

## DBS Policy

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| Policy Code:        | HR16           |
| Policy Start Date:  | September 2022 |
| Policy Review Date: | September 2023 |

Please read this policy in conjunction with the policies and guidance listed below:

- HR4 Recruitment and Selection Policy
- HR6 Data Protection Policy
- HR6A Data Breach Policy
- HR9 Positive Handling Policy
- HR12 Staff Disciplinary Policy
- HR24 Allegations of Abuse Made Against Adults
- HR32 Reference Policy
- HR33 Records Management Policy
- HR42 Low Level Concerns Policy
- SW5 Safeguarding and Child Protection Policy
- Disclosure and Barring Service Guidance
- Recruitment of Ex-Offenders Policy Statement
- TRA Guidance

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## **1. Policy Statement**

- 1.1 The Disclosure and Barring Service (DBS), launched on 1<sup>st</sup> December 2012, merged the services previously provided by the Criminal Records Bureau (CRB) and the Independent Safeguarding Authority (ISA).
- 1.2 It is vital that the Trust creates a culture of safe recruitment and, as part of that, adopts recruitment procedures that help deter, reject or identify people who might abuse children. In determining the suitability of prospective staff, the Trust will carry out a range of recruitment checks, including a criminal records check (Disclosure and Barring Service (DBS) check). Please see HR4 Recruitment and Selection Policy for further information on recruitment checks.
- 1.3 In addition to carrying out checks on prospective staff, the Trust will also seek to prevent unsuitable persons entering Trust premises. The Trust will carry out checks (or seek assurances where appropriate) on individuals coming onto site to work with children and young people (the level of check will depend upon the nature and frequency of the work being undertaken).
- 1.4 References to the Trust or Academy within this policy specifically include all primary, secondary and special academies within the Trust, as well as the Early Years setting at the Priory Witham Academy, Priory Apprenticeships and Lincolnshire SCITT.
- 1.5 The safeguarding of children and young people is paramount, and the Trust is fully committed to the rigorous implementation of the DBS requirements. The Trust pays full regard to the DfE guidance *Keeping children safe in education 2020*, as well as the DBS guidance on DBS Checks and the document *Regulated activity with children in England*.

## **2. Responsibility and Implementation**

- 2.1 The Pay, Performance and HR Committee has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. The Pay, Performance and HR Committee delegates day-to-day responsibility for operating the policy and ensuring its implementation, review and maintenance to the Director of Human Resources.
- 2.2 Leaders and managers have a specific responsibility to ensure the fair application of this policy. All members of staff are responsible for ensuring its success.

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### **3. Aims**

- 3.1 To ensure a DBS process within the Trust that is compliant with statutory safeguarding regulations.
- 3.2 To ensure that all eligible individuals have the correct DBS checks.

### **4. Obtaining a Disclosure**

- 4.1 The Trust will require all individuals who join the Trust to undergo a DBS check where the Trust is the DBS agent (as a DBS Umbrella Body Company).
- 4.2 For new Academies joining the Trust, all staff must be enhanced DBS checked within the first two years following the transfer date. Priority will be given to those staff whose DBS clearance date exceeds five years. Governors and volunteers are also required to have a new DBS check at the relevant level within the first two years following the transfer date.
- 4.3 The Trust will determine an individual's eligibility for a DBS check (adhering to the DBS' guidance) and issue an application form.
- 4.4 When completing a DBS application form, the applicant must confirm they have read and understood the DBS privacy notice. The declaration to confirm that they have read this will be kept on file at the relevant site. A new declaration will need to be completed upon renewal of their DBS every 5 years.

#### **4.4.1 Staff**

- a) Staff are eligible for, and will be subject to, an enhanced check with Children's barred list check, due to the work being regulated activity. The DBS check should be in place prior to a member of staff commencing work with the Trust. If the appropriate person within the Trust has not seen the DBS certificate prior to a member of staff's start date, please see section 5.1.
- b) Details of a member of staff's DBS check will be recorded on the relevant setting's Single Central Record (SCR).
- c) A DBS checklist, detailing the application process, will be kept in the member of staff's personnel file.

#### **4.4.2 Volunteers**

- a) The DBS definition of a volunteers is:

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*“A person engaged in an activity which involves spending time, unpaid (except for travel and other approved out-of-pocket expenses), doing something which aims to benefit some third party and not a close relative.”*

- b) The Trust will complete a risk assessment for each volunteer to determine the type of DBS check they are eligible for.
- c) Under no circumstances must a volunteer in respect of whom no checks have been made be left unsupervised or allowed to work in regulated activity.
- d) Details of a volunteer’s DBS check will be recorded on the relevant setting’s Single Central Record (SCR).
- e) A DBS checklist, detailing the application process, will be kept in the volunteer’s personnel file.

#### 4.4.3 Work Experience

- a) Where an individual approaches the Trust to request a work experience placement in one of the Trust’s settings, the setting will consider whether a DBS enhanced check should be requested for the individual in question.
- b) Any setting considering accepting an individual on a placement must adhere to the Trust processes in place for work experience, and seek advice from HR and/or the Head of Safeguarding if necessary.

#### 4.4.4 Governors and Trustees

- a) All Governors and Trustees are eligible for, and will be subject to, an enhanced DBS check.
- b) A governor or Trustee will only be subject to a Children’s Barred List Check if, in addition to their normal governance activity, they also engage in regulated activity, e.g. they accompany an overnight visit.
- c) The Chair of Trustees DBS Application Form is required to be signed by the secretary of state. The Trust’s Human Resources team will process this.
- d) Details of a governor or Trustee’s DBS check will be recorded on the relevant setting’s Single Central Record (SCR).
- e) A DBS checklist, detailing the application process, will be kept in the governor’s/Trustee’s file.

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#### 4.4.5 Supply/Agency Staff

- a) Any setting which utilises agency staff must obtain written notification from any agency, or third party organisation they use that the organisation has carried out the checks (in respect of the enhanced DBS certificate, written notification that confirms the certificate has been obtained by either the employment business or another such business), on an individual who will be working at the setting that the Trust would otherwise perform.
- b) Written notification must be received prior to the agency staff commencing work with the Trust.
- c) Details of the agency staff's DBS check will be recorded on the relevant setting's Single Central Record (SCR).

#### 4.4.6 Contractors

- a) The Trust will seek assurances that any contractor, or any employee of the contractor, who is to work on any of the Trust sites has been subject to the appropriate level of DBS check and the necessary recruitment checks.
- b) The Trust recognises that there will be different types of contractors working on its sites and as such different levels of DBS clearance will be required. Contractors engaging in regulated activity will require an enhanced DBS (with barred list information). For those contractors who will come into contact with children but whose primary work is something else (and as such their work is not regulated activity), an enhanced DBS (not including barred list information) will be required. An enhanced DBS (not including barred list information) will also be required for those contractors who will come into contact with children, but whose work is not regulated. Please see table below for clarification.
- c) In considering whether the contractor is regular, it is irrelevant whether the contractor works on a single site or across a number of the Trust sites.
- d) An SCR is held at Trust headquarters to record these verifications for regular contractors.
- e) In determining whether or not an activity is regulated, the Trust adheres to the DfE's guidance *Regulated activity in relation to children: scope*.

- f) The Trust is an approved DBS agent and is able to apply for enhanced DBS clearance (with barred list information) on behalf of self-employed contractors and suppliers, for which it may make a charge.
- g) Under no circumstances must a contractor in respect of whom no checks have been made be left unsupervised or allowed to work in regulated activity.

| <b>Type of contractor</b>   | <b>Example</b>   | <b>Required DBS</b>  |
|---|--|--|
| Contractors engaging in regulated activity  | Self-employed leader running an after-school club<br>Counsellor<br>Some site workers | Enhanced DBS with Barred List Check  |
| Contractors whose work provides them with an opportunity for regular contact with children but whose work is primarily something else | Builders<br>Plumbers<br>Landscapers  | Enhanced DBS (no Barred List Check)  |
| Contractors who we know will have contact with children but whose work is not regulated   | Educational<br>Psychologists<br>Consultants<br>Inspectors                            | Enhanced DBS (no Barred List Check)  |
| Contractors who do not have unsupervised contact with children  | Builders<br>Service people   | Enhanced DBS is preferred. If the contractor does not have a DBS then they must be supervised or work in an area separate from children. |

## **5 ID Verification**

- 5.1 The Trust recognises that, for a number of reasons, applicants may have been known by a different name. Applicants must complete the DBS application form in line with the guidance provided by the DBS, providing accurate and honest information. Where applicants have any concerns about disclosing historical information, they should speak with the Director of Human Resources.
- 5.2 There is no legal obligation, or expectation from the Trust, for individuals to update the DBS or obtain a new DBS certificate if a change in name

occurs after the initial application has been made, or prior to any renewal. However, when individuals are asked to renew their DBS certificate, any name changes must be disclosed in line with DBS guidelines.

## **6. Individuals commencing work without a DBS check**

- 6.1 In the event that a member of staff, volunteer, governor or Trustee starts work prior to their DBS certificate being seen by the Trust, the setting's DSL (or appropriate nominated individual) will complete an Early Employment Risk Assessment (EERA) and Supervision Plan with the individual. This should be reviewed every 2 weeks until the DBS certificate is seen by the Trust.

## **7. Trust policy on DBS renewal**

- 7.1 The Trust will renew DBS checks for its staff, Trustees, governors, and volunteers every 5 years.
- 7.2 The Trust reserves the right to undertake a DBS check on an individual at any time whilst they are employed by/working for the Trust.
- 7.3 Where the Trust works with Contractors and Suppliers, the Trust will request that their DBS checks are renewed every 5 years.

## **8. DBS Certificates Provided by the Individual**

- 8.1 A DBS certificate is sent to the home address of the person to whom the disclosure is about. The Trust, as the DBS agent, will ask to see the DBS certificate in order to review its contents. The DBS certificate number and the date of issue will be recorded on the relevant setting's SCR and the member of staff's personnel file. If the DBS certificate is clear, this will be recorded on the DBS checklist and in the event that relevant information is recorded on the DBS certificate, then this will also be recorded on the DBS checklist.
- 8.2 Under normal circumstances, the DBS certificate does not need to be copied by the Trust. However, in the event that a copy is needed, the Trust will seek the consent of the owner of the certificate. The copy will only be retained for as long as is necessary, but should not be kept for any longer than 6 months. If it is necessary for the Trust to keep the copy beyond 6 months, the owner of the certificate will be informed and notified of the reason why. The copy will be confidentially disposed of when it is no longer needed.

- 8.3 Information disclosed as part of a DBS check will be treated as 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.

## **9. People Not Requiring an Enhanced Disclosure**

- 9.1 Examples of people who do not require a disclosure include:

- a) visitors who have business with Trust staff or who only have brief contact with children;
- b) visitors, including building and other contractors; who come on site only to work in an area where no children are present; or if in an area where children are present, the visitor is accompanied by an appropriate Trust employee;
- c) secondary school students (under 16) on work experience in their schools or nursery classes. The Academy placing the student will ensure that they are suitable for the placement. The host Academy is responsible for their supervision. Such students must not be left unsupervised with children. Please be aware that students aged 16 or over and who are engaging in regulated activity will require an enhanced disclosure with Barred List Check;
- d) people who are on site before or after teaching hours when children are not present, e.g. local groups who hire premises for community or leisure activities. (Note: if children or vulnerable adults are participating in the activity during the hire period, whether members of the academy or not, then a DBS check will be required in line with DBS guidance).

## **10. When a Conviction or Caution is Revealed**

- 10.1 When a conviction or caution is revealed, the Director of Human Resources will review this in line with the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (2013 and 2020) and if the conviction is relevant to the role the individual is applying for, the Director of Human Resources will speak to the Academy Headteacher/Head of Setting in confidence and offer advice on how to proceed. Following these discussions, the Director of Human Resources will write a confidential letter to the employee concerned, a copy of which will be put on their personnel file with any notes, including the action taken. This will state whether any further action will be taken or not.

## **11. Children's Barred List (previously List 99) Checks**

- 11.1 A children's barred list check is a service administered by the Teaching Regulation Agency (TRA). Academies must use their assigned Department for Education (DfE) log in to check whether the applicant



has been barred from working with children. It can also be requested as part of an enhanced DBS application.

- 11.2 This check can be carried out separately when an employee/volunteer is starting their role at an Academy within a time period which is too short for a DBS check to be processed and returned.
- 11.3 Where the barred list check is carried out separately, an enhanced DBS check must also be completed, even if the barred list check is returned as clear and the member of staff must not work unsupervised with children until their DBS check has been returned and the Trust is satisfied with the outcome of the check. An Early Employment Risk Assessment (EERA) and Supervision Plan will be carried out in this situation. (See Section 6 for more information).
- 11.4 If a barred list check is returned showing that there is a risk, the Director of Human Resources will follow national guidance from the DBS service.
- 11.5 The barred list check must be returned before the individual starts work.

## **12. Counter-signatures for the Trust**

- 12.1 The Director of Human Resources and the Clerk to the Trust are the lead signatories for all DBS applications for the Trust. Applications must be signed by one of the lead signatories before they are sent to the DBS for processing.

## **13. Duty to Refer**

- 13.1 There is a legal requirement for the Trust to make a referral to the DBS where an individual is removed from regulated activity (or would have been removed had they not left employment), and it is believed that the individual has:
  - engaged in relevant conduct in relation to children and/or adults;
  - satisfied the harm test in relation to children and/or vulnerable adults;
  - or
  - been cautioned or convicted of a relevant (automatic barring either with or without the right to make representations) offence.
- 13.2 When making a referral, the Director of Human Resources must complete and sign a referral form and include any information that has been requested on the form, and is held by the Trust, then post/send this to the DBS.
- 13.3 Referrals should be made as soon as possible, when an individual is removed from regulated activity. This could include when an individual

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is suspended, redeployed to work that is not regulated activity, dismissed or when they have resigned.

13.4 Where the Trust ceases to use the services of a teacher because of serious misconduct, or might have dismissed them or ceased to use their services had they not left first, it must consider whether to refer the case to the Secretary of State (a referral to the Teaching Regulation Agency), as required by sections 141D and 141E of the Education Act 2002.

13.5 The Secretary of State may investigate the case, and if there is a case to answer, must then decide whether to make a prohibition order in respect of the person.

#### **14. Disclosure of Information**

14.1 All staff shall immediately inform the Trust if they are the subject of a criminal investigation and/or convicted of a criminal offence (including motoring offences) at any stage during their employment. A failure to inform the Trust may result in disciplinary action.

#### **15. Data Protection**

15.1 The Trust will ensure that sensitive personal information is held securely, and only seen by those entitled to see it in the course of their duties. All personal information will only be stored for as long as necessary, and then confidentially destroyed. For further information see HR6 Data Protection Policy and HR33 Records Management Policy.

#### **16. Policy Changes**

16.1 This policy may only be amended or withdrawn by The Priory Federation of Academies Trust.



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## **The Priory Federation of Academies Trust**

### **DBS Policy**

This Policy has been approved by the Pay, Performance and HR Committee:

Signed..... Name..... Date:.....

Chair of the Committee

Signed..... Name..... Date:.....

Trustee

Signed..... Name..... Date: .....

Chief Executive Officer

Signed.....Name..... Date:.....

Designated Member of Staff

Please note that a signed copy of this agreement is available via Human Resources.