



DBS Policy

Including Recruitment of Ex-offenders Policy Statement

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Statement of intent

St Edward's School is committed to promoting the welfare of our staff, pupils and visitors. Ensuring the safety of our school community is of paramount importance and, as a result, this policy has been created to establish a safe environment where pupils are cared for appropriately and are free from harm.

The school is required to request a DBS check as part of its recruitment process. This check may also include barred list information held on the DBS barred list, as well as any information held by the police which is relevant to the role applied for.

DBS checks allow the school to ascertain an individual's suitability to work with children or within an environment within which children attend. This policy raises awareness of the measures taken by the school to promote the welfare of the school community.

1. Legal framework

1.1. This policy has due regard to legislation and statutory guidance including, but not limited to, the following:

- Rehabilitation of Offenders Act 1974
- Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2016
- Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2020
- Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) (England and Wales) Order 2023
- Police Act 1997
- The Police Act 1997 (Criminal Records) (Registration) Regulations 2006
- Childcare (Disqualification) Regulations 2018
- Data Protection Act 2018
- Safeguarding Vulnerable Groups Act 2006
- Equality Act 2010
- Human Rights Act 1998
- Children Act 1989
- The General Data Protection Regulation
- DfE (2023) 'Keeping children safe in education'
- DfE (2023) 'Recruit teachers from overseas'
- DBS (2018) 'Handling of DBS certificate information'
- DBS and Ministry of Justice (2023) 'DBS filtering guide'
- Home Office (2015) 'Revised Code of Practice for Disclosure and Barring Service Registered Persons'.

1.2. This policy operates in conjunction with the following school policies and documents including Safer Recruitment, Safeguarding and Child Protection, Data Protection, Disciplinary Policy and Procedure and the school's Single Central Record.

2. Definitions

Standard DBS

- 2.1. This provides information about convictions and cautions (unless they relate to a youth caution) held on the Police National Computer (PNC), regardless of whether they are spent under the Rehabilitation of Offenders Act 1974. The law does allow for certain old and minor matters to be filtered out.

Enhanced DBS

- 2.2. This provides the same information as a standard check, plus any approved information held by the police which a chief officer reasonably believes to be relevant and considers ought to be disclosed.

Enhanced DBS with barred list check

- 2.3. Where people are working or seeking to work in regulated activity with children, this allows an additional check to be made as to whether the person appears on the children's barred list.

DBS certificates issued on or after 28 November 2020

- 2.4. The following changes to filtering rules have been made for standard and enhanced DBS certificates:
- Warnings, reprimands and youth cautions will no longer be automatically disclosed on a DBS certificate
 - The multiple conviction rule has been removed, meaning that if an individual has more than one conviction, regardless of offence type or time passed, each conviction will be considered against the remaining rules individually, rather than all being automatically disclosed.
- 2.5. An additional change was made on 28 October 2023 for standard and enhanced DBS certificates:
- All unspent conditional cautions and convictions (as defined by the Rehabilitation of Offenders Act) will be automatically disclosed.

Regulated activity

- 2.6. Regulated activity includes:
- Teaching, training, instructing, caring for or supervising children if the person is unsupervised, or providing advice or guidance on physical, emotional or educational wellbeing, or driving a vehicle only for children.

- Work for a limited range of establishments (known as ‘specified places’, which include schools and colleges) with the opportunity for contact with children, but not including work done by supervised volunteers.
- 2.7. Work under 2.5 is regulated activity if it is carried out frequently by the same person or if the ‘period condition’ is satisfied. The period condition is satisfied if:
- The person carrying out the activity does so at any time on more than three days in any period of 30 days.
 - Or if the activity is done at any time between 2:00am and 6:00am and it gives the person the opportunity to have face-to-face contact with children.
- 2.8. Some activities are always regulated activities, regardless of frequency or whether the person conducting the activity is supervised. This includes the following:
- Intimate or personal care, or overnight activity, including helping a child with eating and drinking for reasons of illness or disability or in connection with toileting, washing, bathing and dressing for reasons of age, illness and disability
 - Health care, i.e. care for children provided by, or under the direction or supervision of, a regulated health care professional.

3. Roles and responsibilities

3.1. The **Board of Governors** is responsible for:

- Ensuring that this policy is reviewed.
- Ensuring all agreed DBS procedures are adhered to for both current and prospective employees.
- Monitoring the school’s single central record (SCR), ensuring its compliance with requirements.

3.2. The **Headmaster** is responsible for:

- Ensuring that this DBS Policy is adhered to at all times.
- Making decisions with regards to disclosure information concerning existing and prospective employees.
- Maintaining an up-to-date SCR.
- Ensuring that job details for any posts within the school indicate whether an individual will require a DBS check, as well as what level of check is required.
- Taking reasonable steps to make sure that any individual who is not an employee, but who is covering an existing post or other work within the school, holds the appropriate level of DBS check.
- Ensuring that all members of staff hold acceptable DBS checks according to the appropriate level required.
- Ensuring that new employees are aware of the DBS update service and encouraging them to subscribe to this.

4. Procedures for staff

New members of staff

- 4.1. Staff who will be in regulated activity are required to obtain an enhanced DBS certificate with a barred list check.
- 4.2. Any staff who have an opportunity for regular contact with children who are not engaging in regulated activity are required to obtain an enhanced DBS certificate, which does not include barred list information.
- 4.3. Staff in management roles are required to obtain an additional check to ensure they are not prohibited under section 128 provisions. Section 128 checks will be carried out using the Teaching Regulation Agency's (TRA) Employer Access Service.
- 4.4. Staff are required to show the original DBS certificate to the HR and Compliance Officer before they begin their employment or as soon as practicable after their employment begins.
- 4.5. Where a member of staff will start work in regulated activity before the DBS certificate is available, the Headmaster will ensure the individual is appropriately supervised, that all other checks, have been carried out (including a separate barred list check) and a risk assessment is in place.
- 4.6. There is no requirement for the school to obtain an enhanced DBS certificate or carry out checks for events that may have occurred outside the UK if, during a period which ended not more than three months before the individual's appointment, they have worked in:
 - A school in England:
 - Which brought them regularly into contact with children or young people.
 - To which they were appointed on or after 12 May 2006 and which did not bring them regularly into contact with children or young people.
 - In an institution within the FE sector in England, or in a 16-19 academy, in a post which involved the provision of education which brought them into regular contact with children or young people.

The school will, however, carefully consider if it would be appropriate to request an enhanced DBS check to ensure that it holds up to date information. All other relevant pre-appointment checks will still be carried out.

All other pre-appointment checks will be completed, including a barred list check, where an individual is engaging in regulated activity.

Existing staff

- 4.7. Where the school has concerns about an existing staff member's suitability to work with children, all relevant DBS and barring checks will be carried out as if the individual were a new member of staff.
- 4.8. If a member of staff moves from a post that was not in regulated activity into a post involving regulated activity, all the relevant checks will be carried out.
- 4.9. Apart from the circumstances outlined in 4.7 and 4.8, the school is not required to request a DBS or barred list check or carry out renewals for existing staff members.

Agency and third-party staff

- 4.10. The Headmaster will obtain written confirmation from any agency or third-party organisation that the organisation has carried out all the necessary DBS checks on an individual who will be working at the school that the school would otherwise perform.
- 4.11. Where the position requires a barred list check, this will be obtained by the agency or third party prior to appointing the individual.
- 4.12. Where the agency has obtained an enhanced DBS certificate, prior to the commencement of the person's work at the school, which has disclosed any matter or information, the school will obtain a copy of the certificate from the agency.
- 4.13. The Headmaster will check that the individual presenting themselves for work is the same person for whom the checks have been made.

Trainee/student teachers

- 4.14. Where applicants for ITT are salaried by the school or college, the Headmaster will ensure that all necessary DBS checks are carried out. As trainee teachers are likely to be engaging in regulated activity, an enhanced DBS certificate (including barred list information) must be obtained.
- 4.15. Where trainee teachers are fee-funded, the training provider is responsible for carrying out the necessary checks. The Headmaster will obtain written confirmation that the necessary checks have been carried out, and that the trainee has been judged by the provider to be suitable to work with children.

5. Procedures for governors

- 5.1. An Enhanced DBS check, including a Children's Barred List check is carried out for all members of the Board.
- 5.2. The Teaching Regulation Agency (TRA) Teacher Services will be used to check if a prospective governor is barred because of a section 128 direction.

6. Procedures for proprietors

- 6.1. Before an individual becomes a proprietor of an independent school, the Secretary of State will:
- Obtain an enhanced DBS certificate, with or without barred list information as appropriate.
 - Confirm the individual's identity.
 - If the individual lives or has lived outside of the UK, where making an enhanced check is insufficient, undertake such other checks as the Secretary of State considers appropriate.

7. Procedures for volunteers

- 7.1. Under no circumstances will a volunteer who has undergone no checks be left unsupervised or allowed to work in regulated activity.
- 7.2. The Headmaster will obtain an enhanced DBS check, with barred list information, for any volunteer who is new to working in regulated activity.
- 7.3. In some circumstances, the Headmaster may obtain an enhanced DBS certificate for volunteers who are not engaged in regulated activity but will not request barred list information.
- 7.4. There is no requirement to re-check volunteers in regulated activity if they have already had a DBS check, including barred list information; however, the school will conduct a repeat DBS check, with barred list information, where there are concerns about a volunteer.
- 7.5. The Headmaster will undertake a risk assessment and use their professional judgement when deciding whether to obtain an enhanced DBS certificate for any volunteer not engaging in regulated activity. The risk assessment will consider the following:
- The nature of the volunteer's work with children and level of supervision, especially where it constitutes regulated activity
 - What the school knows about the volunteer, including formal or informal information offered by others
 - Whether the volunteer has other employment or undertakes voluntary activities where referees can advise on their suitability
 - Whether the role is eligible for an enhanced DBS check.
- 7.6. Details of the risk assessment will be recorded.
- 7.7. The Headmaster will determine whether a volunteer is supervised. For a person to be considered supervised, the supervision must be:
- By a person who is in regulated activity.

- Regular and day-to-day.
 - Reasonable in all the circumstances to ensure the protection of children.
- 7.8. When allowing any volunteers to work at the school, the Headmaster will check that the individual presenting themselves for work is the same person for whom the checks have been made.
- 7.9. Existing volunteers will not usually be re-checked if they have already had a DBS check; however, if any concerns are raised, the school will consider obtaining a new DBS check at the level appropriate to the role.

8. Procedures for visitors

- 8.1. The school does not have the power to request DBS checks to be carried out on visitors.
- 8.2. The Headmaster will use their professional judgement when considering the need to accompany or supervise visitors.

9. Procedures for contractors

- 9.1. Under no circumstances will a contractor who has undergone no checks be allowed to work unsupervised or engage in regulated activity at the school. The school is responsible for determining the appropriate level of supervision depending on the circumstances.
- 9.2. Contractors who engage in regulated activity will be required to obtain an enhanced DBS certificate with barred list check.
- 9.3. Any contractors who have the opportunity for regular contact with children, but who would not be in regulated activity, will be required to obtain an enhanced DBS check.
- 9.4. If a contractor working at the school is self-employed, the Headmaster will consider if they need to obtain a DBS check on the contractor's behalf.
- 9.5. The Headmaster will check the identity of contractors and their staff upon arrival to the school.

10. Staff who have lived or worked outside the UK

- 10.1. New staff members who have lived or worked outside the UK will be checked in the same way as all other staff, in line with the procedures outlined in section 4 of this policy.
- 10.2. As of January 2021, the TRA no longer maintains a list of teachers from the European Economic Area (EEA) with sanctions. The school will continue to carry out safer recruitment checks on all applicants.
- 10.3. For applicants who have lived or worked outside of the UK, the school will make any further checks it deems appropriate so that relevant events that occurred outside the UK can be considered, including obtaining enhanced DBS certificate with barred list information, even if the applicant has never been to the UK.
- 10.4. The school will request that teachers provide, where possible, a letter of professional standing issued by the professional regulating authority in the country in which they worked, confirming that they have not imposed any sanctions or restrictions and if they are aware of any reason why they may be unsuitable to teach.
- 10.5. The DBS cannot obtain police records from overseas; however, a check will be conducted to establish whether the individual has disclosed any criminal convictions during their time in the UK.
- 10.6. As the DBS cannot provide details of police records for overseas applications, the school is aware that the DBS information may not provide a complete picture of a candidate's criminal record.
- 10.7. In relation to the above, the school will conduct additional recruitment checks, where possible, such as obtaining a certificate of good conduct from relevant embassies or the police.
- 10.8. The school will be extra vigilant when considering an applicant from overseas and may obtain additional references to ensure their suitability for the role.

11. Procedures for adults supervising children on work experience

- 11.1. The school will consider the specific circumstances of the work experience placement when considering what level, if any, of DBS check is required on individuals supervising pupils, including those aged 16 and over, on the placement.
- 11.2. Consideration will be given to whether the person providing supervision to the pupil will be unsupervised themselves and providing the supervision frequently, i.e. more than three days in a 30-day period, or overnight.
- 11.3. The school is not able to request an enhanced DBS check with barred list information for staff supervising pupils who are aged 16 to 17.

- 11.4. Work experience providers are not able to request any DBS checks for pupils under 16.

12. Procedures for alternative provision

- 12.1. Where a pupil is placed in alternative provision, the Headmaster will obtain written confirmation from the provider that the appropriate DBS and safer-recruitment checks have been carried out on the provider's staff and that those checks are consistent with the requirements set out in Keeping Children Safe in Education.

13. Disclosures containing criminal information

- 13.1. A DBS check is considered to contain criminal information if it includes details of the following:
- A police record of convictions and cautions
 - DBS barred list
 - Any other relevant criminal information obtained by the police.
- 13.2. If an individual has more than one conviction, regardless of offence type or time passed, each conviction will be considered individually, rather than all being automatically disclosed.
- 13.3. The individual will be required to attend a meeting with the Headmaster to confirm that the convictions are theirs. If the individual denies that the convictions relate to them, the Headmaster will contact the DBS to carry out an investigation.
- 13.4. If it is established by the DBS that the convictions do concern the individual, the Headmaster will explore the circumstances surrounding these and their suitability to work with children, in accordance with the Board of Governors.
- 13.5. For prospective employees, the offer of employment will remain pending whilst meetings and investigations take place.
- 13.6. For current employees, the Headmaster will consider whether adjustments will need to be made whilst meetings and investigations take place, including:
- Whether the employee can continue their practice.
 - Whether closer supervision is required of the employee.
 - Whether the employee should be temporarily transferred to other duties.
 - Whether the employee should be dealt with in accordance with the Disciplinary Policy and Procedure and suspended.
 - The Headmaster will consult the Senior Leadership Team when deciding what adjustments will need to be made for the employee concerned.

14. Making a recruitment decision

- 14.1. All offers of employment made by the school will be conditional upon satisfactory completion of the mandatory pre-employment checks.
- 14.2. The Headmaster will consider the magnitude of any DBS disclosures.
- 14.3. **Major disclosures** will result in the candidate being automatically unsuitable for the role. These include where the adult is named on the Children's barred list. Other major disclosures may indicate that the candidate may not be suitable to work with children due to transferable risk.
- 14.4. **Serious disclosures** which involve criminal activity, but do not pose a risk to pupils, will be discussed with the Headmaster prior to the candidate being accepted for the role.
- 14.5. The Headmaster will endeavour to ascertain the relevant facts from the individual and decide upon a conclusion.
- 14.6. When considering an applicant who will not be working in regulated activity, the school will not take into account any minor or old convictions which are 'protected' from disclosure, as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2016 and all subsequent Orders up to and including 2023).
- 14.7. When assessing any disclosure information on a DBS certificate, the school will consider the following information:
 - The seriousness and relevance of the disclosure in relation to the position applied for.
 - The nature of the offence or other matters revealed.
 - The length of time since the offence or other matters occurred.
 - Whether it was a one-off incident or there is a pattern of offending behaviour.
 - Whether the candidate's circumstances have changed since the offending behaviour or other matters occurred.
 - Any extenuating circumstances surrounding the offence and explanations offered.
- 14.8. Incidents will also be considered in the context of the DfE's Teachers' standards and Teacher misconduct guidance, where applicable.
- 14.9. A risk assessment will be conducted by the Headmaster following a positive disclosure, before deciding on the candidate's suitability.
- 14.10. A record of all recruitment decisions following positive DBS disclosures will be kept.

15. DBS update service

- 15.1. The school will only check the status of any DBS certificates if this is legally required for a new role or a change in role. The individual's consent will be gained before the DBS certificate status is checked.
- 15.2. Where consent is given, the school will check the DBS certificate to confirm it matches the individual's identity and examine the original certificate to ensure it is for the appropriate workforce and level of check.

16. Referral to the DBS

- 16.1. Where an allegation is made, an investigation will be carried out to ascertain whether the evidence raises concerns, and the school will ensure that it has sufficient information to meet the referral duty criteria as outlined in the DBS' 'Making referrals to the DBS' guidance.
- 16.2. The school has a legal duty to refer to the DBS any member of staff who has harmed, or poses a risk of harm, to a pupil where:
 - The harm test is satisfied.
 - The staff member has received a caution or conviction for a relevant offence, or if there is reason to believe the staff member has committed a listed relevant offence.
 - The staff member has been removed from working in regulated activity, or would have been removed had they not left the school.
 - The staff member has been moved to an area of work not in regulated activity.
 - The staff member has been suspended.
- 16.3. Referrals will be made as soon as possible after the resignation, removal or redeployment of the staff member.

17. Recruitment of ex-offenders

- 17.1. The school is aware of its responsibility under the Police Act 1997 not to discriminate applicants based on their criminal record.
- 17.2. The school will only ask an individual to provide details of convictions and cautions that the school is legally entitled to consider when recruiting candidates.
- 17.3. The school selects all candidates for interview based on their skills, qualifications and experience.
- 17.4. All job adverts that require a DBS check will outline that an application for a DBS certificate will be submitted for all candidates once they have been offered the position.

- 17.5. Candidates will be informed that failure to reveal any information which is directly related to the post could result in withdrawal of an offer of employment.
- 17.6. Any DBS certificates that reveal criminal information will be discussed with the individual, and their eligibility for the position will be reviewed in accordance with [section 13](#) and [section 14](#) of this policy.
- 17.7. The school's Child Protection and Safeguarding Policy and information on the employment of ex-offenders is available to all applicants via the school's website.

18. Single central record (SCR)

- 18.1. The Headmaster maintains an up-to-date SCR of pre-appointment checks covering all staff (including teacher trainees on salaried routes) and supply staff and all members of the Board of Governors.
- 18.2. The SCR indicates whether the following checks have been carried out or certificates obtained, and the date on which each check was completed, or certificate obtained:
 - An identity check
 - A barred list check
 - An enhanced DBS check
 - A prohibition from teaching check
 - A section 128 check
 - Further checks on individuals who have lived or worked outside the UK
 - A check of professional qualifications
 - A check to establish the individual's right to work in the UK
- 18.3. For agency staff, the SCR also records whether written confirmation has been received from the agency supplying the member of staff that the relevant checks have been carried out and the appropriate certificates have been obtained, and details of the date on which the confirmation was received and whether any enhanced DBS certificate check has been provided in respect of the member of staff.
- 18.4. There is no requirement for fee-funded trainee teachers to be recorded on the SCR.
- 18.5. The SCR is securely stored electronically.
- 18.6. Members of the Board of Governors monitor the school's SCR.
- 18.7. The details of an individual will be removed from the SCR once they no longer work at the school.

19. Data handling

- 19.1. All DBS certificates will be stored in accordance with the school's Data Protection Policy and will be stored in a securely locked and non-portable cabinet which is

located in the HR Office. Access to certificates will be strictly controlled and limited to those who are entitled to see them as part of their duties.

- 19.2. In accordance with the Police Act 1997, access to DBS certificates is strictly controlled and records will only be accessed by the Headmaster, HR and Compliance Officer and the Headmaster's PA.
- 19.3. If in exceptional circumstances, and as part of their duties, another member of staff is required to access a DBS certificate, the school will keep a record of the named individual, and the individual whom the DBS certificate concerns will be informed prior to the sharing of the information.
- 19.4. DBS certificate information will only be used for the specific purpose for which it was requested and for which the individual's full consent has been given.
- 19.5. The school will not keep DBS certificates for any longer than is necessary once a recruitment decision has been made – usually, for no longer than six months to allow for the consideration and resolution of any disputes or complaints. Copies of other documents used to verify the applicant's identify, right to work and required qualifications will be kept for the personnel file.
- 19.6. In exceptional circumstances, such as safeguarding audits, the school may decide to retain DBS certificates for longer than six months. In such cases, the school will consult the DBS and will have due regard to the data protection and human rights of the individual concerned.
- 19.7. DBS certificates will be disposed of securely by shredding.
- 19.8. Although the school will not keep any copy of the certificate, a record will be kept of the following:
 - The date of issue of the certificate
 - The name of the subject
 - The type of certificate requested
 - The certificate number.

20. Monitoring and review

- 20.1. The policy will be shared with all members of staff.
- 20.2. All staff are required to familiarise themselves with this policy as part of their recruitment.

Recruitment of ex-offenders policy statement

Under the Rehabilitation of Offenders Act 1974, St Edward's School complies fully with the DBS Code of Practice and undertakes to treat all applicants for positions fairly. We will not discriminate unfairly against any person on the basis of a criminal conviction. It is unlawful for an employer to discriminate on the grounds of a spent conviction. However, jobs that involve working with children and vulnerable adults are exempt from this Act. All personnel are therefore required to disclose both spent and unspent convictions.

The school sends a copy of this statement to all job applicants.

- The Board of Governors fully complies with the DBS Code of Practice and will not discriminate unfairly against any subject of a disclosure on the basis of conviction or other information revealed.
- All applicants are subject to a DBS check before the job appointment is confirmed; this includes details of convictions and cautions, as well as spent and unspent convictions. A positive disclosure will not necessarily prohibit a candidate from being offered a position.
- The school is committed to the fair treatment of all applicants, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical or mental disability or offending background.
- The school promotes equal opportunity and welcomes applicants from a wide range of backgrounds, including those with criminal records.
- Candidates are selected for interviews based on their skills, qualifications and experience.
- All job adverts will contain a statement that a disclosure will be requested if a position is offered.
- All applicants are encouraged to provide details of their criminal record at the earliest stage possible.
- All applicants will be made aware of the existence of the DBS Code of Practice and will be provided with a copy on request.
- The school is committed to ensuring all disclosure information will only be seen by those who require access as part of their duties.
- The school will discuss any matters revealed on a DBS certificate with the applicant before withdrawing a conditional offer of employment.
- At the interview, or in a subsequent discussion, open and measured discussion will take place on the subject of the offences.
- Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of any offer made.
- Legal advice is available for all involved in the recruitment process to ensure they can identify and assess the relevance and circumstances of offences.

Flowchart of DBS and barred list checks (KCSIE 2023)

