



Disclosure and Barring Checks Policy

Ormiston Academies Trust

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Policy Version Control

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Responsible committee	
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Chair's signature: David Sword 9th February 2017

Ormiston Academies Trust

Policy Version Control

Policy type	OAT Mandatory policy
Policy prepared by (name and department)	<ul style="list-style-type: none"> ▪ Nicki Wadley – Head of Governance ▪ Melanie Wheeler, HR Business Partner
Last review date	May 2016
Description of changes	<ul style="list-style-type: none"> ▪ There is no requirement to do 3 year DBS re check, academies can decide to do this at a local level but should consider the substantial additional costs in time and money that is involved. ▪ There is a new requirement to ask staff and governors to complete an annual check sheet to include training, confirmation for safeguarding and changes to personal information and notification of any issues to declare. ▪ Governors and Trustees must all have a DBS and be checked every 3 years. ▪ New website for the teacher prohibition service checks included. ▪ Reminder that only staff working in a regulated activity can be subject to a DBS check. ▪ This is a mandatory OAT policy and must be in place in all OAT academies.
Name and date of line manager's approval	Jason Howard, Regional Director and National Safeguarding lead.
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This guidance document outlines the requirements for Ormiston Academies Trust (OAT) academies 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. Our guidance reflects the DfE Disclosure and Barring Service (DBS): guide for academies July 2013.

These checks must be undertaken where required and form part of a sound and safe recruitment process at OAT. Safer employment practices extend beyond recruitment and employees must be aware of their 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 OAT HR department.

DBS checks in Multi-Academy Trusts

Multi-Academy Trusts must follow the guidance for trustees, staff and volunteers as described within this policy.

A DBS check is only required for an employee who undertakes a regulated activity as per the DfE regulated activity guidance 2016:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/316179/Regulated_Activity_in_relation_to_Children_DfE_.pdf

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.

You must not run barred list check for people not working in regulated activity.

DBS checks for Trustees

Directors at Ormiston Academies Trust are subject to the same scrutiny as governors and the guidance for DBS checks for governors should be followed.

The chair of the board of trustees **must** have an enhanced DBS check countersigned by the Secretary of State.

Chairs of local governing bodies are not required to have their enhanced check countersigned by the Secretary of State.

DBS checks for permanent staff

Where a maintained school is converting to an academy, new checks are not required unless there is a particular concern about any member of staff.

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

Commencement of Employment Prior to Disclosure

A Disclosure should be obtained before an individual starts work. Where it is essential to engage an employee prior to the receipt of a Disclosure a written risk assessment must be completed. In all cases an Enhanced Disclosure must have been applied for and all other recruitment checks completed. Where there is no current DBS certificate, arrangements must 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.

For staff whom, by reason of living outside of the UK, an enhanced DBS check is not sufficient, additional checks should be made as appropriate.

In addition to obtaining the DBS certificate described, anyone who is appointed to carry out **teaching work** will require an additional check 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 must not be appointed to work as a teacher in such a setting. A check of any prohibition can be carried out using the Employer Access Online Service.

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

[Teacher Services](#) can 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

Remember that for people with QTS, this prohibition check **MUST** 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.

Employer Access Online service is offered free of charge to schools, local authorities and teacher supply agencies in England.

Trainee/Student Teachers

Where applicants for initial teacher training are salaried by the academy, the academy must 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) must 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 academy should 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. There is no requirement for the academy to record details of fee-funded trainees on the single central record.

DBS checks for supply staff and third-party staff

In addition to confirmation of identity and references, **the academy must 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 should 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 academy must also check 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. It is the policy of OAT that governors DBS checks are renewed every **3 years**

Where a maintained school is converting to an academy, if the chair (or other governors) had a DBS check carried out by the local authority prior to conversion, there is no need for further checks.

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

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

As part of the new governor application process DBS numbers are required to be submitted to the OAT Governance Department, at governance@ormistonacademies.co.uk

Applying for DBS checks on the chair of governors / directors

- **Step one** - Telephone the DBS on 0870 9090844 and ask for an enhanced disclosure application form for Registered Body "The Department for Education" with the reference number 20881800002.
- **Step two** – Telephone the DBS helpline on 01325 735304 and ask for a Verify form to certify your identity.

- **Step three** – Once the Verify form is complete, you will need to have it countersigned by a person specified on the Verify website. The DBS application form and countersigned Verify form should then be sent to the person in the DfE handling your application, this will be set out in your letter from the DfE.

DBS checks for volunteers

The DfE guides that the academy should ensure that “appropriate checks are carried out on volunteers who work with children”.

The most important thing to remember when using volunteers is 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 disclosure should be 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 must have been applied for and all other recruitment checks completed. Where there is no current DBS certificate, arrangements must 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 academy should ensure 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.

In considering whether the contact is regular, it is irrelevant whether the contractor works on a single site or across a number of sites.

Under no circumstances should a contractor in respect of whom no checks have been obtained be allowed to work unsupervised, or engage in regulated activity. Academies are 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 academy should always check the identity of contractors and their staff on arrival on site.

DBS checks for visitors

The 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). Principals should use their 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

These potential employees must undergo the same checks as all other staff in the academy. In addition, the academy must make any further checks they think appropriate so that any relevant events that occurred outside the UK can be considered.

The Home Office and DfE has 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>

Disqualification by association

For an academy providing education for pupils aged 8 years old and under, they must ensure that they comply with the regulations set down in the DfE guidance on disqualification by association on the DfE website: <https://www.gov.uk/government/publications/disqualification-under-the-childcare-act-2006>

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

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 include the recruiting manager 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 OAT HR/their HR provider for guidance.

Storage of DBS Checks

The academy **should 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 must 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 Principal and governors if they wish to adopt a 3 year check on an individual school basis.

The policy requires schools to ask 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 and trustees are required by OAT 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

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 must be undertaken.

DBS Update Service

When you have applied for a DBS check, you may find it useful to sign up to the DBS update service [here](#). It may prevent you from having to apply for a DBS check ever again.

Reporting to the DBS

The academy has a legal duty to 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.

Appendix I

Declaration & Personal Details Form

Private and Confidential

This document can be amended to suit the needs of the academy, staff will need to be advised who to return this to and the information provided is strictly private and confidential. Any identified gaps in safeguarding training should be addressed as a priority.

Title & Surname:		
Forename(s): Including middle names		
Address:	Line 1	
	Line 2	
	City/Town	
	Postcode	
Phone (home):		
Phone (mobile):		
Email Address (personal):		
Next of kin: In case of emergency	Name:	
	Relationship:	
	Contact numbers:	
Vehicle:	Model & Colour:	
	Reg number:	
Medical Conditions/Allergies that the employer needs to be aware of:		
Data Protection Act 1998: The Academy is registered under the Data Protection Act for holding personal data. The Academy has a duty to protect this information and to keep it up to date. The Academy is required to share some of the data with Ormiston Academies Trust and with the DfE.		
Disclosure and Barring Service: I hereby confirm that have not received any cautions or convictions against me since my CRB/DBS was completed. Additionally, I confirm that I am not subject to any pending investigation or action from the police or any court, and have not had any other police involvement that might reasonably be agreed as impacting on my suitability to undertake my role. I hereby confirm my understanding that any failure to declare any of the above information during my employment with Ormiston xxx Academy may be regarded as an act of gross misconduct which may lead to disciplinary action and potential dismissal from my employment.		
Sign and date;-		
Safeguarding and Child Protection Training: I confirm that I have <u>read</u> and <u>understood</u> following documents: please tick each line to confirm		
➤ Keeping children safe in education statutory guidance (DfE July 2015) ➤ Working together to Safeguard Children (HMG		

<p>March 2015)</p> <ul style="list-style-type: none"> ➤ Cowes Enterprise College child protection and safeguarding policies (Including awareness of FGM Risk & Safeguarding Guidance (March 2015) ➤ What to do if you're worried a child is being abused (HMG March 2015) ➤ Information Sharing (HMG March 2015) ➤ Cowes Enterprise College Whistleblowing Policy ➤ I also confirm I have received safeguarding training from the academy in the last 12 months 	
<p>I would like some support or further training with regard to safeguarding</p>	<p>Please list any training requirements here</p>
<p>Signed:-</p> <p>Date :-</p> <p>Job Title :-</p>	