



## Disclosure and Barring Service Procedure

### General Principles

As an organisation using the Disclosure and Barring Service (DBS) checking service to help assess the suitability of applicants for the position of trust, Cherry Orchard Primary and Pre-School complies fully with the Code of Practice regarding the correct handling, use, storage, retention and disposal of certificates and certification information. It also complies fully with its obligations under the Data Protection Act 1998 and other relevant legislation pertaining with the safe handling, use, storage and retention and disposal of certificate information.

The Department for Education (DfE) sets out the statutory requirements for Disclosure and Barring Service (DBS) checks in its statutory guidance on safeguarding for schools, Keeping Children Safe in Education. An updated version of the guidance has been published which is in force from September 2018.

### Storage and Access

Certificate information will be kept securely, in a lockable, non-portable, storage container with access strictly controlled and limited to the Head Teacher and School Business Manager who are entitled to see it as part of their duties.

### Handling

In accordance with Section 124 of the Police Act 1997, certificate information is only passed to the Head Teacher and School Business Manager who are authorised to receive it in the course of their duties. Cherry Orchard Primary and Pre-School Primary School maintains a record of all those to whom certificates or certificate information has been revealed and it is a criminal offence to pass this information to anyone who is not entitled to receive it.

### Usage

At Cherry Orchard Primary and Pre-School certificate information is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

### Retention

Once recruitment decision has been made, we do not keep certificate information 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 dispute or complaints. In very exceptional circumstances, it is considered necessary to keep certificate 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.

### Disposal

Once the retention period has elapsed, we will ensure that any DBS certificate information is immediately destroyed by shredding. Whilst awaiting destruction certificate information will be kept in a secure place. We will not photocopy the certificate or copy any personal data.

Cherry Orchard Primary and Pre-School is committed to the fair treatment of its staff and pupils and no individual will be unjustifiably discriminated against on the basis of race, colour, nationality, ethnic origin, gender, sexual orientation, marital or parental status, age, politics, disability, religion or socio-economic class.

As an organisation using the Disclosure and Barring Service, Cherry Orchard Primary and Pre-School complies fully with the DBS Code of Practice.

### **Disclosure and Barring Service Update**

From 28 May 2012, the Disclosure and Barring Service (DBS), formerly known as the Criminal Records Bureau (CRB), introduced new identity (ID) checking guidelines. These new guidelines will apply to all applications for a DBS check.

This enhancement has been introduced so that the DBS's identity checking process is strengthened to improve public protection. In particular, the changes will make it more difficult for individuals to conceal previous criminal records by changing their name. These changes are part of an on-going improvement process that will enable easier detection of undeclared changes of name in the future.

With effect from 1 December 2012 the Criminal Record Bureau (CRB) merged with the Independent Safeguarding Authority (ISA) to become the Disclosure and Barring Service (DBS). Following a review the Government has announced the following changes:

- A large reduction in the number of positions requiring checks to just those who work most closely and regularly with children and vulnerable adults
- Portability of criminal record checks between jobs to cut down on bureaucracy
- An end to a requirement for those working or volunteering with vulnerable groups to register with the Vetting and Barring Scheme and to be continuously monitored by the Independent Safeguarding Authority
- Stopping employers who knowingly request criminal record checks on individuals who are not entitled to them

There is no official expiry date for a DBS check. Each DBS check carries the date on which it was printed. DBS checks continue to cover staff until the school carries out a new check. From June 2013, applicants and employers can use the DBS Update Service to keep a certificate up-to-date or to carry out checks on a potential employee's certificate.

### **Newly Appointed Staff**

The Department for Education regulations for schools contain a statutory duty that schools must obtain a barred list check with an enhanced DBS check for newly appointed staff. The DBS check is only for staff who, within the three months before their appointment, have not worked in:

- A school in England in a post which brought them into regular contact with children or any post they were appointed to since 12 May 2006; or
- A Further Education College in England in a position which involved the provision of education and regularly caring for, training, supervising or being in sole charge of children or young people under the age of eighteen
- A school or FE college must NOT request a barred list check on a worker who is not in regulated activity as such a check would be unlawful.

### **Existing Staff**

If a school has concerns about the suitability of an existing staff member to work with children, or a person moves to work in regulated activity and for their previous work they were not checked, then the school should carry out all relevant checks as if the person was a new member of staff. In line with good practice if

a person has been employed by Cherry Orchard Primary and Pre-School for more than 10 years a new DBS check will be carried out.

### **Checks on Individuals who have Lived or Worked Abroad**

Newly appointed staff who have lived or worked abroad must first undergo the same check as for all other staff in schools. In addition this school will make further checks, they consider appropriate due to the person having lived outside the United Kingdom and take extra care when taking up references.

### **Right to Work in the UK**

You must check that a job applicant is allowed to work in the UK before you employ them. Prior to employment you must:

- See the applicant's original documents
- Check the documents are valid with the applicant present
- Make and keep copies of the documents and record the date you made the check

Checking the Documents - You need to check that:

- The documents are genuine, original and unchanged and belong to the person who has given them to you
- The dates for the applicant's right to work in the UK haven't expired
- Photos are the same across all documents and look like the applicant
- Dates of birth are the same across all documents
- The applicant has permission to do the type of work you're offering
- If 2 documents have different names the applicant must have supporting documents showing why, e.g. marriage certificate or divorce decree

Taking a copy of documents - When you copy the documents:

- Make a copy that can't be changed, e.g. a photocopy
- For passports, copy any page with the expiry date and applicant's details (e.g. nationality, date of birth and photograph) including endorsements, e.g. a work visa
- For biometric residence permits and residence cards (biometric format), copy both sides
- For all other documents you must make a complete copy
- Keep copies during the applicant's employment and for 2 years after they stop working for you
- Record the date the check was made
- Make sure you follow data protection law

### **Contractors**

This school has arrangements in place with contractors to make sure that for any of the contractor's staff working regularly in the premises with the opportunity for contact with children, the contractor has obtained a barred list check and an enhanced DBS check. For contractor's staff who do not work regularly at the school but may have contact, the Head Teacher and School Business Manager will use their professional judgements to decide whether to request a DBS check and how far to supervise these workers. Contractors who have not been checked by their employers will be supervised by and/or accompanied by the Head Teacher or Site Manager.

### **Visitors**

Cherry Orchard Primary and Pre-School cannot undertake barred list or enhanced DBS checks on visitors, for example MPs or relatives on sports day. The Head Teacher and School Business Manager will use their professional judgement about escorting and supervising visitors.

### **Supply Staff**

At Cherry Orchard Primary and Pre-School we ensure that the supply staff are booked through our preferred Agency. The supply agency provides prior written confirmation that the relevant checks have been completed, these are checked against the supply teacher on their arrival at the school Reception.

### **Existing Volunteers**

Cherry Orchard Primary and Pre-School Primary School will not DBS check volunteers continuing in the same position, unless there was a cause for concern. We will not request a barred list check or an enhanced DBS check because they should already have been checked.

### **New Volunteers**

At Cherry Orchard Primary and Pre-School new volunteers who regularly teach or look after children on an unsupervised basis are working in regulated activity; this school will obtain a barred list check in addition to an enhanced DBS check. If the volunteer is not in regulated activity the Head Teacher should undertake a risk assessment and use their professional judgement and experience when deciding whether to require an enhanced DBS check. The Head Teacher should consider:

- What the school community already knows about the volunteer, including formal and informal information from staff, parents and other volunteers and;
- If the volunteer has other employment or voluntary experience that is likely to produce suitable references
- Any other relevant information about the volunteer or the work they are likely to do

### **Advocates**

It is statutory requirement for all academy School Improvement Board Members to have an enhanced DBS check.

### **Work Experience Students and Long-term Training Placements**

It is not necessary to obtain a DBS enhanced disclosure for secondary pupils undertaking voluntary work or work experience in other schools. However, at Cherry Orchard Primary and Pre-School it is best practice to ensure that all visitors sign in and out, and are escorted while on the premises by a member of staff.

Student Teachers who are required to work with children as a necessary part of a training course, will provide evidence of their DBS Disclosure before they commence their teaching practice within school.

### **Specialist External Instructors**

At Cherry Orchard Primary and Pre-School Primary School when external specialists/instructors come into school and have unsupervised or regular contact with children, the school check their DBS enhanced disclosure or ask them to apply for an enhanced DBS disclosure.

### **Visitors and Volunteers who do not need DBS checks**

- People visiting the Head Teacher or other staff or who only have brief, supervised contact with children
- Visitors or contractors who carry out emergency repairs or service equipment, and who will not be left unsupervised on the premises
- Volunteers who accompany staff and children on one-off outings or trips that do not involve overnight

stays or who help at one-off events, such as a sports day, School Fayres or open days

- People on site before or after the school day, when children are not present; e.g. school cleaners
- Secondary school-age children on work experience placements

### **Additional Checks on New Applicants**

The following checks are also necessary for new appointees. Some will apply only to paid employees. The checks are:

- Identity checks
- Qualifications checks where relevant; e.g. qualified teacher status, registration with the National College for Teaching and Leadership National College and medical fitness requirements
- Checks to confirm the applicant's right to work in the UK further checks that are recommended if an individual has lived outside the UK, because a DBS disclosure may not be sufficient to determine if he/she is suitable to work with children
- Professional, faith and character written reference checks
- Professional checks on current employers – written reference followed by a phone call
- Checks on previous employment history

At Cherry Orchard Primary and Pre-School all checks will be completed before an individual starts work, with the exception of a DBS check which will have been completed before employment commences.

### **School Record Keeping of Recruitment and Vetting Checks**

At Cherry Orchard Primary and Pre-School we maintain a Single Central Record. This is a legal requirement in the recruitment and vetting process for all schools. The single central record includes:

- All staff who are employed to work at the school
- All staff who are employed as agency supply staff to the school
- Catering Staff
- Volunteers
- Outside Professional Agencies, for example Musicians and IT Engineers

The single central record will show whether or not the following checks have taken place:

- Identity checks a check was made to establish that the person is not barred from regulated activity relating to children
- Qualification checks for any qualifications legally required for the job checks on an individual's right to work in the United Kingdom
- DBS enhanced disclosure
- Right to Work in the UK/Overseas Check

The Single Central Record will show the date on which each check was completed and by whom.

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