



# **Loughton School**

## **Disclosure & Barring Service (DBS) Policy**

## 1. Introduction and Purpose

The safeguarding of children and young people is paramount, and Loughton School is fully committed to the rigorous implementation of the Disclosure & Barring Service (DBS) requirements.

It is a statutory requirement that all new appointments to the school's workforce must have an enhanced DBS certificate under the Education (School Staffing) (England) Regulations 2009. This includes those recruited to the school from overseas, where additional checks will also be made (see section 4.5).

There is also a requirement under the regulations for schools to keep a single, central record detailing a range of checks carried out on their staff (see section 7).

The Protection of Freedoms Act, which came in from 10 September 2012, has introduced new definitions of 'Regulated Activity' and affects the type of positions for which barred list checks are carried out.

### Regulated Activity

A summary of the new definition of 'Regulated Activity' is as follows:

- Unsupervised activities: teach, train, instruct, care for or supervise children or provide advice / guidance on wellbeing, or drive a vehicle only for children;
- Work for a limited range of establishments (specified places) with opportunity for contact with children: e.g. schools, children's homes, childcare premises. Not work by supervised volunteers;

Work under either of these definitions has to be done 'regularly' to be classed as 'Regulated Activity'.

For volunteers who do not fall under 'Regulated Activity', The school will need to assess if it is appropriate to carry out an enhanced DBS check.

All staff employed at Loughton and all regular parent and governor helpers who undertake a 'regulated activity' or activity that Loughton School feel are appropriate. must have an up-to-date enhanced DBS Certificate. Enhanced certificates show relevant spent and unspent convictions and cautions. It does not show convictions that have been filtered. The police may also provide details of acquittals or other non-conviction information held on local police records which are relevant to the job or role being sought. Individuals are criminally responsible from the age of 10.

Details of any relevant convictions or cautions must be disclosed at the interview stage. This does not necessarily prevent someone from working with children, each individual case will be risk assessed.

## 2. Selection and Screening Process

It is vital that Loughton adopt robust recruitment and vetting procedures to ensure that our children are safeguarded and to prevent people entering the school who are not suitable. We will check identity, qualifications, enhanced DBS Certificate, medical clearance, references and, this will be carried out prior to the individual starting work.

A pre-employment checklist (see Appendix 1) will be used. Further advice on all these checks can be sought from our HR provider (currently Strictly Education). Two references will always be taken up and will be obtained directly from the referee. These should be available at the interview stage. Two written references are required, the first of which must be from the current, or most recent employer if the person is not currently working. The reference request will ask for a range of specific comments related to the post, including whether the candidate has ever been the subject of a disciplinary or

capability process; whether s/he meets in full the criteria for the post; and whether there is any known reason why the person should not be employed to work with children. At Loughton we may require additional references and we will check the appropriateness of the second reference. For example, if a candidate has given a referee from a long time ago rather than the second most recent employer, this should be explored further with the individual.

In checking carefully, the employment history of candidates, it is essential to look for any breaks in service that cannot immediately be explained and seek advice if concerned.

Staff or volunteers may not commence within the school or have employment confirmed until references and DBS checks have been returned (or a portable DBS is checked).

### **3. Enhanced DBS Certificates Provided by the Individual**

#### **3.1 Photocopying**

The photocopying of any DBS certificate is forbidden by the DBS, (see section 6 for storage and destruction requirements for DBS Certificates). However, a copy of the DBS may be kept during the recruitment process, whilst further checks are being made. It will be destroyed at appointment

At Loughton we will follow the guidance below regarding whether a DBS Certificate is 'portable' or not.

#### **3.2 Newly Appointed Staff from within the Local Authority**

For teachers and support staff moving to the same role between Milton Keynes schools, we will exercise our discretion to accept an enhanced DBS Certificate provided that:

- It was processed by Milton Keynes Council.
- It is less than three years old.
- There has not been a break in service of more than three months.
- The original enhanced DBS Certificate is produced as evidence.

#### **3.3 Newly Appointed Staff from outside the Local Authority**

All staff recruited from beyond the authority, including those from foundation schools, where Milton Keynes Council is not the employer, will automatically be required to complete a new Enhanced Certificate application.

#### **3.4 Portable Certificates**

Staff who hold portable DBS enhanced certificates, will need to supply their certificate number and show their certificate. Loughton School will then undertake the required checks against the database.

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

#### **4.1 Staff**

All staff employed at Loughton should have an up-to-date enhanced DBS Certificate prior to taking up their post or role and this also applies to other individuals who have regular contact with the school.

#### **4.2 Volunteers**

All regular volunteers who are undertaking a 'regulated activity' or Loughton school consider appropriate, must have an Enhanced DBS Certificate. Where volunteers are not carrying out 'regulated activity' a decision will be taken on a case by case basis whether an enhanced DBS Certificate is required without a barred check being carried out.

Many other volunteers fall between these two extremes and the headteacher, together with the governing body, will make a risk assessment and apply their professional judgement in deciding whether a DBS certificate is needed bearing in mind that an DBS check cannot be carried out for 'Non-regulated Activity'.

Volunteers who are likely to have unsupervised access to children will need an enhanced DBS certificate.

#### **4.3 Governors**

At Loughton all our school governors will have an Enhanced DBS Certificate although they will not be subject to a barred check unless they carry out other roles in the school which are classed as 'Regulated Activity'. Section 128 mandate will also be checked via the Teacher Service Portal.

#### **4.4 Supply/Agency Staff and Outside Contractors**

The headteacher must be satisfied that all supply/agency staff and regular contractors (e.g. cleaning staff employed by an outside contractor) who are supplied to work in the school, have obtained an Enhanced DBS Certificate and have satisfactory references and safeguarding training. The Office Manager will ask supply agencies to verify in writing that they follow correct procedures and this will be held on school records.

The supply agency will be asked to confirm that the checks have been undertaken at the point of confirming the terms of the contract for supply.

If the supply staff or other member of staff is self-employed and recruited directly by the school, we will complete the same checks as for any permanently employed staff.

#### **4.5 Overseas Teachers and Support Staff**

All the regular pre-employment checks will be made on overseas staff as for other staff in the school. This includes obtaining an Enhanced DBS Certificate.

A DBS Certificate for overseas staff will not detail offences committed whilst abroad. Therefore, the school will ask staff from other countries to apply to their home police force or embassy for a certificate of good conduct, as well as from other countries where they have worked. At Loughton we are aware that the level of information contained in these certificates varies from country to country from complete to only partial extracts from the criminal record but in all cases will ensure that we carry out enough checks to confirm the individuals suitability to work in the school.

UK nationals returning to the UK having worked abroad will also be asked to obtain a certificate of good conduct from the country or countries in which they have worked.

Agencies providing overseas trained teachers will be asked to give confirm the procedures they follow in writing prior to anyone working at the school.

Where an applicant is from a country where criminal record checks cannot be made for child protection purposes, we will take extra care in taking up references and carrying out other checks on a person's background and will seek advice from our HR Adviser.

#### **4.6 Other Groups of Staff**

LA support teams, e.g. Educational Psychologists, Behaviour Support, EMA and the Music Service, all have Enhanced DBS Certificates. All taxi drivers and escorts transporting pupils to Milton Keynes or out-of-area schools also have an Enhanced DBS Certificate

#### **4.7 People not Requiring an Enhanced DBS Certificate**

Examples of people who do not need to apply for a DBS Certificate include:

- Visitors who have business with the headteacher or other staff or who have only brief contact with children with a teacher present.
- Visitors who come on site only to carry out repairs or service equipment. If appropriate, supervision will be arranged by the headteacher.
- Building and other contractors. Children will not be allowed in areas where builders are working for health and safety reasons so workers should have no contact with children. However we will have written confirmation that arrangements are in place with contractors to make sure that any of the contractor's staff that come into contact with children undergo appropriate checks.
- Volunteers or parents who only accompany staff and children on one-off outings or trips that do not involve overnight stays, or who only help out at specific events, e.g. school fete, these volunteers must be supervised at all times.
- Secondary school pupils on work experience in other schools or nursery classes. The school placing the pupil will ensure that they are suitable for the placement. The host school is responsible for their supervision. The school should ensure that a code of conduct has been read, agreed to and signed.
- People who are on site before or after school hours when children are not present, e.g. local groups who hire premises for community or leisure activities. (Note: if children are participating in the activity during the hire period, whether pupils of the school or not, then an Enhanced DBS certificate will be required but this is the responsibility of the organisation running the event). The school will require signed declaration from the group stating that this is in place.

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

The HR counter signatory will speak to the headteacher in confidence and offer advice on how to proceed. Where it is decided that the disclosure does not affect the individual's employment no record will be kept of the conviction or caution. If it is felt that the individual is not suitable to work in a school, the Headteacher will take professional HR advice to ensure correct procedures are followed. A risk assessment should be undertaken if a decision is made to employ the individual.

- i) *Ex-offenders have to disclose information about unfiltered spent and unspent convictions, cautions, reprimands and final warnings provided the employer states clearly in the recruitment advertisement, on the application form or at the interview the job applied for is exempt.*

#### **6. Storage and Destruction Requirements for DBS Certificates**

Information disclosed as part of a DBS Certificate will be treated as confidential. It is an offence for information in a Certificate to be passed to anyone who does not need it in the course of his/her duties. The Certificate will be kept in secure conditions and will be destroyed by secure means as soon as it is no longer needed and for a maximum of 6 months as per DBS rules. However a record will be kept detailing the date the Certificate was obtained, who obtained it (i.e. school, LA, supply agency) and the unique reference number. See section 7 for further information.

**The photocopying of DBS Certificates is strictly forbidden and will not be carried out.**

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

##### **7.1 Single Central Record**

The DofE requires all schools to be able to demonstrate that they have robust and accurate records of all pre-employment recruitment and vetting checks that they have

carried out for both paid staff and volunteers. This information must be compiled into a single central record of completed checks in each school.

## 7.2 Individual Records

A record will be held for all individuals within the following categories:

- All staff who are employed to work at the school.
- All staff employed as supply staff to the school whether employed directly by the school or local authority or through an agency and have regular contact with children.
- All others who work at the school who have regular contact with children. This will cover volunteers and people brought into the school to provide additional teaching or other experience for pupils but who are not staff members, e.g. a specialist sports coach or artist.

The following people may be included in the school's single central record:

- Those employed by contractors to the school, for example those undertaking maintenance work.
- Volunteers whose work does not involve contact with children.

## 7.3 Supply Staff

For the purposes of creating the record of checks at Loughton we will confirm with the supply agency, whether local authority or commercial, that they have been completed. It is the responsibility of the headteacher to confirm through the providers that all necessary checks have been carried out on people who are supplied to work at our school.

The supply agency must be asked for signed confirmation that checks have been undertaken at the point when they confirm the terms of the contract for supply.

## 7.4 Local Authority Staff

For the purpose of creating the record of checks, the school does not need to include information about staff that are engaged by the LA to work from time to time in schools, such as educational psychologists, etc. These staff will need to be covered by the LA's central record rather than that held by the school.

## 7.5 Information Held

The following information will be held on the school's central record:

- Identity - name, address, date of birth, Nationality and date of appointment from photo ID and two other forms of ID;
- Qualifications - where the qualification is a requirement of the job, e.g. those posts where a person must have QTS and date checked;
- Evidence of permission to live and work in the UK;
- Barred check (if applicable);
- DBS Certificate reference number and date the check was evidenced;
- Pre-employment medical clearance;
- Details of two satisfactory employment references;

**Note:** For volunteers only details of identity, references and where appropriate date of ISA check and/or DBS check and training is required.

### 7.5.1 Identity

For identity the information to be held is name, address and date of birth. We will ask to see original documents as proof of identify, such as a birth certificate, driving licence or passport, combined with evidence of address. Some form of photographic ID should

be seen. Individuals should provide details of any other names by which they may have been known, i.e. maiden names or names changed by deed poll. These should be produced at the interview stage.

#### **7.5.2 Qualifications**

The information should record evidence of only those qualifications which are a regulatory requirement for the post concerned. For example to teach in a maintained school one must have qualified teacher status (QTS) or fall into one of the other categories. The school is not expected to include in the record of checks all the qualifications which staff have declared in their job applications, only those relevant to the job. The school should see original certificates and follow up and check any that raise concerns in terms of authenticity.

#### **7.5.3 Right to work in the UK**

For all staff the school needs a record which confirms their right to work in the UK, this should be verified where the school does not already have a record of this.

#### **7.5.4 Barred check**

The Local Authority's School Contracts Team at MKC can undertake a barred check quickly if required for individuals carrying out 'Regulated Activity'.

#### **7.5.5 DBS checks**

The DBS (previously CRB) started operation on 1 March 2002. Evidence of DBS check, date and number, is required for those recruited since March 2002.

#### **7.5.6 Medical Clearance**

Date clearance received.

#### **7.5.7 Employment References**

Enter details of two satisfactory references (see section 3.0).

### **8. Strictly Education Counter signatories for Schools**

Emma Tuck, [emma.tuck@strictlyeducation.co.uk](mailto:emma.tuck@strictlyeducation.co.uk)

Jessica Campbell-Drew, [Jessica.Campbell-Drew@strictlyeducation.co.uk](mailto:Jessica.Campbell-Drew@strictlyeducation.co.uk)

### **9. Further Information and Advice**

DBS: [www.homeoffice.gov.uk/dbs](http://www.homeoffice.gov.uk/dbs)

General enquiries: 0870 9090 811

Further guidance on safer recruitment and the DBS can be found on [www.education.gov.uk](http://www.education.gov.uk)

The following document can be downloaded from

[www.education.gov.uk/publications/eOrderingDownload/Final%206836-safeguard.Chd%20bkmk.pdf](http://www.education.gov.uk/publications/eOrderingDownload/Final%206836-safeguard.Chd%20bkmk.pdf).

- Safeguarding Children and Safer Recruitment in Education

**Appendix 1: Safe Recruitment Checklist**



**LOUGHTON SCHOOL**

**STAFF RECRUITMENT CHECKLIST**

**RECORD OF CANDIDATE DETAILS TO ATTACH TO PERSONNEL FILE**

Name \_\_\_\_\_

Post \_\_\_\_\_

Identity Verified:  \_\_\_\_\_

(Name 2 original documents seen e.g. passport,  
Birth certificate etc.) \_\_\_\_\_

Essential and relevant qualifications seen:

Evidence of entitlement to live and work in the UK seen:

Appropriate Enhanced DBS Certificate received:

Date of Disclosure: \_\_\_\_\_

Satisfactory medical clearance:

Two written satisfactory references seen:

(The first reference **must** be the current or most recent  
Employer and will be sourced direct from them)

Above checks undertaken by: \_\_\_\_\_

Appropriate Enhanced DBS Certificate received:

Salary:

Start Date:

Signed:

HEADTEACHER