or more

An annual self-declaration (Appendix 1) will be completed by the member of staff / volunteer, commencing 3 years post the CRB/DBS check.

15. Further Advice and Information

Disclosure and Barring Service (DBS)	www.homeoffice.gov.uk/agencies-public-bodies/dbs
	Criminal Records Bureau checks: guidance for volunteering document
	Applicants Guide to completing the DBS Application Form (advice on filling out forms correctly and also what identity information the school will need to see)
	ID Checking Process (advice on how to check the identity of applicants and to check for indicators of fraud)
	'Safeguarding Children and Safer Recruitment in Education' document
Department for Education	http://www.education.gov.uk/
Volunteering England	http://www.volunteering.org.uk/ Information on volunteering
Chartered Institute of Personnel and Development (CIPD)	Employing Ex-Offenders – A practical guide

Appendix 1

**SILSDEN PRIMARY SCHOOL
CRIMINAL RECORD SELF DISCLOSURE DECLARATION**

In line with current legislation, Silsden Primary School will only carry out new DBS checks on:-

- New Starters
- Staff moving to a significantly different role. i.e. from a cleaner to a LTS
- A break in service of 3 months or more

As your CRB/DBS check was completed over 3 years ago, you must now self-declare any pending prosecutions, any convictions, cautions or bind-overs which you have had since the last check was completed.

As your role in school involves substantial opportunity for access to children, It is therefore exempt from the Rehabilitation of Offenders Act 1974. The statement "that after a certain period of time, convictions need not be disclosed and those convictions be treated as if they never took place" **does not apply.**

Disclosure of a criminal offence need not necessarily stop you from continuing in your employment. In making this decision the Headteacher will consider the nature of the offence. Failure to declare a conviction could result in summary dismissal if the discrepancy comes to light. Any information should be provided on the form below and will be kept completely confidential.

Car park or speeding offences may be discounted. All other information will be treated in the strictest confidence.

Declaration: I have read and understood the above statement. If I have any convictions, cautions or bind-overs to declare since my last DBS check I will supply written details of them, in a separate envelope marked 'private and confidential' with this form.

Have you been convicted of a criminal offence? (other than those on previous checks in school and the exclusion above)	YES / NO
---	-----------------

If YES: Please give details of any criminal offences for which you have ever been convicted, cautioned or bound over, including the type of offence, date of conviction and subsequent sentence. (You will also be required to complete a Disclosure application which will be sent to the Disclosure and Barring Service).

.....
.....

<p>DECLARATION I declare that the above response is, to the best of my knowledge, correct</p> <p>Signed: Date:</p> <p>Name: (PLEASE PRINT)</p>
