DBS checks Policy and Procedure

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Chair of Governors:-	**Payal Patel**
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Disclosure Barring Service (DBS) checks model policy and procedure P112

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1. Introduction

This policy document sets out the procedures for Disclosure and Barring Service (DBS) checks. These checks will be undertaken where required and form part of the Governing Board's sound and safe recruitment process. Safer employment 'processes extend beyond recruitment and the Head of School will ensure every employee understands their duty of care as well as which behaviours make up safer practice and which behaviours to avoid.

We are committed to complying with the DBS Code of Practice regarding the correct handling, use, storage, retention and disposal of disclosures and disclosure information.

We will also fully comply with its obligations under the Data Protection Act and other relevant legislation regarding the safe handling, use, storage, retention and disposal of disclosure information.

1.1 Regulatory/Independent Regulatory Bodies

The primary role of the DBS is to help employers make safer recruitment decisions and prevent unsuitable people from working with vulnerable groups including children. The DBS was established under the Protection of Freedoms Act 2012 and merged the functions previously carried out by the Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA).

It enables organisations to obtain criminal record information about prospective employees and volunteers by accessing information from the Police National Computer and local police. The DBS is responsible for deciding who should be barred from working with children or vulnerable adults, or both. In terms of barring the DBS has four main duties:

1. To maintain a list of individuals who are barred from engaging in regulated activity* with children – the DBS children's barred list.
2. To maintain a list of individuals who are barred from engaging in regulated activity with adults who may be vulnerable – the DBS adults barred list.
3. To reach decisions about whether an individual should be included in one or both barred lists.
4. To reach decisions as to whether to remove a person from a barred list.

Inclusion on the DBS barred lists has the same effect as inclusion on the previous lists; List 99, PoCA, PoVA, POCVA or the Unsuitable Person's Lists.

*Regulated activities are the activities that the DBS can bar people from doing. For a definition of 'Regulated Activity for children' see Appendix A.

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2. Equalities and support

2.1 The Head of School will ensure that all reasonable adjustments or supportive measures are considered to allow equality of access and opportunity regardless of age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; or sexual orientation.

2.2 Through the implementation of this policy, the Governing Board will be mindful of our obligation to seek to maintain and protect the mental health and wellbeing of all employees as far as is reasonably practicable.

2.3 According to ACAS it is estimated one in seven people are neurodivergent, meaning that the brain functions, learns and processes information uniquely. Where an employee discloses neurodiversity, the Governing Board understands the employee may require extra support in relation to the application of this policy. Where reasonable adjustments are necessary and can be accommodated, the Head of School will support these.

3. Legal position

3.1 Legal framework

The Rehabilitation of Offenders Act 1974 and The Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) (England and Wales) Order 2012

The Rehabilitation of Offenders Act 1974 aims to ensure that a person who has been convicted of a criminal offence in the past and who has not re-offended for a specified period is, so far as possible, freed from the stigma of that conviction, and is treated as if the offence and conviction for it never occurred.

Under the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) (England and Wales) Order 2012, some jobs and categories of employment are exempt from the provisions of the Act and in such cases 'spent' convictions must be disclosed. If a person is employed in a school or Trust, they must disclose their convictions.

However, the amendments to the Exceptions Order 1975 (2013) provide that certain spent convictions and cautions are 'protected' and are not subject to disclosure to employers and cannot be taken into account. More recently, minor offences are automatically filtered from standard and enhanced DBS checks subject to specific time periods elapsing. Applicants will not be asked to disclose such convictions. Further information can be found in the DBS filtering guidance on gov.uk. If an applicant discloses an offence which they did not need to, it will not be taken into consideration during the recruitment process.

Further information and guidance on the Rehabilitation of Offenders Act 1974 and the Exceptions Order 1975 can be found on gov.uk.

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Safeguarding Vulnerable Groups Act 2006

This provides the legislative framework for a Vetting and Barring scheme. It introduced the requirement for two separate but aligned barred lists, the provision for the DBS to make decisions around individuals that should be barred from working with vulnerable groups, outlined monitoring arrangements and proposed two types of activities where DBS checks would be required which were for controlled and regulated activity.

Protection of Freedoms Act 2012

This act includes the restriction of the scope of the 'vetting and barring' scheme for protecting vulnerable groups and makes changes to the system of criminal records checks. As a result, the Safeguarding Vulnerable Groups Act 2006 was amended by this act and the major changes were:

- A new definition of regulated activity.
- The repeal of controlled activity.
- The repeal of registration and continuous monitoring.
- The introduction of a minimum age of 16 at which someone can apply for a DBS check.
- Only posts which meet the definition of regulated activity can have an enhanced DBS check with barred list check.
- Establishing the Disclosure and Barring Service (DBS) as a merger of the functions of the Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA) as a non-department public body sponsored by the Home Office.

3.2. Legal requirements of the DBS

- All staff on payroll, whether supervised or not, are in regulated activity. This includes cleaners and caretakers.

- Enhanced DBS checks can be obtained where a post or situation meets the criteria outlined in Schedule 4 of the Safeguarding Vulnerable Groups Act 2006. Where reference is made to this check throughout this policy, these criteria will need to be met. Read the Safeguarding Vulnerable Groups Act 2006 on legislation.gov.uk.

- A volunteer will not be in regulated activity if they are supervised to a reasonable level, in which case an enhanced DBS check with barred list check will not be required (for guidance on what is a reasonable level of supervision read Annex E of Keeping Children Safe in Education statutory guidance for schools and colleges on gov.uk). The Head of School will, however, request an enhanced DBS check for a volunteer. If the volunteer is unsupervised, they will be in regulated activity and will therefore be required to undertake an enhanced DBS check with barred list check.

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- The Governing Board is aware that it is an offence to engage someone in regulated activity who they know has been barred by the DBS.

- A person who is barred by the DBS from working in regulated activity will be breaking the law if they work or volunteer or try to work or volunteer in regulated activity. If a DBS certificate indicates the person is barred this will be reported to the LADO and the police and/or DBS.

- In compliance with legal requirements the Head of School will make a referral to the DBS where they remove an individual from regulated activity (or would have removed an individual had they not left), and they believe the individual has:
  - engaged in relevant conduct in relation to children and/or adults, and/or
  - satisfied the harm test in relation to children and/or vulnerable adults, and/or
  - been cautioned or convicted of a relevant (automatic barring either with or without the right to make representations) offence.

- Police may use common law powers to provide information directly to employers in cases where this is necessary, for example to prevent harm to others. Where information is disclosed from the police using their common powers, this will not be fed back to the candidate(s). Discussions will take place and an agreement reached with the police in terms of the information that will be provided to the candidate to ensure current police investigations are not compromised.

3.3 DBS Updates Service

For a small sum (£16 per annum), individuals can take their DBS check with them from role to role, within the same type of workforce (i.e. working with children and/or working with adults), where the same type and level of check is required.

Where this is the case, the business manager will carry out an online status check, via the Update Service, to see if the information presented is still current and valid. This will provide an instant result. The business manager will seek permission from the individual they are checking and ensure the type of check required is the same as the original check e.g. if an enhanced DBS check is required but the original certificate is for an enhanced DBS check with children's barred list check, then a new enhanced DBS check will be requested.

Where possible, the business manager will give the applicant their DBS application form reference number so they can subscribe to the DBS Update Service when they apply for their DBS check. If they wait to subscribe with their DBS certificate number, they will only have 14 calendar days from the date the certificate is issued to subscribe.

If the individual is not subscribed to the DBS update service (this is not mandatory) or they do not give their permission, then a DBS check will be requested via Norfolk Disclosures in the usual way.

DBS certificates are issued to individuals rather than to the school.

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4. Local Authority position

Strategy consideration - This applies to maintained schools only. Trusts can choose to apply the same policy or apply their own regarding portability.

An enhanced DBS check with barred list check is compulsory for all new appointments to the school workforce, where they have transferred from a non-Norfolk school or different Local Authority, or an independent school inside or outside the county (including academies and free schools). It also includes former members of staff who have had a break in service of more than three months[1]. A DBS update service check can be undertaken in place of a full DBS check if the individual is subscribed to the service and gives their permission for the check to go ahead. If this is the case, the school will request to see the individual's original DBS certificate to check that the name on the certificate matches the identity of the individual and ensure that it is for the same level of check and for the right workforce.

Standard DBS disclosures are not acceptable and this applies equally to all appointments whether permanent, temporary or casual. All DBS checks will be enhanced.

When recruiting staff from other Norfolk schools, who do not have a break in service or where there has been a break in service of less than three months, the recruiting school will request to see the original DBS certificate to satisfy themselves the check has been completed; to compare any information disclosed on the certificate with any information shared by the applicant during the recruitment process and to enable them to complete the single central record. The recruiting school will also undertake a separate barred list check as per Keeping Children Safe in Education.

The school will not request to have sight of an enhanced DBS check or an enhanced DBS check with barred list check for existing members of staff unless there are grounds for concern and the person consents.

Re-checking – there is no legal requirement for the school to re-check individuals after three years. The school will hold evidence that staff appointed before 1 March 2002 have been checked against List 99. In addition, any staff and volunteers appointed on or after 1 March 2002, who come into regular contact or have unsupervised access to children and who have not had continuity of employment in a school in England (i.e., a break of service longer than three months), will have been subject to enhanced DBS checks with barred list check and other designated recruitment checks.

[1] Maternity leave and long term sick leave are not classed as a break in service.

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5. The deployment of staff

Offers of employment to successful candidates will be conditional upon a satisfactory enhanced DBS check with barred list check where applicable (this may be a DBS update service check where the individual is subscribed to the service, give their permission for the check to be undertaken and the type of check required is the same as the original check - the original DBS certificate must also be viewed).

Until a satisfactory enhanced DBS check with barred list check has been viewed by the Head of School, the person will not be deployed to work directly with children or in a situation where they can have unsupervised access to children.

However, if an enhanced DBS check with barred list check has been applied for but has not been received by the individual before they are due to start work, the Head of School has the discretion to allow the person to start work provided that they are confident that all other pre-employment checks have been carried out, i.e.:-

- obtaining and scrutinising comprehensive information from the person, and taking up and satisfactorily resolving any discrepancies;
- obtaining independent professional and character references that answer specific questions to help assess the person's suitability to work with children and following up any concerns;
- a face to face interview that explores the person's suitability to work with children as well as their suitability for the post;
- verifying the person's identity;
- verifying that the person has any academic or vocational qualifications claimed;
- checking their previous employment history and experience;
- verifying that they have the health and physical capacity for the job;
- a check against the DBS children's barred list.
- check of their eligibility to work in the UK;
- prohibition from teaching check
- Childcare disqualification and Section 128 checks (where relevant),
- online search

and provided that the person is not deployed to work directly with children or in a situation where they can have unsupervised access to children. In other words, all possible action will be taken to ensure that no risk to children could arise. In these situations, a full risk assessment will be undertaken. *DBS risk assessment for commencing employment before DBS received F112b* - can be found on InfoSpace.

Detailed records relating to the recruitment and selection process for all staff will be retained securely as evidence that sound and safe processes have been followed. Some information will be kept on the Single Central Record. Recruitment appointment information will be kept on the successful candidate's personal file in line with the school's HR Document Retention Schedule. The Head of School will not keep copies of DBS certificates. If the Head of School were to keep a copy, consent from the individual would be sought and would not be retained for any longer than six months.

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6. Supply teachers

Supply teachers who have not been subject to an enhanced DBS check with barred list check will not be employed to work directly with children.

All supply teachers provided through the Norfolk Supply Register have been through the appropriate DBS checking process and evidence has been produced. All booked supply teachers will be asked to produce a photographic ID document and written confirmation will be sought from the Norfolk Supply Register that the individual has been appropriately vetted for the role. If the school use Teacher Booker to manage their supply, the Teacher Booker system will confirm the checks have been undertaken. Where there are matters to disclose on a supply teachers' DBS certificate, the school will request sight of the certificate and undertake its own risk assessment process.

The service of supply teachers from the Norfolk Supply Register in Norfolk academies, which buy a full EducationHR service, will count in the same way as service in a Norfolk school for the purposes of assessing the three-month break.

7. Agency Supply teachers

Where Agency Supply Teachers can produce evidence of a satisfactory enhanced DBS check with barred list check and evidence that they have worked from 1 June 2002 onwards, then they are eligible to work in the school. Agency Supply Teachers who are unable to produce this evidence will not be used.

The booked supply teacher will be asked to produce a photographic ID document to ensure the person presenting themselves for work is the same person on whom the checks have been carried out. the Head of School will ensure written confirmation is received to demonstrate that all relevant checks have been undertaken. Where there are matters to disclose on a supply teachers' DBS certificate, the Head of School will request sight of the certificate and undertake its own risk assessment process**.**

8. Invigilators

By the very nature of examinations, there will necessarily be a gap in excess of three months between them. An enhanced DBS check with barred list check will be obtained when the Invigilator is first employed as well as undertaking all the other pre-employment checks listed above. Then, where an Invigilator is used regularly by the school, the Head of School will not require a DBS disclosure each time the Invigilator is subsequently used.

However, a check of the DBS Children's barred list will be undertaken on each occasion the Invigilator is used. Norfolk Disclosures will be used for this purpose. the Head of School may use the DBS Update Service to check the invigilator's certificate is still current, where possible. The invigilator must be subscribed to the DBS Update Service, have given the Head of School permission to undertake the check and the level of check required must be the same as the original check - the original DBS certificate must also be viewed.

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9. Individuals who have lived or worked outside the UK

Individuals who have lived or worked outside the UK will undergo the same pre-employment checks as all other staff. This includes obtaining (via the applicant) an enhanced DBS certificate (including children's barred list information, for those who will be engaging in regulated activity) even if the individual has never been to the UK. In addition, the Head of School will make any further checks we think appropriate so that any relevant events that occurred outside the UK can be considered. The Head of School will make these checks in line with paragraphs 280-285 of Keeping Children Safe in Education.

10. Volunteers

A volunteer on whom no checks have been obtained will not be left unsupervised or allowed to work in regulated activity.

The Head of School recognises that volunteers play an important role and are often seen by children as being safe and trustworthy adults. However, because the nature of voluntary roles varies, the Head of School will undertake a written risk assessment and use their professional judgement and experience when deciding what checks, if any, are required. The risk assessment will be recorded and stored appropriately. Evidence of any processes undertaken in determining a volunteer's suitability will be kept securely and may be recorded on the Single Central Record. However, there is no requirement to do so.

Supervision of volunteers - under the Protection of Freedoms Act 2012 volunteers who are supervised to the statutory level will not be considered to be undertaking a regulated activity so will not be eligible for an enhanced DBS check with barred list check. However, in addition to the risk assessment, the Head of School will request an enhanced DBS check for any volunteer who is unsupervised.

The Head of School will determine whether a volunteer is considered to be supervised and what the appropriate level of supervision is. The decision will be made using Annex E of Keeping Children Safe in Education statutory guidance on gov.uk. For a person to be considered supervised, the supervision must be:

- by a person who is in regulated activity relating to children
- regular and day to day
- reasonable in all the circumstances to ensure the protection of children.

A DBS with barred list will be obtained for volunteers who are new to working in regulated activity with children, i.e. where they are unsupervised and teach or look after children regularly or provide personal care on a one-off basis in schools and colleges. Employers are not legally permitted to request barred list information on a supervised volunteer, as they are not considered to be engaging in regulated activity.

Existing volunteers do not have to be re-checked if they have already had a DBS check (which should include children's barred list information if engaging in regulated activity). However, if the school has any concerns, it will consider obtaining a new DBS check at the level appropriate to the volunteering role.

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10.1 Examples in support of the risk assessment:

The Head of School approaches a parent who is well known to the school to take on a particular role, a streamlined procedure will 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 an enhanced DBS check. Evidence of such processes should be kept securely and can be recorded on the Single Central Record, although there is no requirement to do so.

A volunteer's role will be "one-off", accompanying teachers and pupils on a day outing, helping at a concert or school fete, those kinds of measures would not be eligible for an enhanced DBS check with barred list check, in the majority of cases. The school will put in place procedures to ensure that such people are not charged with taking children to the toilet, for example. These scenarios will be dealt with by regular school safeguarding procedures such as risk assessments. In the few cases where the person is left alone and unsupervised in charge of children an enhanced DBS check with barred list check may and can be requested.

Parents who voluntarily transport pupils for school activities (e.g. sports activities and visits) would not be expected to undergo an enhanced DBS check with barred list check. However, if the transport is organised by the school and is a regular occurrence (4 or more days in a 30-day period) there is a requirement for the parent to undergo an enhanced DBS check with barred list check, if they are not supervised by someone who is in a regulated activity.

Where volunteers recruited by another organisation to work in the school, e.g. sports coaches from a local club, the Head of School will obtain written assurance from that organisation that the person has been properly vetted and this confirmation will be retained and produced, if required, during an Ofsted inspection.

Where volunteers will be working unsupervised in the school, they are in regulated activity so will be required to undergo full checks including an enhanced DBS check with barred list check.

The business manager may use the DBS Update Service to check the volunteer's certificate is still current. The volunteer must be subscribed to the DBS Update Service, have given the school permission to undertake the check and the level of check required must be the same as the original check - the original DBS certificate must also be viewed.

11. Contractors

11.1 Where the school uses contractors that are provided by a contractor, it is the responsibility of that contractor to have its staff checked. This must be a specific requirement contained in any contract for these services with the with the Head of School. The school will seek written confirmation that these checks have been carried out by the contractor and the Head of School will routinely check with workers the contractor sends to the school, that they have had an enhanced DBS check and bring to the attention of the contractor any concerns arising. An enhanced DBS

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check with barred list check cannot be requested for contractors unless they meet the definition of regulated activity under the Protection of Freedoms Act 2012.

11.2 If the contractor working is self-employed, the school will consider obtaining the DBS check, as self-employed people are not able to make an application directly to the DBS on their own account.

11.3 The Head of School may use the DBS Update Service to check the contractor's certificate is still current, where possible. The contractor must be subscribed to the DBS Update Service, have given the school permission to undertake the check and the level of check required must be the same as the original check - the original DBS certificate must also be viewed.

12. ECTs

12.1 Students undertaking Initial Teacher Training are subject to an enhanced DBS check with barred list check via their teacher training institution. However, a further check will be made by the Head of School before an Early CareerTeacher (ECT) is deployed to work directly with children. The Head of School may use the DBS Update Service as long as the ECT is subscribed to the service, has given the Head of School permission to undertake the check and the level of check required is the same as the original check - the original DBS certificate must also be viewed.

13. Governors

13.1 Legislation - The School Governance (Constitution and Federations) (England) (Amendment) Regulations 2016 - deems that enhanced DBS checks are mandatory for all governors in maintained schools. It is the responsibility of the governing board to apply for the check for any of their governors who do not already have one. For new governors, an enhanced DBS check will be carried out within 21 days of appointment. Governance is not a regulated activity, so governors do not need a barred list check unless, in addition to their governance duties, they also engage in regulated activity e.g. working as an unsupervised volunteer or is already an employee of the school. Read the School Governance (Constitution and Federations) (England) (Amendment) Regulations 2016 on legislation.gov.uk.

The DfE Governance handbook and funding agreements for academies require that all academy Members, Trustees and local governing boards in a MAT have an enhanced DBS check. Read the DfE Governance handbook on gov.uk.

Associate members are appointed by the governing body to serve on one or more governing body committees. The School Governance (Constitution and Federations) (England) (Amendment) Regulations 2016 made enhanced DBS checks mandatory for maintained school governors but not associate members. However, if an associate member is involved in regulated activity, they will need an enhanced DBS check with barred list check.

13.2 As long as a Governor is subscribed to the service the check may be made using the DBS Update Service. The governor must give the Governing Board permission to undertake the check and the level of check required must be the same as the original check - the original DBS certificate must also be viewed.

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If a governor has already undergone an enhanced DBS check, either because a check was undertaken when they were appointed, or the governor is already an employee of the Governing Board or working as an unsupervised volunteer (they will already have had an enhanced DBS check with barred list), then a new check will not be required.

13.3 The *Keeping Children Safe in Education statutory guidance* recommends that a section 128 direction check[2] is undertaken for individuals who the Governing Board proposes will be recruited as a governor. This will show if the prospective governor has been subject to a section 128 direction. If they are subject to a section 128 direction, they are prohibited from being a governor. The Governing Board will undertake this check by checking the 'children's workforce independent schools' part of the DBS application form or by visiting the Teacher Regulation Agency (TRA) on teacherservices.education.gov.uk.

14. Educational visits (including residential)

(See also sections 9.1, 9.3 and 9.4 which are also relevant to Educational Visits)

14.1 It will be necessary for employees and volunteers accompanying residential visits, to undergo enhanced DBS checks with barred list check before the visits take place. For day visits only, where volunteers will be supervised at all times, an enhanced DBS check will not be required. See also sections 9.1 to 9.6 where volunteers are being used. Where this is not the case the volunteer will be required to undergo an enhanced DBS check only.

14.2 Residential visits will be planned well in advance to give sufficient time for the DBS process to be completed.

14.3 The Head of School will satisfy themselves that the appropriate safeguarding procedures have been followed in terms of checks on employees and volunteers going on the trip. The EVC co-ordinator will confirm on Evolve[3] that the checks have been carried out.

14.4 When using external providers for activities, transport or accommodation where staff could have significant unsupervised access to young people, the Head of School will seek assurances that the provider has sufficient safeguarding systems in place by either checking on Evolve that they hold the Learning Outside the Classroom Quality Badge or ensure they have supplied a suitably completed 'NCC Providers Contract'

14.5 The Head of School may use the DBS Update Service to check the eligible employee and volunteer certificates are still current. The individuals must be subscribed to the DBS Update Service, have given permission to undertake the check and the level of check required must be the same as the original check - the original DBS certificate must also be viewed.

[2] A section 128 direction check checks the names of individuals who have been prohibited from taking part in the management of any independent school (including academies and free schools) or being a school governor. For a clear definition of what management roles this affects see KCSE.

[3] The online educational visits approval system

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15. Work experience placements

Where work placements are arranged for pupils it will ensure that employers and training organisations are aware of safeguarding issues and that they are asked to co-operate in putting appropriate safeguards in place, including undertaking DBS checks on the organisation's staff where required.

All staff in school will have undergone a DBS check so will meet the criteria for supervising any work experience individual within their school, who is under the age of 18 (or 16 if employed).

Enhanced DBS checks with or without a barred list check cannot be requested for anyone who is under the age of 16.

16. Apprentices

The Criminal Justice Court Service Act (CJCSA) defines a child as someone who is under 18 (under 16 if the child is employed). No apprentice should be younger than 16, so staff are not required to undergo DBS checks to supervise an apprentice.

If the post being filled by the apprentice legally requires an enhanced DBS Check or enhanced DBS check with barred list check(s), the individual will undergo these checks. Please contact your HR provider if further advice is required.

17. Alternative provision

Written confirmation will be obtained from the alternative provision provider that appropriate safeguarding checks have been carried out on individuals working at the establishment, i.e. those checks that the school would otherwise perform in respect of its own staff. This includes written confirmation that the alternative provider will inform the commissioning school of any arrangements that may put the child at risk (i.e. staff changes), so that the commissioning school can ensure itself that appropriate safeguarding checks have been carried out on new staff.

18. Storage and Access

The school does not have to keep copies of DBS certificates in order to fulfil the duty of maintaining the single central record. In line with data protection legislation, when a copy is retained, there will be a valid reason for doing so and it will not be kept for longer than six months. When the information is destroyed a record of the fact that vetting was carried out, the result and the recruitment decision taken , may be kept.

18.1 Handling

In accordance with section 124 of the Police Act 1997, disclosure information may only be passed to those who are authorised to receive it in the course of their duties. It will be recognised that unauthorised revealing of information contained in the disclosure to anyone not entitled to receive it is a criminal offence.

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18.2 Usage

Disclosure information will be used only for the specific purpose for which it is requested and in line with data protection legislation i.e. to assist with determining the suitability of an individual for employment in a particular position. It will not be used at any other time for other purposes.

18.3 Retention

Having made a recruitment decision, disclosure information will not be kept for any longer than is absolutely necessary. This will generally be for a period not exceeding six months and will be to allow for the consideration and resolution of any disputes or complaints.

If there are circumstances requiring a disclosure to be kept for longer than six months, the DBS will be consulted and full compliance and consideration given to Data Protection legislation and Human Rights aspects. Throughout any extended period of retention, the same conditions of storage and access will apply.

18.4 Disposal

Disclosures will be destroyed by suitably secure means to ensure they cannot be accessed by anyone who is not authorised to do so. No copy (electronic or otherwise) of the disclosure will be retained.

The following record of a Disclosure may be retained,

- date of issue;
- name of the subject;
- level of disclosure;
- position to which subject was recruited;
- unique reference number of the disclosure.

19. Administrative arrangements

19.1 For this procedure to work effectively, it is important that DBS Disclosure online application forms are completed as early as possible in the selection process, i.e. at the time of the successful interview. Where possible, the applicant will be provided with their application form reference number so they can subscribe to the DBS Update Service when they apply for their DBS check. Candidate's identities will be verified at interview stage from a range of selected ID documents and they will be asked to bring the necessary evidence of identification to the interview to facilitate this. Norfolk Disclosures provides a link to what documents are deemed acceptable. Read further information on gov.uk. The list will be checked each time recruitment takes place as the acceptable document list is subject to change. The detail will then be recorded onto Norfolk Disclosures to initiate the online application. Once an appointment is made, the link to the application will be emailed to the candidate for them to complete their portion of the application. If the candidate is unsuccessful at interview, their details will be deleted from Norfolk Disclosure's.

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19.2 EducationHR will be notified of the appointment in the usual way, using WorkSpace. Formal confirmation of the offer of appointment will be sent to the successful candidate(s), making it clear that the offer is conditional upon a satisfactory DBS disclosure.

19.3 DBS certificates are issued to the individual applying for the check. As such, the Head of School will ask the individual for sight of their DBS certificate. Registered Bodies are only entitled to ask the DBS for a copy of the individual's DBS Certificate if all of the following conditions apply:

- The individual is subscribed to the Update Service; and
- The employer has carried out a status check which revealed a change to the DBS Certificate; and as a result
- The individual has applied for a new DBS check as the result of a change to an existing DBS Certificate; and
- The DBS issued the new DBS Certificate to the applicant more than 28 days ago; and
- The applicant has not shown the employer their new DBS Certificate.

Until Norfolk's policy position on status updates changes (see 3.5 above), the criteria listed will not all be met. This means that in all cases where an enhanced DBS check is required, the school will need to view the DBS certificate which has been issued to the individual.

Having viewed the DBS certificate, the Head of School will take appropriate action in each case. Where there are no matters disclosed, appropriate note of the viewing of the DBS certificate (number etc) will be recorded on the Single Central Record. Where matters are disclosed on the DBS certificate, the Head of School will undertake a risk assessment. If it is unclear what appropriate action should be taken advice will be sought from EducationHR by telephone on 01603 307760.

19.4 The average time taken by the Norfolk Disclosures' online DBS application system to complete a check is in the region of 5-10 days. This does, however, still vary from case to case and can be influenced by the amount of time it takes Police Authorities to check against previous addresses. In all cases the Local Police Force have up to 60 days to respond to the request for information from the DBS. Where applications reach these periods, no assumption should be made about the potential outcome.

19.5 The turnaround time for DBS checks should be quick enough in most cases to enable the individual to obtain their DBS certificate and provide it to the employer before the effective date of appointment. This will be considered when agreeing a start date. If the individual is registered with the DBS Update Service and the criteria for checking is met, the checking process will be instant.

19.6 Copies of DBS certificates will only be retained with the permission of the individual. If a copy is kept, it will be stored in line with the storage and retention of disclosure information, in this policy, and the Data Protection Act.

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20. DBS checks and the wider recruitment process

20.1 The DBS process is just one part of a sound and safe recruitment process. It is important not to rely solely on criminal record checks to screen out unsuitable applicants. Those checks are an essential safeguard, but they will only pick up the small percentage of abusers who have been convicted, have come to the attention of the Police, or who have been listed. Many individuals who are unsuited to working with children will not have any previous convictions and will not appear on the DBS Barred Lists.

20.2 The Safeguarding Lead will ensure they have read the DfE's 'Keeping Children Safe in Education' document on gov.uk and ensure it is shared with the Head of School. Additionally, at least one member of the recruitment panel will have undertaken the accredited safer recruitment training. This is a statutory requirement.

20.3 *The Recruitment and Selection Policy and Procedure P108* will be used to review and, where appropriate, modify recruitment and selection practice and procedure in ways that will strengthen safeguards for children. The school will use an application form to ensure a common set of core data from all applicants. CV's will not be accepted in place of an application form because these will only contain the information the applicant wishes to present and may omit relevant details.

21. Data Protection

Personal data collected and processed during the DBS checking process is in accordance with the data protection policy and linked to certain statutory obligations. Any data collected is held securely and accessed by, and disclosed to, individuals only for the purposes of completing the DBS checking process or to comply with statutory reporting obligations. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the disciplinary procedure *P303*

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Appendix A – Regulated Activity – Children

Regulated activity relating to children comprises of:-

(i) Unsupervised activities: teach, train, instruct, care for or supervise children, or provide advice/guidance on well-being, or drive a vehicle only for children;

(ii) Work for a limited range of establishments ('specified places'), with opportunity for contact: for example, schools, children's homes, childcare premises. Not work by supervised volunteers;

Work under (i) or (ii) is regulated activity only if done regularly. Regularly means carried out by the same person frequently (once a week or more often), or on 4 or more days in a 30-day period (or in some cases, overnight). The statutory guidance about supervision of activity, which would be regulated activity if unsupervised (for volunteers in schools) can be found in Annex F of the Keeping Children Safe in Education statutory guidance.

(iii) Relevant personal care, for example washing or dressing; or health care by or supervised by a professional. This includes helping a child with eating and drinking for reasons of illness or disability or in connection with toileting, bathing, washing or dressing for reasons of age, illness or disability but is not intended to include activities such as helping with costumes for school plays or lacing up football boots;

(iv) Registered childminding; and foster-carers

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Appendix B – Table of changes

Date of change	Paragraphs affected	Summary of update
17/07/2025	All	Added paragraph (17) on alternative provision - requiring written confirmation that appropriate safeguarding checks have been carried out. Review of whole document and terminology to ensure consistency across all policies and procedures.
06/07/2023	All	Standardising the layout and terminology Annexe B (Types of exempt employment and work within the Rehabilitation of Offenders Act 1974) has been removed and a link to the DBS filtering guidance on Gov.uk has been incorporated (para 2.1) Reference to Annexe F in KCSiE has been updated to refer to Annexe B Para 2.2 – added an explanation from KCSie on regulated activity Para 3.3 – made clearer checks required when transferring from other Norfolk schools Para 5 – Updated reference to Teacher Booker (Education**HR**'s new supply booking system) Para 6 – Updated requirement to provide photo ID Para 8 – Changed from Overseas Teachers to Individuals who have lived or worked outside of the UK Para 9 – Volunteers information updated Para 16 – Storage and access requirements updated
16/11/2021	1	Additional paragraph to include consideration for employees with mental health issues.
27/08/2021	3.3	Option added for separate barred list checks for individuals who are transferring from other Norfolk schools
03/04/2020	2	Updated to include information regarding the filtering of minor offences from DBS checks.

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16/07/2019	12.1 and 12.3	Addition of the associate members paragraph and clarification that if governors are subject to a section 128 direction, they are prohibited from being a governor. These changes are effective from 2 September 2019 following updates to KCSE.
02/07/2019	All	Reviewed to ensure it is fit for schools and academies. No major change to content just clarifying where aspects of the policy are specific to schools and/or MATs.
04/09/2018	Footnote 2, 9, 12.3, 16, Appendix A, Appendix B	Removed track changes which showed what had changed due to the updating of the Keeping Children Safe in Education statutory guidance document.
13/07/2018	Footnote 2 Appendix B	Added signpost to what constitutes a management position in an academy for a section 128 direction check. Clarification of what is included in the definition of personal care.
06/07/2018	9, 12.3, 16, Appendix A, Appendix B	Updated in line with KCSE changes: Risk assessments for determining if supervised volunteers should have an enhanced DBS check, should be recorded; requirement to section 128 direction check governors added and Appendix B removed as policy now signposts to gov.uk guidance on supervision. Clarification on the definition of personal care in Appendix A.
25/05/2018	19	New para added to take account of the General data protection regulations in force from 25 May 2018
01/03/2017	All	New formatting due to launch of new HR website, HR InfoSpace – no change to content

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