



**DBS, VETTING & RIGHT TO WORK POLICY**

**MAY 2021**

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## 1. Purpose

As part of Aspire Schools Trust's (the Trust's) commitment to safeguarding and promoting the welfare of all children, prospective employees are subject to rigorous recruitment reference and checks on any criminal background. Checking is very strictly regulated under the Data Protection Act and is undertaken by the Disclosure and Barring Service (DBS).

Working at any school within the Trust will involve employees and workers having regular contact with persons under the age of 18 and therefore Enhanced DBS Checks will be carried out on all prospective employees, contractors, agency workers, consultants and volunteers.

## 2. Background

The Safeguarding Vulnerable Groups Act 2006 provides that "any educational establishment that is 'exclusively or mainly for the full-time education of children' is a specified place. As such all workers employed in such establishments are engaging in regulated activity, regardless of the job they are doing.

The Trust has explored further the definition of the "educational establishment" in the Safeguarding Vulnerable Groups Act 2006 with regards to the provision at each of the schools within the Trust, and has determined that each site within the Trust falls under the definition of the "educational establishment". This is because the Trust has pupils (up to and including 18 year olds) attending any given school within the Trust in the day when staff are on site and working. Consequently all staff and workers are carrying out 'regulated activity' and so Barred List checks and Enhanced DBS checks will be carried out.

Having a criminal record will not automatically bar a person from being appointed; in fact in most cases it is unlikely to affect the decision to appoint. All employers using the services of the DBS are required, by their Code of Practice, to have a policy on the employment of ex-offenders to ensure that all applicants for positions who have a criminal record are treated fairly and are not discriminated against unfairly on the basis of conviction or other information revealed. The Trust has adapted the DBS standard model policy (See Section 7.0).

The Secretary of State has the power to bar persons from employment as a teacher, and from work involving regular contact with children or young persons under 19 years of age, in Schools and Colleges. The Trust is under a statutory duty **not** to employ anyone who is barred by the Secretary of State and whose name appears on the 'Barred List' (a confidential document maintained by the Department for Education). The DBS also carries out a check against the 'Barred List' and this will be included in any disclosure requested by the Trust.

All offers of employment are conditional upon receiving a satisfactory DBS Disclosure Check. DBS guidance notes are enclosed with the conditional offer letter. Since June 2014 DBS Check administration is undertaken using an on-line service run from the DBS Administration Team.

## 3. Definitions

The definitions in this paragraph apply in this policy.

**Academy:** the Academy within the Aspire Schools Trust which represents the member of staff's main place of work. Members of staff should check with the Headteacher who the designated person is within each academy responsible for managing DBS applications. This designated person will liaise with the Trust as required.

## 4. Process

The Trust retains the services of an umbrella company to undertake DBS checks on its behalf. To apply for a DBS check to be completed, the Academy will provide the applicant with a link to an online application form. Once they have completed their part of the online application, the Academy will complete the application, using the documents provided by the applicant to verify their identity.

## 5. Application

This policy applies to all staff (full or part time), agency staff, consultants and other contracted persons (either contracted directly or through another employer), volunteers and students undertaking work experience, which involves working with young and vulnerable people.

## 6. Keeping Children Safe in Education

The Trust follows the statutory guidance for schools as provided in the Keeping Children Safe in Education document to create a culture of safe recruitment and, as part of that, adopt recruitment procedures that help deter, reject or identify people who might abuse children.

### 6.1 Safer recruitment

An Enhanced DBS certificate, which includes Barred List information, will be required for all staff engaging in regulated activity as set out in Schedule 4 of the Safeguarding Vulnerable Groups Act 2006. For all other staff who have an opportunity for regular contact with children, who are not engaging in regulated activity, an Enhanced DBS certificate, which does not include a Barred List check, will be appropriate.

In addition to obtaining the DBS certificate, anyone who is appointed to carry out teaching work will require an additional check to ensure they are not prohibited from teaching. For those involved in management roles an additional check is required to ensure they are not prohibited under section 128 provisions. Prohibition orders, General Teaching Council for England (GTCE) sanctions and section 128 checks can be carried out using the Teacher Services system on the DfE Secure Access Portal.

Any offer of appointment made to a successful candidate, including one who has lived or worked abroad, must be conditional upon satisfactory completion of the necessary pre-employment checks including:

- Verification of a candidate's identity
- receipt of two satisfactory references
- obtaining an Enhanced DBS certificate (including Barred List information, for those who will be engaging in regulated activity)
- verification of the candidate's mental and physical fitness to carry out their work responsibilities
- verification of the person's right to work in the UK
- if the person has lived or worked outside the UK, making further checks considered appropriate, including recording checks of European Economic Area (EEA) teacher sanctions. Further information can be found via <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>
- verification of professional qualifications

- ensuring that a candidate, to be employed as a teacher, is not subject to a prohibition order
- ensuring that a candidate, to be employed as a teacher, is not subject to any historic GTCE sanctions and restrictions
- ensuring that a candidate, to be employed in a management position, is not subject to a section 128 direction made by the Secretary of State
- ensuring that individuals are not disqualified under the Childcare (Disqualification) Regulations 2018 where they will be employed to work in childcare provision or the direct management of such provision

Where a candidate has joined the DBS Update Service (to enable portability of a certificate across employers) then prior to using the update service the Academy will;

- obtain consent from the applicant
- confirm the certificate matches the individual's identity
- examine the original certificate to ensure that it is for the appropriate workforce and level of check

The DBS Update Service will identify whether there has been any change to the information recorded since the original certificate was issued.

## **6.2 Single Central Record**

Each School within the Trust is required to keep a Single Central Record as outlined in the 'Keeping Children Safe in Education' guidance. Each school should maintain their Single Central Record as follows:

### **Staff**

For all staff (including supply staff, and teacher trainees on salaried routes) who work at the school and all members of the proprietor body; the school records the date on which each of the following checks have been completed or certificates have been obtained:

- an identity check
- a Barred List check
- an Enhanced DBS check/certificate
- a prohibition from Teaching check
- a GTCE sanction check
- a section 128 check
- further checks on people who have lived or worked outside the UK
- a check of professional qualifications
- a check to establish the person's right to work in the UK

### **Agency Supply Staff**

For agency supply staff, the school records the date on which written confirmation has been received that the employment business supplying the member of supply staff has carried out the relevant checks and obtained the appropriate certificates.

### **Trainee/Student Teachers**

Trainee/student teachers where salaried will have all necessary checks carried out as described above as part of the Safer Recruitment guidance. These will be recorded on the Single Central Record at school level. Where trainee teachers are fee-funded, it is the responsibility of the Initial Teacher Training provider to carry out the necessary checks. Schools 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.

### **Volunteers**

Volunteers who on an unsupervised basis teach or look after children regularly, or provide personal care on a one-off basis in schools and colleges, will be in regulated activity. The School will obtain an Enhanced DBS certificate (with Barred List information) for all volunteers new to working in 'regulated activity' and the school will record this information on the Single Central Record. Existing volunteers in 'regulated activity' do not have to be re-checked if they already had a DBS check (which included Barred List information). **Under no circumstances should a volunteer, where no checks have been obtained, be left unsupervised or allowed to work in regulated activity.**

### **Governors**

Governors who are volunteers should be treated on the same basis as other volunteers. An Enhanced DBS check should only be requested with a Barred List check if the governor will be engaging in 'regulated activity'. It is the current practice of the Trust to request an enhanced DBS check for new governors as part of the appointment process and the school will record on the Single Central Record.

### **Contractors**

Each school within the Trust will ensure that any contractors, or any employee of the contractor, who is to work on the school premises, have been subject to the appropriate level of DBS check and that details of the check are recorded on the Single Central Record. For all 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. **Under no circumstances should a contractor, where no checks have been obtained, be allowed to work unsupervised, or engage in 'regulated activity'.** Each school within the Trust checks the identity of contractors and their staff upon arrival at school.

### **Visitors**

Schools do not have the power to request DBS checks and Barred List checks, or ask to see certificates from visitors (for example a child's relative). Professional judgement about the need to escort or supervise visitors should be made by the Headteacher.

## **7. Recruitment of Ex-Offenders**

### **7.1 Policy Statement**

- As an organisation using the Disclosure and Barring Service (DBS) to assess applicants' suitability for positions of trust, the Trust complies fully with the DBS Code of Practice and undertakes to treat all applicants for positions fairly.
- The Trust undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed.
- The Trust has a written Recruitment and Selection Procedure, which does not discriminate against ex-offenders, and is available to all upon request.
- The Trust actively promotes equality of opportunity for all with the right mix of talent, skills and potential, and welcome applications from a wide range of candidates, including those with criminal records. Candidates are selected for interview based on their relevant skills, qualifications and experience.
- All application forms, job adverts and recruitment packs contain a statement that a DBS Check will be requested in the event of the individual being offered the position.

- The Trust can only ask an individual to provide details of convictions and cautions that the Trust are legally entitled to know about and are not protected.
- The Trust will ensure that all those who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences, and that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974 (and its exceptions), as part of the Trust's Recruitment & Selection Training.
- The Trust will require the applicant to provide the DBS disclosure certificate before employment can be confirmed.
- The Trust will ensure that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position, at interview, or in a separate discussion. Applicants will be informed that failure to reveal information that is directly relevant to the position sought, could lead to withdrawal of a conditional offer of employment.
- The Trust will make every subject of a DBS Disclosure aware of the existence of the DBS Code of Practice and make a copy available on request.
- The Trust will undertake to discuss any matter revealed in a DBS certificate with the applicant before withdrawing a conditional offer of employment.

7.2 In considering the relevance of criminal convictions, the Trust will take account of the nature of the post and conduct a risk assessment relevant to the post:

### **7.2.1 Nature of the Post**

- Does the post involve one to one contact with children or other vulnerable groups as employees, clients, customers or other associated people?
- What level of supervision will the post holder receive?
- Does the post involve direct responsibility for finance or items of value?
- Does the post involve direct contact with the public?
- Will the nature of the job present any opportunities for the post holder to re-offend?

### **7.2.2 Risk Assessment will consider:**

- The seriousness of the offence and its relevance to the safety of other employees, customers, clients and property;
- The length of time since the offence occurred;
- Any relevant information offered by the applicant about the circumstances which led to the offence being committed, for example the influence of domestic or financial difficulties;
- Whether the offence was a one-off or part of a history of offending;
- Whether the applicant's circumstances have changed since the offence was committed, making re-offending less likely;
- The country in which the offence was committed;
- Whether the offence has since been decriminalised by Parliament;
- The degree of remorse, or otherwise expressed by the applicant and their motivation to change.

## **8. Secure Storage, Handling, Use and Retention of Disclosures and Disclosure of Information**

The handling of disclosure information provided by prospective employees, either received directly from the prospective employee or from the DBS, is restricted to the central HR team, the person

responsible for maintaining the SCR within each Academy, the CEO, Headteacher and Designated Safeguarding Lead.

### **8.1 Storage and Access**

Disclosure information is kept on an applicant's personnel file in line with Keeping Children Safe in Education guidance and is always kept separately and securely, in lockable, non-portable, storage containers with access strictly controlled and limited to those who are entitled to see it as part of their duties.

### **8.2 Handling**

In accordance with Section 124 of the Police Act 1997, Disclosure information is only passed to those who are authorised to receive it in the course of their duties. The school maintains a record of all those for whom Disclosures or Disclosure information has been revealed. The Trust recognises that it is a criminal offence to pass this information to anyone who is not entitled to receive it.

### **8.3 Usage**

Disclosure information will only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

## **9. Monitoring**

The Single Central Record (SCR) is updated on a regular basis to reflect changes in staffing, use of agency staff, visiting professionals and contractors. The SCR is not produced in hard copy, but an electronic copy is retained securely within each school within the Trust. The document is password protected and stored in a secure area of the network.