



PACE Academy Trust

Disclosure and Barring Service (DBS) Policy

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Author		Sarah Tinker	
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Contents

1.0	Introduction	4
2.0	Scope	4
3.0	Roles and Responsibilities	4
4.0	Definitions	5
5.0	Links to other policies and related legislation	6
6.0	Type of DBS checks	6

7.0	The DBS Update Service.....	8
8.0	Procedure for DBS Checks and Renewals	9
9.0	Positive disclosures	10
10.0	Commencing employment before receipt of disclosure certificate.....	11
11.0	Employing individuals worked overseas.....	12
12.0	Handling DBS information.....	12

1.0 Introduction

- 1.1** Safeguarding the children in our care is fundamental at PACE Academy Trust. This policy should be read alongside our Early Help and Safeguarding Policy.
- 1.2** PACE Academy Trust uses Disclosure and Barring checks (DBS) as part of a range of safeguarding measures to assess the suitability of preferred candidates, volunteers, contractors, agency staff, those transferring jobs within the Trust, and the continued employment of those whom are engaged in “regulated activity” as part of their roles within the Trust.
- 1.3** Having a criminal record will not necessarily prevent an individual from being employed by the Trust. Whether the person will be employed will depend on the nature of the role, professional suitability and the circumstances, nature and background of the offence(s). The Trust complies fully with the DBS Code of Practice, with an undertaking to treat all job applicants and volunteers fairly, and not discriminate on the basis of conviction or other information revealed.
- 1.4** DBS checks will only be sought where a job, voluntary placement or contractual work undertaken is eligible to be checked and where the individual has consented for the School/Trust to do so. A DBS check will only be performed after an applicant has been made a conditional offer of employment or accepted for a voluntary role within the Trust. The schools reserves the right to require a disclosure and barring check/follow up check on employees throughout their employment with the Trust or during the duration of the individual’s volunteering within the Trust.

2.0 Scope

- 2.1** This policy applies to all permanent, temporary and casual employees, volunteers, and to other third parties engaged in work for, or on behalf of, the Trust. DBS checks should be completed where the duties to be performed require the individual to have an Enhanced DBS disclosure, or Enhanced with Children Barred List check, and for those who are defined as engaging in “Regulated Activity”.

3.0 Roles and Responsibilities

- 3.1** Local governing bodies have the overall responsibility to:
 - 3.1.1** Ensure that a DBS checking procedure is in place and that checks are carried out lawfully and in line with this policy.
 - 3.1.2** Ensure that the Single Central Record of DBS checks is maintained, and that the appropriate security measures relating to storage and access are in place.
- 3.2** The Headteachers and Heads of School must:

- 3.2.1** Ensure that all employees have an Enhanced DBS check and, if defined as in regulated activity, an additional Barred List check.
 - 3.2.2** Ensure that all volunteers receive an enhanced DBS check and, if defined as in regulated activity, an additional Barred List check.
 - 3.2.3** Ensure that the applicant presents their disclosure certificate for checking once they have received it.
 - 3.2.4** Decide whether an appointment will be confirmed or the offer withdrawn, where there is a positive disclosure (see 9.0)
 - 3.2.5** Consider whether information disclosed by existing employees in relation to a change in criminal record status impacts on their continued suitability for employment.
- 3.3** The CEO must undertake the responsibilities set out in paragraph 3.2 for Trust staff and for Directors and Members.
- 3.4** Job Applicants/Volunteers/Employees must
- 3.4.1** Co-operate fully with the checking procedure.
 - 3.4.2** Present the disclosure certificate to the School Office as soon as possible once it is received
 - 3.4.3** Inform their Headteacher/Head of School of any changes to their circumstances, which affect their criminal record status. This may impact upon the individuals' suitability to undertake their role and will be reviewed. Failure to disclose information may result in disciplinary action.

4.0 Definitions

- 4.1** "Regulated activities" are defined as activities performed by those for whom, as part of their role within the school:
- Will be responsible, on a regular basis, for teaching, training/instructing, caring for or supervising children;
 - Will carry out unsupervised paid, or unpaid work regularly where that work provides an opportunity for contact with children;
 - Engage in intimate or personal care or overnight activity, even if this happens only once.
- 'Regular' would be classified as attending the school to conduct the role more than once per week or more than 4 times in a 30-day period.

Intimate or personal care would involve any physical assistance to children, which includes dressing/undressing, toileting or bathing/washing. If it is care given because of illness/disability, personal care would also involve assistance in eating or drinking.

4.2 A “positive disclosure” is a previous criminal conviction which is either identified and disclosed by the individual when applying for a role within the school or will become apparent during a DBS check.

5.0 Links to other policies and related legislation

5.1 The use of DBS checks are part of the Trust’s safer recruitment procedures within the Keeping Children Safe in Education statutory guidance. More information can be found in PACE Academy Trust Early Help and Safeguarding Policy.

5.2 The handling of disclosures is in accordance with the Rehabilitation of Offenders Act (1974) and the Exceptions order (1975).

5.3 The handling of information in relation to DBS checks is in accordance with the Data Protection Act (2018), General Data Protection Regulations and the DBS code of practice within the Police Act (1997).

6.0 Type of DBS checks

6.1 There are 2 types of DBS checks available to the Trust when recruiting staff or volunteers to engage in activities within the schools:

6.1.1 Enhanced DBS Check –This enhanced level involves a check of the Police National Computer (PNC) and will also check local police information that relates to non-convictions but where the individual has been named in a local incident. This can be used to check volunteers who, as part of their role will **not** work with/come into direct and frequent contact with children unsupervised (unregulated activity).

6.1.2 Enhanced DBS Check + Children’s Barred List check – All permanent staff in schools will require this level of check. To be eligible, the position must meet the new definition of regulated activities relating to children as well as meeting the other criteria within an Enhanced DBS check.

The table below provides some typical roles within a school and the type of check required:

School Role	Activity	Unsupervised Contact with children	Check required
Teacher/TA	Regulated – frequent Training/teaching/care for/instruction/supervision/intimate care of children	Yes	Enhanced DBS + Barred List check

Office/Admin	Regulated – frequent care for/Instruct/supervision of children	Yes	Enhanced DBS+ Barred List check
Wraparound care	Regulated – frequent care for/Instruct/supervision of children	Yes	Enhanced DBS+ Barred list check
Parent volunteer	Unregulated – if only occasional assistance with reading	possible	Enhanced DBS check only
Parent volunteer	Unregulated – occasional assistance with swimming	Possible	Enhanced DBS check only
Governor/Director/Senior Management/Senior Leaders	Attendance at governor meetings and/or has access to information relating to sensitive Academy information/School finances	Possible	Enhanced DBS check With an additional section 128 check (see 6.3)
Contractor	Conducting temporary or occasional work inside a school during term time (i.e. annual service of equipment/Utility meter readings)	possible	Enhanced DBS check only
Contractor	Providing service where frequent and regular work inside school with children	Yes	Enhanced DBS + barred list check
Contractor	Regularly providing a service to the school (i.e. carrying out long term building works or services where attendance on site is frequent when children are present)	Possible	Enhanced DBS + barred list check
Contractor	Providing occasional or frequent service <i>outside</i> of term time/school hours	No	No check required

6.2 A DBS disclosure cannot be requested for someone who is under 16 years old.

6.3 Section 128 Checks

6.3.1 Section 128 directions can be issued on specific grounds whereby it is deemed inappropriate for an individual to become involved with the management of a school.

Anyone subject to a section 128 direction is prohibited from holding a management position in an academy, free school or independent school (as an employee). Management positions are classified as:

- Headteacher
- Teaching positions on the senior leadership team
- Teaching positions that carry a department headship

Anyone subject to a section 128 direction is also prohibited from volunteering in a school as:

- an academy or free school trustee or member
- a governor on any academy or free school board that has delegated responsibilities
- a governor or member of the proprietor body of an independent school

6.3.2 In accordance with *Keeping Children Safe in Education*, PACE Academy Trust schools will conduct such checks for:

- All employees identified as holding ‘management positions’ as above and
- All members of the Local Governing Body (LGB) or Strategic Board of Directors

6.3.3 A section 128 check is routinely included with all Barred List checks through the DBS service provider. Therefore, all new appointments in regulated activity will automatically be checked against the list of those prohibited from managing a school.

6.3.4 For all new appointments or volunteers not in regulated activity, a section 128 check can be conducted using the [DFE sign in portal \(Teacher services\)](#).

7.0 The DBS Update Service

7.1 Individuals can choose to register with the Update Service on an annual basis for a subscription fee. The service keeps DBS certificates up to date so that an individual can transfer the certificate from role to role without the need for a new employer to do a new DBS check. When using the DBS update service, the school will be provided with a renewed check on all lists to confirm there is no new information to be supplied since the certificate was issued.

7.2 As a Trust, we aim to use this service whenever it is available to us whilst balancing this against our safeguarding duties. For this reason, we will use the DBS update service for volunteers, governors, regular contractors or for existing employees within the Trust. Where applicable, the school should ask existing employees and volunteers if they subscribe to this service before conducting a new DBS check.

- 7.3** Where applicants have chosen to subscribe to the DBS Update Service, and meet the criteria outlined in section 8.3, the schools will seek their consent to undertake an on-line check of their DBS status. Applicants will still be required to produce a hardcopy of their most recent DBS certificate. Where the status check says that the DBS certificate remains current (i.e. no new information recorded), then there is no requirement to undergo a new DBS check.
- 7.4** The DBS update service is free to use for all volunteers in schools. **All volunteers** should be asked to subscribe to the service (for free) in order for schools to take advantage of the cost savings associated with an enhanced DBS check.

8.0 Procedure for DBS Checks and Renewals

- 8.1** DBS checks provide updated information on the day that the checks have taken place. For this reason all staff and volunteers are reminded that if, following an individual's appointment, they are subsequently arrested, cautioned or convicted of a criminal offence, they must inform the Head of School/Headteacher/ CEO immediately. Failure to do so and/or a discovery of a criminal conviction post appointment may be considered an act of misconduct and dealt with under the PACE Academy Trust Disciplinary Policy.
- 8.2** In line with our safeguarding commitment, (and as in line with Keeping Children Safe in Education and our Early Help and Safeguarding policy), PACE Academy Trust will require all new staff to undergo a Disclosure and Barring Check on appointment unless they subscribe to the DBS update service in which case an online check of the DBS will be undertaken on appointment. **Thereafter all employees within the Trust will be required to undergo a Disclosure and Barring Check every 5 years with staff who are subscribed to the update service having an online check every 5 years.**
- 8.3** For renewals of existing staff (including those moving within the Trust), and DBS checks for volunteers, schools must enquire whether the individual holds a subscription to the DBS update service. The update service can be used to do an online renewed check without the need to submit new documentation to the DBS service provided that:
- 8.3.1** The individual is either a volunteer/governor or an *existing* member of staff within the Trust and holds an existing DBS certificate.
 - 8.3.2** The disclosure certificate held has been issued within the last 5 years
 - 8.3.3** The individual has given their consent for us to do so
 - 8.3.4** The role does not represent significant change in the role named on the existing certificate, and the level of checks are the same (i.e. enhanced/+barred list)
 - 8.3.5** There has been no break in service from education over 3 months (excluding maternity/paternity/parental/disability leave)

8.4 Where a disclosure certificate has been issued over 5 years ago, or there has been a break in service of over 3 months, all documentation should be submitted to the DBS service for a new DBS check.

8.5 The Trust reserves the right to request an individual whose work requires them to have a DBS check, to undergo a recheck at any point (and before any renewal date) where it has good reason to do so.

8.6 In all cases, the original DBS disclosure certificate must be presented to the School where work is being carried out before or on the first working day of employment.

8.7 In relation to agency staff and contractors, the worker’s employer is responsible for obtaining a disclosure certificate. Once obtained, the original certificate must be viewed by the school office before the contractor commences work within the school.

8.7.1 The schools within the Trust will need to decide whether on site supervision of contractors is required. Our approach will be guided by this table:

Category of staff	Level of check obtained	Frequency of unsupervised contact with children	Regulated Activity	Supervision required
Supply teacher/TA	Enhanced + Barred List	Frequent	Yes	No supervision required
Contractor which carries out occasional works or maintenance	Enhanced DBS only	Possible Occasional/incidental	No	No supervision required unless contact with children is frequent
Regular Contractor (i.e. cleaner/ASC)	Enhanced + Barred List	Frequent	Yes	No supervision required

9.0 Positive disclosures

9.1 A “positive disclosure” is a previous criminal conviction which is either identified and disclosed by the individual when applying for a role or becomes apparent during a DBS check. All applicants for roles in PACE are asked to complete a criminal convictions disclosure.

9.2 In the event of a positive disclosure within the DBS, the Headteacher/Head of School/CEO should be informed immediately so that a risk assessment can be carried out. The risk assessment must determine the risks involved in allowing any appointment to proceed or existing employment to continue. For existing staff it is likely that the details of the disclosure will be discussed with the individual so that a

balanced decision can be reached when deciding whether employment can continue.

9.3 In accordance with the Rehabilitation of Offenders Act, a criminal conviction does not automatically prevent an individual from working for the Trust. When assessing whether a positive disclosure is acceptable, the following factors should be considered:

9.3.1 The requirements of the role and level of supervision the worker will receive

9.3.2 The seriousness of the offence/issue and its relevance to the safety of employees, pupils and property

9.3.3 The amount of money that was involved in cases of fraud

9.3.4 How relevant the offence is to the role undertaken

9.3.5 How much time has elapsed since the offence was committed and whether it was a one-off incident or part of a history of re-offending

9.3.6 Whether the individual's circumstances have changed since committing the offence, making re-offending less likely

9.3.7 Whether the individual was open and transparent about their past and declared relevant information when required.

9.4 The discussion and final decision concerning continued employment must be documented in full as evidence of considerations taken.

9.5 In the event that it is considered appropriate to continue with the offer of employment, a record of the discussion and decision will be kept on the individual's employment file.

9.5.1 Where a positive disclosure has been found in relation to an existing member of staff, and in the event it is considered inappropriate for employment to continue, appropriate action under the Trust Disciplinary Policy must be considered and HR guidance sought.

9.6 In the event that it is not considered appropriate to continue with an appointment in the event of a positive disclosure, the offer of employment will be withdrawn and full reasons given to the individual in writing.

10.0 Commencing employment before receipt of disclosure certificate

10.1 The Department for Education strongly recommend that DBS disclosure certificates be obtained for individuals before they take up post. However, it is recognised that in certain instances there may be a need to employ at short notice. In these circumstances, Headteachers have the discretion to employ staff who have not yet received their Disclosure, provided that, after a risk assessment, the following provisions are in place:

10.1.1 they have been checked against "List 99"/Children's Barred List

10.1.2 all other relevant pre-appointment checks have been carried out.

10.1.3 they do not have unsupervised access to children until their full disclosure certificate is received.

11.0 Employing individuals worked overseas

11.1 Newly appointed staff who have lived outside the UK must undergo the same pre-employment checks as other staff. This includes a DBS check as appropriate for the role. The DBS can only check applicants from the date they arrive in the UK, as it does not have access to overseas criminal records.

11.2 If an individual has resided overseas within the past five years, a criminal records check must be conducted for the country they lived in. The Home Office provide guidance on how to conduct checks [here](#). Where the applicant has lived in several countries, then all countries must be checked.

11.3 If the details for the country required are not listed then the individual should contact the relevant embassy to establish the process to be followed. A list of contact details for London based embassies can be found at:
<https://www.gov.uk/government/publications/foreign-embassies-in-the-uk>

11.4 Where there is a fee payable, then the applicant must pay this fee. Reimbursement will be at the discretion of the Headteacher/Head of School but will not ordinarily be paid for by the schools.

12.0 Handling DBS information

Storage and Access

12.1 Disclosure information is kept securely with access strictly controlled and limited to those who are entitled to see it as part of their duties.

12.2 Handling documents and information is In accordance with section 124 of the Police Act 1997; disclosure information is only passed to those who are authorised to receive it in the course of their duties.

12.3 The school are legally obliged to maintain a record of all those to whom 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.

Usage

12.4 In line with GDPR regulations, disclosure information is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

Retention

12.5 The school or Trust will keep a record of the date of issue of a disclosure, the name of the subject, the type of disclosure requested, the position for which the disclosure was requested, the unique reference number of the disclosure and the details of the recruitment decision taken. The schools will hold this information on the Single Central Register. Only the information detailed above can be held by the schools.

12.6 Hard copies of an individual's DBS certificate must not be kept.

12.7 Disclosure information in relation to the withdrawal of job offers is not retained for any longer than is absolutely necessary. This is generally for a period of up to six months, to allow for the consideration and resolution of any disputes or complaints.

12.8 If, in very exceptional circumstances, it is considered necessary to keep disclosure information for longer than six months, the schools will consult the DBS about this and will consider the Data Protection and Human Rights of the individual subject before doing so. Throughout this time, the usual conditions regarding safe storage and strictly controlled access will be maintained.