



Single Central Record & DBS Procedures

<u>Review Programme:</u>	
Policy adopted:	Autumn 2018
Date for next review:	Autumn 2022
Signed – Headteacher:	Mrs. P. Campbell

Leicestershire County Council, (LCC), acts on behalf of **Sketchley Hill Primary School** as the registered body with the Disclosure & Barring Service (DBS) and has a legal obligation to ensure that requested checks that fall within the scope of the relevant legislation.

There is a cost to the school for processing an application as well as the charge from the DBS. Therefore Headteachers are requested not to make unnecessary DBS checks.

On 1st December 2012 the CRB merged with the Independent Safeguarding Authority (ISA). The new name is the Disclosure & Barring Service (DBS). The DBS was established under the Protection of Freedoms Act 2012 and is a non-departmental public body sponsored by the Home Office.

The LCC guidance is recommended for use by all Headteachers engaging an employee or volunteer within their school.

All employees and volunteers working in a school are designated as working in a 'regulated activity' and are eligible for an enhanced level DBS check.

Regulated activity:

The changes effective on 10th September 2012 introduce 2 different categories of DBS checks that fall under the heading of a 'regulated activity'.

An enhanced DBS check for a post that meets the definition of a 'regulated activity' will include a check against the relevant barred list(s) for children's, adults or both. Headteachers must ensure that when an application is made that a barred list check is requested on the application form, as it is an offence for the Council to employ an individual in this type of post who has been barred from working with children or adults.

The Safeguarding of Vulnerable Groups Act 2006 established criteria that determined whether or not a post was designated as a 'regulated activity' which would require the post holder to undergo an enhanced Disclosure & Barring Service (DBS) check. The Protection of Freedoms Act 2012 has changed the definition which comes into effect on 10th September 2012.

Children

Under the new definition of a regulated activity, covering anyone whether paid or unpaid undertaking 'work' relating to children, unsupervised activities such as teach, train, instruct, care for or supervise children, or provide advice/guidance on well-being, or drive a vehicle only for children or anyone undertaking relevant personal care such as washing or dressing must be checked under the DBS process.

Note: Regulated activity still excludes:

- Family arrangements;
- Personal, non-commercial arrangements.

Convictions shown on a DBS certificate:

Following a Court of Appeal Judgement the following filtering rules, introduced with new legislation, will remove certain old and minor convictions and cautions, reprimands and warnings from all DBS Certificates issued from 29 May 2013 –

For those 18 or over at the time of the offence:

An adult conviction will be removed from a DBS Certificate if it does not appear on the Exceptions to the Rules list

- 11 years have elapsed since the date of conviction; and
- it is the person's only offence, and
- it did not result in a custodial sentence.

If a person has more than one offence, then details of all their convictions will always be included.

An adult caution will be removed after six years have elapsed since the date of the caution – and if it does not appear on the list of offences relevant to safeguarding.

For those under 18 at the time of the offence:

For convictions, the same rules apply as for adult convictions, except that the elapsed time period is five and a half years.

For cautions, the same rules apply as for adult cautions, except that the elapsed time period is two years.

Exceptions to the Rules:

Some offences will never be removed from a DBS Certificate. These include the most serious sexual and violent offences.

DBS Update Service:

If an individual is registered with the Update Service managers, with permission of the individual, can carry out free online Status Checks to see if any new information has come to light since the Certificate was issued. The individual will be able to see who has carried out a Status Check and when the check was undertaken from their online account.

When a DBS Certificate is registered with the Update Service, the DBS will keep it up-to-date by searching to see if any new information has come to light since the date it was issued and managers will be able to do an on-line check to see if the certificate is valid or whether a new application is required.

When a Status Check is made the manager undertaking the check will -

1. Need to ensure that the DBS certificate has been issued for the appropriate workforce and, if required, the certificate identifies that the relevant Barred List check has been undertaken and use this for any position that involves working/volunteering with children.
2. Need to confirm their entitlement to carry it out and that they are able to comply with the DBS's Code of Practice.
3. Enter their name and organisation together with the applicant's name, date of birth and Certificate number.

Overseas checks:

The DBS can check applicants from overseas but does not have access to overseas criminal records. Only convictions recorded in the UK will be revealed. However in a small number of cases, overseas criminal records are also held on the Police National Computer and these would be revealed as part of a DBS check.

If an individual, irrespective of nationality, has lived outside of the UK you can ask them to get a criminal records check, or 'Certificate of Good Character', from their country of origin or residence.

The DBS do not check whether an applicant is permitted to work within the UK. The recruiter is responsible for ensuring employees do not have any restrictions to take up employment within the UK.

Starting work without a DBS certificate–

Whilst it is not recommended to commence employment until a satisfactory DBS Disclosure has been obtained, in exceptional circumstances, the Headteacher can decide to allow the employee to start work prior to the DBS Disclosure being received.

Applications and Identity checks:

All applications for a DBS check are now made on-line and a guide to using the on-line service is available on EIS.

Headteachers must ensure that the job described in the 'position applied for' gives a clear indication of the nature of the work and whether the work is with children or adults as this is important for the checking process and the relevance of the check.

Rechecks:

Ofsted has endorsed the guidance given by the DCSF in respect of 3 yearly re-checks, which is, that there is no requirement to re-check the DBS's of staff as 'the law only requires DBS checks for staff at the recruitment stage, and only then if the person has a break in service of more than three months'.

The Governors have agreed that Teachers and Support Staff will have a DBS check when they are first employed at school and will then only have a renewal if their role or personal circumstances change significantly.

Volunteers and Tutors will have a DBS check prior to them starting at school and will then only have a renewal if they have a period of significant absence (ie a term or more). Discretion for this will be taken as some volunteers only help for yearly trips etc.

It is recommended that DBS checks are not accepted from another employer, agency, or organisation unless they are registered with the DBS's Update Service.

A certificate is not valid if any of the following apply if:

- There has been a three-month break in service prior to appointment, unless the individual is registered with the DBS's Update Service;

- The employee undertakes a new post with significantly greater responsibility for children i.e. was employed as a cleaner but undertakes a role as an LSA.
- A new employee holds a certificate as a volunteer. A DBS check is not valid for a volunteer who is entering paid employment; a new application must be submitted in all circumstances.

Single Central record:

Whilst Headteachers are entitled to see the details contained on a DBS Disclosure for an employee or volunteer directly appointed by them to undertake work within their school, this is not the case for others who are employees or volunteers from other organisations, companies etc.

The information contained on a DBS is covered by the provisions of the Data Protection Act.

An individual visiting a school, being asked to produce their DBS Disclosure certificate, has the legal right not to divulge personal information contained in the disclosure other than that necessary to satisfy a specific requirement and is not of a personal or sensitive nature.

The specific requirement for the SCR is only to verify the name on the disclosure, the certificate number and the date of issue, therefore it is not necessary for any other part of the document to be inspected or shown.

In circumstances where the disclosure certificate number and the date of issue has been provided by the Organisation direct to the school the SCR should show that it has been checked by the employing organisation; an identity check will then be sufficient to enable the person to conduct their business at the school.

It may be an offence within law to ask an individual, who is not an employee or a volunteer appointed by your school for any other additional information which is personal to them i.e. address, NI number, date of birth.

All Leicestershire County Council employees meeting the eligibility criteria are DBS checked to the appropriate level.

Volunteers:

Volunteers are seen by children as safe and trustworthy adults, and if a school is actively seeking volunteers, and is considering people about whom it has little or no recent knowledge, it should adopt the same recruitment measures as it would for paid staff.

In other circumstances, for example where a school approaches a parent who is well known to the school to take on a particular role, a streamlined procedure can be adopted: seeking references, checking to ensure others in the school community know of no concerns and can make a positive recommendation, conducting an informal interview to gauge the person's aptitude and suitability, and undertaking a DBS criminal records check.

In other circumstances, e.g. where a volunteer's role will be **one off**, such as accompanying teachers and pupils on a day outing or helping at a concert or school fete, it would not be necessary to undertake the same level of recruitment or undertake a criminal records check, however the person should not be left alone and unsupervised in charge of children.

Governors:

New legislation released by the Government that came in to force on the 18th March 2016 states that Enhanced DBS checks will be mandatory for Governors in Maintained schools.