

Dixons Academies

Policy Documentation

Policy: DBS and Vetting

Relationship to Other Policies

This policy has links to the following policies:

- Safeguarding and Child Protection
- Safer Recruitment and Recruitment of Ex-Offenders
- Professional Conduct
- Dealing with Allegations Against Staff
- Whistleblowing (where applicable)
- Equality Information and Objectives
- Disapplication by Association (Primary)

Status

**Ratified by the Governing Council
October 2015**

Responsibility for Review: Executive Principal / Director of Finance

Date of Next Review:

DBS and Vetting

1 Introduction

- 1.1 The Dixons Trust is committed to fulfilling its duty to protect children and young people by ensuring the highest integrity of those appointed to positions in its Academies.
- 1.2 This policy and procedure document applies, on appointment, to all employees and governors of the Trust.
- 1.3 At the discretion of the Principal, volunteers will also undertake a DBS check depending on the frequency of visits and the presence or otherwise of a member of staff. Statutory guidance states that frequent means once a week or more, intensive means four or more times in a thirty day period and overnight is from 2 am to 6 am.
- 1.4 Before permitting an employee or volunteer to commence their duties prior to the DBS check being received, the Principal/Head of School must complete a risk assessment (see Appendix A). Anyone who has not obtained a DBS check must not be left unsupervised with children.
- 1.5 The principles of the policy will also be applied to agency staff and self employed individuals engaged by the Dixons Trust, individuals employed by any contractors/sub-contractors (where the contract agreement specifies the requirement for a DBS check) and appropriate staff in organisations that are providing long term work placements for children and young people. In such cases organisations are required to either adopt this policy or produce their own policy complying with the general principles of this policy.
- 1.6 The Dixons Trust is also committed to the elimination of discrimination and to equal treatment in employment of ex-offenders. However this is subject to the over-riding duty to protect children and young people.

2 The Legislation

- 2.1 The duties imposed by s175 of the Education Act 2002 make explicit the responsibility of Multi Academy Trusts and Local Governing bodies for safeguarding and promoting the welfare of children as part of fulfilling their common law duty of care towards the children for whom their organisation or establishment is responsible.
- 2.2 The requirement, under the intended School Staffing (England) (Amendment) (No 2) Regulations 2006 are that:
 - each Academy in the Trust must keep a single central record detailing a range of checks carried out on their staff
 - all new appointments who have lived outside the United Kingdom are subject to such additional checks as are deemed appropriate where the required DBS check is not considered sufficient to establish suitability to work with children and young people

- each Academy in the Trust must satisfy themselves that supply staff have undergone the necessary checks to assess their suitability for the post; and identity checks must be carried out on all appointments to the school workforce before the appointment is made

2.3 In addition to Trust staff, this document outlines the single central record requirements for different types of visitors (non-school staff) to schools.

3 The Role of the Governing Body

The Governing Council is accountable for ensuring their establishments have effective policies and procedures in place in accordance with this guidance. The Local Governing Body is responsible for monitoring each Academy's compliance with them.

4 Principal/Head of School

The Principal/Head of School will ensure the policies and procedures adopted by the Governing Body are fully implemented, and followed by all staff.

5 Extended Schools and Before and After School Activities

Where services or activities are provided directly under the supervision or management of Academy staff, the arrangements for safeguarding and child protection apply.

Where services or activities are provided separately by another body, each Academy should seek assurance that the body concerned has appropriate policies and procedures in place in regard to safeguarding children and child protection.

6 Disclosure and Barring Service

6.1 The Disclosure and Barring Service (DBS) acts as a 'one-stop-shop' for organisations, checking police records and the Barred List (formally known as List 99). Each Academy in the Trust is a registered body with the DBS.

6.2 Each Academy in the Trust is responsible for ensuring that the appropriate DBS checks are undertaken in a timely way in accordance with this policy and ensuring each Academy records the outcome of the check on the Single Central Record.

7 Disclosure Portability

7.1 *Portability between organisations*

DBS disclosures are not portable from one organisation to another.

7.2 *Moving jobs within the Dixons Trust*

A new check is not required where an employee already employed within the Trust is being considered for another position within the Trust.

8 Posts Subject to Criminal Record Checks

8.1 *Designated Senior Person for Child Protection*

Any individual, including an existing member of staff, taking up this post will be subject to an enhanced DBS check. The only exception to this is in the case of existing employees within the Trust who have been subject to a DBS check in the previous 3 months.

8.2 *Governors*

All governors will be required to complete a DBS declaration form on appointment.

8.3 *School Exchange Host Families*

School exchange trips are not normally classed as a regulated activity, and therefore there is no legal requirement for a DBS check on Dixons' host families. Our Academies will look carefully at all the potential safeguarding issues, and make arrangements that keep young people safe. This will involve planning and communication with the partner school and their families regarding expectations, boundaries, and methods pupils can use to contact a member of staff. When staying with a host family abroad, we also advise that all pupils carry a mobile, contact numbers and have a special 'code-word', which they could send by text in case of an emergency.

8.4 *Staff employed by a third party*

Where extended services are provided by a third party, there should be clear lines of accountability and responsibility for carrying out recruitment and vetting checks for staff and volunteers. All staff are subject to enhanced disclosures. Academies/schools obtaining their childcare through private or voluntary sectors should use Ofsted approved providers.

9 Agency Supply Staff

9.1 *Agency checks*

Staff supplied to the Trust via an agency will be subject to checks by the agency itself. In all cases the Trust will obtain written confirmation from the agency that appropriate checks have been completed. The Trust is not required to see evidence that the checks have been completed although it must have sight of a DBS check where relevant information is recorded. If the Trust wishes the individual to commence work where information has been added to the disclosure, it will undertake a new check for the individual.

9.2 *Identity checking agency staff*

Proof of identity will be asked for to confirm that the individual arriving at the Academy is the individual that the agency intends to refer to that Academy.

9.3 *Portability of disclosures for agency staff*

A Disclosure may be passed from agency to agency, between LAs and agencies, and between schools/academies and agencies if the subject gives written consent. Regulations under the Police Act also authorise passing Disclosure information from agencies to schools/academies where the subject's suitability for work at the Trust is under consideration. If, exceptionally, the DBS check refers to the existence of information in addition to that on

the face of the check, a supply agency cannot pass this information on to a school/academy. In this instance, the Trust will obtain a new check prior to any work commencing.

9.4 Contractors and sub-contractors

Contracted staff who come into regular contact with children such as cleaning, caretaking and kitchen staff must be checked by the contractor in the same way as Trust employees, including having an enhanced DBS with barred list check and such requirements form part of the contract. The outcome of such checks must be noted by the individual Academy and be included on the SCR. The contractor is also responsible for ensuring that the same procedures are followed by any sub-contractors.

9.4.1 Building contractors

Children should not be permitted in areas where builders are working, for health and safety reasons, so these workers should have no contact with children. However academies/schools should ensure that arrangements are in place with contractors, via the contract where possible, to make sure that any of the contractors' staff that come into contact with children undergo appropriate checks including an enhanced disclosure.

9.5 Work experience students placed in Academies

Work Experience students placed in academies within the Trust are not required to obtain clearance from the DBS because it is not expected that they will at any time be left unsupervised whilst working with children. Additionally, since the introduction of The Protection of Freedoms Act 2012, it is not possible to obtain an enhanced check or barred list check for anyone under the age of 16.

9.6 Teaching trainees or graduates placed in schools/Academies

Student (placements) or Teaching Graduate Trainees placed in Academies within the Trust should have an Enhanced DBS with barred list check. This will be undertaken by the initial teacher training provider so that disclosures are received prior to the trainee commencing his/her academy based training.

9.7 Self employed individuals undertaking work in Schools/Academies

9.7.1 Checks required for the self-employed

The DBS recommends that self-employed persons should be subject to an enhanced disclosure (paid for by the individual) prior to commencing a role in circumstances where there is likely to be unsupervised access to children (e.g. music tutors for example). The normal vetting checks such as identity checking should also be conducted.

Academies can obtain DBS checks for self-employed people who will be working on the premises as long as the disclosure is intended to be used to consider their suitability for undertaking a particular role. Self-employed individuals are not able to obtain their own personal checks via the DBS.

9.8 Staff from overseas

9.8.1 Additional Checks for Overseas Staff

Academies in the Trust must ensure that they have confirmation of each individual's right to work in the UK and this information should be included on the SCR. This should include

passport information for EEA nationals and the date a work permit was received for those who require them.

DBS checks will not generally show offences committed by individuals whilst living abroad (except in the case of service personnel and their families). Therefore, in addition to an enhanced DBS with barred list check, additional checks such as obtaining certificates of good conduct from relevant embassies or police forces are necessary. The level of information contained in these certificates varies from country to country: some are complete extracts from the criminal record; others are partial. Extra care should, therefore, be taken in ensuring that references are taken up and that other background checks are conducted.

9.8.2 *Further guidance on overseas appointments*

Further information about the criminal record information which may be obtained from overseas police forces and countries, is available from the DBS at www.homeoffice.gov.uk/agencies-public-bodies/dbs.

9.9 **People who are not required to obtain a DBS check**

It is not necessary to obtain a DBS check for:

- staff appointed before 2002 who have continuity of service and who have not previously been DBS checked unless moving roles into posts with closer contact with children or where there are concerns about suitability to work with children. The exception to this is workers from overseas
- public sector staff such as psychologists, nurses and dentists (because they will have been checked by their own organisations). However, the school should check the identity of such staff on arrival to ensure impostors do not gain access to children
- visitors who have business with the Principal/Head of School or other staff who have brief contact with children with a member of staff present
- visitors or contractors who come on site only to carry out emergency repairs or service equipment and who would not be expected to be left unsupervised on school premises
- volunteers or parents who only accompany staff and children on one off outings or trips that do not involve overnight stays, or who only help at specific one off events e.g. a sports day, fête
- secondary pupils on Key Stage 4 work experience in other schools, or nursery classes
- secondary pupils undertaking work in another school / academy as part of voluntary service, citizenship or vocational studies
- Key Stage 5 pupils in connection with a short career or subject placement. In these cases the Academy placing the pupil should ensure that student is suitable for the placement in question
- people who are on site before or after Academy hours and when children are not present e.g. local groups hiring premises for community or leisure activities, contract cleaners etc.

10 **Recruitment**

DBS checking is a key element in the safer recruitment process but is only one aspect of ensuring that an applicant is the right person for the job role which involves being in a position of trust (See Safer Recruitment Policy for more detailed information).

11 Commencing Appointment Pending Disclosure

The Trust can allow an employee to start employment pending a DBS check as long as other recruitment and vetting checks have been carried out. The Academy Principal must weigh up the risks on a case by case basis and as a minimum ensure that:

- the individual has completed a DBS Declaration Form
- a risk assessment is carried out where required (see Appendix A)
- the individual is appropriately supervised
- all other checks, including checking Information that is held under Section 142 of the Education Act 2002 (the Children's Barred List) have been completed
- the disclosure application is submitted before the individual commences work

12 Disclosure of Convictions Arising During Employment

Employees are required to declare any cautions, convictions or reprimands (including judgements or investigations pending) that they receive during the course of their employment. The relevance of such disclosures will be considered as detailed below.

13 Retention of Information

13.1 Confidentiality of information

Information disclosed as part of a recruitment process, via self-declaration during the course of employment or as part of a DBS checking process will be treated as highly confidential. It is an offence for information in a disclosure to be passed to anyone who does not need it in the course of their duties.

13.2 Compliance with DBS standards

Disclosure information will be managed in accordance with DBS guidance on the security and retention of disclosures and disclosure information (see www.homeoffice.gov.uk/agencies-public-bodies/dbs). The key provisions are:

- Disclosures will not be retained for periods longer than necessary (normally a maximum of 6 months from the date of the disclosure).
- Disclosures will be destroyed by secure means at the end of any retention period.
- The Dixons Group will keep where applicable, the letter/email from the DBS Umbrella organisation confirming clearance of the individual.
- DBS disclosures must not be photocopied under any circumstances.

13.3 Records to be retained

Before a Disclosure is destroyed, records need to be kept by the Trust detailing:

- The date the Disclosure was obtained.
- Who obtained the Disclosure.
- The unique reference number on the disclosure certificate.

The Academy will also keep:

- A note of what other information was used to assess suitability.
- The letter(s) sent to the individual and the Academy confirming clearance.

In addition, where a disclosure reveals information about an individual the record of positive check will be completed and retained on the personal file of that individual. This record will not detail information about actual offences disclosed. These measures accord with the requirements of both the DBS and the Dixons Group SCR.

14 Record Keeping of Recruitment and Vetting Checks

14.1 *Single central record*

The DfE requires all academies to be able to demonstrate that they have robust and accurate records of all recruitment and vetting checks carried out. This information must be compiled into a SCR of completed checks in each individual academy within the Dixons Group.

14.2 People to be included on the central record:

- All staff who are employed to work at each Academy;
- All staff who are employed as supply staff in each Academy
 - whether employed directly or through an agency
- All others who have been chosen by Academies in the Trust to work in regular contact with children (governors and some volunteers);
- People brought in to provide additional teaching or instruction for pupils but who are not staff members, such as specialist sports coaches, music tutors or artists;
- All other individuals who are brought into Academies in the Trust who have regular contact with the children.

14.3 *Checks to be included on the central record*

The single central record must indicate whether or not the following have been completed:

- Identity checks.
- Qualification checks for any qualifications legally required for the job e.g. those posts where a person must have QTS or NPQH.
- Additionally, for those applying for teaching posts, registration check with the Teaching Agency where appropriate.
- Checks of right to work in the United Kingdom.
- Checks on information held under the Children's Barred List.
- DBS Enhanced Check and number.
- Further overseas records checks where appropriate.

The information needs to be recorded on the SCR by the person in the Academy with responsibility for undertaking recruitment duties. That person should sign and date the record to verify that they have checked the details of the individual concerned. The record must

show the date the check was completed or the relevant certificate obtained and should show who carried out the check.

15 Further Advice and Information

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|---|--|
| Disclosure and Barring Service (DBS) | www.homeoffice.gov.uk/agencies-public-bodies/dbs |
| | Criminal Records Bureau checks: guidance for volunteering document |
| | Applicants Guide to completing the DBS Application Form (advice on filling out forms correctly and also what identity information the Dixons Group will need to see) |
| | ID Checking Process (advice on how to check the identity of applicants and to check for indicators of fraud) |
| | 'Safeguarding Children and Safer Recruitment in Education' document |
| Department for Ed'n | http://www.education.gov.uk/ |
| Volunteering England | http://www.volunteering.org.uk/ Information on volunteering |
| Chartered Institute of Personnel Devt (CIPD) | Employing Ex-Offenders – A practical guide |

Appendix A

**1. Disclosure of Criminal Records from the Disclosure and Barring Service
2. Risk Assessment Form (Pre-DBS)**

| | |
|--|--|
| Name of Service / School | |
| Name of Person Completing Risk Assessment | |

| | | | | |
|---|--|---|--|-------|
| <u>Reasons for considering commencement of employment prior to receiving clearance:</u> | <u>Consequences (to service delivery) of waiting for clearance:</u> | <u>Level of access during “waiting period” (include level of access on own with children):</u> | | |
| | | | | |
| <u>Supervision arrangements during “waiting period” and any other monitoring arrangements/ control measures:</u> | <u>Pre-employment checklist:</u> | | <u>Previous DBS clearance & positive disclosures:</u> | |
| | Has the employee left employment? | Y / N | Is a previous disclosure certificate available? | Y / N |
| | Asylum & Immigration check completed? | Y / N | If Yes: Has it been seen by you? | Y / N |
| | DBS application form completed? | Y / N | What is its date? | |
| | Qualifications verified? | Y / N | Disclosure Number: | |
| | List 99 check completed (if applicable)? | Y / N | Which barred list was checked: | |
| | Two references satisfactory for our purposes obtained? | Y / N | *Positive disclosure(s) on DBS? | Y / N |
| | Satisfied with general background and employment history checks? | Y / N | *If Y is it relevant to post / pose risk of harm? (Please seek advice from HR in either case) | Y / N |
| | *Declared convictions spent / unspent on app form? | Y / N | Comments: | |
| *Declared convictions spent/ unspent at interview? | Y / N | | | |

Prospective Employee Declaration

The information I have provided during this risk assessment is a true and accurate record. In signing, I am confirming that I have no reason to believe that any information, other than that already provided, will be disclosed on the disclosure certificate issued by the Criminal Records Bureau:

Signed by Prospective Employee: _____ **Date:** _____

Assessment of Risk Following Control Measures: HIGH / MEDIUM / LOW

- 1) This prospective employee will not commence work prior to satisfactory clearances.
- 2) Following risk assessment, I have determined that the above named may commence employment with the identified control measures.
- 3) I undertake to personally review this situation at intervals of no less than every two weeks.

Signed by Principal: _____ **Date:** _____ **Review Dates:** _____