

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.

Contents

This document covers the following topics:

1. Policy statement.....	5
2. Definitions.....	5
3. Scope of the policy	6
4. DBS Code of Practice	6
5. Hackney Learning Trust's Recruitment of Ex- Offenders Policy ..	7
6. What is a DBS check?.....	8
6.1. What levels of Disclosure are there?	8
6.1.1. Enhanced check (including barred list checks)	9
6.2. Who pays for the DBS check?	9
7. What is the DBS Children's Barred List?	9
8. Deciding whether you need an Enhanced check	10
9. Who should have an Enhanced check?	11
9.1. What other roles require an Enhanced check?	11
9.1.1. Volunteers.....	11
9.1.2. After schools clubs/extended schools	11
9.1.3. Peripatetic staff	11
9.1.4. Governors	12
9.1.5. Visitors from Hackney Learning Trust	12
9.1.6. Volunteers from an external organisation.....	12
9.2. People not requiring an Enhanced check	13
9.2.1. Building contractors/tradespersons	13

9.3. Re-vetting existing staff	14
9.4. Significant changes to an employee's job role	14
10. Deciding whether the applicant already has a 'Clear' Disclosure	14
10.1. Update Service	14
10.2. 'Portability'	15
11. Obtaining a DBS Disclosure.....	16
11.1. How school staff apply for a DBS Disclosure	16
11.1.1. Procedure.....	16
11.1.2. Applicants from abroad.....	17
11.1.3. Overseas check policy.....	17
11.2. Disclosures for agency staff	18
11.3. Disclosures for consultants	18
12. Deciding when the applicant/employee is cleared to work	19
12.1. When is an applicant/employee deemed to be 'Cleared'?	19
12.2. What if an employee has an 'unclear' Disclosure?	19
12.2.1. Discussing Offences.....	20
12.2.2. Withdrawal of a Conditional Offer of Employment	20
13. Employees committing an offence during employment	21
14. Authorised verifiers	21
15. Record keeping	22
16. Handling and retention and disposal	22
16.1. Handling	22
16.2. Retention and archiving	23
17. What will Ofsted check?	23
18. Summary of roles and responsibilities	23
18.1. Employee/volunteer.....	23
18.2. Headteacher	24
18.3. Business Manager.....	24
18.4. School's DBS Administrator	24
18.5. School's Authorised ID Verifier	25
18.6. School's HR Business Partner	25
18.7. DBS Operational Lead	25

19. Further information 25

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.
5.0	September 2013	Changes to section 11.3 Disclosures for consultants.
6.0	April 2014	Changes to sections 9.1.4 and 10 to clarify the policy around Disclosures for Governors.
7.0	June 2018	Updated to reflect that DBS Disclosure applications are now done online.
8.0	May 2019	Update section 10.2 – portability

Distribution

This policy is available online on the Service for Schools website.

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).
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</i> , on page 14.
Enhanced DBS check	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. <i>What is a DBS check?</i> , on page 8.
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</i> , on page 14.
Online DBS system	An online e-bulk system used by Hackney Learning Trust allowing them (as a registered body) to submit multiple electronic applications for DBS certificates and receive the results electronically.
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.

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.
Regulated activity	This is what defines the eligibility for an 'Enhanced DBS check' 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.

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 for schools 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 Schools 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 The Head Teacher 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 Schools 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. Schools requests that this information is sent under separate, confidential cover to a designated person within Schools with guidance from 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 Teacher 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 positions 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 Disclosure are there?

There are currently the following types of Disclosure:

- Basic.
- Standard.
- Enhanced (excluding barred list checks).
- Enhanced (including barred list checks).

All school staff and 'regular' unsupervised volunteers require an Enhanced check (including barred list checks). The exception is for School Governors; they require an Enhanced check (excluding barred list checks).

6.1.1. Enhanced check (including barred list checks)

The Enhanced check (including barred list checks) 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.

6.2. 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.

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 and the DBS children's barred list is checked as part of an Enhanced check. 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. It should not be used as a standalone check unless the Enhanced check remains outstanding at the time the individual begins work.

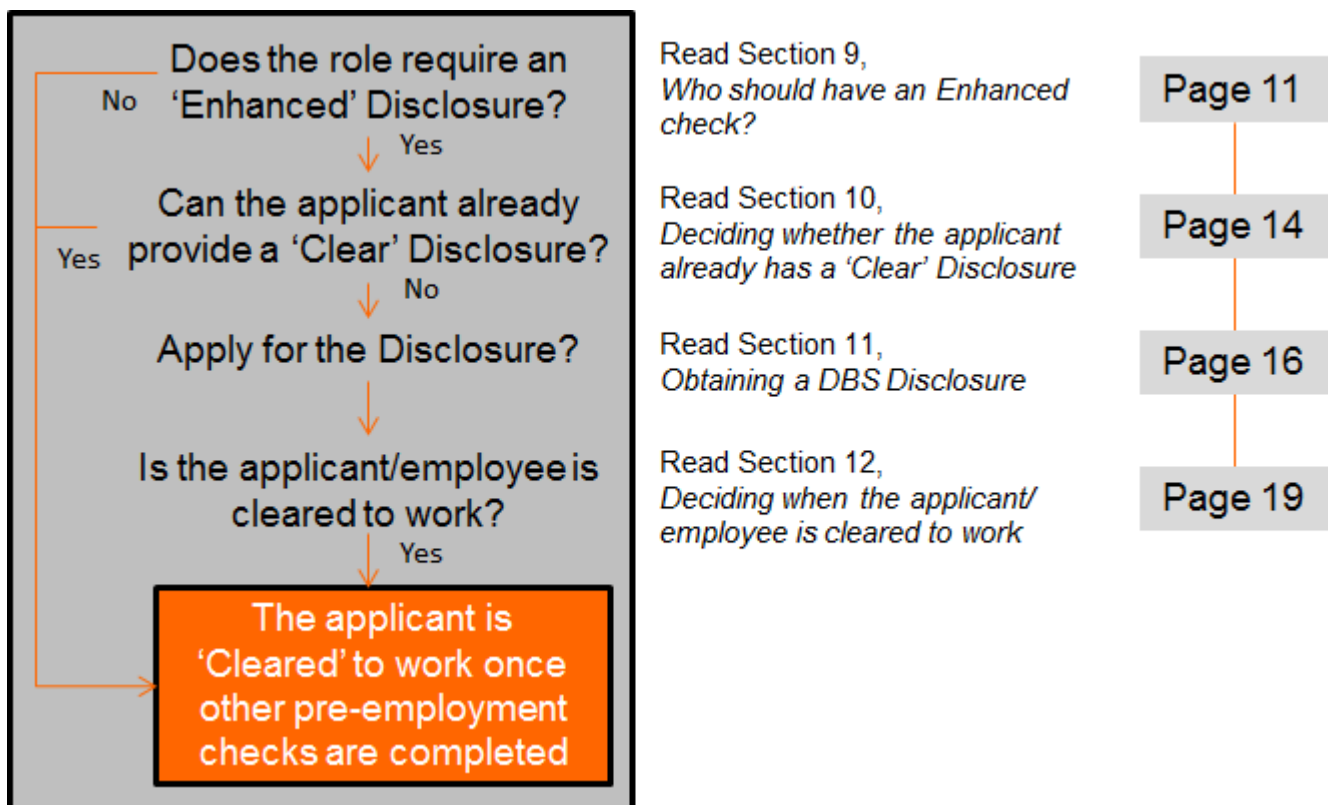
It is Hackney Learning Trust policy to only provide a check of the DBS children's barred list for Hackney Learning Trust or school staff, not for people who are coming to the school through an external agency. Please see *Who should have an Enhanced check?*, on page 11 and *People not requiring an Enhanced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

8. Deciding whether you need an Enhanced check

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

- If the roles and responsibilities make the job eligible for an Enhanced check.
- 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?

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.

This section describes:

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

9.1. What other roles require an Enhanced check?

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.

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.

When the school's DBS Administrator sets up the application on the Online DBS system the **Volunteer** flag must be ticked. This will be checked by the DBS Operational Lead to ensure the role meets the definition of a 'volunteer' before the application is countersigned and sent to the DBS.

9.1.2. After schools clubs/extended schools

An Enhanced check 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.

9.1.4. Governors

It is now 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. Governors do not need to have a separate Enhanced Disclosure for their role of Governor; as long as they have a Disclosure (issued through Hackney Learning Trust). 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, who has a Disclosure (issued through Hackney Learning Trust), is becoming a Governor, they will not need to complete another DBS check.

Governors require an Enhanced Check (excluding barred list checks). When the school's DBS Administrator sets up the application for a Governor, both the DBS Vulnerable Adults Barred List and the DBS Children's Barred List checks must be set to 'No':

DBS Vulnerable Adults Barred List	<input type="radio"/> Yes <input checked="" type="radio"/> No
DBS Children's Barred List	<input type="radio"/> Yes <input checked="" type="radio"/> No

9.1.5. Visitors from Hackney Learning Trust

All staff at Hackney Learning Trust whose role requires it must have an Enhanced check. 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

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 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 (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.

DBS Clearances approaching expiry are monitored by the DBS Administrator, who loads renewal details onto the Online DBS system so that the employee can complete the online renewal application. This must be done 60 to 90 days in advance of the current Disclosure's expiry date to ensure that the new Disclosure is received before the current one expires.

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 is required.

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

The School 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 the Services for Schools website.

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:

- Are subscribed to the DBS Update Service.
- Fall into one of the categories which meet our 'Portability rules.'

10.1. 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.

If as part of the recruitment process or 'three-yearly' recheck of DBS, the applicant informs the school's DBS Administrator that they are subscribed to the Update Service, the Administrator should check that

- The applicant is still subscribed to the Update Service (e.g. their subscription may have lapsed).

- No new information has been found since its issue and can therefore be accepted as being still current and valid.

If the applicant is not found or there is new information, a new Enhanced Disclosure must be obtained.

Refer to [guidance on using the DBS Update Service](#) for step-by-step instructions for using the Update Service and interpreting the results

Advise the DBS Operational Lead details of anyone who is subscribed to the Update Service (disclosure number and date the Update Service was checked). This is so that the employee's DBS record can be maintained on iTrent and the Update Service record is reflected on any DBS Status Report produced by the DBS Operational Lead.

10.2. 'Portability'

Examples of when portability of disclosures is and is not accepted

Type	Action
New candidate to be employed at the School	A new DBS check is required through Hackney Learning Trust's Online DBS system.
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 Online DBS system.
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 Online DBS system.
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 Online DBS system.
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, who has a Disclosure (issued through Hackney Learning Trust) for working in the child workforce, is becoming a Governor, they will not need to complete another DBS check.

If the 'Portability' rules are not met, a new Enhanced Disclosure must be obtained.

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, all newly appointed staff/volunteers must obtain a new DBS Disclosure unless they meet the 'portability' requirements or are subscribed to the DBS Update Service (refer to *Deciding whether the applicant already has a 'Clear' Disclosure* on page 14).

11.1.1. Procedure

The steps below provide a summary of the DBS Disclosure process for new applicants and three-yearly renewals:

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](#).

Otherwise:

2. The school's DBS Administrator sets up the application on the Online DBS system (login details are automatically sent to the applicant).
3. The individual being checked completes and submits an online application.
4. The individual and school's ID Verifier agree a time for the applicant to bring in their identity documents for verification.
5. The Applicant brings the relevant identification to support their application. The [Documentary Evidence Sheet](#) provides guidance notes and details of the documents that can be accepted as proof of identity.
6. The school's ID Verifier records details of the identity documents on the Online DBS system and submits the application for countersigning.
7. The HLT DBS Operational Lead checks and countersigns the application online and submits it to the Disclosure and Barring Service.

8. The Disclosure and Barring Service run checks and send the following:
 - The Disclosure Certificate is posted to the individual.
 - An e-mail indicating whether or not the Disclosure is clear is sent to the Headteacher.

If the Disclosure is clear:

The school's DBS Administrator will update the Single Central Record with the Disclosure Number and issue date.

If the Disclosure is unclear:

The Headteacher and the individual will meet to discuss and decide whether the person can be employed and the school's DBS Administrator will update the Online DBS system to record the recruitment decision.

9. The HLT DBS Operational Lead will upload the DBS results to the HR and Payroll system (iTrent) on a weekly basis, so that Schools' DBS Status Reports can be run against current staffing information.

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

Any new (paid or voluntary) applicant who has lived overseas within the last **five years** for a period of **six months** or longer is required to obtain a Certificate of Good Conduct from the countries in which they have lived during this period. This does not apply to existing staff applying for their three-yearly renewal.

When an applicant completes their address history as part of an online application, the Online DBS system will identify applicants who have lived abroad and send them a separate e-mail explaining how to obtain a Certificate of Good Conduct from each relevant country. The application for a UK Enhanced DBS Disclosure will continue as normal, but a final recruitment decision cannot be made until the Certificate of Good Conduct is also received.

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 1 years) DBS for a similar role.

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 DBS Disclosure is 'unclear', the Headteacher 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, all newly appointed staff and volunteers should complete this prior to taking up the position. Enhanced Disclosure certificates from other registered bodies will not be accepted unless the applicant is subscribed to the Update Service.

Only when a clearance e-mail is received from the Online DBS system can it be considered that an individual has 'DBS Clearance'. The e-mail will quote the applicant's name, Disclosure Number and issue date, and state:

'We are pleased to inform you that the DBS check revealed nothing that would deem [name] unsuitable to work at [organisation]'

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 (due to a delay in the checking process), 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. Contact the HR Business Partner for guidance.

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

If the Online DBS system sends the Headteacher an e-mail stating:

'The DBS has advised us on [date] that we must wait until we see the applicant's certificate', this indicates that the disclosure contains information.

This is referred to as being an 'unclear' Disclosure.

All employees/volunteers who have an 'unclear' Disclosure must present their Disclosure Certificate to the Headteacher. The applicant, Headteacher and HR Business Partner will discuss the contents of the Disclosure, and the Headteacher and HR Business Partner will make a risk assessment to decide whether the person can be employed. The Online DBS system will be updated with details of the recruitment decision.

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 must present their Disclosure Certificate to the Headteacher. The applicant, Headteacher and HR Business Partner will discuss the contents of the Disclosure, and the Headteacher and HR Business Partner will make a risk assessment to decide whether the person can be employed. The Online DBS system will be updated with details of the recruitment decision.

. 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 identity documents of those people completing a DBS application.

As part of Hackney Learning Trust's undertaking to the Ministry of Justice, all users of the Online DBS system must be trained before they are given access to the system.

If the list of authorised verifiers changes then the Headteacher should email the DBS Operational Lead at dbs@learningtrust.co.uk to request that the new person is trained. This incurs a small cost.

The ID Verifier should check that the DBS application has been completed correctly before submitting the form to Hackney Learning Trust.

They should:

- Check and validate the information provided by the applicant on the application.
- 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.

The DBS Operational Lead will keep all authorised verifiers informed, via email, of any changes in DBS processes or procedures. All 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 Services for Schools website). DBS clearance e-mails 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. Handling and retention and disposal

As an organisation using the Disclosure and Barring Service (DBS) service to help assess the suitability of applicants for positions of trust, The School complies fully with the DBS Code of Practice regarding the correct handling, use, and retention of Certificate information. It also complies fully with its obligations under the Data Protection Act 1998 and other relevant legislation pertaining to the safe handling, use and retention of Certificate information.

16.1. Handling

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. 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.

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.

16.2. Retention and archiving

Once a recruitment (or other relevant) decision has been made, Hackney Learning Trust **do not** keep Certificate information for any longer than is necessary.

Once a completed application is archived on the Online DBS system, sensitive information is automatically purged after six months, so that only pertinent DBS information, such as the applicant's name, whether the Disclosure was clear, the Disclosure Number and the Issue Date remain.

Completed applications are archived six times a year, normally to coincide with the school holiday periods: Winter, Easter, Summer and the three half terms.

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 (and then a renewal every three years afterwards).
- 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 (and then a renewal every three years afterwards)..
- It is the employee's/volunteer's responsibility to:
 - Complete their application within three days of receiving their log in details (or advising the schools DBS Administrator that they are already subscribed to the Update Service).
 - Present their identity verification documents to the school's ID Verifier within five days of completing the application.
 - Show their Disclosure certificate to the Headteacher or Business Manager if it contains information.
 - Disclose any criminal convictions, cautions, reprimands or warnings at the time of the application, or disclose to the Headteacher any that they incur during their employment with the school.

18.2. Headteacher

It is the Headteacher's responsibility to:

- Ensure that the employee/volunteer complies with the responsibilities expected of them.
- 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.
- Nominate a member or members of staff to be a DBS Administrator and an authorised ID Verifier to check the identity documents of those people completing a DBS application.
- Ensure that the record keeping guidelines regarding DBS Disclosures are adhered to.

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.

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. School's DBS Administrator

It is the school's DBS Administrator's responsibility to:

- Ensure that DBS applications are tracked and chased throughout the process so that there are no delays and no staff have an 'expired' Disclosure'.
- Archive applications which are no longer required (e.g. the applicant is subscribed to the Update Service, the applicant has left, etc.).
- Check if someone who claims to be subscribed to the Update Service has a valid subscription and that there is no new information since the last check.
- Advise the DBS Operational Lead details of anyone who is subscribed to the Update Service (this is so that the employee's DBS record can be maintained on iTrent).
- Ensure that applications for staff approaching their renewal date are set up on the Online DBS system 90 days before expiry.

18.5. School's Authorised ID Verifier

It is the school's Authorised ID Verifier's responsibility to:

- Check that the DBS application is correctly completed before sending it to Hackney Learning Trust.
- Verify an applicant's identity against the correct documents and record details on the Online DBS system.
- Chase where an applicant has not completed their application within three days or presented their identity documents within five dates of submitting their application.
- Keep themselves informed of what is expected of them in this role and the current guidance being offered to them by the DBS.

18.6. School's HR Business Partner

It is the School's HR Business Partner's responsibility to:

- Discuss 'unclear' disclosures with the Headteacher and provide HR advice around the recruitment or retention of an employee depending on their role and the type of conviction, caution, reprimand identified.

18.7. DBS Operational Lead

It is the DBS Operational Lead's responsibility to:

- Provide accurate and timely DBS advice.
- Provide schools with an accurate DBS Status Report.
- Check and Countersign all applications submitted to Hackney Learning Trust as the registered body.
- Keep all DBS Administrators and authorised ID Verifiers informed of any changes in DBS processes or procedures.

19. 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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