

DBS Policy for Schools

About this policy

Purpose

This document describes the DBS policy and procedures for schools and presumes that the school is using Hackney Learning Trust as a registered body. If the school has chosen to use another registered body to obtain DBS checks then they should disregard the sections that do not apply to them. Refer to the table of contents, below, for a full list of topics covered.

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Version control

The table below shows the history of the document and the changes made at each version:

Version	Date	Summary of changes
1.0	December 2012	First published version. Replaces the CRB Policy.
2.0	February 2013	Minor clarification to Section 9.1.4, Governors.
3.0	April 2013	Hyperlinks to related material changed. Old logo replaced with new Hackney Learning Trust logo.
4.0	June 2013	Procedure amended to reflect that a copy of the Disclosure is no longer sent to the EWI Team. Also updated to include references to the new DBS Update Service.

Distribution

This policy is available on [Trustnet](#).

1. Policy statement

The safety of children and young people is paramount and this school is fully committed to safeguarding and promoting the welfare of children and young people and to the rigorous implementation of Disclosure and Barring Service (DBS) procedures and arrangements.

2. Definitions

DBS	The Disclosure and Barring Service (DBS), was established under the Protection of Freedoms Act 2012. It is a Non-Departmental Public Body sponsored by the Home Office and became operational on 1 December 2012. The DBS was created after the Criminal Records Bureau and the Independent Safeguarding Authority merged.
DBS children's barred list	The DBS children's barred list is a list of people barred from working with children (replacing List 99, the POCA list and disqualification orders).
Portability	Portability refers to the re-use of a DBS check, obtained for a position in one organisation and later used for another position in another organisation. See <i>Deciding whether the applicant already has a 'Clear' Disclosure: 'Portability'</i> , on page 14.
DBS Update Service	For an annual subscription applicants can have their DBS Disclosure kept up-to-date and take it with them from role to role, within the same workforce, where the same type and level of check is required. See <i>Deciding whether the applicant already has a 'Clear' Disclosure: 'Portability'</i> , on page 14.
Regulated activity	This is what defines the eligibility for an 'Enhanced check for regulated activity' and relates to specific roles. All school staff are in regulated activity as a school is defined as a 'specified place' and therefore meets the eligibility requirement.
Enhanced check for regulated activity	This checks for spent and unspent convictions, cautions, reprimands, final warnings, 'approved' information from local police records and a check of the DBS children's and or adults' barred lists where requested. See <i>Enhanced check for regulated activity</i> , on page 9.
Enhanced DBS check	This is the same as an Enhanced check for regulated activity without a check of the barred lists.

Regular	Within this guidance 'regular' is defined as: four or more days in a 30 day period, or once a week or more often, or overnight (between 2am and 6am) where there is opportunity for face-to-face contact.
EWI Team	Education Workforce Information Team. Formerly known as the MIS Team.
Registered body	A registered body is an organisation that has the right to ask the questions that are exempt under the Exceptions Order to the Rehabilitation of Offenders Act or can countersign on the behalf of another organisation who are themselves entitled to ask these questions. Hackney Learning Trust is a registered body.

3. Scope of the policy

This policy applies to **all** school staff and volunteers, regardless of their grade, position, hours worked per week or length of contract.

4. DBS Code of Practice

As an organisation using the Disclosure and Barring Service (DBS) to assess applicants' suitability for positions of trust, Hackney Learning Trust complies fully with the DBS Code of Practice and undertakes to treat all applicants for positions, fairly. It undertakes not to discriminate unfairly against any subject of a DBS check on the basis of a conviction or other information revealed.

Organisations that wish to use DBS checks must comply with the DBS's code of practice, developed after a public consultation exercise with input from a range of organisations.

The code of practice is published under section 127 of the Police Act 1997. This is a constantly evolving document, which was last revised in April 2009. An up to date version is currently available to view on the [DBS website](#).

It is intended to ensure - and to provide assurance to those applying for Standard and Enhanced DBS checks - that the information released will be used fairly.

The code also seeks to ensure that sensitive personal information is handled and stored appropriately and is kept for only as long as necessary.

Anybody who receives Standard or Enhanced DBS check information must abide by the code of practice, this includes:

- Registered Bodies.
- Registered Bodies offering an Umbrella service.
- Recruiters and others receiving the information.

5. Hackney Learning Trust's Recruitment of Ex-Offenders Policy

The Hackney Learning Trust policy on the recruitment of ex-offenders is below. Schools are advised to use the same policy.

- Hackney Learning Trust 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.
- Hackney Learning Trust 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. Hackney Learning Trust select all candidates for interview based on their skills, qualifications and experience.
- A DBS check is only requested after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. For those positions where a DBS check is required all application forms, job adverts and recruitment briefs will contain a statement that a DBS check will be requested in the event of the individual being offered the position.
- Where a DBS check is to form part of the recruitment process, Hackney Learning Trust encourages all applicants called for interview to provide details of any criminal record at an early stage in the application process. Hackney Learning Trust request that this information is sent under separate, confidential cover, to a designated person within Hackney Learning Trust (the Head of HR) and guarantees that this information will only be seen by those who need to see it as part of the recruitment process.
- Unless the nature of the position allows Hackney Learning Trust to ask questions about an applicant's entire criminal record, Hackney Learning Trust only asks about 'unspent' convictions as defined in the Rehabilitation of Offenders Act 1974.
- All those in Hackney Learning Trust who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. Hackney Learning Trust 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.
- All applicants called for interview are encouraged to disclose details of their criminal record (if they should have one) at an early stage in the application process. Hackney Learning Trust requests that this information is sent under separate, confidential cover to a designated person within Hackney Learning Trust (The Head of HR) and guarantee that this information is only seen by those who need to see it as part of the recruitment process.
- HR ensures 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.

- Hackney Learning Trust makes every subject of a DBS check aware of the existence of the DBS Code of Practice and makes a copy available on request.
- The Head of HR discuss any matter revealed in a DBS check with the person seeking the position before withdrawing a conditional offer of employment.

6. What is a DBS check?

The DBS check searches an individual's details against criminal records and other sources, including the Police National Computer. The check may reveal convictions, cautions, reprimands and warnings.

The DBS check will either confirm that the individual doesn't have a criminal record, or it will list any relevant convictions, cautions, reprimands, warnings and, if applicable, whether the individual has been barred from working with children or vulnerable groups. The police can also include non-conviction information, for example, fixed penalties, that may be relevant.

A DBS check uses a range of different information sources, including the records of:

- The Police National Computer (PNC) and other data sources.
- The Independent Safeguarding Authority (where requested).

It should be stressed that, whilst DBS checks are vital in the consideration of appropriately staffing posts with access to vulnerable people, they are just one in a range of pre-employment checks which must be carried out in order to assess the suitability of candidates. Other checks include thoroughly confirming identities, qualifications, taking up references and examining dates of employment histories on application forms. Ongoing monitoring and supervision is also vital alongside clear safeguarding policies and procedures.

6.1. What levels of check are there?

There are currently three types of Disclosure:

- Standard.
- Enhanced check for regulated activity.
- Enhanced DBS check.

Currently, it is expected that the only level that applies for roles at Hackney Learning Trust is the Enhanced check for regulated activity, defined below.

All school staff and 'regular' unsupervised volunteers require an Enhanced check for regulated activity.

6.1.1. Enhanced check for regulated activity

The Enhanced check for regulated activity is the highest level of criminal record check and is available for those working in regulated activity with children or vulnerable groups.

This checks for spent and unspent convictions, cautions, reprimands, final warnings, 'approved' information from local police records and a check of the DBS children's and or adults' barred lists where requested.

Approved information is non-conviction information provided by the police from their local records. The Chief Police Officer in each force will decide what, if any, information to provide.

6.1.2. Enhanced DBS check

This is the same as an Enhanced check for regulated activity without a check of the barred lists.

7. What is the DBS Children's Barred List?

The DBS children's barred list is a list of people barred from working with children (replacing List 99, the POCA list and disqualification orders).

All school staff and 'regular' unsupervised volunteers must be checked on the DBS children's barred list before they start work. The DBS children's barred list is checked as part of a Enhanced check for regulated activity and also checked by the EWI Team prior to sending the DBS application form to DBS. This is to ensure that all potential employees are not on the DBS children's barred list.

The DBS children's barred list should only be checked as part of the normal recruitment process and be checked alongside an Enhanced check for regulated activity. It should not be used as a standalone check unless the Enhanced check for regulated activity remains outstanding at the time the individual begins work.

If an individual is required to be checked on the DBS children's barred list then a member of staff from the school who is an 'Authorised Verifier' should do the following:

- Check the applicant's ID e.g. passport or driving licence and confirm the applicant's surname, previous surnames (where possible) and date of birth.
- Email the request with these details and the reason why you are requesting the check, to dbs@learningtrust.co.uk.

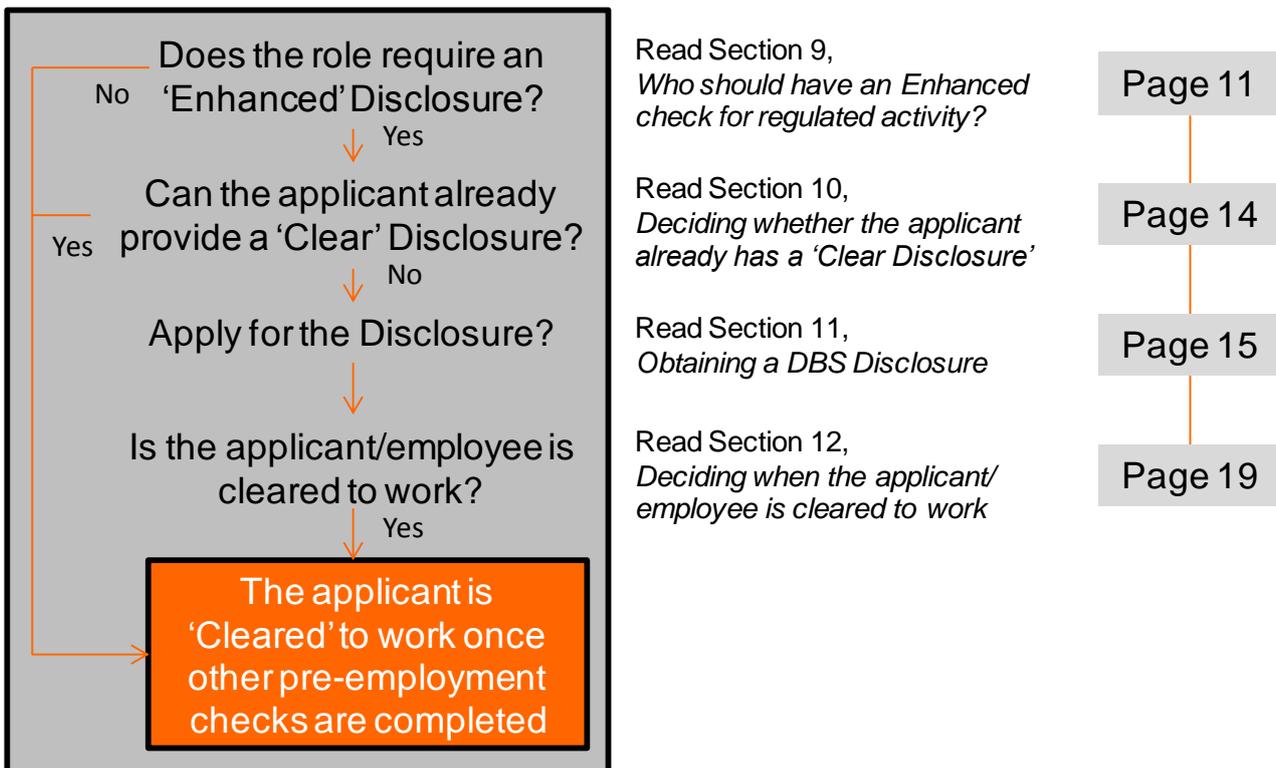
It is Hackney Learning Trust policy to only provide a check of the DBS children's barred list for Hackney Learning Trust or school staff, not for people who are coming to the school through an external agency. Please see *Who should have an Enhanced check for regulated activity?*, on page 11 and *People not requiring an Enhanced check for regulated activity*, on page 13 for clarification of what the school should do in this situation.

8. Deciding whether you need an Enhanced check for regulated activity

This section attempts to clarify when an Enhanced check for regulated activity is actually needed. Whether this is required will depend on:

- If the roles and responsibilities make the job eligible for an Enhanced check for regulated activity.
- If the applicant can already provide a 'Clear' Disclosure'. There are limited circumstances where this applies – please refer to Section 10.

The flowchart below directs you to the relevant sections in this policy that will help you decide what you need to do:



9. Who should have an Enhanced check for regulated activity?

All school staff are in regulated activity as a school is defined as a '[specified place](#)' and therefore meets the eligibility requirement for an Enhanced check for regulated activity.

This section describes:

- Other roles require an Enhanced check for regulated activity.
- People not requiring an Enhanced check for regulated activity.
- Re-vetting existing staff.
- Significant changes to an employee's job role.

9.1. What other roles require an Enhanced check for regulated activity?

9.1.1. Volunteers

Unsupervised volunteers who work at the school on a 'regular' basis are defined as working in regulated activity and should complete an Enhanced check for regulated activity.

A 'regular' volunteer who is supervised by a paid member of staff in regulated activity should complete an Enhanced DBS check. This means that when the DBS application form is completed the relevant section of the form (X64) should be crossed 'no'.

Supervision means day-to-day supervision as is reasonable in all the circumstances for the purpose of protecting any children concerned.

The Department for Education has produced [statutory guidance on supervision](#) to describe the considerations an organisation should make when determining whether or not an individual is supervised to a reasonable level for the role.

9.1.2. After schools clubs/extended schools

An Enhanced check for regulated activity will apply to any employees or 'regular' volunteers involved in after school activities if there is contact with children. Responsibility for obtaining Disclosure will fall to the employing body which in most cases will be the school, but otherwise will fall to the committee that runs the club.

9.1.3. Peripatetic staff

All staff employed centrally by Hackney Learning Trust and other teams, organisations and services who are working directly with children must have an Enhanced check for regulated activity.

9.1.4. Governors

It is not a statutory requirement for Governors to be DBS checked, however it is Hackney Learning Trust's policy and good practice for all Governors to have an Enhanced check for regulated activity if they work at the school on a 'regular' basis. If they do not work at the school on a 'regular' basis then they should complete an Enhanced DBS check. This means that when the DBS application form is completed the relevant section of the form (X64) should be crossed 'no'. A Governor needs to have a separate Enhanced Disclosure for their role of Governor; Disclosures obtained for other roles are not acceptable. Governors who wish to be Governors at other Community or voluntary-aided schools in Hackney will only need to be checked through Hackney Learning Trust once. If a Hackney Learning Trust employee is becoming a Governor, they will need to complete another DBS check.

9.1.5. Visitors from Hackney Learning Trust

All staff at Hackney Learning Trust whose role requires it must have an Enhanced check for regulated activity. This is the responsibility of the Director of the Trust. Where clearance is pending (as it has not been possible to obtain clearance before appointment), the employee concerned will be required to wait for a valid Enhanced Disclosure before visiting any schools or other establishments where they are likely to have contact with children.

Hackney Learning Trust employees will not need to provide schools with their Enhanced Disclosure. A letter has been sent out to attach to the single central record confirming that if their role requires it, all staff working within Hackney Learning Trust have a valid Enhanced Disclosure. When visiting schools, Hackney Learning Trust Employees are required to bring their Hackney Learning Trust ID badges, as proof of employment.

9.1.6. Volunteers from an external organisation

If an external organisation wants to come into the school to do an activity e.g. a bank want to send their staff on a team bonding trip to a school to carry out maintenance on the school premises, the Headteacher should do a risk assessment to decide if these people are working in regulated activity and if Enhanced Disclosures are required for these people. If the Headteacher decides that Enhanced Disclosures are required, it is the responsibility of the external organisation to provide them. The external organisation will need to provide the school with a headed and signed letter to confirm that their staff have valid DBS checks (issued within the last 3 years) for the role they will be carrying out. It is the external organisation's responsibility to confirm that these staff are cleared to work in the school. If the external organisation cannot do this, their staff will not be able to work in the school.

9.2. People not requiring an Enhanced check for regulated activity

Examples of people who do not need to apply include:

- Visitors who have business with the Headteacher or other staff or who have only brief contact with children with a teacher present.
- Volunteers or parents who are accompanying 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 people should not be asked to help children with their personal care e.g. toileting.
- PTA members who, for example, are staffing stalls at the summer fete would not need to be checked, unless they are to have 'regular' contact with children in another capacity.
- Secondary pupils on Key Stage 4 work experience in other schools, FE colleges or nursery classes; secondary pupils undertaking work in another school or FE college as part of voluntary service, citizenship or vocational studies; or Key Stage 5 or sixth form pupils in connection with a short careers or subject placement. In these cases the school placing the pupil should ensure they are suitable for the placement in question. The host school is responsible for their supervision.
- 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 check for regulated activity will be required).

9.2.1. Building contractors/tradespersons

A tradesperson attending the school on a one-off basis, for example, an electrician making repairs, does not need to be DBS checked as it is expected that they would not be allowed to walk around the school unaccompanied.

Building contractors may not need to be checked where the site area of works is clearly defined and segregated from general access, for health and safety reasons. Contractors visiting schools to carry out repairs, servicing or other short term work should be escorted to their working areas and appropriately monitored during their presence on site. They should be instructed not to encourage or enter into communication with pupils or students.

Generally it will not be necessary, providing the above procedures are followed, to obtain Disclosure information from the DBS for operatives working on site.

There may be situations that fall outside the scope of the above and in these circumstances a risk assessment should be carried out to determine what measures may be appropriate. It may therefore be appropriate in certain circumstances to obtain Disclosure information for operatives. Headteachers should make a risk assessment and apply their professional judgement in deciding whether an Enhanced Disclosure is needed.

For more guidance on this please see [CRB News: June 2011 - Eligibility – Trade and maintenance workers](#).

9.3. Re-vetting existing staff

It is Hackney Learning Trust's policy that all school staff and long term volunteers that are required to have an Enhanced check for regulated activity (or an Enhanced DBS check) do so every three years. If an employee fails to comply with this policy, the Headteacher will be notified and this may result in disciplinary proceedings.

9.4. Significant changes to an employee's job role

When the employee has a significant change in job role e.g. has more direct contact with children or now has direct contact with vulnerable groups, a new enhanced check for regulated activity is required.

10. Deciding whether the applicant already has a 'Clear' Disclosure: 'Portability'

Hackney Learning Trust does not accept portability (please see *Definitions*) of DBS Disclosures obtained from another registered body unless the applicant is subscribed to the update service. Nor does Hackney Learning Trust offer portability of its own Disclosures.

Note: For information on using the DBS Update Service refer to the [guidance document](#) on Trustnet.

This means that all applicants for jobs at a Community or voluntary-aided school in Hackney must obtain a DBS Disclosure through Hackney Learning Trust, unless they fall into one of the categories below. If the individual falls into one of the categories the Headteacher should then contact the EWI Team at dbs@learningtrust.co.uk to request a DBS Clearance letter.

If they have an 'unclear' Disclosure and the EWI Team does not have a copy of their Disclosure then it will be necessary for the employee concerned to show their own copy to their Headteacher who should discuss the content with their Hackney Learning Trust HR Business Partner in order to make a recruitment decision. Once the recruitment decision is made a clearance letter should be requested from the EWI Team. If the employee cannot produce a copy of their own Disclosure then the individual must complete a new DBS Disclosure with the school.

Please note that if the employee is moving from a volunteer role to a paid role the employee must complete a new DBS check.

Examples of when portability of disclosures is and is not accepted

Type	Action
New candidate to be employed at Hackney Learning Trust	A new DBS check is required through Hackney Learning Trust's EWI Team.
Transfer from a community or voluntary-aided school in Hackney to Hackney Learning Trust	A new check is not required if the applicant is in a similar job role, the DBS check was within the past three years, and if they have not had a break in employment of over three months. Otherwise, a new DBS check is required through Hackney Learning Trust's EWI Team.
Transfer from Hackney Learning Trust to a community or voluntary-aided school in Hackney	A new check is not required if the applicant is in a similar job role, the DBS check was within the past three years, and if they have not had a break in employment of over three months. Otherwise, a new DBS check is required through Hackney Learning Trust's EWI Team.
Internal transfer within Hackney Learning Trust	A new check is not required if the applicant is in a similar job role, the DBS check was within the past three years, and if they have not had a break in employment of over three months. Otherwise, a new DBS check is required through Hackney Learning Trust's EWI Team.
Governors	Governors who wish to be Governors at other community or voluntary-aided school in Hackneys will only need to be checked through Hackney Learning Trust once. If a Learning Trust employee is becoming a Governor, they will need to complete another DBS check.

11. Obtaining a DBS Disclosure

This section covers:

- How school staff apply for a DBS Disclosure.
- Disclosures for agency staff.
- Disclosures for consultants.

11.1. How school staff apply for a DBS Disclosure

For those roles that require an Enhanced check for regulated activity, all newly appointed staff/volunteers must obtain a new DBS Disclosure unless they meet the 'portability' requirements (refer to *Deciding whether the applicant already has a 'Clear' Disclosure: 'Portability'* on page 14).

11.1.1.Procedure

The steps below provide a summary of the DBS Disclosure process:

1. The school asks the individual if they are subscribed to the DBS update service. If they are please follow the [guidance for using the DBS update service](#). If not, the school gives a DBS Application Form to the individual. If the individual is a **new** applicant then they should also complete an [Overseas Criminal Record Form](#) at the same time.
2. The individual being checked completes the forms, (refer to [An Applicant's Guide to Completing the DBS Application](#)), and returns them to the school. They also need to bring the relevant identification to support their application.
3. An authorised verifier at the school checks the form and confirms the individual's identity.
4. The authorised verifier forwards the form to the EWI Team at Hackney Learning Trust and informs the applicant that they can apply to join the update service at www.gov.uk/dbs.
5. The EWI Team check the form and countersign it. Where applicable the EWI Team or the applicant also obtains a criminal record check from the relevant overseas country.
6. The EWI Team update their tracking database and send the form to the DBS.
7. The Disclosure and Barring Service run checks and sends the Disclosure to the individual.
8. The individual shows their Disclosure to the Headteacher or Business Manager.

If the Disclosure is clear:

The Headteacher or Business Manager email the EWI Team (dbs@learningtrust.co.uk) with the issue date and Disclosure number. The EWI Team will then update their tracking database and issue a clearance letter.

If there are convictions:

The Headteacher or Business Manager email the EWI Team (dbs@learningtrust.co.uk) with the issue date, Disclosure number and state 'DBS Review form needed'. Details of the offences, etc **should not** be given.

The EWI Team will then update their tracking database and advise the schools HR Business Partner. The HR Business Partner will discuss the details with the Headteacher or Business Manager, either face-to-face or over the phone. The Headteacher or Business Manager and the individual will meet to discuss and decide whether the person can be employed. If yes, the EWI Team will send a letter confirming that the employee has a DBS check and the discrepancy has been discussed with the Headteacher.

9. The school update their records (of DBS clearances).

11.1.2. Applicants from abroad

Overseas members of staff need to be treated as any new employee. The Disclosure and Barring Service cannot establish details of criminal convictions acquired outside of the UK. Practices in other countries vary considerably but certificates or letters of good conduct may be obtainable from some overseas applicants from their embassy. The level of information varies from country to country, some are complete extracts from the criminal record, and others are partial. Where an applicant is from a country where criminal record checks cannot be made, extra care must be taken in taking up references and conducting other background checks including asking probing questions at interview.

11.1.3. Overseas check policy

All **new** applicants (paid or voluntary) are given an [Overseas Criminal Record Form](#) to complete at the same time they complete their DBS application form. (Refer to the [Overseas Check flowchart](#), which explains the step-by-step process.)

If, within the last 20 years, the applicant has continuously resided outside the UK in one or more countries for 12 months or more (excluding holiday periods) since the age of 18, then they must provide those full address details including the period of time lived at those addresses.

The EWI Team will then give information on how the applicant can obtain a police check from the relevant country/countries.

Once the overseas police check has been verified and there is no 'information' that prevents the applicant from starting work, then upon receipt of a satisfactory DBS Enhanced Disclosure, the applicant is deemed ok to work.

If 'information' is shown on the overseas police check, please see *What if an employee has an 'unclear' Disclosure?*, on page 19 of this policy.

The Headteacher of the applicant has the discretion to allow an individual to begin work pending receipt of the overseas criminal records information, as it can take months in some cases, providing the individual has a clear DBS Enhanced Disclosure.

For agency staff it is recommended that the Headteacher speaks to the agency to ascertain what their procedures are and pursues an overseas check at their own discretion.

It is strongly advised that for long-term agency staff overseas police checks are sought.

11.2. Disclosures for agency staff

The Headteacher must be satisfied that agency workers have an Enhanced Disclosure and current, satisfactory references, by checking with the agency responsible for their employment.

Employees who are employed by the agency must bring a headed and signed letter from the agency confirming that the employee has a recent (within the past 3 years) DBS for a similar role. The school is then required to file this letter in a separate file from the clearance letters that Hackney Learning Trust issues.

If the DBS Disclosure is 'unclear', the agency should inform the Headteacher who will make the recruitment decision. The Headteacher may contact their HR Business Partner at Hackney Learning Trust for advice.

Once written confirmation of an agency worker's Enhanced Disclosure has been received, it will not be necessary to repeat this process every time that particular individual returns to work at the school, unless a period of three years has passed and a re-check is due.

Agencies supplying overseas teachers should give the school full details on clearance checks obtained.

11.3. Disclosures for consultants

It is the Headteacher's responsibility to ensure that all the consultants brought into the school have a valid DBS Enhanced Disclosure issued within **the last year** and relevant to their role. The Consultant should be asked to produce his or her copy of the Enhanced Disclosure and the Headteacher should retain a signed letter on file from the Consultant which records the DBS Disclosure number and date of issue.

If the Disclosure was issued before September 10th 2012, the Headteacher should also verify the validity of the document by checking with the registered body. Written confirmation of the Enhanced Disclosure should be requested from the registered body, confirming that there is no additional information other than that shown on the candidate's copy. This should be obtained by fax using the covering [fax](#) sheet in the toolkit, with the candidate concerned completing the [Consent for Release of Information Form](#) to agree to the release of the information. The result of this check should then be attached to the signed letter. If the registered body is unwilling to release the information, as they are entitled to do, then their reply should also be attached to the signed letter.

A separate Enhanced Disclosure will need to be obtained if the registered body advises that the police disclosed additional "Non-conviction" information that was not included on the agency worker's copy.

If the DBS Disclosure is 'unclear', the supervising manager will need to contact their HR Business Partner for advice regarding the information on the Disclosure. Refer to *What if an Employee has an 'unclear' Disclosure* on page 11.

If the Consultant does not have a valid Enhanced Disclosure, Hackney Learning Trust will be able to process the DBS application and will invoice the school as normal. It is then at the Headteacher's discretion to invoice the Consultant. The Consultant should be made aware that Hackney Learning Trust does not comply with portability requests from other registered bodies.

12. Deciding when the applicant/employee is cleared to work

12.1. When is an applicant/employee deemed to be 'Cleared'?

For those roles that require an Enhanced check for regulated activity (or a DBS Enhanced check), all newly appointed staff and volunteers should complete this prior to taking up post. Enhanced Disclosure certificates from other registered bodies will not be accepted unless the applicant is subscribed to the [update service](#).

Only when a clearance letter is issued by Hackney Learning Trust can it be considered that an individual has 'DBS Clearance'. This will only be issued when an Enhanced Disclosure has been completed that contains no information that may prevent the individual from taking up their appointment/or continuing in employment.

For those roles that require an Enhanced Disclosure, where it is not possible to obtain clearance before appointment, the employee may be able to start work in exceptional circumstances where the delay will severely disrupt service delivery. In all cases, a satisfactory risk assessment must be completed by the Headteacher of the employee. The risk assessment form is obtained by contacting the Hackney Learning Trust HR Business Partner.

12.2. What if an employee has an 'unclear' Disclosure?

When an Enhanced Disclosure is received into Hackney Learning Trust and it contains information about offences etc, this is referred to as being an 'unclear' Disclosure.

All employees/volunteers who have an 'unclear' Disclosure will have their details passed to the appropriate Hackney Learning Trust Schools HR Business Partner who will discuss the contents of the Disclosure with the Headteacher or Business Manager. The Headteacher and the applicant will then meet to discuss the details and the Headteacher will make a risk assessment to decide whether the person can be employed. If yes, the EWI Team will send a letter confirming that the employee has an Enhanced Disclosure and the discrepancy has been discussed with the Headteacher.

The ultimate decision as to whether the applicant can be recruited is to be made by the Headteacher. This process also applies to employees/volunteers having a three yearly re-check.

Having a criminal record will not necessarily bar someone from working in the school; this will depend on the nature of the position and the circumstances and background of the offences.

12.2.1. Discussing Offences

Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment. All those in schools who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. The school 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.

At interview, or in a separate discussion, an open and measured discussion takes place on the subject of any offences or any other matter that might be relevant to the position.

All employees/volunteers who have an 'unclear' Disclosure will have their details passed to the appropriate Hackney Learning Trust Schools HR Business Partner who will discuss the contents of the Disclosure with the Headteacher. The Headteacher and the applicant will then meet to discuss the details and the Headteacher will make a risk assessment to decide whether the person can be employed. The risk assessment should include:

- The seriousness of the offence and its relevance to the safety of others.
- The length of time since the offence occurred.
- Any relevant information offered by the applicant about the circumstances which led to the offence being committed.
- Whether the offence was a one-off or if there was a history of offending.
- Whether the applicant's circumstances have changed making it less likely they would reoffend.
- Whether the offence has since been decriminalised.
- The degree of remorse expressed by the applicant and their motivation to change.

12.2.2. Withdrawal of a Conditional Offer of Employment

The school will discuss any matter revealed in an Enhanced Disclosure with the person seeking the position before withdrawing a conditional offer of employment, if appropriate.

13. Employees committing an offence during employment

It is the employee's responsibility to disclose any criminal convictions, cautions, reprimands or warnings that they incur during their employment with the school, to their Headteacher. The Headteacher will then make a decision on the appropriate steps to follow based on the type of conviction, caution, reprimand or warning the employee received and the role of the employee. The Headteacher must then inform the appropriate HR Business Partner at Hackney Learning Trust or their HR provider about the decision they made and the reason they made it.

If the employee fails to inform their Headteacher of any criminal convictions, cautions, reprimands or warnings that they incur during their employment with the school this could lead to [disciplinary action](#) being taken against them and may even result in dismissal.

Having a criminal record will not necessarily bar someone from working with the school; this will depend on the nature of the position and the circumstances and background of the offences.

14. Authorised verifiers

The Headteacher of the school must nominate a member or members of staff to check the ID Documents of those people completing a DBS application form. If the list of authorised verifiers changes at the school then the Headteacher should email the EWI Team at dbs@learningtrust.co.uk with an updated list. If a DBS form is received into the office from someone who is not an authorised verifier then the DBS form will be returned to the school.

The authorised verifier should:

- Check and validate the information provided by the applicant on the application form/continuation sheet.
- Establish the true identity of the applicant, through the examination of a range of documents.
- Ensure the application form is fully completed and the information it contains is accurate.

If there are any discrepancies in the information that the applicant has provided and/or the identity documents supplied and fraud is not suspected please seek clarification from the applicant. Failure to do this may compromise the integrity of the DBS service.

They must complete section W and X of the DBS form as well as the DBS Documentary Evidence Sheet. They should check that the DBS form has been completed correctly before submitting the form to Hackney Learning Trust.

The EWI Team will keep all authorised verifiers informed, via email, of any changes in DBS processes or procedures. The EWI Team offer training to all authorised verifiers should it be requested. Notwithstanding this, the authorised verifiers should keep themselves informed of what is expected of them in this role and the current guidance being offered to them, which is located [here](#).

15. Record keeping

The school needs to set up administrative systems to record pre-employment checks including DBS checks (there is a Single Central Record Template in the [Recruitment and Selection toolkit](#) on the Intranet). DBS clearance letters should be kept in a central file separate from personnel files. Schools should not have a copy of anyone's DBS Disclosure.

The school should not take a photocopy of the applicants Disclosure certificate or keep any record of convictions etc.

All staff records need to be securely stored under lock and key. There should be a consistent approach to recording evidence of receipt of a satisfactory DBS Disclosure.

Hackney Learning Trust maintains a record of all those to whom Disclosures or Disclosure information has been revealed and recognise that it is a criminal offence to pass this information to anyone who is not entitled to receive it.

Note: All information discussed under the procedures of this DBS Policy must be treated with sensitivity and in strict confidence. Any breach of confidentiality may result in disciplinary action.

Responsibility for ensuring these processes are adhered to rests with the Headteacher.

16. Who pays for the DBS check?

The cost of DBS checks falls to the school.

DBS Enhanced Disclosures for volunteers do not incur a charge from the DBS.

The definition of a volunteer is: "a person who is engaged in any activity which involves spending time, unpaid (except for travelling and other approved out-of-pocket expenses), doing something which aims to benefit someone (individuals or groups) other than or in addition to close relatives". Therefore, students, trainee Teachers, people on work placements/experience, etc. fall outside this definition and are required to pay a fee for a DBS check. Whilst the student or trainee may not be getting paid, they are undertaking the placement or work experience to benefit themselves in the completion of their course etc.

As of 1st April 2011 Hackney Learning Trust charges all schools an administration fee of £10 to process each individual DBS application form.

17. What will Ofsted check?

All educational establishments and local authorities are subject to inspection by Ofsted, and/or other relevant inspectorates. Ofsted will check that each school has the correct record system in place and robust systems for ensuring that checks are made at the right time. They will also expect to see evidence that staff taken on from supply agencies have been appropriately checked (see *Disclosures for agency staff*, on page 18). If this has not happened, it will be detailed in the Ofsted report.

18. Summary of roles and responsibilities

18.1. Employee/volunteer

- All new employees and 'regular' unsupervised volunteers must complete an Enhanced check for regulated activity.
- All new 'regular' volunteers who are supervised by a paid member of staff in regulated activity and Governors who do not work at the school on a 'regular' basis should complete an Enhanced DBS check.
- It is the employee's/volunteer's responsibility to show their Disclosure certificate to the Headteacher or Business Manager as soon as they receive it.
- All new employees/volunteers who complete a DBS form are required to complete an Overseas Criminal Record Form.
- All employees 'regular' unsupervised volunteers must complete a new Enhanced check for regulated activity every three years.
- All 'regular' volunteers who are supervised by a paid member of staff in regulated activity and Governors who do not work at the school on a 'regular' basis should complete an Enhanced DBS check every three years.
- It is the employee's/volunteer's responsibility to disclose any criminal convictions, cautions, reprimands or warnings that they incur during their employment with the school to their Headteacher.

18.2. Headteacher

- It is the Headteacher's responsibility to ensure that the employee/volunteer complies with the responsibilities expected of them.
- It is the Headteacher's or Business Manager's responsibility to discuss with Hackney Learning Trust HR Business Partner the contents of an employee's/volunteer's 'unclear' disclosure. The Headteacher will then make a decision on the appropriate steps to follow based on the type of conviction, caution, reprimand or warning the employee received and the role of the employee.
- The Headteacher of the employee/volunteer has the discretion to allow an individual to begin work pending receipt of the overseas criminal records information, providing the individual has a clear Enhanced Disclosure.
- The Headteacher of the school must nominate a member or members of staff to be an authorised verifier to check the ID Documents of those people completing a DBS application form.
- It is the Headteacher's responsibility to ensure that the record keeping guidelines regarding DBS Disclosures are adhered to.

18.3. Business Manager

- It is the Headteacher's or Business Manager's responsibility to discuss with Hackney Learning Trust HR Business Partner the contents of an employee's/volunteer's 'unclear' disclosure. The Headteacher will then make a decision on the appropriate steps to follow based on the type of conviction, caution, reprimand or warning the employee received and the role of the employee.

18.4. Authorised verifier

- The authorised verifier is responsible for checking if the DBS form is correctly completed before sending it to Hackney Learning Trust.
- The authorised verifier is responsible for keeping themselves informed of what is expected of them in this role and the current guidance being offered to them by the DBS.

19. Toolkit

There are forms and documents on the Intranet that support the procedures in this document:

Other policies/ procedures

- [Safer Recruitment in Education Settings](#)
- [Summary Procedure - DBS Disclosure Applications](#)
- [Overseas Criminal Record Check Process - Flowchart](#)
- [An Applicant's Guide to Completing the DBS Application Form](#)
- [Guidance on Using the DBS Update Service](#)
- [Statutory Guidance on Supervision](#)
- [Establishments for Regulated Activity Related to Children](#)
- [CRB News: June 2011 - Eligibility – Trade and maintenance workers](#)
- [Identification Checking Guidelines](#)
- [Recruitment and Selection Toolkit](#)
- [DBS Code of Practice](#)

Forms and templates

- [Consent Form for the Release of Information](#) and [fax covering sheet](#)
- [Overseas Criminal Record Form](#)
- [Single Central Record template](#)

20. Further information

Refer to our policy on [Safer Recruitment](#), which covers the other pre-employment checks that must be undertaken during the recruitment process.

See...	Provides...
https://www.gov.uk/government/organisations/disclosure-and-barring-service	Information and access to services for DBS applicants and the general public.

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