

Little Stoke Primary School



Safer Recruitment and Disclosure/Barring Service (DBS) Procedures

A guide to the Safer Recruitment and DBS check procedures (linked to DfE guidance) followed by Integra Schools – the trading arm of South Gloucestershire Council.

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Safer Recruitment Procedures

1. Introduction

- 1.1. This document seeks to provide guidance for Headteachers and school colleagues on safer recruitment responsibilities in the school and academy setting. It does not seek to cover all the finer detail, and relevant points will need to be followed up by referring to sources identified.
- 1.2 Safer recruitment is one strand within the school's overall responsibility for safeguarding pupils and will be considered as part of the Ofsted inspection process. Familiarity with the information in this guidance and compliance with the advice set out should provide a good basis for meeting inspection requirements.
- 1.3 Safer recruitment is not just about Disclosure and Barring Service checks – or indeed just about the actual recruitment process - it is about ensuring that safeguarding considerations are an *integral* part of the day-to-day management through selection procedures, induction, supervision, professional development and a school culture that allows any concerns to be shared and addressed in a timely and appropriate way.

2. Safer Recruitment Training

- 2.1 From January 2010 it became a mandatory requirement under the School Staffing Regulations that at least one member of a school interview panel has completed approved safer recruitment training. The DfE document, 'Keeping Children Safe in Education', created March 2014 and updated annually since, confirms this statutory requirement. However, regardless of the regulatory requirement, it is important that interview panels have a good understanding of safer recruitment principles in order to fulfil the school's safeguarding responsibilities at the recruitment stage.
- 2.2 Integra Schools HR offers regular one-day training courses (and half day refresher courses) which are based on the statutory DfE guidance. These are accredited courses, which schools and academies can use to update their Single Central Record, and demonstrate their compliance with legislation. These courses are intended for Head Teachers, governors and other school staff with significant recruitment responsibilities. In addition the governor development programme includes a shortened version of the safer recruitment training course, to provide an overview of the subject.
- 2.3 Safer recruitment training provides participants with background information about abuse and abusers, together with a look at how safeguarding considerations should be applied at all stages of the recruitment process and beyond.

3. Safer Recruitment Checklist

As noted, the safer recruitment training will make participants aware that safer recruitment practice will involve thinking about and including safeguarding issues at all stages of the process – from planning and advertising through to appointment and induction. The main points are summarised below and a recruitment checklist is provided at Appendix 1. The checklist can be copied and used to assist the recruitment process. Particular care is needed when making short-term and temporary appointments to cover vacancies or other circumstances which may arise at short notice. Experience has shown that unsuitable candidates can sometimes slip through where proper checks are compromised because of time pressures.

3.1 The key features of a safer recruitment process include:-

- time to plan and prepare for the whole recruitment process;
- advertising in the appropriate place and drawing attention to safeguarding requirements, including the need for an enhanced DBS check;
- requiring all candidates to use a standard application form that provides full details of the applicant's employment history, including gaps in employment;
- thorough scrutiny of application forms and letters to identify and seek to resolve any discrepancies, anomalies or omissions. Any queries or concerns being followed up as appropriate.
- obtaining at least two independent references which address any specific questions asked about the applicant's suitability for work with children and young people, and following up any concerns. Consideration must also be given to the status and relevance of the referees nominated.
- a face-to-face interview and any other appropriate tasks that explore the candidate's suitability to work with children as part of the overall assessment. Any issues arising from the application or references should be fully explored with the candidate;
- verifying the successful applicant's identity;
- verifying any relevant qualification requirements;
- verifying suitable medical fitness for the post;
- verifying the right to work in the UK;
- checking any barring or prohibition orders that may apply;
- obtaining an enhanced DBS disclosure, and confirming suitability
- a structured induction process which clarifies safeguarding obligations and responsibilities.

4. DBS Disclosures and the Rehabilitation of Offenders Act

4.1 Following legislative changes from the Protection of Freedoms Act 2012, the Disclosure and Barring Service (DBS) was established as the agency with prime responsibility for criminal records and safeguarding and other significant changes which included:

- A reduction in the number of 'regulated' positions for which a DBS and barring check are an essential requirement;
- Enhanced disclosures no longer include the full conviction history. 'Spent' convictions which are not deemed to have safeguarding implications are no longer included, e.g. a past minor conviction for shoplifting will not be recorded on the disclosure certificate;
- The provision of a single DBS disclosure certificate to the applicant i.e.

- no copy is provided to the body/employer seeking the disclosure;
- The introduction of a new system whereby the applicant can register and pay for an online DBS update facility which can be used by future employers

4.2 Where a new DBS disclosure is required for a school post, this must be at the enhanced level which means that the information requested is exempt from the limitations of the Rehabilitation of offences Act. As noted above, this no longer means that all past convictions will be recorded but should ensure that relevant information for safeguarding purposes is available. This may include additional non-conviction information from the Police in exceptional circumstances. The enhanced certificate obtained must also be applicable to the children's workforce to ensure that all relevant information is provided. The enhanced certificate will include barring details where these are requested provided that the position is deemed to be regulated. Barring checks will not be provided for unregulated positions such as supervised volunteers or governors in maintained schools. [See Appendix 1 below](#)

4.3 It is important that the school makes arrangements to have sight of the original certificate as soon as this is available and, having checked relevant details, makes the appropriate entry on the Single Central Record. Where any undeclared conviction information is obtained it will be necessary for the Headteacher to consider if this will affect the appointment decision. A conviction will not necessarily mean that the person is unsuitable to be confirmed in post. Factors to be considered will include -

- The nature of the offence. Convictions for sexual, violent or drug offences are likely to be seen as particular concerns in relation to work with children. However, the seriousness of such offences can vary considerably.
- The nature of the post. The duties and responsibilities of the post may affect the relevance of the conviction. For example, recent drink and driving offences may cause a particular concern if the post involves the transport of pupils.
- When the offence was committed. Generally speaking offences that were committed in the past will be of less concern than more recent convictions but will need to be considered alongside other known information about the candidate's recent history.
- The frequency of the offences. A series of convictions over a period of time will be of greater concern than one isolated minor conviction.

4.4 Unless the person is actually barred from employment, the final decision on suitability will rest with the school or academy. Advice will be provided, as necessary. It is important that schools and academies do not take an over simplistic view of convictions and reject any candidate who declares a conviction. There must be proper consideration of all information available in order to decide if the candidate presents a risk to children. The evidence of, and scope for, rehabilitation needs to be set alongside the need to protect children.

4.5 Under the DBS code of conduct, DBS disclosure certificates should not be copied or retained on school files. The original document should be sighted and the content checked but it is only necessary to record the reference number and date for the purposes of the Single Central Record. The disclosure certificate should, of course, be retained by the individual concerned.

5. Who needs a DBS check? – see Appendix 1 below

- 5.1 Most adults who work within schools and academies are likely to require an enhanced DBS check at some point. However, it will not always be the responsibility of the school to obtain the DBS check. Briefly, the position is that the school/academy is responsible for those that are employees of the school/academy, or for volunteers (including governors) who have significant unsupervised involvement with children.
- 5.2 DBS checks on staff employed by an agency or third-party provider will normally be the responsibility of the employing organisation. However, where that organisation is providing staff who will work for the school (e.g. agency supply teachers) the agency must provide written confirmation of the checks carried out and the school/academy must retain relevant evidence.
- 5.3 DBS checks on those employed by the Local Authority or other organisations (e.g. Health Authority, Ofsted) are not the responsibility of the school. However, the school should always seek confirmation of identity as part of its front-office reception arrangements.

Further details for the various categories are set out below.

6. School Staff

- 6.1 Since May 2006 it has been mandatory for those taking up any school post to have an enhanced CRB (now DBS) disclosure. Once in school/academy employment there is no mandatory requirement for a further DBS check unless there is a break of service of 3 months or longer. This does not apply to circumstances such as maternity leave or long term sickness absence, where there is no break in service.
- 6.2 For longer serving staff who were in post prior to 2002, there is no *mandatory* requirement to obtain a DBS disclosure but they must have been checked against the barring list (formerly list 99). It would, however, be recommended that those staff also have a DBS check carried out.
- 6.3 The mandatory requirements are the minimum standards that must be in place and apply to all categories of school staff (i.e. teaching and support staff). This will include those employed by the school for extended day activities, where appropriate. Also any temporary or casual staff that the school chooses to employ.
- 6.4 It should be noted that the school/academy has some discretion over DBS requirements for staff who join the school directly from other school employment. **A new DBS disclosure is only mandatory if there has been a break in service or the person has not previously worked in a school setting.** Schools and academies *may* decide to 'passport' a DBS disclosure obtained by the previous employer in appropriate circumstances but some caution is needed to ensure safeguarding standards are not compromised.
- 6.5 The DBS does not endorse the 'passporting' of disclosure certificates as a general principle because they are only assured at the date of issue. However, they recognise that employers have the right to make their own decisions, subject to appropriate risk assessment. Ofsted also acknowledges that 'passporting' may be applied at school level and will not criticise such

arrangements provided that the necessary associated checks are also carried out.

- 6.6 Where the school proposes to accept a previous DBS disclosure certificate the following checks are essential:
- The original disclosure certificate is provided for verification;
 - The disclosure is at an enhanced level and is relevant to the children's workforce;
 - References have been obtained from the previous employer(s) to verify suitability for employment;
 - Barring and prohibition lists have been checked to ensure there is no restriction on employment .

The passporting of a DBS check will also be possible in cases where the person appointed has registered for the DBS on-line checking scheme. In such cases the status of the previous DBS check can be confirmed directly by the school. Other recruitment checks will still be required.

- 6.7 Each school should determine, as part of its recruitment arrangements, if it will accept 'passporting' DBS checks for new employees and what conditions will apply. As noted above, there is a need to recognise that the DBS check is only current at the date of issue and that the check will become less reliable over time and with changes in employment.
- 6.8 DfE guidance does provide some flexibility for schools to allow a new member of staff to commence work prior to receipt of a DBS check in exceptional circumstances. Where a DBS check is not available at the start date it will be for the Headteacher to carry out a risk assessment having regard to other recruitment checks carried out and the requirements of the post. Additional supervision arrangements should be put in place and the situation reviewed at regular intervals until the DBS check is sighted and recorded.
- 6.9 It is not necessary for the school to arrange re-checks of employees in post, e.g. obtaining new DBS checks after a period of (say) 3 years. This is not required in order to obtain a higher Ofsted grading, and a process of rechecking serving staff is now actively discouraged by DfE and Ofsted as a poor use of resources. Schools may exceptionally seek a new DBS disclosure if there are particular concerns or circumstances to justify such a request.

7. Volunteers and Governors

- 7.1 It is not necessary for every adult who provides voluntary assistance within school to be subject to a DBS check. The need for a check will depend on the nature of the activity and whether this involves unsupervised engagement with pupils. Where there is unsupervised involvement (e.g. running an activity with pupils without supervision from a member of staff) this is considered to be a 'regulated' position and an enhanced DBS disclosure must be obtained. However, where a volunteer supports activities with pupils which are supervised and attended by school staff there is no requirement for a DBS check to be undertaken. Some degree of professional judgement will always be required due to the range of activities in which volunteers may become involved. DfE Statutory Guidance on regulated activity and supervision is available for further reference.

See Annex F of Keeping Children Safe in Education:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/526153/Keeping_children_safe_in_education_guidance_from_5_September_2016.pdf

- 7.2 In many cases volunteers will already be known to the school and will be invited to participate in an activity by a member of staff. Where the suitability of the volunteer has not already been established, it will be necessary to consider other relevant recruitment checks (e.g. identity, application form and references) alongside DBS considerations.
- 7.3 Whether or not the activity requires a DBS check, it is good practice to have a published protocol which is made available to all would-be volunteers. An example is available on our website and may be modified to suit the school or academy's needs. Common sense clarification of the role and expectations of a volunteer will often be of greater relevance than a DBS check but volunteers who have not been checked must not be left unsupervised with children.
- 7.4 With effect from 1st April 2016, all newly appointed Governors of maintained schools will be required to apply for an enhanced DBS check within 21 days of their appointment. From 1st September 2016, all current Governors will be required to have an enhanced DBS check if they do not currently have one. A barred list check will not also be required unless they are also working in 'regulated' unsupervised activity, such as a volunteer. Some governing bodies will have already made the decision that they will require a DBS check for all governors, but that is a matter of local discretion prior to April 2016.
- 7.5 The same DBS checking system is required for Governors and Trustees of Academies. All members of a multi-academy Trust's main Board, as well as local school Boards must have an enhanced DBS check as per para 7.4 above. The DBS check for the Chair of Trustees must be done through the DfE.

8. Agency and 'third-party' staff, including lettings

- 8.1 Staff that are engaged to work for the school but are employed and paid by an Agency or other 'third-party' provider will need to be DBS checked by their employing organisation. The school must obtain written confirmation that DBS and all other relevant employment checks have been carried out. An Agency is also obliged to inform the school if the person concerned has any conviction history in which case the school must request a copy of the disclosure.

Agencies providing staff for schools are required to fulfil the same level of recruitment checks as for a school.

- 8.2 Where an activity for children (e.g. nursery or after-school) is provided at the school but is managed and delivered by another organisation, it will be important for an appropriate written agreement to be drawn up which clarifies the responsibilities of that organisation. Failure to do so may result in adverse publicity and criticism for the school should concerns arise. In the context of safeguarding, the agreement would include clarification of employment

responsibility, DBS and other pre-employment checks including Disqualification by Association, child protection policy, procedure for dealing with complaints etc. This will be particularly important if the school has commissioned the activity or is otherwise supporting it through publicity, common staff or suchlike. The school will wish to be satisfied that any activity that it is 'hosting' is being managed in a way that supports the school's standards for safeguarding pupils.

- 8.3 Schools may also offer lettings to adult groups for a range of sporting, social or educational activities. Such activities will not normally require the school to establish safeguarding protocols as part of the lettings agreement. However, in the event of adult groups using school premises during pupil attendance times, appropriate access controls will need to be established. When making arrangements for lettings, schools will generally wish to be satisfied that the intended activity is appropriate to the school setting.

9. Local Authority and other 'visiting' staff

- 9.1 Schools will receive visits from a range of Local Authority staff as well as those from other organisations such as the Health Authority, Ofsted and Universities. The school is not required to obtain or require sight of DBS disclosures for visitors from these organisations. It is sufficient for the school to obtain written confirmation that relevant checks have been carried out and to confirm the identity of individuals presenting themselves at the school. In most cases visitors such as psychologists, speech therapists or student teachers will not arrive without a prior appointment and will often be known to school staff. Any concerns should be followed up by contacting the relevant organisation.
- 9.2 DBS checks are not be carried out on all Local Authority staff and not all posts are eligible for an enhanced DBS disclosure. Staff such as finance and HR officers may visit schools for specific purposes which will not involve interaction with pupils and the normal school reception and identity arrangements are quite appropriate for these visits.
- 9.3 Catering staff who are based in schools but employed by Traded Services will be DBS checked by the Local Authority.

10. Students

- 10.1 It is not necessary to obtain DBS checks on students from other schools who may undertake work experience visits or placements and DBS checks are not, in any event, available for those under the age of 16. Supervision arrangements should be made accordingly.
- 10.2 In the case of students undertaking teacher training or other school based development the responsibility for undertaking DBS checks will normally lie with the university or training provider. Appropriate confirmation of checks should be obtained accordingly. Where the school has direct responsibility for teacher training, e.g. under the School Direct scheme, it will also have responsibility for DBS and other recruitment checks.

11. Contractors

- 11.1 Schools and academies should ensure that any contractor, or employee of a contractor, who is required to work at the school or academy has been subject

to the appropriate level of DBS check. The school must obtain written confirmation that DBS and all other relevant employment checks have been carried out.

- 11.2 Contractors engaging in regulated activity will require an enhanced DBS check (including barred list information). Contractors not engaging in regulated activity, but whose work provides them with an opportunity for regular contact with children, will require an enhanced DBS check (not including barred list information). With regard to 'regular' contact, it is irrelevant whether the contractor works on a single site or across a number of sites.
- 11.3 Schools and academies are responsible for determining the appropriate level of supervision, depending on the circumstances. However, under no circumstances should a contractor who has had no checks made be allowed to work unsupervised, or engage in regulated activity.
- 11.4 If a contractor working at a school or academy is self-employed, the school or academy should consider obtaining the DBS check as self-employed people are not able to make an application directly to the DBS on their own account.
- 11.5 As with all visitors to the school or academy, the identity of contractors and their staff should be checked on arrival at the school or academy.

12. Section 128 direction (Academy schools)

- 12.1 A section 128 direction prohibits or restricts a person from taking part in the management of an independent school, including academies and free schools. A person who is prohibited is unable to participate in any management position, such as: a management position in an independent school, academy or free school as an employee; a trustee of an academy or free school trust; a governor or member of a proprietor body for an independent school; or a governor on any governing body in an independent school, academy or free school that retains or has been delegated any management responsibilities.
- 12.2 Where a person will be engaging in regulated activity, a DBS barred list check will also identify any section 128 direction. A check for section 128 direction can also be carried out using the Teacher Services' system (employer access).

13. Disqualification by Association

- 13.1 The DfE document, Keeping Children Safe in Education has specified an additional check to be carried out on staff within schools or academies, who work with younger children. The requirement comes from the Childcare Act 2006, and essentially, the requirement applies to staff who work with children under the age of 6, (e.g. employed to work in nursery or reception classes or who supervise or care for this age group); staff employed to care for children up to the age of 8 outside of the school day (e.g. breakfast club/after school care); as well as staff directly concerned with the management of childcare (e.g. Headteachers). These staff groups are required to make a Disqualification by Association declaration to the school.
- 13.2 This check is a declaration regarding themselves or someone in their household, about whether any such person is included on the DBS children's barred list; has been found to have committed certain violent and sexual criminal offences against children and adults; or is living in the same household where another person who is disqualified lives or is employed.
- 13.3 If an employee makes a 'positive' declaration, then the school/academy is required to remove that person from working with the age groups specified,

while the employee makes an Ofsted waiver declaration. Full details of the requirements are contained in the DfE guidance:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/414345/disqual_stat-guidance_Feb_15_3_.pdf

14. The Single Central Record (SCR)

- 14.1 All schools are required to maintain a Single Central Record which lists all staff and other adults who regularly work at the school and confirms the checks that have been carried out. This will include relevant volunteers and governors. The SCR is subject to scrutiny as part of the school's Ofsted inspection and will often be considered at an early stage in the inspection process. A well maintained and up to date SCR will make a positive contribution to the inspection findings.
- 14.2 There is no prescriptive format for the SCR but it must be readily available in one place in either electronic or paper format. It is not sufficient to have the relevant details held in separate personnel records. Most schools use some form of spreadsheet that can be readily printed off and viewed for inspection purposes, and is often linked to SIMS personnel records. It is recommended that schools keep a file which contains appropriate supporting documentation such as confirmatory letters from the Local Authority, supply agencies and other organisations regarding DBS checks. The file may also be a useful place to store other relevant documentation and guidance relating to safer recruitment topics.
- 14.3 The SCR must contain the following details:

The names of all staff who are employed by the school plus other adults chosen by the school to undertake relevant activities e.g. volunteers or governors who are involved in pupil activities.

For each person listed the SCR should provide confirmation of the checks carried out, evidence seen, date and who by:-

Identity	This will normally be verified on appointment or at the time of preparing a DBS application form. Photographic identity documents such as passport or driving licence will often be used. It is recommended to include the address, post title and start date for appointment on the SCR.
Qualifications	This is only necessary where there is a specific qualification requirement. In most schools this will be QTS for teaching posts. It is not necessary to record qualifications for all school staff.
Enhanced DBS Disclosure	This must be included for all adults who were subject to a mandatory check on appointment and for all others

who have been checked. The SCR should include the unique reference number shown on the DBS disclosure.

Barred List (List 99) This is the list of those barred from working with children and this check is included as part of the enhanced DBS check for regulated positions. However, the barring list check must be confirmed for any adults who have not had the enhanced DBS – normally long serving staff. The barred list check is carried out by Integra Schools HR as part of its administrative processes.

Right to work in UK The great majority of South Gloucestershire school staff are UK citizens and a passport check is normally sufficient. Otherwise other relevant documentary evidence will be needed.

Disqualification by Association The Childcare Act 2006 and the Childcare Disqualification Regulations (2009) disqualify certain individuals from providing childcare and also includes school staff. The Regulations also relate to those staff who live in the same household where a disqualified person lives or is employed – disqualification by association. Integra Schools HR can provide advice as to the expectations upon schools with regard to this subject. See also the 2009 Regulations:

<http://www.legislation.gov.uk/ukxi/2009/1547/contents/made>

Additional checks for Overseas staff In the case of staff who have lived overseas the DBS check will not include any details of any convictions in another country. Therefore, an additional evidence such as a 'good conduct' certificate from the relevant embassy should be recorded. For further advice on the right to work in the UK and checks on overseas staff, refer to the Home Office guidance.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/426964/an_employers_guide_to_right_to_work_checks_may_2015_final.pdf

14.4 Supply teachers (or other staff) who are provided and paid through an Agency should be included on the SCR but it is not necessary for the school to verify the individual checks carried out. However, as noted in 8.1 above, written confirmation from the Agency must be available.

14.5 The SCR does not need to include 'visiting staff' from the Local Authority or other organisations but should include any supply teachers who are registered

with the Local Authority but are employed to work by and under the control of the school.

- 14.6 In summary the SCR must include relevant details for
- all staff who are employed to work at the school;
 - all staff who are employed as 'supply' staff at the school whether employed directly, through the local authority or through an Agency;
 - any other adults who are recruited or selected by the school to work in unsupervised contact with pupils, e.g. volunteers, relevant governors and those who may provide specialist input or extended services provision.
- 14.7 Catering staff based at the school but employed and managed by the local authority's Traded Services division may be included on the SCR but the necessary checks will have been carried out by the local authority and should be noted accordingly

15. Safer Working Practice

- 15.1 The Safer Recruitment Consortium have updated a document entitled: 'Guidance for Safer Working Practice for those working with Children and Young People in Education Settings', October 2015.

The document is extremely useful for both newly appointed staff as part of the induction process or for serving staff as part of ongoing awareness and professional development. It provides sensible guidance on a wide range of circumstances that can give rise to misunderstandings and complaints or sometimes result in allegations of a child protection nature.

Topics covered include:

- power and positions of trust and authority
- dress and appearance
- gifts, rewards, favouritism and exclusion
- social, sexual and physical contact
- home visits
- transporting pupils
- educational visits

The document can serve as a positive way to raise awareness and as a code of conduct that will assist school staff becoming unintentionally involved in inappropriate situations with school pupils and potentially the subject of alleged misconduct.

<http://www.safeguardingschools.co.uk/wp-content/uploads/2015/10/Guidance-for-Safer-Working-Practices-2015-final1.pdf>

16. Allegations of Abuse against Staff or other Adults

- 16.1 All schools must have regard to the DfE's statutory guidance on dealing with allegations of abuse by staff and have appropriate procedures in place. Any allegation of abuse made against a member of staff needs to be dealt with fairly, quickly and consistently,

in a way that has regard to both the welfare of the child(ren) concerned and the circumstances of the person who is the subject of the allegation. It is important that all staff and volunteers are aware of the need to report any allegations made or concerns directly observed. In most cases such reports will be passed to the Headteacher, unless he/she is the subject of the concern.

- 16.2 Where the allegation involves reported harm to one or more children through abuse of a sexual, physical or emotional kind, it will be necessary to inform the Local Authority's Designated Officer (LADO) Tina Wilson, Tel: 868508, for guidance on whether or not there is a need to involve other agencies in a strategy meeting prior to further action being taken. Advice may also be sought from Integra Schools HR who will liaise with the LADO, if appropriate. Academies based within other local authorities will need to contact the LADO for that Authority.
- 16.3 Many allegations that arise in schools are of a relatively minor nature, often associated with perceived inappropriate language or actions when dealing with pupil behaviour issues. These will usually be progressed under the school's internal disciplinary procedure, unless they are part of a more serious pattern of behaviour. In more serious or complex cases it may be necessary for the Police to undertake a criminal investigation and/or Social Services to carry out relevant assessments. In such cases the school should not proceed with actions or investigations unless these are previously agreed through the strategy discussion.
- 16.4 In certain cases it may be necessary to consider the suspension of the member of staff concerned. Often suspension may not be necessary and alternative arrangements to separate or supervise the relevant parties may be more appropriate, sometimes on a temporary basis while other enquiries are made or advice is sought. The final decision on suspension rests with the Headteacher or nominated Governor. It is always recommended that this issue is discussed with Integra Schools HR in order that full consideration is made.
- 16.5 There is now a **legal duty** on employers (schools and academies) to report to the DBS any situation where a member of staff has resigned or been dismissed in relation to a child protection matter; or where their actions/inactions are deemed to have met the 'harm' test, or that they have engaged in 'relevant conduct'. Referrals must be made as soon as possible, and HR will provide advice.
- 16.6 *Relevant conduct* – is conduct which has harmed a child or put them at risk. *The Harm Test* – if a person may harm a child or put them at risk of harm (emotional, physical, sexual, neglect).

17. Conclusion

As described in the introduction, this guidance does not set out to cover every detailed aspect of safer recruitment responsibilities for schools, but to hopefully cover the great majority of issues arising and provide advice for Headteachers and school colleagues in a relatively straightforward style. Many decisions around safeguarding and the need or otherwise for DBS checks will by now be part and parcel of everyday life in schools. Common sense and professional judgement continue to have an important place in these decisions. Nevertheless there is no room for complacency and cases of concern continue to arise. Some useful reference sources for further information are listed below.

18. Reference sources

- DfE statutory guidance: Keeping Children Safe in Education.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/526153/Keeping_children_safe_in_education_guidance_from_5_September_2016.pdf

This document is statutory guidance from the Department for Education issued under section 175 of the Education Act 2002. Schools and colleges must have regard to it when carrying out their duties to safeguard and promote the welfare of children. It should be read alongside other statutory guidance.

- Working Together to Safeguard Children 2015.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/419595/Working_Together_to_Safeguard_Children.pdf

This document is a guide to inter-agency working to safeguard and promote the welfare of children. The document provides a clear framework for Local Safeguarding Boards to monitor the effectiveness of local services. All relevant professionals should read and follow this guidance so that they can respond to individual children's needs appropriately.

- Ofsted: Inspecting safeguarding in early years, education and skills from September 2015

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/457037/Inspecting_safeguarding_in_early_years_education_and_skills_settings.pdf

This guidance sets out the key points inspectors need to consider when inspecting safeguarding in early years, education and skills settings. It is therefore a useful way of checking that the school is prepared for inspection.

- Disclosure and Barring Service: guidance for employers 2015

<https://www.gov.uk/guidance/dbs-check-requests-guidance-for-employers>

- Safer Recruitment Consortium: guidance for safer working practices for those working with children and young people in education settings. October 2015.

<http://www.saferrecruitmentconsortium.org/GSWP%20Oct%202015.pdf>

This guidance provides practical advice to support schools and their staff in their safeguarding responsibilities. To be read and used in conjunction with the DfE statutory guidance: Keeping Children Safe in Education

Disclosure/Barring Service (DBS) Procedures

Policy on Storage, Retention, Handling of DBS Disclosure Information

General Principles

As an organisation using the Disclosure and Barring Service (DBS) checking service to help assess the suitability of applicants for positions of trust, Integra HR complies fully with the code of practice regarding the correct handling, use, storage, retention and disposal of certificates and certificate information. We also comply fully with our obligations under the Data Protection Act 1998 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of certificate information.

1. Storage and access

Disclosure information will be kept securely, in lockable, non-portable, storage containers with access strictly controlled and limited to those who are entitled to see it as part of their duties.

2. Handling

In accordance with section 124 of the Police Act 1997, disclosure information is only passed to those who are authorised to receive it in the course of their duties. We maintain a record of all those to whom disclosures or disclosure information has been revealed and it is a criminal offence to pass this information to anyone who is not entitled to receive it.

3. Usage

Disclosure information is only used for the specific purpose for which it was requested and for which the applicant's full written consent has been given.

4. Retention

Once a recruitment (or other relevant) decision has been made, we do not keep disclosure information for any longer than is necessary. This is generally for a period of up to six months, to allow for the consideration and resolution of any disputes or complaints. If, in very exceptional circumstances, it is considered necessary to keep disclosure information for longer than six months, we will consult the DBS about this and will give full consideration to the Data Protection and Human Rights of the individual before doing so.

Throughout this time, the usual conditions regarding the safe storage and strictly controlled access will prevail.

To note: i) any registered care homes which are inspected by the Care Quality Commission (CQC), ii) organisations which are inspected by Ofsted and iii) establishments which are c/o Integra Schools HR – Jan 2017. All Rights Reserved.

inspected by the Care and Social Services Inspectorate for Wales (CSSIW) may retain the certificate until the next inspection.

Once the inspection has taken place the certificate should be destroyed in accordance with the [code of practice](#) for the Disclosure and Barring Service.

5. Disposal

Once the retention period has elapsed, we will ensure that any DBS disclosure information is immediately destroyed by secure means, for example by shredding, pulping or burning. While awaiting destruction, disclosure information will not be kept in any insecure receptacle (e.g. waste bin or confidential waste sack).

We will not keep any photocopy or other image of the disclosure or any copy or representation of the contents of a disclosure. However, notwithstanding the above, we may keep a record of the date of issue of a disclosure, the name of the subject, the type of disclosure requested, the position for which the disclosure was requested, the unique reference number of the disclosures and details of the recruitment decision taken.

6. Acting as an umbrella body

Before acting as an umbrella body (an umbrella body being a registered body which countersigns applications and receives disclosure information on behalf of other employers or recruiting organisations), we will take all reasonable steps to satisfy ourselves that they will handle, use, store, retain and dispose of disclosure information in full compliance with the [code of practice](#) and in full accordance with this policy.

We will also ensure that any person or individual, at whose request applications for DBS disclosures are countersigned, has such a written policy and, if necessary, will provide a model policy for that body or individual to use or adapt for this purpose.

DBS Disclosures are no longer issued to Registered Bodies and therefore we recommend employers or recruiting organisations, request the DBS applicant to produce the DBS disclosure on receipt, so this can be verified against their records and recorded as necessary in line with this policy and the code of practice.

Integra HR – Policy on the Recruitment of ex-offenders

On the 29 May 2013, legislation came into force that allows certain old and minor cautions and convictions to no longer be subject to disclosure.

- in addition, employers will no longer be able to take an individual's old and minor cautions and convictions into account when making decisions
- all cautions and convictions for specified serious violent and sexual offences, and other specified offences of relevance for posts concerned with safeguarding children and vulnerable adults, will remain subject to disclosure. In addition, all convictions resulting in a

custodial sentence, whether or not suspended, will remain subject to disclosure, as will all convictions where an individual has more than one conviction recorded

- applicants are directed to the guidance and criteria which explains the [filtering of old and minor cautions and convictions](#) which are now 'protected' so not subject to disclosure to employers

Integra HR as an organisation assessing applicants' suitability for positions which are included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order using criminal record checks processed through the Disclosure and Barring Service (DBS), complies fully with the [code of practice](#) and undertakes to treat all applicants for positions fairly.

Integra HR:-

- undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed
- can only ask an individual to provide details of convictions and cautions that [Organisation Name] are legally entitled to know about, that is to say where a DBS certificate at either standard or enhanced level can legally be requested (where the position is one that is included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended, and where appropriate Police Act Regulations as amended)
- can only ask an individual about convictions and cautions that are not protected
- is committed to the fair treatment of its staff, potential staff or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background

- has a written policy on the recruitment of ex-offenders, which is made available to all DBS applicants at the start of the recruitment process, which actively promotes equality of opportunity for all with the right mix of talent, skills and potential and welcomes applications from a wide range of candidates, including those with criminal records
- select all candidates for interview based on their skills, qualifications and experience
- ensures an application for a criminal record check is only submitted to DBS after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. For those positions where a criminal record check is identified as necessary, all application forms, job adverts and recruitment briefs will contain a statement that an application for a DBS certificate will be submitted in the event of the individual being offered the position
- ensures that all staff in Integra HR who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences
- also ensures that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974
- ensures at interview, or in a separate discussion, that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment

- makes every subject of a criminal record check submitted to DBS aware of the existence of the [code of practice](#) and makes a copy available on request
- undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment.

Integra HR – ID Verification

The applicant must give their organisation original documents (not copies) to prove their identity. The documents needed will depend on the route the application takes. The applicant must try to provide documents from the Route 1 list. For the full list of valid identity documents please refer to Annex C.

Route 1

The applicant must be able to show:

- one document from Group 1, below
- 2 further documents from either Group 1, or Group 2a or 2b, below

At least one of the documents must show the applicant's current address.

Route 2

If the applicant doesn't have any of the documents in Group 1, then they must be able to show:

- one document from Group 2a
- 2 further documents from either Group 2a or 2b

At least one of the documents must show the applicant's current address. The organisation conducting their ID check must then also use an appropriate external ID validation service to check the application.

Route 3

Route 3 can only be used if it's impossible to process the application through Routes 1 or 2.

For Route 3, the applicant must be able to show:

- a birth certificate issued after the time of birth (UK and Channel Islands)
- one document from Group 2a
- 3 further documents from Group 2a or 2b

At least one of the documents must show the applicant's current address. If the applicant can't provide these documents they may need to be fingerprinted.

Integra HR – List of Valid Identity Documents

ID Documents the applicant must provide – updated June 2015

The DBS website may change the documents which are acceptable so to ensure you have the most recent list please regularly visit the following link:

<https://www.gov.uk/disclosure-barring-service-check/documents-the-applicant-must-provide->

Group 1: Primary identity documents

Document	Notes
Passport	Any current and valid passport
Biometric residence permit	UK
Current driving licence – photo card	UK/Isle of Man/Channel Islands and EU (full or provisional) All licences must be valid in line with current DVLA requirements
Birth certificate – issued at time of birth	UK and Channel Islands – including those issued by UK authorities overseas, e.g. embassies, High Commissions and HM Forces
Adoption certificate	UK and Channel Islands

Group 2a: Trusted government documents

Document	Notes
Current driving licence – photo card	All countries (full or provisional) All driving licences must be valid
Current driving licence – paper version	UK/Isle of Man/Channel Islands and EU (full or provisional). All driving licences must be valid
Birth certificate – issued after time of birth	UK and Channel Islands
Marriage/civil partnership certificate	UK and Channel Islands
HM Forces ID card	UK
Firearms licence	UK, Channel Islands and Isle of Man

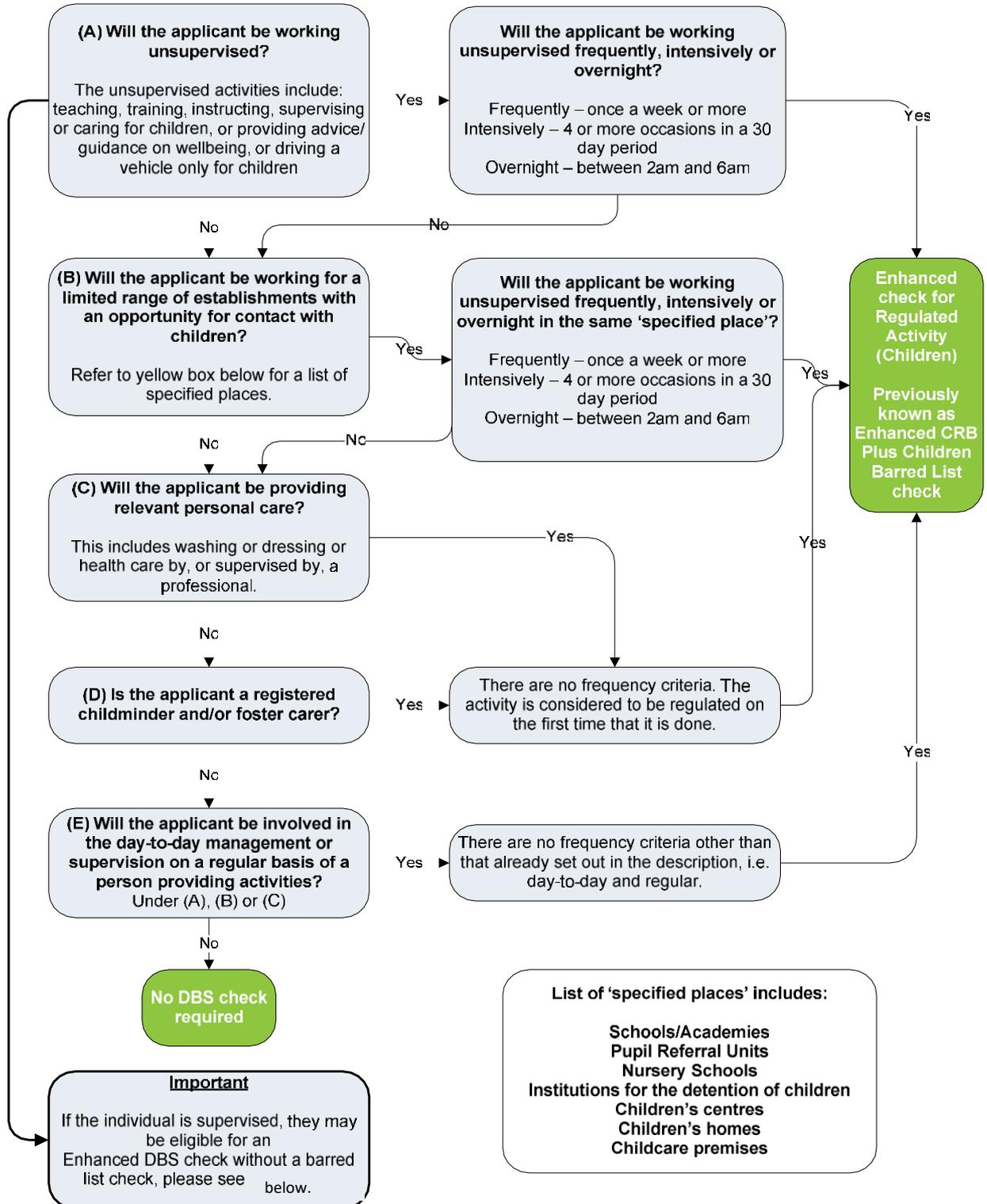
Group 2b: Financial and social history documents

Document	Notes	Issue date and validity
Mortgage statement	UK or EEA	Issued in last 12 months
Bank or building society statement	UK and Channel Islands or EEA	Issued in last 3 months

Bank or building society account opening confirmation letter	UK	Issued in last 3 months
Credit card statement	UK or EEA	Issued in last 3 months
Financial statement, e.g. pension or endowment	UK	Issued in last 12 months
P45 or P60 statement	UK and Channel Islands	Issued in last 12 months
Council Tax statement	UK and Channel Islands	Issued in last 12 months
Work permit or visa	UK	Valid up to expiry date
Letter of sponsorship from future employment provider	Non-UK or non-EEA only – valid only for applicants residing outside of the UK at time of application	Must still be valid
Utility bill	UK – not mobile telephone bill	Issued in last 3 months
Benefit statement, e.g. Child Benefit, Pension	UK	Issued in last 3 months
Central or local government, government agency, or local council document giving entitlement, e.g. from the Department for Work and Pensions, the Employment Service, HMRC	UK and Channel Islands	Issued in last 3 months
EU National ID card	Must still be valid	
Cards carrying the PASS accreditation logo	UK and Channel Islands	Must still be valid
Letter from head teacher or college principal	UK—for 16 to 19 year olds in full time education. Only used in exceptional circumstances if other documents cannot be provided	Must still be valid

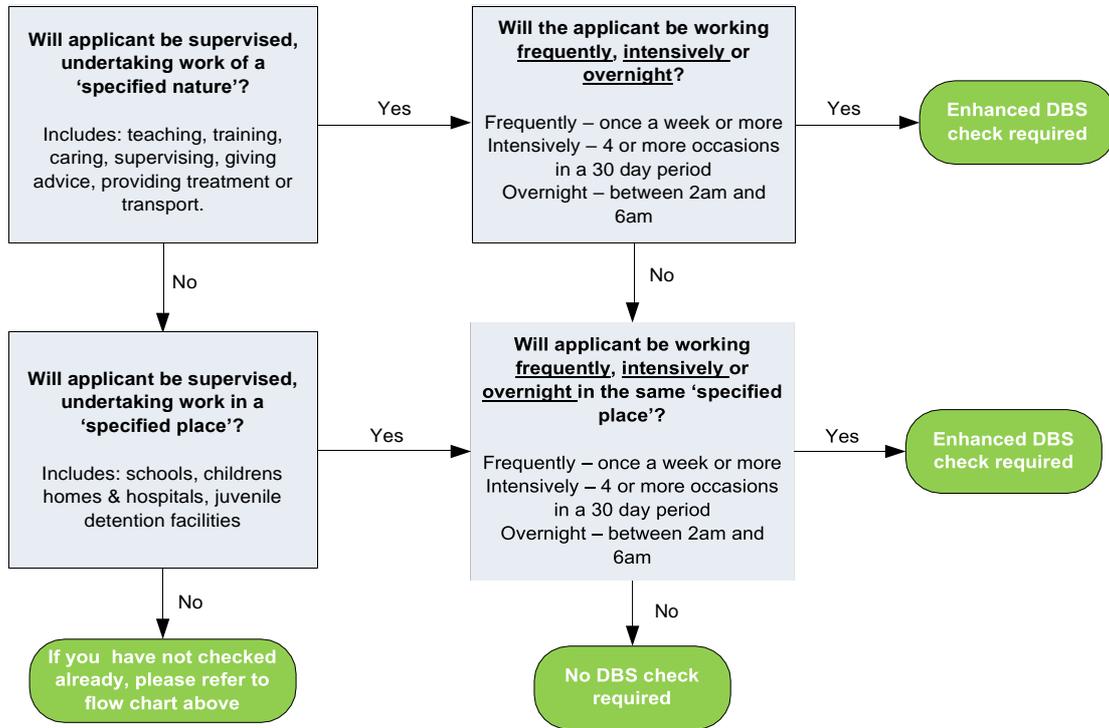
Appendix 1

Regulated activity relating to Children (Post September 2012 Definition)



**DBS Check without a barred list check
(Pre September 2012 Definition)**

Start



The following factors should be considered when deciding the specific level of supervision required in an individual case:

- the age of the children concerned
- the number of children that the individual is working with
 - whether or not there are other carers/adults around
 - the vulnerability of the children
- the experience of, and checks carried out on, the person being supervised
- the number of people being supervised

Also, there must be supervision by a person who is in regulated activity, the supervision must be regular and day to day, and it must be reasonable in all the circumstances to ensure the protection of children

Appendix 2

Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975

Under the Rehabilitation of Offenders Act 1974, a person with a criminal record is not required to disclose any spent convictions unless the position they are applying for or undertaking is listed as an exception under the act.

The following list provides the occupations relevant to the Council that are known as the exceptions to the Rehabilitation of Offenders Act 1974.

- Healthcare Professional – A person who is regulated by a body mentioned in subsection (3) of section 25 of the National Health Service Reform and Health Care Professions Act 2002 (on entry into the profession only)
- Solicitors (on entry into the profession only)
- Chartered Legal Executive or other Chartered Institute of Legal Executive (CILEx) authorised person (on entry into the profession only)
- Chartered and Certified Accountants (on entry into the profession only)
- Traffic Wardens
- Probation Officers
- Any employment or other work which is concerned with the provision of health services and which is of such a kind as to enable the employee to have access to persons in receipt of such services in the course of his normal duties.
- Financial Services position – All positions which the Financial Services Authority or the competent authority for listings are entitled to ask exempted questions to fulfil their obligations under the Financial Services and Markets Act 2000.
- For the award of public works contracts, public supply contracts and public service contracts
- Any employment which is concerned with the monitoring, for the purposes of child protection, of communications by means of the internet.
- Judicial and Crown Appointments
- For the purposes of licensing hackney carriages or private hire vehicles drivers (Taxi driver licences).
- A person living at the premises where a childminding or day care service is provided or who regularly works on the premises at a time when the childminding takes place.
- A person living in the same household as a person whose suitability is being assessed for a position working with children and who lives on the same premises where their work with children would normally take place.
- For adoption purposes
- For foster caring purposes

Important information for all applicants

Disclosure of Criminal Records

The Police Act 1997, Part V, requires that those applying to work with children or adults at risk should be subject to a check by the Disclosure & Barring Service (DBS) to ensure that they are suitable for such work. All posts in schools are covered by this requirement.

If you successfully apply for a post in a school you will be required to complete a "[Disclosure](#)" application which will be submitted to the DBS. The type of criminal record certificate applied for will depend on the actual post offered and the degree of contact which you would have with children.

However, for the purposes of both Standard and Enhanced Disclosure, which are applicable for staff in schools, no conviction is regarded as spent. Therefore, all previous convictions, cautions, reprimands and warnings recorded will be disclosed.

Having a criminal record will not necessarily bar you from employment. Decisions about the employment of someone with a criminal record will take account of the relevance of the offence to the post in question, the length of time since it occurred and the circumstances surrounding it. If you do have any previous convictions you may wish to discuss these, confidentially, with the Headteacher prior to submitting a Disclosure application. The outcome of all Disclosure applications will be sent in writing to the applicant.

In order that the DBS can be sure that they are checking the record of the right person, applicants will be asked to provide proof of identity. The documents that the applicant will need to supply will depend on the route the application takes. Full information in relation to these routes can be found <https://www.gov.uk/disclosure-barring-service-check/documents-the-applicant-must-provide->.

It is recognised that not everyone will be able to provide these items so other forms of proof of identity will be accepted. If shortlisted for the post you will be asked to bring proof of your identity to the interview.

The DBS requires that all bodies registered for Disclosure purposes adhere to their Code of Practice and establish their own policies on fair use and confidential handling of information disclosed, as well as having a written policy on the recruitment of ex-offenders. The Council is firmly committed to the proper use of Disclosure information and recognises the sensitivity of such information and the high degree of confidentiality with which it should be handled. Schools that use alternative DBS providers should ensure that the provider has an appropriate Code of Practice in place for the processing of DBS applications.