

## **Disclosure and Barring Checks**

Our Motto: Aim High, Learn Together, Feel Proud!

We believe this policy relates to the following legislation:

- Rehabilitation of Offenders Act 1974
- Data Protection Act 2018
- Human Rights Act (1998)
- School Standards and Framework Act 1998
- Immigration, Asylum and Nationality Act 2006
- Safeguarding Vulnerable Groups Act 2006
- School Staffing (England) Regulations 2009
- Independent School Standards Regulations 2010
- Equality Act 2010
- Education (School Teachers) (Qualifications and Specified Work) (Miscellaneous Amendments) (England) Regulations 2012
- Protection of Freedoms Act 2012
- Keeping Children Safe in Education 2018

The following documentation is also related to this policy:

- Conditions of Service for School Teachers in England and Wales (Burgundy Book) (Council of Local Education Authorities)
- Keeping Children Safe in Education: Statutory Guidance for Schools and Colleges (DfE)
- Equality Act 2010: Advice for Schools (DfE)
- Race Disparity Audit - Summary Findings from the Ethnicity Facts and Figures Website (Cabinet Office)

We are aware that the General Data Protection Regulations (GDPR) has entirely replaced the previous Data Protection Act (DPA) making changes to many existing data protection rules and regulations that schools, academies and other educational establishments adhered to under the DPA. The principal aim of the GDPR is to strengthen and unify the safety and security of all data held within an organization

We have a statutory duty of care to safeguard the welfare of children and vulnerable adults and provide them with a safe learning environment. By undertaking checks via the Disclosure and Barring Service (DBS) for those people who are looking to work with children, we aim to prevent unsuitable people from working with children and vulnerable adults.

The DBS provides the following checks namely:

Standard check: records of convictions, cautions, reprimands and warnings as found on the Police National Computer (PNC)

Enhanced check: as above plus other relevant information held by the police

Enhanced check with a Barred List check (child) and Enhanced check with a Barred List check (adult). Those people who are deemed unsuitable to work with children and vulnerable adults are placed on either the Children's Barred List or Adults' Barred List.

We realise that the majority of school appointments are for personnel who will be responsible for the care and supervision of children on a regular basis (regulated activity) and as part of the process of safe recruitment all prospective employees will need to have an enhanced DBS check with barred list information. The level of check will be appropriate for the post or type of work undertaken. We have a mandatory duty to make checks for anyone who will be in regulated activity.

We are aware that we do not have the power to request DBS checks and barred list checks or ask to see DBS certificates for visitors but we will ensure that all visitors are escorted whilst on school premises.

We have 'a legal duty to refer to the DBS anyone who has harmed, or poses a risk of harm, to a child, or if there is reason to believe the member of staff has committed one of a number of listed offences, and who has been removed from working (paid or unpaid) in regulated activity, or would have been removed had they not left.' (Keeping Children Safe in Education: Statutory Guidance for Schools and Colleges (DfE))

We will consider any person with a criminal record equally with others applying for any vacant post at this school unless their DBS checks indicate that they present a risk to children.

We as a school community have a commitment to promote equality. Therefore, an equality impact assessment has been undertaken and we believe this policy is in line with the Equality Act 2010.

We believe it is essential that this policy clearly identifies and outlines the roles and responsibilities of all those involved in the procedures and arrangements that are connected with this policy.

## **Aims**

- To provide protection for children and vulnerable adults against those who might wish to harm them.
- To protect the interests of the school from those who may not be considered suitable to work with pupils and vulnerable adults.
- To share good practice within the school.
- To work with other schools to share good practice in order to improve this policy.

## **Responsibility for the Policy and Procedure**

### **Role of the Governing Body**

The Governing Body has:

- delegated powers and responsibilities to the Headteacher to ensure DBS checks are in place;

- delegated powers and responsibilities to the Headteacher to ensure all school personnel and visitors to the school are aware of and comply with this policy;
- responsibility for ensuring that the school complies with all equalities legislation;
- nominated a designated Equalities governor to ensure that appropriate action will be taken to deal with all prejudice related incidents or incidents which are a breach of this policy;
- responsibility for ensuring funding is in place to support this policy;
- responsibility for ensuring this policy and all policies are maintained and updated regularly;
- responsibility for ensuring all policies are made available to parents;
- the responsibility of involving the School Council in the development, approval, implementation and review of this policy;
- nominated a link governor to visit the school regularly, to liaise with the Headteacher and to report back to the Governing Body;
- responsibility for the effective implementation, monitoring and evaluation of this policy

### Role of the Headteacher

The Headteacher will:

- implement this policy;
- carry out DBS Disclosure checks in accordance with current guidelines;

Group	No contact with children	Contact with children		Type of DBS check
		Supervised	Not supervised	
New member of staff			•	DBS certificate (with barred list check)
New member of staff transferring from another school without a break in service			•	No legal requirement to obtain an enhanced DBS certificate (with barred list check)
New volunteer		•		No legal requirement to obtain a new enhanced DBS certificate (with barred list check) but an enhanced DBS certificate may be obtained
			•	DBS certificate (with barred list check) must be obtained
	•			Not in regulated activity but an enhanced DBS certificate may be obtained
Contractors			•	DBS certificate (with barred list check) must be obtained

	•			No DBS check is required
Trainee teachers (student teachers)			•	An enhanced DBS certificate (with barred list check) must be obtained
Supply teachers and other temporary agency staff			•	An enhanced DBS certificate (with barred list check) must be obtained by the agency with written confirmation sent to the school
Governors		•		No legal requirement to obtain a new enhanced DBS certificate (with barred list check) but an enhanced DBS certificate may be obtained
			•	DBS certificate (with barred list check) must be obtained
	•			Not in regulated activity but an enhanced DBS certificate may be obtained

- use the online DBS Update service to check the validity of DBS certificates;
- request disclosure checks;
- using the disclosure check information decide whether an appointment can proceed;
- keep up to date a single central record;
- ensure all school personnel, pupils and parents are aware of and comply with this policy;
- work closely with the link governor and coordinator;
- provide leadership and vision in respect of equality;
- provide guidance, support and training to all staff;
- monitor the effectiveness of this policy;
- annually report to the Governing Body on the success and development of this policy

### **Role of the Nominated Governor**

The Nominated Governor will:

- work closely with the Headteacher;
- ensure this policy and other linked policies are up to date;
- ensure that everyone connected with the school is aware of this policy;
- report to the Governing Body every term;
- annually report to the Governing Body on the success and development of this policy

## Role of School Personnel

School personnel will:

- comply with all aspects of this policy;
- ensure they provide all the necessary documentation for the disclosure process;
- implement the school's equalities policy and schemes;
- report and deal with all incidents of discrimination;
- attend appropriate training sessions on equality;
- report any concerns they have on any aspect of the school community

## Single Central Record

We will keep a single central record that records the following information:

Checks	Date when checked
▪ Identity check	
▪ Barred list check	
▪ Enhanced DBS check	
▪ Prohibition from teaching check	
▪ Checks on individuals living or working outside the UK	
▪ Professional qualifications check	
▪ Right to work in the UK check	

## Role of Parents/Carers

Parents/carers will be made aware of this policy.

## Raising Awareness of this Policy

We will raise awareness of this policy via:

- the School Handbook/Prospectus
- the school website
- the Staff Handbook
- meetings with school personnel
- reports such annual report to parents and Headteacher reports to the Governing Body

## Training

All school personnel:

- have equal chances of training, career development and promotion
- receive training on this policy on induction;
- receive periodic training so that they are kept up to date with new information
- receive equal opportunities training on induction

## **Equality Impact Assessment**

Under the Equality Act 2010 we have a duty not to discriminate against people on the basis of their age, disability, gender, gender identity, pregnancy or maternity, race, religion or belief and sexual orientation.

This policy has been equality impact assessed and we believe that it is in line with the Equality Act 2010 as it is fair, it does not prioritise or disadvantage any pupil and it helps to promote equality at this school.

## **Monitoring the Effectiveness of the Policy**

The practical application of this policy will be reviewed annually or when the need arises by the coordinator, the Headteacher and the nominated governor.

A statement of the policy's effectiveness and the necessary recommendations for improvement will be presented to the Governing Body for further discussion and endorsement.

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