



## DBS Check Policy

<b>Policy Details</b>	
Policy prepared by:	Adam Smith, Principal
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This guidance document outlines The Edge Academy procedures regarding staff vetting and carrying out disclosure and barring service checks (formerly CRB checks).

It covers checks for governors, staff and volunteers, and academies should pay close attention to the listed requirements. The Edge Academy's procedures reflect the DfE Disclosure and Barring Service (DBS): guide for academies (updated Sept 2022).

These checks are undertaken where required and form part of a sound and safe recruitment process at The Edge Academy. Safer employment practices extend beyond recruitment and The Edge Academy is aware of its duty of care as well as behaviors which make up safer practices.

It is the responsibility of the Principal to ensure that suitably trained and appropriately senior staff are responsible for the management of the academy Single Central Record (SCR) and DBS checking procedures.

If you have any questions regarding this guidance please contact the Principal.

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## **DBS checks at The Edge Academy**

A DBS check is only required for an employee who undertakes a regulated activity as per the DfE regulated activity guidance 2016 (last updated 18 June 2021)

### **The DBS is responsible for administering three types of checks:**

- Standard: a check of the Police National Computer (PNC) records of convictions, cautions, reprimands and warnings;
- Enhanced: a check of the PNC records as above, plus other information held by the police that is considered relevant by the police; and
- Enhanced with list checks: which will automatically include barred list information for people working in regulated activity with children.

**The Edge Academy does not run barred list check for people not working in regulated activity.**

## **DBS checks for permanent staff**

In addition to confirmation of identity and references, an enhanced DBS check must be made for any new member of staff at The Edge Academy ~~before~~ or as soon as practicable after appointment.

## **Commencement of Employment Prior to Disclosure**

The Edge Academy will always endeavor to obtain a Disclosure before an individual starts work. Where it is essential to engage an employee prior to the receipt of a Disclosure a written risk assessment will be completed. In all cases an Enhanced Disclosure will have been applied for and all other recruitment checks completed. Where there is no current DBS certificate, the Academy will put arrangements in place to ensure the individual has no unsupervised contact with children or vulnerable adults until such time that the Disclosure is received.

The Edge Academy, for staff whom, by reason of living outside of the UK, and an enhanced DBS check is not sufficient, will carry out additional checks as appropriate.

The Edge Academy as well as obtaining the DBS certificate described, will for anyone who is appointed to carry out **teaching work** carry out additional checks to ensure they are not prohibited from teaching.

Prohibition orders prevent a person from carrying out teaching work in schools, sixth form colleges, 16 to 19 academies, relevant youth accommodation and children's homes in England.

A person who is prohibited from teaching will not be appointed to work as a teacher in such a setting. A check of any prohibition will be carried out using the Employer Access Online Service.

On the 3rd May 2016, the Employer Access Service has changed its name to Teacher Services. <https://www.gov.uk/guidance/teacher-status-checks-information-for-employers>

Teacher Services will be used to find out if potential new staff have any current prohibitions, restrictions or sanctions using the following lists:

- teachers who have failed to successfully complete their induction or probation period
- teachers who are the subject of a suspension or conditional order imposed by the General Teaching Council for England (prior to its abolition)
- teachers and others who are prohibited from teaching in England
- individuals who have been barred from taking part in the management of an independent school (including academies and free schools)
  
- teachers sanctioned (since 18 January 2016) in other EEA member states by an EEA member state regulator of the teaching profession

For people with QTS, this prohibition check will be entered into the Single Central Record.

Prohibition orders are described in the National College for Teaching and Leadership's (NCTL) publication *Teacher misconduct: the prohibition of teachers*. Prohibition orders are made by the Secretary of State following consideration by a professional conduct panel convened by NCTL. Pending such consideration, the Secretary of State may issue an interim prohibition order if it is considered to be in the public interest to do so.

### **Trainee/Student Teachers**

Where applicants for initial teacher training are salaried by The Edge Academy, the academy will ensure that all necessary checks are carried out. As trainee teachers are likely to be engaging in regulated activity, an enhanced DBS certificate (including and barred list information) will be obtained.

Where trainee teachers are fee-funded it is the responsibility of the initial teacher training provider to carry out the necessary checks, The Edge Academy will obtain written confirmation from the training provider that these checks have been carried out and that the trainee has been judged by the provider to be suitable to work with children.

### **DBS checks for supply staff and third-party staff**

In addition to confirmation of identity and references, **The Edge Academy receive written notification from the supply staff or third part organisation member's employer that an enhanced DBS check has been made** and whether it disclosed any matters regarding section 113B(6) of the Police Act 1997. The academy will keep on file a letter from the supply agency confirming their procedures with regard to safer recruitment and DBS checks.

Where the position requires a barred list check this must be obtained, by the agency or third-party prior to appointing that individual.

The Edge Academy checks that the person presenting themselves for work is the same person on whom the checks have been made.

### **DBS checks for governors**

It is the duty of the chair to ensure enhanced DBS checks are carried out for all other governors and that this information is entered onto the academy Single Central Record.

Additional checks should be made for those who require them by reason of having lived outside the UK.

It is the responsibility of the Principal to ensure that the governing body is appropriately DBS checked and that the Single Central Record is complete.

### **DBS checks for volunteers**

The Edge Academy follows DfE guides that an academy should ensure that "appropriate checks are carried out on volunteers who work with children".

The Edge Academy ensures that:

**"Under no circumstances must a volunteer who has not obtained a DBS disclosure be left**

**unsupervised with children.”**

### **Commencement of Volunteering Prior to Disclosure**

In the instance where a disclosure check is appropriate for a volunteer then The Edge Academy will ensure that it is obtained before an individual starts to volunteer. Where it is essential to engage a volunteer prior to the receipt of a Disclosure a written risk assessment must be completed. In all cases an Enhanced Disclosure will have been applied for and all other recruitment checks completed. Where there is no current DBS certificate, arrangements will be put in place to ensure the individual has no unsupervised contact with children or vulnerable adults until such time that the Disclosure is received.

### **DBS checks for contractors**

The Edge Academy ensures that any contractor, or any employee of the contractor, who is to work at the academy has been subject to the appropriate level of DBS check. Contractors engaging in regulated activity will require an enhanced DBS certificate (including barred list information).

For all other contractors who are not engaging in regulated activity, but whose work provides them with an opportunity for regular contact with children, an enhanced DBS check (not including barred list information) will be required.

Under no circumstances will a contractor in respect of whom no checks have been obtained be allowed to work unsupervised or engage in regulated activity. The Edge Academy is responsible for determining the appropriate level of supervision depending on the circumstances.

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

The Edge Academy will always check the identity of contractors and their staff on arrival on site.

### **DBS checks for visitors**

The Edge Academy does not have the power to request DBS checks and barred list checks, or ask to see DBS certificates, for visitors (for example children's relatives or other visitors attending a sports day). The Principal will use his professional judgment about the need to escort or supervise visitors and implement any additional safeguarding procedures as appropriate

### **Individuals who have lived or worked outside the UK**

The Edge Academy will ensure that these potential employees will undergo the same checks as all other staff in the academy. In addition, the academy will ensure any further checks they think appropriate so that any relevant events that occurred outside the UK can be considered.

The Edge Academy uses The Home Office and DfE published guidance on criminal record checks for overseas applicants and also issued guidance on the employment of overseas-trained teachers. This gives information on the requirements for overseas trained teachers from the European

Economic Area to teach in England, and the award of qualified teacher status for teachers qualified in Australia, Canada, New Zealand and the United States of America.

DfE and Home Office guidance on criminal record checks for overseas applicants  
<https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

DfE guidance on employing overseas trained teachers:  
<https://www.gov.uk/government/publications/employing-overseas-trained-teachers-from-outside-the-eea>

### **Safer Recruitment after Brexit on 1st January 2021**

From 1 January 2021 the Teaching Regulation Agency will no longer maintain a list of EEA teachers with sanctions.

The government has announced that ‘from 1 January 2021 professional regulators in the EEA (EU, Iceland, Liechtenstein and Norway) will no longer share information about sanctions imposed on EEA teachers with the Teaching Regulation Agency (TRA)’.

They say, ‘Schools must continue to carry out safer recruitment checks on all applicants.

For applicants that have lived or worked outside of the UK, schools must make any further checks they think appropriate so that relevant events that occurred outside the UK can be considered, including obtaining an enhanced DBS certificate with barred list information (even if the teacher has never been to the UK).

Teachers may be able to provide proof of their past conduct as a teacher, issued by the professional regulating authority in the country in which they worked. Where available, such evidence can be considered alongside other information obtained through other pre-appointment checks to help assess their suitability.’

The announcement can be found here: <https://www.gov.uk/guidance/changes-to-checks-for-eu-sanctions-on-eea-teachers-from-1-january-2021>

## Dealing with a positive disclosure

A positive disclosure is a certificate that shows cautions, warnings or convictions. They may show spent convictions and also unspent convictions, and for Enhanced checks, they will also show information that a police force deems relevant to disclose based on the nature of the job that the individual will be employed to do.

A summary of the action that will be taken following receipt of notification of a DBS disclosure is set out below;

Disclosure with no content	Disclosure with 'content'	Applicant is barred from working with children and/or vulnerable adults
<ul style="list-style-type: none"> <li>▪ Appointment proceeds subject to all other pre-employment checks</li> </ul>	<ul style="list-style-type: none"> <li>▪ Applicant asked to bring certificate in. No start date is arranged.</li> <li>▪ The Principal should contact the relevant HR to seek advice from the relevant HR providers on the implications of the information revealed</li> <li>▪ The Principal completes Positive Disclosure Form (appendix A) following a DBS panel making a decision regarding the suitability for the applicant to take up the post.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Offer of employment is void</li> <li>▪ Appointment is unlawful and must not proceed</li> </ul>

Before a decision is reached on whether to offer or confirm employment to an individual, the individual will be offered the opportunity to discuss the content of the disclosure with a DBS panel, which will be the Principal and HR. The panel will make a balanced decision on whether they are satisfied to employ the person/service provider, based on:

- whether they are barred from appointment under the DBS lists
- whether the conviction is relevant to the position
- the circumstances surrounding the offence, and any explanations provided by the applicant
- the seriousness of the offence
- the length of time since the offence occurred
- whether there is a pattern to the offending behaviour, or whether it was a one-off
- whether the applicant's circumstances have changed

### Further discussion should take place regarding:

- whether the applicant disclosed the conviction(s)/cautions, warnings or reprimands at application or at interview stage
- what level of supervision will the post-holder receive
- does the post involve responsibility for finance or items of value
- will the nature of the role allow the applicant to potentially re-offend

The decision and the reasons for it will be recorded on the DBS Positive Disclosure Form (Appendix A),

signed by the panel and recruiting manager, and be stored on the person's file in a sealed envelope

If an applicant has made a false declaration on the application form, or anywhere else, about convictions and cautions (or lack of them), this may render the offer of a contract of employment void, HR can provide further advice on this.

### **Applicant's Right to Challenge Disclosure Content**

The 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.

If the disputed information could exclude an employee from their post they should be given an opportunity to dispute the information with the DBS. If appropriate it may be necessary to arrange alternative duties or suspension until this is resolved, the academy should seek advice from The Edge Academies HR provider for guidance.

### **Storage of DBS Checks**

The Edge Academy **will not file** and keep photocopies of DBS checks for any longer than 6 months unless a positive disclosure has been received. In these circumstances they will be stored in the personnel file and either password protected or in a sealed envelope marked Private and Confidential along with the risk assessment supporting the appointment/continued employment.

### **Re-checking DBS Checks**

There is no statutory requirement to run new checks on staff every three years. It is the decision of the Edge Academy that we have adopted a 3-year check policy.

The Edge Academy policy requires staff to complete an annual 'staff check document' which reviews information to ensure systems are up to date including emergency contact numbers, etc and also asks for a signed declaration that there are no matters to disclose. This document also requests training information on safeguarding and identifies any gaps that staff may feel they have. (Appendix 1)

Governors are required by The Edge Academy to be re-checked every 3 years, for those individuals who are subscribed to the DBS update service this re-check can be undertaken using the update service.

## **Transferring a DBS Check**

The Edge Academy will if an employee, volunteer or governor transferring to the academy has opted to sign up to the DBS update service then the update service can be used as an alternative to undertaking a new check. If not then a new check will be undertaken.

## **Reporting to the DBS**

The academy has a legal duty and will refer to the DBS anyone who has harmed, or poses a risk of harm, to a child or vulnerable adult; where the harm test is satisfied in respect of that individual; where the individual has received a caution or conviction for a relevant offence, or if there is reason to believe that individual has committed a listed relevant offence; and that individual has been removed from working (paid or unpaid) in regulated activity, or would have been removed had they not left.

The DBS will consider whether to bar the person. Referrals should be made as soon as possible after the resignation or removal of the individual. Guidance on referrals can be found at: <https://www.gov.uk/government/collections/dbs-referrals-guidance--2>

Where a teacher's employer, including an agency, dismisses or ceases to use the services of a teacher because of serious misconduct, or might have dismissed them or ceased to use their services had they not left first, they must consider whether to refer the case to the Secretary of State, as required by sections 141D and 141E of the Education Act 2002. The Secretary of State may investigate the case, and if s/he finds there is a case to answer, must then decide whether to make a prohibition order in respect of the person.