

Atomix Educational Trust

DBS Check Policy

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1. Introduction

This policy specifies the requirements and expectations on all Trust entities in relation to obtaining Disclosure and Barring Service (DBS) checks for new and existing employees (including those employed to deliver extended services), as well as in respect of agency workers, contractors, volunteers and visitors, to ensure protection of vulnerable adults and children.

This policy should be read in conjunction with the following documents:

DfE Keeping Children Safe in Education – statutory guidance for schools and colleges
Trust Recruitment and Selection Policy
Government DBS Guidance

2. Safer Recruitment in Education

DBS checks are just one aspect of safe recruitment processes, and the DBS check itself is just a snapshot in time of a person's criminal record. The Trust Recruitment Policy provides detailed guidance on the whole recruitment process, including, identity checks, reference checks and interview processes. The HR Team must be involved at all stages of a recruitment process to ensure all relevant checks are carried out prior to the commencement of employment.

3. Enhanced DBS Check

All staff employed within the Trust require an Enhanced Disclosure (including a children's barred list check) as the work is deemed to be regulated activity. The disclosure will include information held on the Disclosure and Barring Service barred list.

The full definition of regulated activity can be found in the DfE Keeping Children Safe in Education guidance.

4. Posts defined as Regulated Activity

The following posts are identified as a regulated activity and require an Enhanced Disclosure, including a barred list check:

- Teachers (including NQTs and Unqualified Teachers)
- All support staff employed directly by the school
- Agency staff – e.g. supply teachers, support staff, administrative etc.
- Volunteers – (see paragraph 11 for further guidance)
- Students on extended work related learning in another school or nursery (over 15 days)
- 6th formers and younger students on regular community work e.g. helping with a football club
- Invigilators
- After school club staff
  (Where there is a third party ensure that there are clear lines of accountability and written agreements setting out responsibilities for recruitment and vetting of staff and volunteers)
- Self-employed staff e.g. sports/drama/music etc.
  (Ensure there is a written agreement in place to include appropriate health & safety checks are in place and ensure that child protection training has been undertaken)

5. New Appointments

All new appointments will require a new Enhanced DBS check to be carried out, unless they are registered with the DBS Update Service.

Where the person is required to start work in regulated activity before the DBS certificate is available, and the individual is not registered with the DBS update service, the risk assessment at **Appendix 2** must be carried out. The risk assessment must confirm that the individual will be appropriately supervised, that the DBS has been applied for and that all other checks, including a separate barred list check, have been completed.

This form must be completed in conjunction with HR and the individual cannot commence employment without final approval from a member of the HR Team.

6. Overseas Appointments

A DBS disclosure or equivalent will be required for any person appointed from overseas. This includes British citizens and anyone who has worked or lived abroad in the past 5 years.

The person will need to provide a certificate or good conduct or a police certificate from their country of origin. Specific details regarding the process for individual countries are available at:

https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants

7. Agency Workers

The relevant agency must provide written confirmation that all vetting checks have been undertaken prior to the commencement of the assignment.

The Enhanced DBS Check must have been completed by the agency, or it must be registered on the update service. A start date will not be agreed for an agency worker where the DBS check has been transferred from another agency/employer and it is not registered on the update service.

In addition, the agency worker must present their original DBS certificate and photo ID on the first day of their assignment.

8. Contractors

Contractors working on site who will potentially come into contact with students will require an enhanced DBS certificate (including barred list information). Appropriate supervision must be provided for any contractors who could potentially come into contact with students, but do not meet the definition of regulated activity, and do not hold an enhanced DBS certificate.

Supervision is not permitted for any contractor who meets the definition of regulated activity ie teaches, trains, instructs, cares for or supervises children on more than 3 days in any 30 day period (across one or multiple settings).

If a contractor is working in a regulated activity and is self-employed, an Enhanced DBS check can be carried out by the Trust if necessary as self-employed people are not able to make an application directly to the DBS on their own account.

Safer working practices should be adopted including signing in and out of the premises; displaying visitor badges; carrying out work out of school hours where possible; and provision of any relevant policies and procedures to be complied with during the period visiting the premises.

The identity of contractors and their staff should always be checked on arrival.

Staff responsible for arranging for contractors to come on to site must check with HR at least 2 working days in advance of a visit if there is any doubt as to whether the appropriate documentation is in place to enable unsupervised activity.

If you need further guidance

9. Visitors

Visitors to a Trust entity who are not registered on the Single Central Register should be issued with a visitors badge and be escorted at all times.

10. Governors

An Enhanced DBS check must be carried out on all newly appointed Governors to either the Members, Trust or Local Governing Boards prior to confirmation of their appointment.

11. Volunteers/Student Placements

Under no circumstances should a volunteer or individual on placement in respect of whom no checks have been obtained be left unsupervised or be allowed to engage in regulated activity.

A DBS must be obtained for any volunteer who is in regulated activity, ie teaches, trains, instructs, cares for or supervises children on more than 3 days in any 30 day period (across one or multiple settings).

A free DBS check can be obtained via the Trust for a Volunteer, as long as the individual will not:

- benefit directly from the position for which the DBS application is being submitted
- receive any payment (except for travel and other approved out-of-pocket expenses)
- be on a work placement
- be on a course that requires them to do this job role
- be in a trainee position that will lead to a full time role/qualification

12. Adverse Disclosures

Having a conviction will not necessarily bar someone from employment with the Trust. The Trust will only take a criminal record into account when the conviction is relevant. Protection of the applicant's rights and interests must be weighed against the rights and interests of service users, employees and the public, including the Trust's duties and responsibilities towards these or other groups. The Trust's Policy Statement on the recruitment of ex-offenders is at **Appendix 3.**

If a DBS check reveals details of any convictions a risk assessment must be undertaken. Where convictions are revealed which may render the applicant or employee unsuitable for the post, advice must be sought from your HR Team and in either case the risk assessment pro-forma at **Appendix 1** must be completed.

13. Fixed Penalty, Convictions and Cautions during Employment

If an employee receives a fixed penalty, caution or conviction during their employment which could have an impact on their suitability to perform their job role they must immediately disclose it to their Head of Centre/Headteacher who should complete the risk assessment pro-forma at **Appendix 1.**

HR advice must be sought in order to help determine continued suitability for the job role where there is a concern.

If an employee does not disclose receipt of a fixed penalty, caution or conviction to their Head of Centre/Headteacher and at a later date the Headteacher becomes aware of this, an investigation may be undertaken in accordance with the Trust's Disciplinary Procedures.

If the employee is in a notifiable occupation the police will provide details to the Trust of any relevant cautions or convictions. This will usually result in an investigation being undertaken.

Where the school becomes aware of a fixed penalty, caution or conviction which could have an impact on the employee's suitability for a job role, consideration should also be given to suspension from the current post and/or alternative duties whilst an investigation is carried out.

14. Applicant's Right to Challenge Disclosure Content

Content of a DBS certificate can be challenged or disputed if it contains an error, or inaccurate or irrelevant information. Challenges and disputes should be made immediately by contacting the DBS and should be raised within 3 months of the date of issue on the certificate.

The applicant, or a person who has a legitimate interest in the accuracy of a certificate such as the counter signatory; employer; or licensing authority may raise the dispute after discussing the reasons for the dispute with the applicant.

15. Referral to the DBS

Where an employee is dismissed or removed from regulated activity or resigns before any dismissal or removal because they have harmed or posed a risk of harm to a child or vulnerable adult, the employer has a legal duty to refer the person to the DBS.

The DBS can make barring decisions about people who are referred to it (usually following a disciplinary process) with the possible consequence of the person being barred from working or volunteering with children and/or vulnerable adults.

The HR Team should be informed of any decision to make a DBS referral. The Principal/ Headteacher will complete and check the referral form particularly with reference to the reasons for concern and evidence base for the referral. The referral should be submitted to the DBS and a copy sent to HR within 2 weeks of the decision to refer.

If the school believes an employee or volunteer has committed a criminal offence, information may be passed to the police.

16. Gender Recognition Certificates

The Gender Recognition Act 2004 allows transsexual people who have undergone gender reassignment to apply for a gender recognition certificate. When a full gender certificate has been issued, the person is legally considered to be of the acquired gender.

If the person is required to undergo a DBS check as part of the recruitment process they must disclose any previous names and/or gender to the DBS who have established a special application procedure to maintain confidentiality (email: sensitive@dbs.gsi.gov.uk or telephone 0300 106 1452.

Gender confidentiality will be maintained where the individual has no criminal convictions and where there is no other information held by any Policy Authority, as a clear Disclosure certificate is

the ultimate result. However, if they have convictions under their previous gender that were considered relevant to the position, then the individual's gender change would become evident through the provision of conviction information on the DBS Disclosure certificate showing both gender names.

17. Handling of DBS Certificate Information

The Trust will comply with the requirements of the DBS in the secure storage, handling, use, retention and disposal of certificates and certificate information. Please see **Appendix 4** for further information.

18. Checks for Current Employees

There is no statutory requirement to carry out a new Enhanced DBS check for a current member of staff during their ongoing employment. However, insurance guidance states that a new check must be carried out on a change in job role (eg, an office working commencing a teaching role)

In addition, we will carry out a new check for an individual where it becomes necessary as part of their job role (eg,,due to policy requirements in other education establishments when carrying out school liaison activities).

Appendix 1

DBS – Cause for Concern Risk Assessment

Name of School ……..……..
Name of Applicant……..……...
Position Applied For ……..……..……..
Service Area……..……
Date of Risk Assessment……..……..……..…

Questions	Comments
Does the applicant meet all the essential criteria for the post in terms of skills, knowledge, experience and ability?	
The country in which the offence was committed e.g. some activities are offences in Scotland and not in England and/or Wales and vice versa. Whether the offence has since been decriminalised by Parliament.	
What was the nature of the crime, when did the relevant offence(s) occur e.g. less/more than two years ago, what were the circumstances involved and what was the sentence?	
Do the matters disclosed form any pattern? Was the offence a one-off, or part of a history of offending e.g. is the offence likely to re-occur?	
What is the seriousness of the offence(s) and relevance to the safety of other employees, pupils, service users and property?	
Are there any assessments and reports from those agencies involved in the applicant's process of rehabilitation e.g. probation service, specialists working in prison, other agencies?	
Are the type and/or nature of the offence(s) directly relevant to the post?	
What is the nature of the contact the applicant will have with children/adults/the public and how vulnerable are they?	
Was the relevant offence committed at work (either paid or unpaid work)? Does the job present any opportunities for the applicant to re-offend in the place of work?	
Are there any mitigating circumstances e.g. any relevant information offered by the applicant about the circumstances that led to the offence being committed e.g. the influence of domestic or financial difficulties?	
Has the applicant's circumstances changed since the offence was committed, making re-offending less likely (e.g. improved personal circumstances, drug addiction therapy etc.). Can the applicant demonstrate any efforts not to re-offend? i.e. rehabilitation course	
What level of and how much supervision is available to the applicant?	

Can any safeguards be implemented to reduce/remove any risk e.g. no unsupervised contact?	

Completed by:

Signature: ……..… Date…….……

Additional comments from the Headteacher

Outcome of Risk Assessment:

Headteacher/Principal Signature: …… Date: ……..

Appendix 2

Risk Assessment for New Starter

Name of Applicant …… ……..……....

Position Applied For…… ……..……...

Date of Risk Assessment……...……....

Reason for Risk Assessment
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Questions	**Notes**	**Completed by**	**Date**
Has the candidates identify been validated?			
Has any change in name been validated?			
Has an Enhanced DBS check been processed?			
Has the Barred List check been undertaken where applicable?			
Has a Section 128 check been completed?			
Has a Teacher's Prohibition check been completed?			
Has the application form been checked and any breaks in employment and/or training are accounted for?			
Are overseas checks in place where required?			
Are references in place, in line with paragraph 223 from KCSIE 2023 (attached).			

Outcome of Risk Assessment
Is further action required before the candidate commences employment? Yes

If yes, please detail any actions, conditions, restrictions or safeguards to be implemented below.

Actions Required

Risk Assessment Completed by: Date:

Appendix 3

Recruitment of Ex-Offenders

As an organisation using the Disclosure Barring Service (DBS) to assess applicants' suitability for positions of trust, Tees Valley Collaborative Trust (the 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 Disclosure on the basis of conviction or other information revealed.

The 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.

We actively promote equality of opportunity for all with the right mix of talent, skills and potential and welcome applications from a wide range of candidates, including those with criminal records. We select all candidates for interview based on their skills, qualifications and experience.

All application forms, job adverts and recruitment briefs will contain a statement that a Disclosure will be requested in the event of the individual being offered the position.

Where a Disclosure is to form part of the recruitment process, we encourage all applicants called for interview to provide details of their criminal record at an early stage in the application process. We request that this information is sent under separate, confidential cover, to a designated person within the Trust and we guarantee that this information is only seen by those who need to see it as part of the recruitment process.

Unless the nature of the position allows the Trust to ask questions about your entire criminal record we only ask about any convictions or cautions that are not protected as defined in the Rehabilitation of Offenders Act 1974.

We ensure that all those in the Trust who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. We also ensure that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, eg the Rehabilitation of Offenders Act 1974.

At interview, or in a separate discussion, we ensure 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.

We make every subject of a DBS Disclosure aware of the existence of the Code of Practice and make a copy available on request.

We undertake to discuss any matter revealed in a Disclosure with the person seeking the position before withdrawing a conditional offer of employment.

Having a criminal record will not necessarily bar you from working with us. This will depend on the nature of the position and the circumstances and background of your offences.

Appendix 4

Secure Storage, Handling, Use, Retention and Disposal of Disclosures and Disclosure Information

1. General Principles

As an organisation using the Disclosure Barring Service (DBS) to help assess the suitability of applicants for positions of trust, Tees Valley Collaborative Trust complies fully with the DBS Code of Practice regarding the correct handling, use, storage, retention and disposal of Disclosures and Disclosure information. It also complies fully with its obligations under the Data Protection Act and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of Disclosure information.

2. Storage & Access

Disclosure information is never kept on an applicant's personnel file and is always kept separately and securely, in lockable, non-portable, storage containers with access strictly controlled and limited to those who are entitled to see it as part of their duties.

3. 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. We maintain a record of all those to whom Disclosures or Disclosure information has been revealed and we recognised that it is a criminal offence to pass this information to anyone who is not entitled to receive it.

4. Usage

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.

5. Retention

Once a recruitment (or other relevant) decision has been made, we do not keep Disclosure information 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. If, in very exceptional circumstances, it is considered necessary to keep Disclosure information for longer than six months, we will consult the DBS about this and will give full consideration to the Data Protection and Human Rights individual subject before doing so. Throughout this time, the usual conditions regarding safe storage and strictly controlled access will prevail.

6. Disposal

Once the retention period has elapsed, we will ensure any Disclosure information is immediately suitably destroyed by secure means, ie by shredding, pulping or burning. While awaiting destructions, Disclosure information will not be kept in any insecure receptacle (eg waste bin or confidential waste sack). We will not keep any photocopy or other image of the Disclosure or any copy or representation of the contents of a Disclosure. However, nothwithstanding the above, we may 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.

7. Loss

If certificates containing personal information are lost, you should immediately report this to us so that the matter can be reported to the DBS. The details of the incident should be put in writing, along with confirmation that all requirements in this Policy Statement have been met.