

Orleans Primary School

Disclosure and Debarring Service Checks Policy



Governor's Committee Responsible	PC&C
Status	Statutory
Review Cycle	Annual
Date written/last review	September 2021
Date of next review	September 2022

Signed: Chair of P, C&C

Date:

Signed: Head teacher

Date:

1) Introduction

Orleans Primary School the Department of Education Policy Guidelines:

Keeping Children Safe in Education: DFE September 2021.

The Disclosure and Barring Service (DBS) helps employers make safer recruitment decisions and prevent unsuitable people from working with vulnerable groups, including children. It replaces the Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA).

The DBS service are responsible for:

- processing requests for criminal records checks (DBS checks)
- deciding whether it is appropriate for a person to be placed on or removed from a barred list
- Placing or removing people from the DBS children's barred list and adults' barred list for England, Wales and Northern Ireland.

2) Policy Statement

The safety of children and young people is paramount and Orleans Primary School is fully committed to safeguarding and promoting the welfare of children and young people and to the rigorous implementation of the Disclosure and Debarring Service (formally known as the Criminal Records Bureau) procedures and arrangements. All staff employed at the school since the 1st March 2002 are subject to these procedures.

For all positions staff members are not entitled to withhold information about police cautions, bind-overs or any criminal convictions. This includes any that would be otherwise be considered spent under the act.

Employment equality statement: no individual will be unjustly discriminated against based on colour, race, nationality, ethnic origin, gender, sexual orientation, marital or parental status, political, religious, or socio-economic class.

3) Information available through a DBS check

A DBS check can provide access to a range of different types of information such as:

- Information held on the Police National Computer (PNC), including convictions, Cautions, Reprimands and Warnings in England and Wales, and most of the relevant convictions in Scotland and Northern Ireland may also be included. The DBS reserves the right to add new source data.
- Held on lists maintained by the disclosure and debarring service.

This information can obviously be very sensitive so as an organisation using the DBS service to assess the suitability of candidates, we will comply fully with the DBS code of practice regarding the correct handling, use and storage, retention and disposal of disclosure information.

3.2 Enhanced Checks

All DBS checks at Orleans Primary School will be enhanced. These check for spent and unspent convictions, cautions, reprimands and final warnings as well as any additional information held by local police that's reasonably considered relevant to the role being applied for. The enhanced check also includes a check of the DBS barred lists.

3.3 DBS Clearance and Access Procedures

All staff should have an Enhanced DBS check conducted before they begin work at school. In exceptional circumstances, where a person begins working at the school whilst their current DBS check is in process, they will be supervised at all times and a Risk Assessment will be carried out.

In circumstances, where a member of staff who joins the school has a current DBS check from a provider within the Local Authority or through the same Human Resources provider, and do not have a break in employment of more than 3 months, the school can decide to use the current DBS check. Unless the DBS is very recent, the school would conduct a new Enhanced DBS check.

As a minimum, the employee must be checked against the barred list before they start work. For staff employed at the school DBS checks will be conducted when they start work and again when they are in their 3rd year of employment at the school. This is in accordance with the recommendations from the London Children's Safeguarding Board (LSCB.) Continuing employment is subject to this being satisfactory.

The identity and confirmation of safeguarding checks will be made at the school office at all times for regular visitors and people who attend the school to work with the students. If the office administrator is unable to validate the safeguarding checks for a particular person, who is due to work with students, the person will not gain access to the school.

Orleans Primary School now uses the Online Disclosure and Barring Service. Please see appendix 4.

4. Clarification on Enhanced Disclosure for Particular Groups

After School Clubs

Enhanced Disclosures will apply to any employees or volunteers involved in after school activities, if there is contact with children or vulnerable adults. Responsibility for obtaining DBS checks will fall to the employing body which, in most cases will be the organisation which runs the clubs. The Office Administrator is responsible for ensuring the school has confirmation of DBS checks being in place for staff running clubs.

4.2 Agency Staff

The Head teacher must be satisfied that agency workers have an Enhanced Disclosure which is clear, current satisfactory references, proof to work in the UK, evidence of qualifications etc. At Orleans Primary School, we check this by obtaining this information from the agency responsible for their employment. This should be obtained before the agency members begin work at the school. Access to the school will not be granted for agency workers unless the school has received the appropriate checks from the agency.

Agencies supplying overseas teachers should give the school full details on clearance checks obtained.

4.3 Peripatetic Staff and other Teams, including After School Clubs

Peripatetic Staff and other teams, organisations and services supporting the school and students learning welfare must have an Enhanced Disclosure which must be presented to the Office Administrator for inclusion within the Single Central Record before they start work.

4.4 Volunteers

The school does not allow any volunteer who has no checks carried out to have unsupervised activity with pupils.

Volunteers who work at the school on a regular basis in regulated activity (that is; working with groups of pupils on an unsupervised basis) will need to have an enhanced Disclosure and Debarring Service check (including Barred list check). Such checks will be repeated every three years. DBS checks will automatically be carried out on new volunteers to the school, before they are permitted to volunteer.

Volunteer type	Checks needed
Mystery readers/classroom helpers These volunteers are supervised by the class teacher at all times, and will not volunteer more than three times within 30 days, this is therefore not regulated activity (The Safeguarding Vulnerable Groups Act 2006)	No DBS required No Barred List Check required
Parent helpers walking children to Marble Hill Park/ St Stephen's Church/ Sports day/Reception Autumn Walk These volunteers are supervised at all times by members of staff, and will not volunteer more than three times within 30 days (The Safeguarding Vulnerable Groups Act 2006)	No DBS required No Barred List Check required
Reading/times tables helpers These volunteers are not supervised by the class teacher, as helping with reading and times tables takes place in shared areas where other adults are not always present. As these volunteers are unsupervised and are instructing children on a one to one basis, and this type of volunteering may take place more than three times within 30 days, this falls under regulated activity (Flowchart of Disclosure and Barring Service Criminal Record Checks and Barred List Checks, Keeping Children Safe in Education 2021)	Enhanced DBS check with Barred List check
School day trip helpers These volunteers are not always supervised by members of staff, and may be responsible for supervising a group of children by themselves. This would include taking groups of children to the toilet. This activity therefore falls under regulated activity according to page 56 of Keeping Children Safe in Education 2021	Enhanced DBS check with Barred List check

Volunteers/parent helpers who are volunteering for one-off events (not involving overnight stay i.e. the Year 4 School Sleepover, Year 5 three day residential or the Year 6 PGL residential) do not need to have a DBS check if they will NOT be left unsupervised in charge of children (i.e. not in regulated activities) at any time. Volunteers/parent helpers assisting on school trips need to have both a DBS check and a Barred List check conducted.

4.5 Governors

New legislation released by the Government came into force on 18th March 2016 which states that Enhanced DBS checks will be mandatory for Governors in Maintained schools. All Governors at Orleans Primary School will have an enhanced DBS check. All Governor DBS checks will be repeated after 3 years.

4.6 Building Contractors/Tradespersons

A tradesman attending the school on a one off basis, for example, an electrician making repairs, does not need to be DBS checked as it is expected that they will not be allowed to move around the school unaccompanied. The Caretaker will accompany the contractors and remain with them whilst the work is carried out.

Building contractors may not need to be checked where the site area of works is clearly defined and segregated from general access, for health and safety reasons. Contractors visiting the school to carry out repairs, servicing or other short-term work should be escorted to their working areas and appropriately monitored during their presence on site. They should be instructed not to encourage or enter into communication with pupils.

Generally, it will not be necessary, providing the above procedures are followed, to obtain disclosure information from the DBS for operatives working on site.

There may be situations that fall outside the scope of the above and in these circumstances a risk assessment should be carried out to determine what measures may be appropriate. (See Appendix 2) It may therefore be

appropriate in certain circumstances to obtain disclosure information for operatives. The Head teacher and Local Authority are responsible for conducting risk assessments and applying their professional judgement in deciding whether an enhanced disclosure is needed.

4.7 Visitors (Non-educational)

Schools and colleges do not have the power to request DBS checks and barred list checks, or ask to see DBS certificates, for visitors (for example children's relatives or other visitors attending a sports day). Head Teachers and principals should use their professional judgment about the need to escort or supervise visitors.

People who visit the school on a regular basis and have contact with children will need to be DBS checked. Any visitor who will have **unsupervised** access to the children will require an enhanced disclosure. These include;

- Visitors who have business with the Headteacher or other staff or who have brief contact with a teacher present will not be required to have a DBS check.
- Visitors who come on site only to carry out repairs or service equipment will not be required to have a DBS, provided they have **no** interaction with children.

4.8 Overseas teachers and non-teaching members of staff

These members of staff need to be treated as any new employee. Both a barred list check and a DBS Enhanced Disclosure must be completed prior to appointment. If the person concerned has spent six continuous months or more outside the UK within the last 5 years, a check from that particular country will be required.

The Disclosure and Barring Service cannot establish details of criminal convictions acquired outside of the UK. Practices in other countries can vary considerably but certificates or letters of good conduct are obtainable from some overseas applicants from their embassy and may be accepted pending DBS clearance, particularly if they have not resided outside the UK at all.

5 Record Keeping/Single Central Record

The school has administrative systems to record pre-employment checks including DBS checks. This is known as the Single Central Record. When the DBS certificate is received by the applicant, he/she must present it to the admin team, who will check that it is clear and make a record of the number of the Single Central Record.

Statement on what happens when an applicant makes a disclosure on an application – check the Safer Recruitment Policy. All staff records are kept securely in the School Business Managers office.

6 Disclosure and Barring Service (DBS) and Referrals

6.1 The school is committed to ensuring that all information provided about an individual criminal convictions, including any information released in disclosures, is used fairly and stored and handled appropriately and in accordance with the provisions of the Data Protection Act 2018. Data held on file about an individual's criminal convictions will be held only as long as it is required for employment purposes and will not be disclosed to any unauthorised person.

6.2 The Safeguarding Vulnerable Groups Act (SVGA) 2006 and Safeguarding Vulnerable Groups (Northern Ireland) order (SGVO) 2007, places a duty on employers of people working with children or vulnerable adults to make a referral to the Disclosure and Barring Service in certain circumstances. This is when an employer has dismissed or removed a person from working with children or vulnerable adults (or would or may have if the person had not left or resigned etc.) because the person has:

- Been cautioned or convicted for a relevant offence: or
- Engaged in relevant conduct in relation to children and/or vulnerable adults (i.e. an action or inaction (neglect) which has harmed a child or vulnerable adult or put them at risk of harm.
- Satisfied the Harm Test* in relation to children and/or vulnerable adults. I.e. there has been no relevant conduct (i.e. no action or inaction) but a risk of harm to a child or vulnerable adult still exists.

To satisfy the Harm Test there needs to be credible evidence of a risk of harm to children or vulnerable adults such as statements made by an individual regarding conduct/behaviour. For a case to be considered as risk of harm, relevant conduct would not have occurred but there must be tangible evidence rather than a 'feeling' that a person represents a risk to children and/or vulnerable adults.

7 Regulated Activity Information – Debarring

Regulated Activity relating to children is a term which is defined in law and used to describe an activity which involves close and unsupervised contact with vulnerable groups including children, which cannot be undertaken by a person who is on the Disclosure and Barring Services Barred list. From 10th September 2012, the new definition of Regulated Activity relating to children was set out in three parts by The Protection of Freedoms Act which provides a joined up service to combine the criminal records and barring functions.

Regulated activity includes:

- a) teaching, training, instructing, caring for (see (c) below) or supervising children if the person is unsupervised, or providing advice or guidance on well-being, or driving a vehicle only for children,
- b) 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.
- c) Work under (a) or (b) is regulated activity only if done regularly. Some activities are always regulated activities, regardless of their frequency or whether they are supervised or not. This includes:
 - relevant personal care, or health care provided by or provided under the supervision of a health care professional:
 - Personal care includes helping a child, for reasons of age, illness or disability, with eating or drinking, or in connection with toileting, washing, bathing and dressing
 - Health care means care for children provided by, or under the direction or supervision of, a regulated health care professional.

For staff who work in childcare provision or who are directly concerned with the management of such provision, the school needs to ensure that appropriate checks are carried out to ensure that individuals are not disqualified under the Childcare (Disqualification) Regulations 2009. Further information on the staff to whom these regulations apply, the checks that should be carried out, and the recording of those checks can be found in Disqualification under the Childcare Act 2006 statutory guidance.

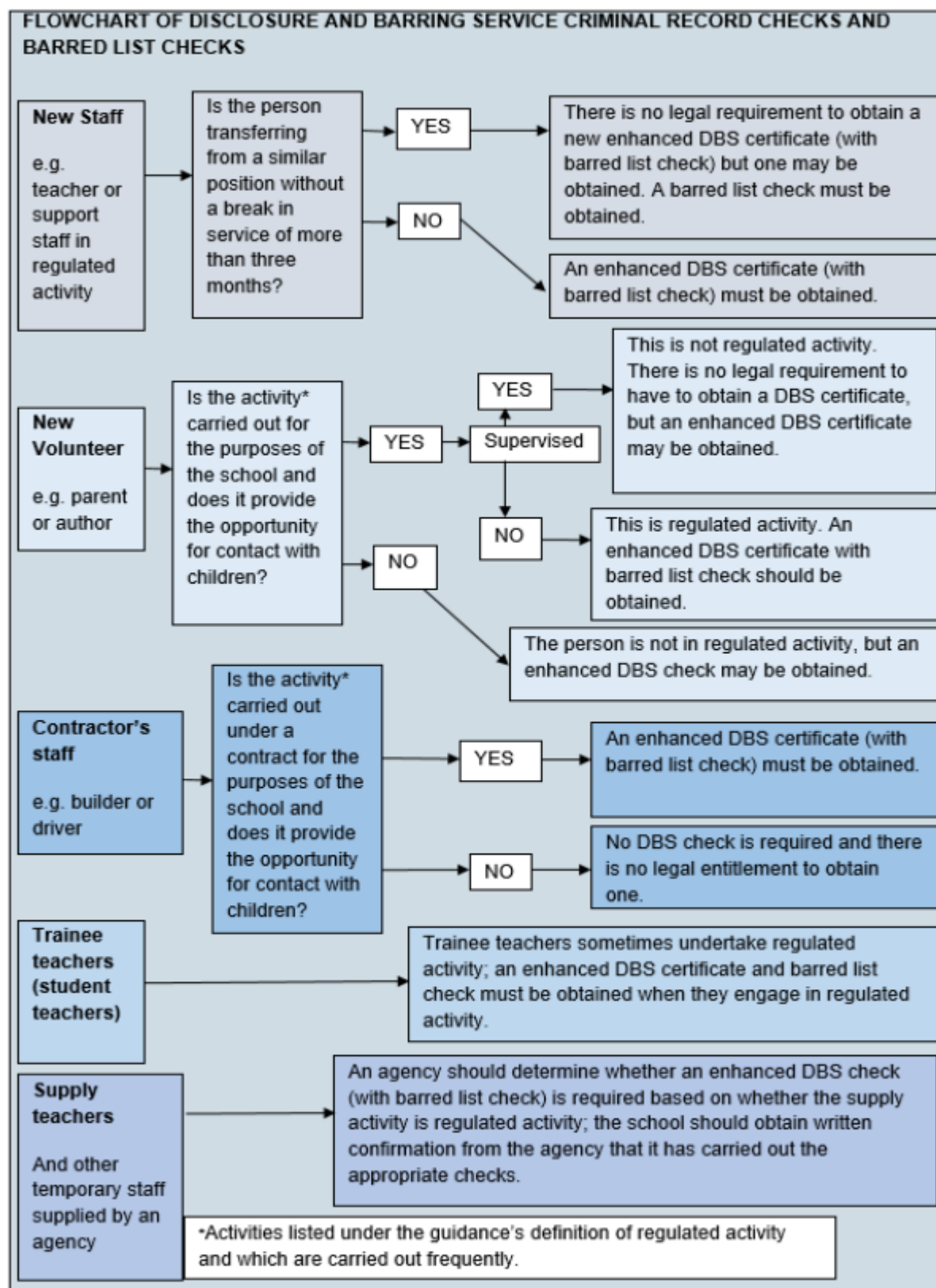
Appendix 1 Summary of DBS Check Requirements at Orleans Primary School

Who	Type of DBS check	When does it need to be reviewed?
School Staff (including overseas staff)	Enhanced DBS check and Barred List check	Every 3 years.
Governors	Enhanced DBS check and Section 128 check	Every 3 years.
Regular Visitors	Enhanced DBS check	Dated within 3 years
Contractors	Do not need a DBS check but will need to be risk assessed and accompanied by either the Caretaker or the SBM	If they do have an enhanced DBS check then this must be dated within 3 years
Peripatetic Staff and other Teams	Enhanced DBS check	Dated within 3 years.
Clubs	Enhanced DBS check	Every 3 years.
Volunteers	Enhanced DBS check with Barred List check	Every 3 years.

Appendix 2 Risk Assessment to be used for contractors without DBS checks.

Issue which is being addressed i.e. which are of the school	Where will the contractors be located i.e. will it be away from classrooms and the playground such as the roof?	Specific issues which need to be considered	What has been put into place?

Appendix 3 Flow Chart of actions relating to DBS checks (KCSIE 2021)



Appendix 4 - Online Disclosure and Barring Service (DBS) system.

Please log into the system using the link below:

<https://www.hr-platform.co.uk/individual/application-login/?3%2Bs%2Byhmz2blyVc3n3KdCq5%2FLpL%2Fkel0vgBQVu9FkqGE%3D>

Select the 'Enhanced DBS' options and follow the instructions to apply for the DBS.

Once this is completed please provide documentation to the Office Administrator.

A key requirement of the Certificate process through the Disclosure and Barring Service (DBS) is for your identification to be verified by the organisation requesting this Certificate on you. Please have your National Insurance number available when completing the online application form.

If you do not hold at least one of the identification documents listed below you should seek clarification from the organisation requesting this Certificate on you prior to starting your application as you may not be able to submit your application online.

- Current valid Passport
- Biometric Residence Permit (UK)
- Current Driving Licence (UK, Isle of Man/Channel Islands/EU) (full or provisional)
- Birth Certificate (UK & Channel Islands) - issued within 12 months of your date of birth
- Adoption Certificate (UK & Channel Islands)

Regulated activity

The full legal definition of regulated activity is set out in Schedule 4 of the Safeguarding Vulnerable Groups Act 2006 as amended by the Protection of Freedoms Act 2012.

HM Government has produced [Factual note on regulated activity in relation to children: scope](#).

Regulated activity includes:

- a. teaching, training, instructing, caring for (see (c) below) or supervising children if the person is unsupervised, or providing advice or guidance on physical, emotional or educational well-being, or driving a vehicle only for children;
- b. 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.

Work under (a) or (b) is regulated activity only if done regularly.⁶⁶ Some activities are always regulated activities, regardless of frequency or whether they are supervised or not. This includes:

- c. relevant personal care, or health care provided by or provided under the supervision of a health care professional:
 - o personal care includes 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 or disability;⁶⁷
 - o health care means care for children provided by, or under the direction or supervision of, a regulated health care professional.

Regulated activity will not be:

- paid work in specified places which is occasional and temporary and does not involve teaching, training; and
- supervised activity which is paid in non-specified settings such as youth clubs, sports clubs etc.