



STAFF-01-DISCLOSURE & BARRING SERVICE (DBS)-01

1 INTRODUCTION

- 1.1 The safety of children and young people is paramount, and Heart of England School (the Trust) is committed to implementing the Disclosure and Barring (DBS) procedures and arrangements. It will comply with the DBS Code of Practice and National Care Standards guidance regarding the correct handling, use, storage, retention, and disposal of Certificates.
- 1.2 The DBS was set up by the Home Office in 2012 to improve access to criminal record checks for employment related purposes and to help organisations make safer recruitment decisions.
- 1.3 DBS checking applies to staff with access to children under 18 years of age, vulnerable adults or other positions of trust that fall within the Rehabilitation of Offenders Act 1974. The DBS and the Independent Safeguarding Authority (ISA) both became part of the Disclosure and Barring Service (DBS).
- 1.4 The DBS Code of Practice requires the Trust to have a written policy and procedure on the recruitment of people with a criminal record and to ensure anyone applying for a job at the Trust receives a copy.
- 1.5 The Trust is committed to the principle of equal opportunities and, subject to the overriding consideration of protecting children, we will endeavour to prevent unfair discrimination against those with a criminal record.

2 ROLE OF TRUST BOARD AND COMMITTEES

- 2.1 The Trust Board has delegated this policy to the Principal. It reserves the right to request information from external organisations which wish to use the Trust's premises.

3 ROLE OF PRINCIPAL AND SENIOR LEADERSHIP TEAM

- 3.1 The Principal is responsible for the approval and implementation of this policy.

4 LEVELS OF CERTIFICATION

There are three levels of certification:

- 4.1 Basic DBS Certificate

These contain only details of unspent criminal convictions (as per the Rehabilitation of Offenders Act 1974) will be included in this type of check. If the individual whose records are being checked has no such convictions, the results will state that.
It is the only type of check that an individual can require, so is used by self-employed people.

- 4.2 Standard Certificates

These contain details of all convictions on record (including spent convictions) plus details of any cautions, reprimands, or warnings.
Information obtained on the government lists is of people considered unsuitable to work, or gain access to sensitive information relating to children/young people

- 4.3 Enhanced Certificates

These involve an extra level of check with local police force records in addition to checks with the Police National Computer and the government department lists held by the Department for Children, Schools and Families and Department of Health, where appropriate.

The government's safer recruitment initiative stipulates that all staff in an educational establishment must have an enhanced Certificate.

5 RECRUITMENT OF STAFF IN THE UK

- 5.1 Job applicants will be asked to state any convictions on their application form. Those invited to attend an interview will be advised in writing that relevant criminal convictions will be discussed at the interview in order to assess job-related risks.
- 5.2 Applicants are encouraged to submit written details, dates, and any other relevant information, in confidence, to the Principal who will ensure the security of this sensitive information.
- 5.3 The School will apply for a DBS Certificate only for applicants offered a position. The information obtained will be used to help establish whether that person has a background that might make him/her unsuitable for the job or voluntary position in question.
- 5.4 The School will not apply to the DBS Certificate to run a check without the knowledge and consent of the person concerned.
- 5.5 If the DBS Certificate reveals any convictions, the person concerned will be invited to attend an interview with the Principal and Governors to discuss the conviction(s) and circumstances.
- 5.6 Having a criminal record will not necessarily bar applicants from working at the School. This will depend on the nature, circumstances and background of the offence, and the time elapsed since the offence.
- 5.7 Failure to reveal information directly relevant to the position sought could lead to the withdrawal of any offer of employment.

6 CHECKS ON STAFF RECRUITED FROM OVERSEAS

The School will follow the guidance for the [recruitment of staff from overseas](#), (copied notes follow):

Individuals who have lived or worked outside the UK must undergo the same checks as all other staff in schools. They should also undergo additional checks related to international recruitment and training.

Schools can use a range of information sources and evidence as part of their safeguarding procedures for international recruitment, including the items included in this section.

We expect schools to draw on a varying range of sources on a case-by-case basis, depending on the individual in question. It is good practice to carry out a risk assessment, recording the evidence you have gathered to reach your decision and showing you have no grounds for concern about the applicant.

Schools must:

1. Follow the statutory guidance in part 3 of [Keeping children safe in education](#).
2. Apply for an [enhanced DBS certificate](#) with Children's Barred List information on behalf of the applicant, even if the applicant has never been to the UK. Note that a DBS check can only be performed if the applicant can submit proof of right to work, for example a visa. This means that schools may need to make a conditional offer in order for a visa application to be approved and a DBS check performed.
3. Check that the applicant is not subject to a prohibition order issued by the Secretary of State for Education in England, (the 'Prohibited List') via the [Teaching Regulation Agency](#).
4. Make further checks appropriate to applicants from outside the UK. This could include [Criminal records checks for overseas applicants](#). Where this information is not available, schools should seek alternative methods of checking suitability, some of which we list below.
5. Perform an online search on shortlisted applicants – anything you're concerned about can then be raised at interview. This is particularly important as non-UK countries have different policies relating to the types of offences on a criminal record, and how long they are stored for.

Schools should also:

1. Request at least 2 references, one of which should be from the trainee's most recent employment. References must be obtained directly from the referee, who should be a senior person with appropriate authority. 'To whom it may concern' references must not be accepted unless they are validated as genuine by the referee. References obtained via email must be sent from a verifiable email address. Concerns arising from the reference should be discussed with the referee and, where appropriate, the applicant.
2. Request an employment history to investigate any inconsistencies and unexplained gaps in employment and, if the applicant is currently unemployed, contact their most recent employer to find out why they left their last job. Recent graduates do not need to supply an employment history, unless they have carried out part-time work, which they should declare.
3. Request evidence of professional standing – for example, a letter from the organisation that regulates teachers in the country where the applicant qualified, confirming their status as a teacher. Ideally, this document should also confirm that the applicant's authorisation to teach has never been suspended, barred, cancelled, revoked or restricted and that they have no sanctions against them. For countries where teachers are automatically eligible for QTS, [Teacher Qualifications, Professional recognition: evidence required](#) lists relevant documentation. For everywhere else, the [UK Centre for Professional Qualifications](#) can give advice on the organisations to contact.

Recruiting teachers from Ukraine

If you're carrying out safeguarding checks on Ukrainian citizens, it may be helpful to know that they can apply to the [Ministry of Internal Affairs of Ukraine](#) for a criminal record check, which will be emailed to them. They can then contact the [Ukrainian Embassy in the UK](#) for a translation of the criminal record check and a letter confirming its validity.

You can find information about the Ukrainian education system at [Enic-Naric - Ukraine](#) and at the [Ukrainian Ministry of Education](#).

7 VOLUNTEERS

- 7.1 The same recruitment considerations should be given to volunteers as paid employees.
- 7.2 Checks are required for all volunteers who have regular and unsupervised access to children or vulnerable adults.

8 CONTRACTORS AND AGENCY WORKERS

- 8.1 Contracts and agency workers that undertake 'regular activity' must present a valid DBS certificate before commencing their activity. Regulated activity will be being undertaken if:
 - the individual has a frequent presence on site (on 4 or more days in a 30-day period), and
 - their services involve 'teaching, training or supervision of children' or
 - their services are contracted on an ongoing basis.

8.2 These checks must be carried out by the contractor or agency.

9 RENEWAL AND USAGE OF DBS CERTIFICATES

9.1 A DBS check has no official expiry date. Any information included is accurate at the time the check was carried out.

9.2 The DBS check certificate information can only be used for the specific purpose for which it was requested and for which the applicant’s full consent has been given.

10 LETTINGS AND EARLY YEARS PROVIDERS

10.1 All organisations involved with early years must satisfy the Trust’s criteria regarding DBS checks and disqualification by association.

10.2 Any external organisation letting part of the Trust’s estate shall ensure that where a hiring involves activities aimed predominantly at children, and/or the activity is positively supported by the Trust for the attendance of children, they have appropriate safeguarding policies and procedures in place.

10.3 The hirer and those persons likely to have contact with children are required to hold a Disclosure and Barring Service certificate.

10.4 The Trustees reserve the right to require the Hirer to

- produce evidence that DBS checks have been carried out on all persons,
- to review safeguarding on policies and procedures,
- to impose any additional requirement which they consider appropriate in connection with the hiring.

10.5 If for any reason the Trustees are not satisfied, they have the right to cancel any hiring. Under these circumstances there shall be no liability to the Hirer other than to refund any hiring fee or deposit paid.

11 AUTHOR

11.1 The author of this policy is the Compliance Officer. They should be contacted for any points of clarification or suggested future amendments.

12 VERSION CONTROL

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Approved by	The Principal



Date of Approval	November 2022
Key changes since previous version	<ol style="list-style-type: none">1. Reformatting to current standards2. Updating the checks on overseas workers section in line with government guidance.
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