



**Shaw  
Education  
Trust**

# **Disclosure and Barring (DBS) Policy**

Procedure Originator:	Bilal Ahmed/Jo Collingwood
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Approved By:	C-Suite
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Queries to:	J Collingwood
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Review Interval:	3yrs (or as appropriate)
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## DBS Policy Introduction

This policy applies to staff with access to children under 18 years of age, vulnerable adults or other positions of trust that fall within the Rehabilitation of Offenders Act 1974.

Shaw Education Trust is committed to the principle of equal opportunities and, subject to the overriding consideration of protecting children, we will endeavour to prevent unfair discrimination against those with a criminal record.

This policy applies to the appointment of all employees, paid and unpaid, including volunteers, supply staff, contractors and peripatetic staff. It is designed to assist in ensuring that all persons working at the Shaw Education Trust are trustworthy and reliable and are not subject to any offences, which are a risk to children in our care.

## What is the Disclosure and Barring Service (DBS)?

The Disclosure and Barring Service (DBS) helps employers in England, Wales and Northern Ireland make safer recruitment decisions and prevent unsuitable people from working with vulnerable groups, including children. The DBS decides whether it is suitable for a person to be placed on or removed from a barred list.

It is a criminal offence for an employer to knowingly employ (either on a paid or voluntary basis) a barred person in Regulated Activity and to allow someone to work in Regulated Activity without carrying out the required checks or at minimum assessing the risk.

Where a person is removed from Regulated Activity by an employer because the person has caused harm to a child or a vulnerable adult, the ISA (DBS Team) must be notified.

## What is Regulated Activity?

Any position undertaken at, or on behalf of the "regulated activity" if it is carried out in at least one of these scenarios:

- Frequently, meaning once a week or more; or
- Overnight, meaning between 2.00 am and 6.00 am; or
- Satisfies the "period condition", meaning four times or more in a 30 day period; and
- Provides the opportunity for contact with children

Roles which are carried out on an unpaid/voluntary basis will only amount to regulated activity if, in addition to the above, they are carried out on any unsupervised basis.

The Trust is not permitted to check the Children's Barred List unless an individual will be engaging in "regulated activity". The Trust is required to carry out an enhanced DBS check for all employees, supply staff, volunteers and governors who will be engaging in regulated activity.

DBS guidance suggests that where there has been a 3 month break in regulated activity a new DBS is required.

There is no guarantee employees who work before or after school (e.g. premises team or cleaners) will not be in contact with children, therefore the same rules will apply and will be deemed as being in regulated activity.

## Enhanced certificates

All Shaw Education Trust employees will be vetted to Enhanced DBS level. This check involves a check with local police force records in addition to checks with the Police National Computer and the government department lists held by the Department for Children, Schools & Families and Department of Health, where appropriate.

## Using the DBS update service

The online DBS Update Service allows:

- Applicants to keep their DBS certificates up-to-date
- Employers to do an instant DBS check against a DBS certificate previously issued

When the applicant initially applies for a DBS check they can register to use the Update Service with a registration cost of £13 per year. There is no charge if the applicant is a volunteer, however the applicant must register for the Update Service within 30 days of the certificate being issued.

The DBS tracking service can be used to check the progress of the DBS Certificate.

Where an applicant subscribes to the DBS Update Service the applicant must give consent to the school to check there have not been changes since the issue of a disclosure certificate.

To check a DBS Certificate status online, the Trust/School will obtain the applicant's permission in the first instance. The Trust/School can then see the results from the check straight away.

The Trust requires all new starters to apply through the usual DBS application process as part of our safer recruitment procedure. Once processed, new starters are required to apply to the Update Service within 30 days. The Trust/School will reimburse new starters for registering with the update service once evidence of the payment is provided.

The School/Trust will request consent each academic year from employees to access the update system to renew the DBS Certificate to assess any updates on charges/convictions.

## What to do when I recruit new staff?

Job applicants will be asked to state any convictions on their application form. Those invited to attend an interview will be advised in writing that relevant criminal convictions will be discussed at the interview in order to assess job-related risks. Applicants are encouraged to submit written details, dates and any other relevant information, in confidence, to the Principal/CEO, who will ensure the security of this sensitive information.

The Shaw Education Trust use an electronic process to conduct Enhanced DBS checks. During the '**offer process**' applicants will be invited to complete an online DBS check via the HR in school or Central People Team.

The Trust/School will apply for a DBS Certificate only for applicants offered a position. The School will not apply for the DBS Certificate to run a check without the knowledge and consent of the person concerned.

If a DBS Certificate reveals any convictions, the school will follow a fair process and consult with their Regional People Team in respect of the Rehabilitation of Offenders Legislation and the legislative guidelines in place for Safer Recruitment in Schools.

## Carrying out checks on staff recruited from abroad

All new employees where the person has lived outside the UK are subject to the same checks as other employees and additional checks in accordance with Immigration, Asylum and Nationality Act 2006. These further checks should include a check for information about any teacher sanction or restriction that a European Economic Area (EEA) professional regulating authority has imposed, using the Teaching Regulation Agency (TRA) Teacher Services system.

While restrictions imposed by another EEA regulating authority do not prevent a person from taking up teaching positions in England, Shaw Education Trust/School should consider the circumstances that led to the restriction or sanction being imposed when considering their suitability for employment.

For further guidance, please contact your Regional People Advisor in the first instance.

## **Checking criminal records from overseas**

The Trust/School will attempt to obtain a certificate of good conduct and any other references from prospective overseas employees. This is in accordance to guidance from the Disclosure and Barring Service (DBS) and the Home Office for employers on applying for DBS checks. It notes that the standard of foreign police checks "varies".

It is the responsibility of the new starter to obtain their certificate(s) of good conduct and to complete the Overseas Declaration Form.

If verifying an individual, it may be necessary to contact the embassy or High Commission of the country in question to check criminal records or authenticity of the documents.

## **Renewing DBS Certificates**

Employees who have been part of the Trust for more than 3 years will be asked to complete a new DBS application form and register to the Update Service within 30 days of the DBS Certificate being issued. Employees will be reimbursed by the School/Trust once evidence of the payment has been received.

## **Portability of DBS Certificates**

In accordance with the Recruitment and Selection Policy the Trust/School when considering the portability of DBS certificates must take into account the latest guidance in 'Keeping Children Safe in Education'.

Although Portability is an option, in order to minimise risk to our students, Shaw Education Trust advise that a new DBS application is always completed in all our settings and in no circumstances do we use the option of Portability.

## **Prohibition Orders**

Prohibition Order means that the person concerned is not allowed to undertake unsupervised teaching work in schools. Where an individual is prohibited, their name and details will appear on the Prohibited List. Ordinarily a Prohibition Order is a lifetime ban, although individuals maybe allowed to apply for an order to be reviewed.

As part of the Safeguarding Checks, and in addition to the DBS Certificate, a check will be undertaken on all applicants that have been employed in a teaching capacity against the Prohibited List.

## **Keeping your data safe!**

DBS Certificate information will only be kept in an individual's personnel file with all other safer recruitment documentation. Access is strictly limited to those who are entitled to see it as part of their duties. (It is a data breach for any individual to pass information to anyone who is not entitled to receive it). All records will be retained in line with GDPR regulations.



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**Pupil &  
people  
centred**

**Act with  
integrity**

**Be  
innovative**

**Be best  
in class**

**Be  
accountable**