



## DBS Disclosure Policy

The King's School  
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### **Statement of intent**

At The King's School we are committed to promoting the welfare of our staff, students and visitors. Ensuring the safety of our school community is of paramount importance and, as a result, this policy has been created in order to establish a safe environment where students are cared for appropriately and are free from harm.

The school will request a Disclosure and Barring Service (DBS) check as part of its recruitment process. This check may also include barred list information held on the DBS barred list, as well as any information held by the police which is relevant to the role applied for.

DBS checks allow the school to ascertain an individual's suitability to work with children in an educational environment. This policy will ensure that all staff, staff and parents/carers are aware of the measures taken by the school to promote the welfare of the school community.

## 1. Legal framework

1.1. This policy has due regard to legislation and statutory guidance including, but not limited to, the following:

- The Rehabilitation of Offenders Act 1974
- The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2016
- The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2020
- The Police Act 1997
- The Police Act 1997 (Criminal Records) (Registration) Regulations 2006
- Childcare (Disqualification) Regulations 2018
- The Data Protection Act 2018
- The Safeguarding Vulnerable Groups Act 2006
- The Human Rights Act (1998)
- The Children Act (1989)
- The General Data Protection Regulation
- The School Governance (Constitution) (England) Regulations 2012 (as amended in 2016)
- The Education (Independent School Standards) Regulations 2014
- The Equality Act 2010
- Home Office (2015) 'Revised Code of Practice for Disclosure and Barring Service Registered Persons'
- DfE (2023) 'Keeping children safe in education'
- DfE (2022) "Recruit Teachers from overseas"
- DfE (2020) Changes to checks for EU sanctions on EEA teachers
- DBS (2014) 'Sample policy on the recruitment of ex-offenders'
- DBS (2018) 'Handling of DBS certificate information'
- DBS and Ministry of Justice (2020) 'DBS filtering guide'
- Home Office (2015) 'Revised Code of Practice for Disclosure and Barring Service Registered Persons'

## 2. Definitions

### Standard DBS

2.1. This provides information about convictions and cautions (unless they relate to a youth caution) held on the Police National Computer (PNC), regardless of whether they are spent under the Rehabilitation of Offenders Act 1974. The law does allow for certain old and minor matters to be filtered out.

### Enhanced DBS

2.2. This provides the same information as a standard check, plus any approved information held by the police which a chief officer reasonably believes to be relevant and considers ought to be disclosed.

### **Enhanced DBS with barred list check**

- 2.3. Where people are working or seeking to work in regulated activity with children, this allows an additional check to be made as to whether the person appears on the children's barred list.

### **DBS certificates issued on or after 28 November 2020**

- 2.4. The following changes to filtering rules have been made for standard and enhanced DBS certificates:

- Warnings, reprimands and youth cautions will no longer be automatically disclosed on a DBS certificate
- The multiple conviction rule has been removed, meaning that if an individual has more than one conviction, regardless of offence type or time passed, each conviction will be considered against the remaining rules individually, rather than all being automatically disclosed

### **Regulated activity**

- 2.5. Regulated activity includes:

- Teaching, training, instructing, caring for or supervising children if the person is unsupervised, or providing advice or guidance on physical, emotional or educational wellbeing, or driving a vehicle only for children.
- Work for a limited range of establishments (known as 'specified places', which include schools and colleges) with the opportunity for contact with children, but not including work done by supervised volunteers.

- 2.6. Work under 2.5 is regulated activity if it is carried out frequently by the same person or if the 'period condition' is satisfied. The period condition is satisfied if:

- The person carrying out the activity does so at any time on more than three days in any period of 30 days.
- If the activity is done at any time between 2:00am and 6:00am and it gives the person the opportunity to have face-to-face contact with children.

- 2.7. Some activities are always regulated activities, regardless of frequency or whether the person conducting the activity is supervised. This includes the following:

- Intimate or personal care, or overnight activity, including helping a child with eating and drinking for reasons of illness or disability or in connection with toileting, washing, bathing and dressing for reasons of age, illness and disability
- Health care, i.e. care for children provided by, or under the direction or supervision of, a regulated health care professional

### **3. Roles and responsibilities**

#### **3.1. The Trustees are responsible for:**

- Approving the Headteacher's decisions with regards to disclosure information concerning existing and prospective employees.
- Ensuring that this DBS Policy and the Home Office's Code of Practice (CoP) is adhered to at all times.
- Ensuring all agreed DBS procedures are adhered to for both current and prospective employees.
- Monitoring the school's single central record (SCR), ensuring its compliance with requirements.

#### **3.2. The Headteacher has overall responsibility for ensuring that this policy is followed. Members of the Senior Leadership Team are responsible for:**

##### **Deputy Head – Teaching, Learning and Professional Development**

- Ensuring that any job descriptions and person specifications for any posts within the school indicate whether an individual will require a DBS check, as well as what level of check is required.

The Director of Finance and Operations (DFO) and Designated Safeguarding Lead (DSL) are responsible for:

- Ensuring that they are aware of any posts in the school that are subject to a DBS check.
- Maintaining an up-to-date single central record.
- Ensuring that all members of staff hold current, acceptable DBS checks according to the appropriate level required. Ensuring that new employees are aware of the update service and encouraging them to subscribe to this.
- Taking reasonable steps to make sure that any individual who is not an employee, but who is covering an existing post or other work within the school, holds the appropriate level of DBS check.

### **4. DBS procedures for staff**

#### **New members of staff**

- 4.1.** Staff who will be in regulated activity are required to obtain an enhanced DBS certificate with a barred list check.
- 4.2.** All other staff who have an opportunity for regular contact with children who are not engaging in regulated activity are required to obtain an enhanced DBS certificate, which does not include barred list information.
- 4.3.** Staff are required to show the original DBS certificate before they begin their employment or as soon as practicable after their employment begins.

- 4.4. Where a member of staff will start work in regulated activity before the DBS certificate is available, the DFO and DSL will ensure the individual is appropriately supervised and that all other checks, including a separate barred list check, have been carried out.
- 4.5. There is no requirement for the school to obtain an enhanced DBS certificate or carry out checks for events that may have occurred outside the UK if, during a period which ended not more than three months before the individual's appointment, they have worked in:
- A school in England:
    - Which brought them regularly into contact with children or young people.
    - To which they were appointed on or after 12 May 2006 and which did not bring them regularly into contact with children or young people.
  - In an institution within the FE sector in England, or in a 16-19 academy, in a post which involved the provision of education which brought them into regular contact with children or young people.

All other pre-appointment checks will be completed, including a barred list check, where an individual is engaging in regulated activity.

- 4.6. For staff who work in childcare provision, or who are directly concerned with the management of such provision, the school will ensure the appropriate checks are carried out to confirm the individuals are not disqualified under the Childcare (Disqualification) Regulations 2018.

#### **Existing staff**

The school will only carry out new checks on existing staff when:

- An individual working at the school or college moves from a post that was not regulated activity into work which is considered to be regulated activity.
- There has been a break in service of 12 weeks or more.
- There are concerns about an individual's suitability to work with children.

#### **Agency and third-party staff**

- 4.7. The **DFO** will obtain written confirmation from any agency or third-party organisation that the organisation has carried out all the necessary DBS checks on an individual who will be working at the school that the school would otherwise perform.
- 4.8. Where the position requires a barred list check, this will be obtained by the agency or third party prior to appointing the individual.
- 4.9. The DFO will ensure that the individual presenting themselves for work is the same person for whom the checks have been made.

#### **Trainee/student teachers**

- 4.10. Where applicants for teacher training are salaried by the school or college, the **DFO** will ensure that all necessary DBS checks are carried out. As trainee teachers are likely to be engaging in regulated activity, an enhanced DBS certificate (including barred list information) must be obtained.
- 4.11. Where trainee teachers are fee-funded, the training provider is responsible for carrying out the necessary checks. The **DFO** will obtain written confirmation that the necessary checks have

been carried out, and that the trainee has been judged by the provider to be suitable to work with children.

## 5. DBS procedures for Trustees

- 5.1. The Board of Trustees board may request an enhanced DBS certificate without a barred list check on an individual as part of the appointment process for trustees.
- 5.2. An enhanced DBS certificate with a barred list check will be requested if a trustee, volunteer trustee or other volunteer is engaging in regulated activity.
- 5.3. A barred list check will only be required for trustees who, aside from their trustee duties, are engaged in regulated activity.
- 5.4. The Clerk to the Board of Trustees will contact the Teaching Regulation Agency (TRA) Teacher services to check if a proposed trustee is barred because of a section 128 direction.
- 5.5. The ESFA will carry out suitability checks on all newly appointed chairs of trustees. These checks include:
  - An identity check.
  - Confirmation of the right to work in the UK.
  - An enhanced DBS check.
  - A requirement to provide additional information if the individual has lived outside the UK for a period of 12 months or longer.

## 6. Procedures for volunteers

- 6.1. Under no circumstances will a volunteer who has undergone no checks be left unsupervised or allowed to work in regulated activity.
- 6.2. The **DFO** will obtain an enhanced DBS check, with barred list information, for any volunteer who is new to working in regulated activity.
- 6.3. In some circumstances, the **DFO** may obtain an enhanced DBS certificate for volunteers who are not engaged in regulated activity but will not request barred list information.
- 6.4. There is no requirement to re-check volunteers in regulated activity if they have already had a DBS check, including barred list information; however, the school will conduct a repeat DBS check, with barred list information, where there are concerns about a volunteer.
- 6.5. The **DFO and DSL** will undertake a risk assessment and use their professional judgement when deciding whether to obtain an enhanced DBS certificate for any volunteer not engaging in regulated activity. The risk assessment will consider the following:
  - The nature of the volunteer's work with children
  - What the school knows about the volunteer, including formal or informal information offered by others
  - Whether the volunteer has other employment or undertakes voluntary activities where referees can advise on their suitability



- Whether the role is eligible for an enhanced DBS check
- 6.6. Details of the risk assessment will be recorded.
- 6.7. The **DFO and DSL** will determine whether a volunteer is supervised. For a person to be considered supervised, the supervision must be:
- By a person who is in regulated activity.
  - Regular and day-to-day.
  - Reasonable in all the circumstances to ensure the protection of children
- 6.8. Reception hold a register of those who are able to move around the school site unescorted. Reception staff will check the ID of any volunteers upon their first visit to the school.

## **7. Procedures for visitors**

- 7.1. The school does not have the power to request DBS checks to be carried out on visitors.
- 7.2. When a visitor is due on the school site they should be escorted at all times and should wear a red coloured lanyard unless the DFO or DSL confirms otherwise due to previous checks.

## **8. Procedures for contractors**

- 8.1. Under no circumstances will a contractor who has undergone no checks be allowed to work unsupervised or engage in regulated activity at the school. The school is responsible for determining the appropriate level of supervision depending on the circumstances.
- 8.2. Contractors who engage in regulated activity will be required to obtain an enhanced DBS certificate with barred list check.
- 8.3. Any contractors who have the opportunity for regular contact with children, but who would not be in regulated activity, will be required to obtain an enhanced DBS check. In considering whether contact is regular, it is irrelevant whether the contractor works on a single site or across a number of sites.
- 8.4. If a contractor working at the school is self-employed, the **DFO and DSL** will consider if they need to obtain a DBS check on the contractor's behalf.
- 8.5. The **DFO** will arrange for checks of the identity of contractors and their staff upon arrival to the school.

## **9. Staff who have lived or worked outside the UK**

- 9.1. A candidate from overseas will be checked in the same way as other candidates in line with the procedures outlined in this policy.
- 9.2. As of January 2021, the TRA no longer maintains a list of teachers from the European Economic Area (EEA) with sanctions. The school will continue to carry out safer recruitment checks on all applicants.
- 9.3. For applicants who have lived or worked outside of the UK, the school will make any further checks it deems appropriate so that relevant events that occurred outside the UK can be

considered, including obtaining enhanced DBS certificate with barred list information, even if the applicant has never been to the UK.

- 9.4. The school will request that teachers provide a letter of professional standing issued by the professional regulating authority in the country in which they worked.
- 9.5. The DBS cannot obtain police records from overseas; however, a check will be conducted to establish whether the individual has disclosed any criminal convictions during their time in the UK.
- 9.6. As the DBS cannot provide details of police records for overseas applications, the school is aware that the DBS information may not provide a complete picture of a candidate's criminal record.
- 9.7. In relation to the above, the school will conduct additional recruitment checks such as obtaining a certificate of good conduct from relevant embassies or the police.
- 9.8. The school will be extra vigilant when considering an applicant from overseas and will obtain additional references to ensure their suitability for the role.
- 9.9. The DBS cannot obtain police records from overseas; however, a check will be conducted to establish whether the individual has disclosed any criminal convictions during their time in the UK.
- 9.10. As the DBS cannot provide details of police records for overseas applications, the school is aware that the DBS information may not provide a complete picture of a candidate's criminal record.
- 9.11. In relation to the above, the school will conduct additional recruitment checks such as obtaining a certificate of good conduct from relevant embassies or the police.
- 9.12. A check will also be made for any teacher sanctions or restrictions that a European Economic Area (EEA) authority has imposed.
- 9.13. The school will be extra vigilant when considering an applicant from overseas and will obtain additional references to ensure their suitability for the role.

#### **10. Procedures for adults supervising children on work experience**

- 10.1. The school will consider the specific circumstances of the work experience placement when considering what level, if any, of DBS check is required on individuals supervising students, including those aged 16 and over, on the placement.
- 10.2. Consideration will be given to whether the person providing supervision to the student will be unsupervised themselves and providing the supervision frequently, i.e. more than three days in a 30-day period, or overnight.
- 10.3. The **school will employ an external organisation who** will ask the employer providing the work experience to confirm that any member of staff who will be working with the child unsupervised and frequently is not a barred person.

- 10.4. The school is not able to request an enhanced DBS check with barred list information for staff supervising pupils who are aged 16 to 17.
- 10.5. Work experience providers are not able to request any DBS checks for pupils under 16.
- 10.6. The school will ensure all work experience providers have policies and procedures in place to protect pupils from harm.

#### **11. Procedures for alternative provision**

- 11.1. Where a student is placed in alternative provision, the **DSL** will obtain written confirmation from the provider that the appropriate DBS checks have been carried out on the provider's staff.

#### **12. Procedures for arranged homestays during exchange visits**

- 12.1. When arranging a homestay for a visiting student in the UK, the **DSL** will consider the suitability of the adults in the respective families who will be responsible for the visiting child during the stay.
- 12.2. Where the **DSL** arranges for a visiting child to be provided with care and accommodation in the home of a family to which they are not related, the responsible adults will be engaging in regulated activity for the duration of the stay. In these circumstances, and where the school has the power to terminate such a homestay, the school will be the regulated activity provider.
- 12.3. When arranging homestays, the **DSL** will use professional judgement to assess the suitability of the adults in those families who will be responsible for the visiting child during their stay. To help inform the assessment, the **DSL** will obtain enhanced DBS certificates with barred list information.
- 12.4. The **DSL** may decide to obtain an enhanced DBS certificate in respect of anyone aged 16 or over in the household where the child will be staying.
- 12.5. When arranging a homestay abroad, the **DSL** will liaise with partner schools abroad to establish a shared understanding of, and agreement to the arrangements in place for the visit. The **DSL** will use professional judgement to determine that the arrangements are appropriate and sufficient to safeguard every child who will take part in the exchange.
- 12.6. The **DSL** may decide to contact the relevant foreign embassy or High Commission of the country in question to discuss what checks may be possible in respect of those providing homestay outside of the UK.
- 12.7. Where a period of UK homestay lasts 28 days or more, for a child aged under 16 (or 18 if the child has disabilities), this may amount to private fostering under the Children Act 1989. Where this is the case, the **DSL** will notify the LA of the arrangements.

#### **13. Disclosures containing criminal information**

- 13.1. A DBS check is considered to contain criminal information if it includes details of the following:

- A police record of convictions and cautions
  - DBS barred list
  - Any other relevant criminal information obtained by the police
- 13.2. If an individual has more than one conviction, regardless of offence type or time passed, each conviction will be considered individually, rather than all being automatically disclosed.
- 13.3. In the event of a disclosure containing criminal information, the **DFO** will check whether the individual has obtained any previous criminal convictions or cautions by instructing them to complete a disclosure review form, which may be followed by a meeting depending on the nature of the offence.
- 13.4. The **Headteacher** will discuss disclosed information from serious cases with the **Trustees** immediately to agree a course of action regarding any prospective or existing employee.
- 13.5. The individual will be required to attend a meeting with the **Headteacher** to confirm that the convictions are theirs. If the individual denies that the convictions relate to them, the **Headteacher** will contact the DBS to carry out an investigation.
- 13.6. If it is established by the DBS that the convictions do concern the individual, the **Headteacher** will explore the circumstances surrounding these and their suitability to work with children, in accordance with the **trustees**.
- 13.7. For prospective employees, all posts will remain pending whilst meetings and investigations take place.
- 13.8. For current employees, the **Headteacher** will consider whether adjustments will need to be made whilst meetings and investigations take place, including:
- Whether the employee can continue their practice.
  - Whether closer supervision is required of the employee.
  - Whether the employee should be temporarily transferred to other duties.
  - Whether the employee should be dealt with in accordance with the **Disciplinary Procedure** Policy and suspended with entitlement to full pay.
- 13.9. An exception to section 13.7 is if the **Headteacher** was already aware of the employee's convictions and had previously discussed with the **Trustees** that they were still suitable for their appointment, or, if it is revealed that the convictions do not relate to the individual concerned.

#### 14. Making a recruitment decision

- 14.1. All offer so employment made by the school will be conditional upon satisfactory completion of the mandatory pre-employment checks. The **DFO** will consider the magnitude of any DBS disclosures.
- 14.2. **Major disclosures** will result in the candidate being automatically unsuitable for the role. These include where the adult is named on the following lists:
- Children's barred list
  - Adults' barred list

- 14.3. **Serious disclosures** which involve criminal activity, but do not pose a risk to students, will be discussed with the **Headteacher** prior to the candidate being accepted for the role.
- 14.4. The **Headteacher** will endeavour to ascertain the relevant facts from the individual and decide upon a conclusion. Following this, the candidate will receive a rejection or acceptance letter.
- 14.5. When considering an applicant who will not be working in regulated activity, the school will not take into account any minor or old convictions which are 'protected' from disclosure, as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2016).
- 14.6. When deciding to accept or reject a candidate, the school will consider the following information:
  - The relevance of the disclosure in relation to the position applied for
  - The nature of the offence or other matters revealed
  - The length of time since the offence or other matters occurred
  - Whether there is a pattern of offending behaviour
  - Whether the candidate's circumstances have changed since the offending behaviour or other matters occurred
  - Any extenuating circumstances surrounding the offence and explanations offered
- 14.7. A risk assessment will be conducted by the **School DFO** and signed off by the Headteacher following a positive disclosure, before deciding on the candidate's suitability.
- 14.8. A record of all recruitment decisions following positive DBS disclosures will be kept by the **DFO**
- 14.9. Depending on the circumstances of each case, the **Chair of the Board of Trustees** may be asked to countersign the form recording the recruitment decision.

## 15. DBS update service

- 15.1. Staff members will be encouraged to join the DBS update service to ensure that their DBS certificates are up-to-date.
- 15.2. The school will only check the status of any DBS certificates if this is legally required for a new role or a change in role. The individual's consent will be gained before the DBS certificate status is checked.
- 15.3. Where consent is given, the school will check the DBS certificate to confirm it matches the individual's identity and examine the original certificate to ensure it is for the appropriate workforce and level of check.

## 16. Referral to the DBS

The school will uphold its legal duty to refer to the DBS any member of staff who has harmed, or poses a risk of harm, to a pupil where they: • [New] Have harmed, or poses a risk of harm. to a pupil. • Have satisfied the harm test. • Have received a caution or conviction for a relevant offence. • [Updated] Are, have or may be in the future, working in regulated activity. [New] The school will follow the DBS' 'Making barring referrals to the DBS' guidance when making such referrals. [Updated] Referrals will be made as soon as possible after the resignation, removal or redeployment of the staff member from regulated activity

## 17. Recruitment of ex-offenders

- 17.1. The school is aware of its responsibility under the Police Act 1997 not to discriminate applicants based on their criminal record.
- 17.2. The school will only ask an individual to provide details of convictions and cautions that the school is legally entitled to consider when recruiting candidates.
- 17.3. The school selects all candidates for interview based on their skills, qualifications and experience.
- 17.4. All job application forms, job adverts and recruitment briefs that require a DBS check will outline that an application for a DBS certificate will be submitted for all candidates once they have been offered the position.
- 17.5. During the recruitment process, the school will ensure that a discussion between the **member of the Senior Leadership Team leading the interview process** and **Headteacher** takes place to evaluate any offences or other matters relevant to the position.
- 17.6. Candidates will be informed that failure to reveal any information which is directly related to the post could result in withdrawal of an offer of employment.
- 17.7. Any DBS certificates that reveal criminal information will be discussed with the individual, and their eligibility for the position will be reviewed in accordance with section 14 and section 15 of this policy.
- 17.8. All applicants will be given a copy of the school's Child Protection and Safeguarding Policy and information on the employment of ex-offenders in the application pack prior to the interview.

## 18. Single central record (SCR)

- 18.1. The **DFO** maintains an up-to-date SCR of pre-appointment checks covering all staff (including teacher trainees on salaried routes) and supply staff.
- 18.2. The SCR indicates whether the following checks have been carried out or certificates obtained, and the date on which each check was completed, or certificate obtained:
  - An identity check
  - A barred list check
  - An enhanced DBS check
  - A prohibition from teaching check
  - Further checks on individuals who have lived or worked outside the UK
  - A check of professional qualifications
  - A check to establish the individual's right to work in the UK
- 18.3. For supply staff, the SCR also records whether written confirmation has been received from the agency supplying the member of staff that the relevant checks have been carried out and the appropriate certificates have been obtained, and details of the date on which the

confirmation was received and whether any enhanced DBS certificate check have been provided in respect of the member of staff.

18.4. There is no requirement for fee-funded trainee teachers to be recorded on the SCR.

18.5. The SCR is securely stored **electronically**.

## 19. Data handling

19.1. All DBS certificates will be stored in accordance with the school's **Data Protection Policy**. Access to certificates will be strictly controlled and limited to those who are entitled to see them as part of their duties.

19.2. In accordance with the Police Act 1997, access to DBS certificates is strictly controlled and records will only be accessed by the **Headteacher, DSL** and DFO.

19.3. If in exceptional circumstances, and as part of their duties, another member of staff is required to access a DBS certificate, the school will keep a record of the named individual, and the individual whom the DBS certificate concerns will be informed prior to the sharing of the information.

19.4. DBS certificate information will only be used for the specific purpose for which it was requested and for which the individual's full consent has been given.

19.5. The school will not keep DBS certificates for any longer than is necessary once a recruitment decision has been made – usually, for no longer than **six** months to allow for the consideration and resolution of any disputes or complaints. Copies of other documents used to verify the applicant's identify, right to work and required qualifications will be kept for the personnel file.

19.6. In exceptional circumstances, such as safeguarding audits, the school may decide to retain DBS certificates for longer than **six** months. In such cases, the school will consult the DBS and will have due regard to the data protection and human rights of the individual concerned.

19.7. DBS certificates will be disposed of securely such as by shredding, pulping or burning.

19.8. Although the school will not keep any copy of the certificate, a record will be kept of the following:

- The date of issue of the certificate
- The name of the subject
- The type of certificate requested
- The position for which it applied to
- The unique reference number
- The details of the final recruitment decision