

**PIPER HILL LEARNING TRUST**



# **DISCLOSURE AND BARRING POLICY**

## **Disclosure and Barring Policy**

- 1.1** Piper Hill Learning Trust is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment. This School recognises that the best way to protect against the abuse of children and vulnerable adults is through the adoption of nationally recommended safeguarding children practices, specifically safer recruitment practices and practices designed to maintain a safe culture.
- 1.2** This document sets out the School's requirements in respect of carrying out criminal records (DBS Disclosure) checks and checks against the Disclosure and Barring Service (DBS) Children's and Adults Barred Lists and the administrative arrangements to ensure that these checks are carried out in accordance with relevant legislation and the Disclosure and Barring Service (DBS) Code of Practice for Registered Bodies.
- 2 Responsibilities**
- 2.1** The Headteacher is responsible for:
- ensuring that no-one unsuitable to work with children is knowingly permitted to do so
  - following the Dealing with Allegations Procedure when anyone in the school is alleged to have behaved inappropriately towards children
  - following the Disciplinary Procedure where appropriate in such cases
  - referring to the DBS anyone who is removed from regulated activity as a result of their behaviour towards children
- 2.2** All School workers are required to:
- Inform the Headteacher or line manager immediately if they are subject to police arrest, a criminal conviction, caution, ban, police enquiry or are pending prosecution. Failure to do so may lead to disciplinary action being taken.
  - Ensure that any inappropriate behaviour within school towards children is reported immediately to the Headteacher, lead safeguarding officer.

### **3 Equality of Opportunity**

- 3.1** Piper Hill Learning Trust's commitment to equality of opportunity extends to candidates with a criminal record.

### **4 DBS Disclosure and DBS Barred List Checks**

#### **4.1 DBS Disclosure Check**

- 4.1.1** An Enhanced DBS Disclosure check will show spent and unspent convictions and cautions and reprimands plus any additional information held locally by the police that is reasonably considered relevant to the post applied for.

#### **4.2 DBS Barred List Check**

- 4.2.1** A DBS Barred List check will reveal whether an individual has been barred by the Disclosure and Barring Service from working with either children or vulnerable adults or both of these vulnerable groups. It is illegal for employers to engage any individual in a regulated position if they have been barred from such work by the DBS. A DBS Barred List check does not provide information regarding an individual's criminal record.

### **5 Requirements regarding DBS disclosure and DBS barred lists checks**

#### **5.1 Who should be checked**

- 5.1.1** All individuals over the age of 16 years (school staff, volunteers, governors, agency workers, contractors (including work experience providers, and consultants) working in a position which meets the definition of regulated activity must be subject to an Enhanced Level DBS Disclosure check and DBS Barred List check. It is the responsibility of the Headteacher to ensure that this requirement is satisfied.

- 5.1.2** Where a position does not meet the definition of 'regulated activity' it will not be possible to request a check against the DBS Barred Lists, however the school will be able to use its discretion as to whether an Enhanced DBS Disclosure check is required. If the decision is reached that an enhanced DBS Disclosure check is not necessary, the school should be fully satisfied that the reasons for not doing so are sufficiently robust to allow the school to effectively justify the decision. In these circumstances a risk assessment should be undertaken to determine whether an enhanced DBS Disclosure check should be carried out. The results of the risk assessment will be recorded along with the reasons for the decision reached.

#### **5.2 Timing of DBS Disclosure checks and DBS Barred List checks**

- 5.2.1** Whilst all efforts should be made to obtain a DBS Disclosure check before an individual commences work, a successful candidate can, at the School's discretion, be allowed to commence prior to a satisfactory disclosure certificate being received. In such instances, an enhanced DBS Disclosure check must still have been initiated.

**5.2.2** A written risk assessment should be undertaken by the Headteacher or recruiting manager and appropriate control measures put in place e.g. supervised working. In the case of school trips additional guidance may be sought from the Health and Safety team to appropriately risk assess the circumstances.

**5.2.3** Whilst there is discretion regarding starting an individual before a DBS Disclosure has been received, there is no such discretion regarding DBS Barred List checks. The school must ensure that a satisfactory DBS Barred List check has been obtained before allowing an individual to commence work in a regulated position.

## **6 Regulated Positions**

**6.1** The following categories of worker will be regarded as undertaking 'regulated activity' and must be DBS Disclosure and DBS Barred List checked.

### **6.2 Paid Workers**

All paid workers who work regularly\* at the school (if they are employed or engaged directly by the school);

All workers involved in the provision of relevant personal care to children at the school

All health care professionals delivering or supervising the delivery of health care to children at the school.

**\*Regular is defined as frequently (once a week or more often for several weeks), or on 3 or more days in a 30-day period or overnight**

### **6.3 Volunteers**

**6.3.1** Volunteers will be undertaking regulated activity if they:

- are not \*supervised and
- are teaching, training or supervising children and are due to volunteer on a regular basis or
- are not teaching, training or supervising children but are due to volunteer on a regular and on-going basis.

\* supervision means under reasonable, regular, day to day supervision by another person engaging in regulated activity.

### **6.4 Contractors and Agency Workers**

**6.4.1** Contractors and agency workers will be undertaking regulated activity if:

- their presence on site is expected to be \*'regular' and
- these services involve 'teaching, training or supervision of children' or
- these services do not involve 'teaching, training or supervision of children' but they will be 'contracted to provide services on an ongoing basis'.

**\*Regular is defined as frequently (once a week or more often for several weeks), or on 3 or more days in a 30-day period or overnight**

**6.4.2** These checks should be carried out by the contractor /or agency and the school will then require the contractor / agency to provide written confirmation that all appropriate checks have been carried out and that the individuals concerned are suitable to work with children.

**6.4.3 Agency supply teachers are covered by the definition of 'regulated activity.'**

## **6.5 Work Experience Placements**

**6.5.1** If one or more of the following conditions apply, that is, if a placement is:

- a. for more than one day per week on an on-going basis or
- b. for longer than one term in any academic year or
- c. aimed at children who may be vulnerable, e.g. those who have special needs or are young (aged under 16) or
- d. one where the workplace supervisor or a colleague will have substantial unsupervised access to the child, because of the nature of the business
- e. one which has a residential component
- f. then any person whose normal duties will include regularly caring for, training, looking after or supervising a child in the workplace should be DBS Barred List checked and subject to a DRB Disclosure check to ensure s/he is not disqualified from working with children or otherwise unsuitable to be responsible for them.

**6.5.2** This should not include people who will have contact with the child simply because s/he will be in the same location, or as part of their work. It is intended to apply to people who are specifically designated to have responsibility for looking after, supervising or directly training a child or children throughout the placement.

**6.5.3** DBS Disclosure Checks should normally be arranged by the organisation arranging the placement, through the school and the person should be regarded as a volunteer for the purpose of the Disclosure.

**6.5.4** Secondary students aged 16 or over in Work Experience placements in primary or special schools should be treated the same as volunteers in terms of determining which checks, if any, apply. Secondary students under 16 years of age should not be DBS Barred List or DBS Disclosure Checked.

## **7 Recruitment Documentation (Paid Workers)**

**7.1** Job Advert/Supporting Information must:

- include the following statement: Piper Hill Learning Trust is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment

- clearly state that the post is subject to a DBS Barred List and DBS Disclosure check.

## **7.2 Documents issued to applicants to include:**

- an Application Form that complies with the requirements laid down in the DfE's Safeguarding Children Guidance
- a Policy Statement on the Recruitment of Ex-Offenders and
- a job description and person specification clearly stating the individual's responsibility for promoting and safeguarding the welfare of children and as essential criteria, a satisfactory DBS Disclosure check, a DBS Barred List check and suitability to work with children.

## **7.3 Recruitment Documentation (Volunteers)**

### **7.3.1** All documentation shared with any prospective volunteer who will be working regularly in the school must:

- include the following statement: Piper Hill Learning Trust is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment
- clearly state, where appropriate, that the role is subject to DBS Disclosure check and a DBS Barred List Check.

### **7.3.2 Documents issued to volunteer applicants to include, where appropriate:**

- an Application Form that complies with the requirements laid down in the DfE's Safeguarding Children Guidance, or, at the least, a Consent and Reference Request Form (that advises applicants of the same safer recruitment requirements and
- a Policy Statement on the Recruitment of Ex-Offenders.

Please note that the Application form or Consent and Reference Form of those volunteers who are being required to complete an enhanced DBS Disclosure check but who are not undertaking 'regulated activity' should state that a DBS Barred List check does not apply in their case.

### **7.4** Document for all volunteers the school intends to use and for whom it is determined that an enhanced DBS check will be necessary:

### **7.5** A standard form requiring the volunteer to declare any criminal record will be issued for those volunteers undertaking regulated activity. For those volunteers who will be 'supervised' but for whom an enhanced DBS Disclosure check is deemed to be necessary, the form in Appendix 3 should be used.)

## **8. Processing of DBS Disclosure Applications For New Workers**

### **8.1** Where a paid or voluntary position requires a check, the school will issue the applicant with a DBS Disclosure Application Form and relevant guidance on how to complete the form at the

time they are provisionally offered the position. The school processes applications using the DBS online application process.

- 8.2** This form should be checked, the proofs of identity / the applicant's identity verified and the relevant lines on the form completed by the designated identity checker at the school and the form (together with copies of the submitted forms of ID) should then be compliance team.
- 8.3** Where it is proposed by the school to engage an individual who has been supplied by an employment agency or when a contractor will be sending employees to the school who will be working regularly in the school the Headteacher must ensure that the employment agency / contractor has carried out the necessary safer recruitment checks. Written confirmation should in all cases be sought that the appropriate checks have been carried out and that having carried them out the employer is not aware of any information which could render the individual potentially unsuitable to work with children. A model letter requesting this information from contractors / personnel suppliers is attached as Appendix 6.
- 8.4** Completed DBS Disclosure application forms will be checked carefully before being forwarded to the compliance team who will counter sign and forward to the DBS team. If the form is not completed correctly and/or insufficient evidence of identity has been provided by the candidate or volunteer, the compliance team will liaise with the school and the applicant / volunteer to rectify the position and they will forward the form to the DBS team and will also keep the School informed of the position.
- 8.5** The School must be provided with the original disclosure certificate. It is the individual's responsibility to present the certificate to the school. This will enable the school to make a decision about the suitability of the individual to work with children.

## **9. Requesting a DBS Disclosure Check and a DBS Barred List Check for an Existing Worker**

- 9.1** It may be necessary to carry out a DBS Disclosure check on an existing worker for one of the following reasons:
- Where checks have not been implemented previously for certain voluntary roles but on review by the Headteacher become necessary;
  - where an existing volunteer moves from a role that did not require a DBS Disclosure check to be carried out to one that does or
  - where information comes to light or the circumstances are judged by the Headteacher to warrant a re-check.
- 9.2** It may be necessary to carry out a DBS Barred List check for one of the following reasons:
- where a certain voluntary role has previously been judged to fall outside the definition of 'regulated activity' but is now judged by the Headteacher to fall within the definition of regulated activity;
  - where an existing volunteer moves from a role that is not 'regulated activity' to one that is 'regulated activity'
  - where information comes to light or the circumstances are judged by the Headteacher to warrant a re-check.

- 9.3** In these circumstances the Headteacher should inform the individual of the requirement to reapply for a DBS disclosure check.
- 9.4** Where an individual does not give their consent to a DBS Barred List / DBS Disclosure check being made the Headteacher / relevant manager should provide the opportunity for the worker to discuss their concerns. If despite any such discussions the worker still refuses to provide their consent advice can be sought from Management Support.

## **10. Receiving an Unsatisfactory Disclosure for an Individual**

### **10.1 New starters**

**10.1.1** Where the disclosure certificate reveals a criminal record the applicant must not under any circumstances be permitted to commence working until the three steps below have been followed. If they have been allowed to commence work prior to the DBS check being completed) they must be removed from that work immediately. They must only be allowed to commence / recommence work when the Headteacher determines, as a result of the steps outlined below, that it is appropriate for them to do so.

**10.1.2** Step 1 Headteacher to discuss the DBS Disclosure content with the applicant before any recruitment confirmation is made. The purpose of this discussion will be to obtain further relevant information from the applicant to enable the Headteacher to make an informed decision regarding the applicant's suitability for the position applied for.

Step 2 Headteacher to consult the DBS team before the final recruitment decision is made by the Headteacher. This will ensure that a consistent approach is being adopted across schools and the Council in respect of determining the relevancy of a criminal record and the implications of this in terms of the suitability of the applicant.

Step 3 Headteacher to complete a 'Suitability Pro Forma' (attached as Appendix 7) recording relevant information relating to the applicant's criminal record and the final decision regarding their suitability for the position applied for. The Suitability Pro-Forma will need to be signed off by the Headteacher and kept on file for up to a period of 6 months after which they will be destroyed.

### **10.2 Existing Workers**

**10.2.1** Should a disclosure containing relevant convictions/other information be received for an existing employee which call into question their suitability for employment with children, the Headteacher will essentially follow the same three steps as outlined for new starters.

**10.2.2** If the individual is an employee, consideration will also be given under the School's Disciplinary Procedure to suspending the employee or to alternative arrangements which will involve removing the employee from their work with children pending an investigation under the Disciplinary Procedure. Where a disciplinary investigation finds evidence to call

into question the employee's suitability, a Disciplinary Hearing should be convened to consider the employee's employment position with the School.

**10.2.3** Where a Governors Disciplinary Panel reaches a decision that the employee is unsuitable to continue in their role in working with children, consideration will be given to whether the employee should be summarily dismissed from their existing position with immediate effect.

**10.2.4** If the individual is not an employee, for example a supply Teacher or casual support worker, an investigation will be undertaken into their suitability and a meeting between the Headteacher and the individual held. Five working days' notice will be given of the meeting and the worker will be given the option of being accompanied. Pending the results of the investigation and the meeting the services of the individual will cease to be used.

**10.2.5** Where the outcome of the meeting is that the worker is unsuitable to continue in their role working with children, they will be informed that their services are no longer required.

**10.2.6** Where the employee is dismissed or the worker removed from their role the DBS Referral Policy should be consulted and a Referral to the DBS made under the Policy if the harm test is satisfied.

## **11. Inclusion on the DBS children's and/or vulnerable adults BARRED LISTs**

### **11.1 Barred Persons**

**11.1.1** It is an offence for a person who is barred from undertaking regulated activity to knowingly apply for, offer to do, accept or undertake regulated activity work, paid or unpaid. Similarly it is an offence for the school to offer a position which involves regulated activity to any person whose name is included on one of the DBS Barred Lists.

**11.1.2** If such a person inadvertently applies for, offers to do, accepts or undertakes any such work he/she should bring the fact immediately to the attention of the Headteacher.

**11.1.3** Where the DBS Barred Check reveals the inclusion of a person on one of the DBS Barred Lists:

- The Headteacher must arrange to discuss the matter with the person before any final decision is made regarding the person's suitability for the position applied for. If the person believes the information provided by the DBS to be incorrect regarding their inclusion on the DBS Barred List they should contact the DBS who will be able to provide them with details of the DBS disputes procedure. The final recruitment decisions should be deferred until the outcome of the disputes process is known
- While any dispute is being resolved the applicant must not under any circumstances be permitted to commence working and (in those instances where they have commenced work prior to the DBS Barred List check being completed they must be removed from that work with immediate effect)
- If the applicant accepts their inclusion on the DBS Barred List or the dispute is resolved to the effect that they are rightfully included on the list, they will be informed that any provisional offer of work (paid or unpaid) is withdrawn and (in those instances where they have not disputed their inclusion on the List and they

have commenced work prior to the DBS Barred List check being completed ) they must be removed from that work with immediate effect

- the DBS must be informed and, if there is any reason to believe that the individual has knowingly sought work in a regulated activity, the police must also be notified

## **12. Discrepancy in Criminal Records Information**

**12.1** Where there is a discrepancy in the information provided by the person subject to the DBS Disclosure and the DBS, the relevant manager should arrange to discuss the matter with the individual before any decision is made regarding the person's suitability for the position applied for. If the person believes the information provided by the DBS to be incorrect they should contact the DBS who will be able to provide them with details of the DBS disputes procedure. The person should not be allowed to commence work and (in those instances where they have commenced work prior to the DBS check being completed) they must be removed from that work with immediate effect

**12.2** Recruitment decisions should be deferred until the outcome of the disputes process is known (see Appendix 2 – flowchart for dealing with Disclosures).

## **13. Recording And Monitoring**

**13.1** We will retain DBS information in line with guidance on its Single Central Record (SCR) in respect of Disclosure Applications:-

- Name of applicant
- Identity checked and verified
- DBS certificate number
- Position applied for
- Type of Disclosure (Enhanced)
- Confirmation of DBS Barred List check requested (where applicable)
- Date application forwarded to DBS
- Date of issue of Disclosure Certificate
- Date School was notified of disclosure information provided by DBS
- Details of recruitment decision/ name of relevant officer making recruitment decision

## **14. Storage of DBS Disclosure Certificates**

**14.1** In accordance with the DBS Code of Practice, Disclosure certificates issued by the DBS will be kept by the individual and will not be held in school.

## **15. Checking of Overseas Applicants**

**15.1** The Disclosure and Barring Service can only access criminal records (convictions, cautions, reprimands and warnings) held on the Police National Computer (PNC) in England, Wales, and those recorded from Scotland. There is also some Northern Ireland conviction data held on the PNC. If an applicant is undertaking 'regulated activity' or is assessed as needing to have an enhanced DBS check (see Paragraph 6 above) and is living or has lived for a substantial period overseas, unless that applicant served in the UK Armed Forces throughout their time overseas, the DBS criminal records check may not provide a complete picture of their criminal record, if they have one. (The DBS cannot currently access overseas criminal records or other relevant information as part of its Disclosure service.) Therefore, in these circumstances, a criminal records check, certificate of good conduct or equivalent should be sought from the overseas country in which the applicant has been or is living. (Despite its limited use in this context a DBS Disclosure will still be required where the position will involve regular work in the school.)

**15.2** The DBS provides guidance on how you can get further information from the countries listed below.

[Australia](#)

[Canada](#)

[Cyprus](#)

[Czech Republic](#)

[Denmark](#)

[Finland](#)

[France](#)

[Germany](#)

[Hungary](#)

[Irish Republic](#)

[Italy \(excluding Vatican City\)](#)

[Jamaica](#)

[Latvia](#)

[Malaysia](#)

[Malta](#)

[Netherlands](#)

[New Zealand](#)

[Philippines](#)

[Poland](#)

[South Africa](#)

[Spain](#)

[Sweden](#)

**15.3** If the country that you are looking for is not listed you may wish to contact the country's representative in the United Kingdom. Contact details for those countries that have a representative in the United Kingdom can be found on the Foreign and Commonwealth website [www.fco.gov.uk](http://www.fco.gov.uk) (new window) or telephone 020 7008 1500.

**15.4** Please note that the DBS is not involved in the processing of applications made by individuals to overseas authorities and therefore will not be responsible for the contents or the length of time taken for information to be returned. The information provided by overseas authorities may be in the language of the country to which the application was made. It may therefore be necessary for customers to have this information translated. The DBS does not provide information about translation issues.

### **Policy Information and Review**

**Policy review dates (frequency of review: every 3 years)**

<b>Date</b>	<b>Changes made</b>	<b>By whom</b>
March 2016	Policy updated and reviewed	Headteacher/SLT