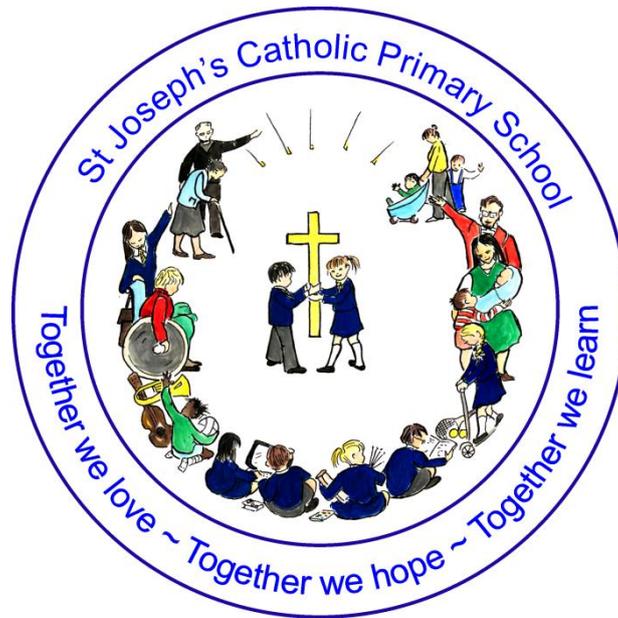


## DISCLOSURE POLICY

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<b>Consultation</b>	



# **Disclosure Policy**

**March 2020**

**Review Date: March 2022**

## **ST. JOSEPH'S CATHOLIC PRIMARY SCHOOL**

### **Disclosure Policy**

This policy will be carried out with due regard to our School Vision and Mission Statement:

**Together we love- Together we hope- Together we learn**

**St Joseph's Catholic Primary School is an inclusive, vibrant, Catholic community where we encourage everyone to share a love of learning and the love of Christ.**

**Together, we hope to inspire each other to achieve our full potential and to embrace our future with confidence.**

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## DISCLOSURE POLICY

***This Policy will be shared with all workers at the School. All staff in the school must read at least Part One of the DfE's statutory Keeping Children Safe in Education guidance.***

### 1. POLICY

- 1.1 St Joseph's 'the School' is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment. This School recognises that the best way to protect against the abuse of children and vulnerable adults is through the adoption of nationally recommended safeguarding children practices, specifically safer recruitment practices and practices designed to maintain a safe culture.
- 1.2 This document sets out the School's requirements in respect of:
- criminal records checks i.e. Disclosure and Barring Service (DBS) Disclosure checks;
  - DBS Children's and Adults Barred Lists checks;
  - the disqualification check under the Childcare Act 2006 and the Childcare (Disqualification) (Amendment) Regulations 2018 and
  - administrative arrangements to ensure that these checks are carried out in accordance with relevant legislation and the DBS requirements.
- 1.3 For further information, including information regarding the other pre-employment checks that are required, please see the DfE's statutory *Keeping Children Safe in Education* guidance.

### 2. RESPONSIBILITIES

- 2.1 The Headteacher is responsible for:
- ensuring that the requirements to undertake DBS Disclosure, DBS Barred List and disqualification checks are met;
  - ensuring that the other required pre-employment checks are carried out as appropriate;
  - ensuring that no-one unsuitable to work with children is knowingly permitted to do so;
  - ensuring that school workers read the Policy so that they are aware of its contents;
  - following the procedure set out in Part 4 of *Keeping Children Safe in Education* 'Allegations of abuse made against teachers and other staff' when anyone in the school is alleged to have behaved inappropriately towards children (where the allegation relates to the Headteacher, the Chair of Governors will manage the case);
  - following the Disciplinary Procedure where appropriate in such cases; and
  - contacting the Designated Officer for Allegations (DOFA) (formerly LADO) when a referral to the DBS may be appropriate. **For guidance on when schools have a duty to refer, see *Keeping Children Safe in Education*.**
- 2.2 All School workers are required to:

- inform the Headteacher or line manager immediately if they are subject to police arrest, a criminal conviction, caution, ban, disqualification from working with children, police enquiry or are pending prosecution. Failure to do so may lead to disciplinary action being taken; and
- ensure that any inappropriate behaviour within school towards children is reported immediately to the Headteacher, Designated Teacher or line manager or where the concern relates to any of these individuals, to the DOFA (formerly LADO).

### 3. EQUALITY OF OPPORTUNITY

- 3.1 St Joseph's commitment to equality of opportunity extends to applicants with a criminal record. A policy statement on recruiting ex-offenders is attached as **Appendix 1**.

### 4. DBS DISCLOSURE, DBS BARRED LIST AND CHILDCARE DISQUALIFICATION CHECKS

#### 4.1 DBS Disclosure Check

- 4.1.1 An Enhanced DBS Disclosure check will show unfiltered criminal convictions and cautions (including youth cautions, reprimands and warnings) and any additional information held by the police which a chief officer reasonably believes is relevant and considers ought to be disclosed. In a very small number of circumstances further additional information may be sent separately under Common Law powers to the Registered Body (in this case the Local Authority) by the Police; the content of any 'additional information' must be treated in the strictest confidence and must not be revealed to the applicant. (Full details of the filtering rules and a list of offences which will never be filtered ('protected') is available on the DBS website at [www.gov.uk/government/publications/dbs-filtering-guidance](http://www.gov.uk/government/publications/dbs-filtering-guidance) ).

#### 4.2 DBS Barred List Check

- 4.2.1 A DBS Barred List check will reveal whether an individual has been barred by the Disclosure and Barring Service from working with either children or vulnerable adults or both of these vulnerable groups. It is illegal for employers to engage any individual in a regulated position if they have been barred from such work by the DBS. A DBS Barred List check does not provide information regarding an individual's criminal record.

#### 4.3 Requirements regarding DBS Disclosure and DBS Barred List Checks

- 4.3.1 Both checks are provided through the completion of the DBS Disclosure application form.
- 4.3.2 All individuals over the age of 16 years (school staff, supply and casual workers, trainees and students, volunteers, governors, proprietors of academies and free schools, agency workers, contractors (including work experience providers, and consultants) engaging in '**regulated activity**' must be subject to an enhanced level DBS Disclosure check and DBS Barred List check. (*For further information about regulated activity, see paragraph 5.*)

- 4.3.3 All governors of maintained schools must be enhanced DBS Disclosure checked. All existing governors must have an enhanced DBS Disclosure certificate. The school's governing body must apply for an enhanced DBS Disclosure certificate for all new governors within 21 days of the governor's appointment or election.
- 4.3.4 Where work does not meet the definition of 'regulated activity' a check against the DBS Barred Lists cannot be carried out for legal reasons.
- 4.3.5 However the school [insert relevant job title of responsible person e.g. Headteacher] will determine whether an enhanced DBS Disclosure check which does not include a barred list check is required in such cases. In these circumstances, the school will undertake a risk assessment using its professional judgment and experience to determine whether an enhanced DBS Disclosure check should be carried out. The results of the risk assessment will be recorded along with the reasons for the decision reached.
- 4.3.6 For further information on the categories of worker on whom schools may carry out an enhanced DBS check which does not include a barred list check please see *Keeping Children Safe in Education*.
- 4.3.7 Contractors for whom no checks have been obtained will not be allowed to engage in regulated activity or to work unsupervised if they have any opportunity for contact with children.

#### 4.4 **Timing of DBS Disclosure checks and DBS Barred List checks**

- 4.4.1 Conditional offers of employment can be made subject to the satisfactory completion of all necessary pre-employment checks, including DBS Disclosure and DBS Barred List checks. Where an enhanced DBS certificate is required this must be obtained from the candidate before or as soon as practicable after the person's appointment / engagement. Whilst all efforts will be made to obtain a DBS Disclosure check before an individual commences work, a successful candidate can, at the Headteacher's discretion, be allowed to commence work prior to a satisfactory disclosure certificate being received. In such instances, an enhanced DBS Disclosure check must have been initiated, that is, the completed DBS application form will have been checked for accuracy, the submitted evidence of identity checked (identification checking guidelines can be found on the DBS pages of the GOV.UK website) and the completed DBS application form together with the necessary copies of ID submitted to North Somerset Council's Human Resources Service Centre (HRSC) / the school's relevant service provider.
- 4.4.2 A written risk assessment will be undertaken by the Headteacher or representative and appropriate control measures put in place e.g. supervised working. In the case of school trips additional guidance may be sought from the Health and Safety team to appropriately risk assess the circumstances.
- 4.4.3 If the successful candidate has been allowed to commence work prior to the certificate being received, they must share the certificate with the school as soon as they receive it. If the individual does not share their DBS Certificate the school will consider the termination of their employment.

4.4.4 There is no similar discretion regarding DBS Barred List checks; these must be undertaken before an individual is allowed to commence 'regulated activity'.

## 4.5 Childcare Disqualification Check

4.5.1 The Childcare Act 2006 and the Childcare (Disqualification) (Amendment) Regulations 2018 disqualify workers who have committed a 'relevant offence' under the Regulations or where they meet the other disqualification criteria set out in the Regulations from:

- providing relevant childcare provision or
- being directly concerned in the management of such provision.

4.5.2 This means that in schools, workers who have committed a 'relevant offence' under the Regulations or who meet any of the other disqualification criteria are disqualified from:

- providing early years childcare (this covers the age range from birth until 1 September following a child's fifth birthday) or later years childcare to children who under the age of eight; or
- being directly concerned in the management of that childcare.

For information on 'relevant offences' and on the other disqualification criteria, please see the DfE's *Disqualification under the Childcare Act 2006* guidance of July 2018.

4.5.3 Staff covered by the Childcare Act 2006 and the Childcare (Disqualification) (Amendment) Regulations 2018 in school settings are:

- all new and existing staff who directly provide any care for a child up to and including reception age **both during and outside** of school hours (this includes education in nursery and reception classes and any supervised activity (such as break and lunch time supervision, breakfast clubs and after school care provided by the school));
- all new and existing staff who directly provide childcare **outside** of school hours for children who are above reception age but who are under 8 years of age (this includes breakfast clubs and after school provision but does not include co-curricular learning activities during extended school hours such as school choir or sports teams);
- all new and existing staff who are directly concerned in managing the provision of such childcare

4.5.4 In this context:

- 'staff' are those employed or engaged by the School and this includes employees, salaried trainees<sup>1</sup>, casual workers (including individuals on work experience) and volunteers (whether 'supervised' or not).
- new staff are those who have not worked in the school for three months or more.

4.5.5 Under the 2018 Regulations, **disqualification by association no longer applies to workers in schools.** Workers in non-domestic settings (including schools) who are not themselves disqualified but who live in the same household as a disqualified person or in a household in which a disqualified person is employed are no longer disqualified from

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<sup>1</sup> Where trainee staff are salaried it is the responsibility of the school to ensure they comply with the disqualification regulations. If a salaried trainee is disqualified from childcare, schools should inform the training provider of this.

providing early years childcare or being directly concerned in the management of that childcare. The School is therefore no longer required to establish whether a worker providing or directly managing childcare is disqualified by association and the School will not ask any worker questions about cautions or convictions of someone living or working in their household. Staff should however discuss matters outside of work that may have implications for the safeguarding of children in the School with the Headteacher or the School's designated safeguarding lead at the earliest opportunity. The School will then identify whether arrangements are needed to support the member of staff and / or to safeguard children. For further information please see the *Disqualification under the Childcare Act 2006* guidance.

- 4.5.6 Those who work **regularly**<sup>2</sup> providing or managing such early or later years childcare will be disqualification checked. The school will decide, following an evaluation of any risks and control measures put in place, whether those who are **not regularly** required to work providing or managing early or later years childcare should be disqualification checked. A record of the assessment will be retained on the individual's personnel file and a copy supplied to the individual concerned.
- 4.5.7 The school will use its judgement in determining who is directly concerned in the management of the relevant childcare. The Headteacher will be disqualification checked as a direct manager of the relevant childcare and any manager, supervisor, leader or volunteer responsible for the day-to-day management of the provision will be checked.
- 4.5.8 The School's governors will be disqualification checked if they volunteer to work providing relevant childcare or are directly concerned with the day-to-day management of such provision.
- 4.5.9 The School will keep a record of those staff directly providing or managing childcare in school. For further information on which staff are covered by the Regulations, please see the DfE's *Disqualification under the Childcare Act 2006* guidance.
- 4.5.10 The School will ensure that anyone covered by the Childcare Act and the Regulations are aware of them. The School will ensure that it is not knowingly employing a person who is disqualified under the Regulations in connection with relevant childcare provision. In gathering the information to meet this requirement the School will act proportionately and will handle information fairly and lawfully. For further information on data protection in connection with disqualification checking, please see the DfE's *Disqualification under the Childcare Act 2006* guidance.
- 4.5.11 The disqualification check will be carried out using the appropriate self-disclosure form (see para 4.6 'Individual Self Disclosure' and **Appendix 8** and **Appendix 9**). The disqualification check will be undertaken before an individual is allowed to commence work. Any relevant existing workers who started prior to the adoption of this Policy will also be checked. The self-disclosure check will be supplemented by reference to the individual's DBS certificate or the DBS Update Service, whichever is applicable (see paragraph 7).

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<sup>2</sup> Regular work includes regular supervision of children during break and lunchtimes

4.5.12 All staff providing or managing relevant childcare must inform the School if their circumstances change.

4.5.13 The school will ensure that providers of relevant childcare who hire or rent school facilities or premises have appropriate policies and procedures in place in regard to safeguarding children including under the Childcare Disqualification Regulations.

4.5.14 Where the school uses staff from any agency, contractor or other third-party organisation to work in relevant childcare or contract out such childcare or where trainee suppliers are placing *fee or self-funded* students / trainees at the school in a relevant setting, the school will obtain written confirmation from the agency, contractor, organisation or trainee supplier that they:

- have informed the relevant staff / trainees that they will be committing an offence if they provide relevant childcare or are directly concerned in the management of such provision if they are disqualified under the Regulations
- have checked whether any of the relevant staff / trainees have been disqualified under the Regulations.

4.5.15 If any of the relevant staff have been disqualified, the agency / contractor / organisation will be informed by the School that the individual will not be permitted / no longer permitted to work with children in early years or the relevant later years provision or to manage such provision.

4.5.16 The school will carry out the disqualification check on anyone who is self-employed who will be providing the relevant childcare.

## **4.6 Individual Self-Disclosure**

4.6.1 The School will require all those prospective new workers who are due to be DBS Disclosure checked (including casual workers and volunteers) to complete a self-disclosure form at the time they receive their conditional offer of employment / engagement (see **Appendix 8** and **Appendix 9**).

## **5. REGULATED ACTIVITY**

**5.1** The following categories of worker will be regarded as undertaking regulated activity and require a DBS Disclosure check and a DBS Barred List check. See **Appendix 2** for a Flowchart of Disclosure and Barring Service criminal record and barred list checks and **Appendix 4** for the full DfE definition of regulated activity.

### **5.2 Paid Workers**

- All *paid workers* who work **regularly\*** at the school (if they are employed or engaged directly by the school);
- All workers involved in the provision of relevant intimate / **personal care\*** to children at the school (even if this happens only once) and (should one be working in the school)

- All health care professionals delivering or supervising the delivery of health care to children at the school

**\*Regular** is defined as frequently (more than three days in a 30 day period) or overnight

**\*Personal care** includes helping a child with eating or drinking for reasons of illness or disability or in connection with toileting, washing, bathing and dressing for reasons of age, illness or disability.

Paid workers undertaking regulated activity will be DBS enhanced Disclosure and Barred List checked.

### 5.3 **Volunteers**

5.3.1 Volunteers will be undertaking regulated activity if they:

- engage in intimate / personal care (whether or not they are supervised and even if this is on a one-off basis) or
- are not **\*supervised and**
- are teaching, training, caring for or supervising children and are due to volunteer on a regular basis or
- are not teaching, training, caring for or supervising children but are due to volunteer on a regular and on-going basis.

\* supervision means under reasonable, regular, day to day supervision by another person engaging in regulated activity (*for the DfE definition of 'supervision' please see **Appendix 5***)

5.3.2 Volunteers undertaking regulated activity will be DBS enhanced Disclosure and Barred List checked.

5.3.3 The school will consider whether to carry out an enhanced DBS check without the Barred List check on all volunteers who are not undertaking regulated activity having taken account of relevant guidance and following a risk assessment. Details of the risk assessment will be recorded.

5.3.4 For further information about requirements relating to volunteers, including when an enhanced DBS Disclosure check is appropriate for those volunteers not undertaking regulated activity and the risk assessment, please see **Appendix 3: When to Check a Volunteer Flowchart**, the *Keeping Children Safe in Education* guidance and the DBS workforce guides on GOV.UK

### 5.4 **Governors**

5.4.1 **Maintained Schools** All governors of maintained schools undertaking regulated activity will be DBS enhanced Disclosure and Barred List checked. Governors of maintained schools who are not undertaking regulated activity will be DBS enhanced Disclosure checked but not Barred List checked. **For further guidance on checks on governors**

**of maintained schools including section 128 checks please see *Keeping Children Safe in Education*.**

5.4.2 **Academies** An enhanced DBS check is required for all proprietors of Academies. The Trust will carry out enhanced DBS checks on all members of the Academy Trust. Where the Academy Trust delegates responsibilities to any delegate or committee (including a local governing body), the Trust will carry out an enhanced DBS check on all such delegates and members of such committees. The check will include a Barred List check where regulated activity is being undertaken. **For further guidance on checks on governors / proprietors of Academies including Section 128 checks please see *Keeping Children Safe in Education*.**

5.4.3 **Associate members** Enhanced DBS checks and Barred List checks are not mandatory for 'associate members' of governing bodies unless they are undertaking regulated activity. 'Associate members' undertaking regulated activity will be DBS enhanced Disclosure and Barred List checked. The school will consider whether to carry out an enhanced DBS check without the Barred List check on any associate member(s) of the governing body not undertaking regulated activity following a risk assessment. Details of the risk assessment will be recorded.

## **5.5 Contractors and Agency Workers**

5.5.1 Contractors and agency workers will be undertaking regulated activity if:

- their presence on site is expected to be **\*regular** **and**
- these services involve 'teaching, training, caring for or supervision of children' **or**
- their work will provide them the opportunity for contact with children.

**\*Regular** is defined as frequently (more than three days in a 30 day period) or overnight

5.5.2 These checks should be carried by the contractor /or agency and the school will then require the contractor / agency to confirm in writing that the checks have been carried out and that the individuals concerned are suitable to work with children. In respect of the enhanced DBS certificate the school will require the contractor / agency to confirm that they have seen the certificate. A model letter requesting this information from contractors / personnel suppliers is attached as **Appendix 6**. For further information see North Somerset's guidance regarding *Contractors in Schools*

5.5.3 **Agency supply teachers** are covered by the definition of 'regulated activity'.

5.5.4 For further information about requirements relating to contractors, please see the *Keeping Children Safe in Education* guidance.

## **5.6 Trainee / Student Teachers**

5.6.1 Where applicants for initial teacher training *are salaried by the school*, the school must carry out the DBS enhanced Disclosure check and DBS Barred List check. (Where teacher trainees are fee-funded it is the responsibility of the initial teacher training

provider to carry out the necessary checks, including DBS enhanced Disclosure check and DBS Barred List check. The School will obtain confirmation from the training provider that it has carried out all pre-employment checks that the school would otherwise be required to perform and that the trainee has been judged by the provider to be suitable to work with children.)

## **5.7 Alternative Provision**

5.7.1 Where the School places a pupil with an alternative provision provider, the School will obtain written confirmation from the alternative provider that those checks that the school would otherwise perform on its own staff have been carried out on the individuals working at the establishment.

## **5.8 Work Experience Placements**

5.8.1 If someone is supervising a child from the school under the age of 16 on a work experience placement the school will consider whether the supervisor is undertaking regulated activity with reference to this Policy and paragraphs 139 to 143 in the DfE's *Keeping Children Safe in Education* guidance.

5.8.2 If the person supervising the child is:

- themselves unsupervised and
- teaching, training, instructing or supervising the child on a regular basis (frequently (more than three days in a 30 day period) or overnight)

the school will treat the supervision as regulated activity and ask the employer providing the work experience to carry out an enhanced DBS Disclosure check with a Barred List check on the individual and to confirm in writing that the checks have been carried out and that the individual(s) concerned are suitable to work with children.

5.8.3 Children aged 16 or over on work experience placements in a 'specified place' (for example, a school), which give them opportunity for contact with children should be treated the same as volunteers in terms of determining which checks, if any, apply. The school will carry out the necessary DBS checks if the child aged 16 or over is being sent on a work experience placement to another school and this is requested. If a child aged 16 or over from another school is coming on a work experience placement to this school, this school will request that the school of origin carry out DBS checks and confirm in writing that checks have been carried out and that the individual(s) concerned are suitable to work with children, where necessary. Children under 16 years of age cannot be DBS Barred List or DBS Disclosure Checked.

## **5.9 Host Families**

5.9.1 With regard to 'host families' (families who provide care or accommodation to children to whom they are not related, often described as 'homestay' arrangements), the School will follow the guidance set down in Annex E of *Keeping Children Safe in Education*. In some circumstances the arrangement where children stay with UK families could amount to 'private fostering'. The School will refer to the guidance on private fostering in *Keeping*

*Children Safe in Education* to establish if the 'homestay' arrangement also counts as 'private fostering' and if so will act in accordance with the guidance.

## **6.0 DBS DISCLOSURE AND DBS BARRED LIST PROCESS**

6.1 A flow chart setting out the DBS Disclosure Process is attached as **Appendix 7**.

6.2 The School will follow the relevant recruitment procedure as laid down in the DfE *Children's Safeguarding Guidance* for paid workers and volunteers

### **6.3 Recruitment Documentation (Paid Workers/Employees)**

#### **6.3.1 Job Advert/Supporting Information must:**

- include the following statement: St Joseph's 'the School' is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment
- clearly state that the post is subject to a DBS Barred List and DBS Disclosure check (where appropriate).

#### **6.3.2 Documents issued to applicants to include:**

- a full Application Form that complies with the requirements on 'written information about previous employment history' laid down in the DfE's *Keeping Children Safe* guidance;
- a Policy Statement on the Recruitment of Ex-Offenders; and
- a job description and person specification clearly stating the individual's responsibility for promoting and safeguarding the welfare of children and as essential criteria, a satisfactory DBS Disclosure check and a DBS Barred List check (where appropriate).

#### **6.3.3 Document for Shortlisted Candidates**

A standard form requiring shortlisted candidates to declare their 'unfiltered' criminal record and (*if they will be in a role which involves providing the relevant childcare or directly managing such provision*) declare whether they are disqualified from doing so (see **Appendix 8**).

#### **6.3.4 Employment Contracts:** all employment contracts will include the following wording

*"Your appointment to this post is subject to a DBS Barred List check, a satisfactory Enhanced Disclosure and Barring Service (DBS Disclosure) check and (if you are providing or managing childcare in School) a Disqualification check. These checks may be required to be repeated at any other time during your employment in this post as deemed reasonable by the School. Failure to give your consent to these checks being undertaken on this basis, or if information is received which renders you potentially unsuitable to work with children/vulnerable adults may mean that your continued employment will need to be considered, the outcome of which may be dismissal. You are referred to the Schools' DBS Disclosure Policy and Procedure"*

### **6.4 Recruitment Documentation (Volunteers)**

6.4.1 Documents issued to any prospective volunteer who will be working regularly in the school must:

- include the following statement: [Name of School] 'the School' is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment
- clearly state, where appropriate, that the role is subject to DBS Disclosure check and a DBS Barred List Check and a Disqualification check.

6.4.2 Documents issued to volunteer applicants to include, where appropriate:

- a full Application Form that complies with the requirements on 'written information about previous employment history' laid down in the DfE's *Keeping Children Safe* guidance and which clearly states whether the DBS Barred List check applies and
- a Policy Statement on the Recruitment of Ex-Offenders.

6.4.3 Document for all volunteers the school intends to use and for whom it is determined that an enhanced DBS check will be necessary:

- A self-disclosure form requiring the volunteer to declare their 'unfiltered' criminal record and (*if they will be in a role which involves providing the relevant childcare or directly managing such provision*) declare whether they are disqualified from doing so. (For those volunteers undertaking regulated activity the form in **Appendix 8** should be used, for those volunteers who will not be undertaking regulated activity the form in **Appendix 9** should be used.)

6.4.4 Welcome Letters: all 'welcome letters' for new volunteers appointed to positions requiring a DBS Disclosure should contain wording equivalent to that in the contracts / appointment letters for paid workers as stated in paragraph 7.3.3 above.

## 7. PROCESSING OF DBS DISCLOSURE APPLICATIONS FOR NEW WORKERS

7.1 Before asking the applicant to complete a DBS Disclosure Application form the School will:-

- *If LA maintained school:* check the portability within North Somerset of any existing DBS Disclosure Certificate (see paragraph 15 below); or, where no portability then
- check with the applicant whether they are subscribed to the DBS Update Service. If they are subscribed the school will carry out an on-line 'status check' / notify the HRSC / the school's relevant service provider and request that an on-line 'Status check' be carried out (the school must have the applicant's consent for the Status check to be carried out.) For further information on the DBS Update Service please see the GOV.UK website. Where the Status Check indicates that the applicant's enhanced DBS certificate is 'current' the school must see the applicant's original DBS certificate and verify that the certificate matches the individual's identity (see *Paragraph 8.12 below*).

7.2 If the individual does not have a portable DBS Disclosure or has not subscribed to the DBS's Update Service or has subscribed but a check using this service reveals that the individual's DBS Disclosure is not current they must be asked to apply for a DBS certificate.

- 7.3 The school will issue the successful applicant or volunteer with a DBS Disclosure application form and relevant guidance on how to complete the form at the time they are provisionally offered the position.
- 7.4 The successful applicant or volunteer must complete the DBS Disclosure application form and return it, along with appropriate evidence of identification to the school. The School will check the completed form along with the proofs of identity. Once the applicant's identity has been verified and the relevant lines on the form completed by the designated identity checker at the school the form (together with copies of the submitted forms of ID) will be forwarded to the North Somerset Schools' Human Resources Service Centre (HRSC) / the school's relevant service provider for processing).
- 7.5 Completed DBS Disclosure application forms received by the North Somerset Schools' HRSC Team / the school's relevant service provider will be checked carefully before being counter-signed and forwarded to the DBS. If the form is not completed correctly and/or insufficient evidence of identity has been provided by the applicant/ the HRSC Team / the school's relevant service provider will liaise with the school and the applicant to rectify the position and will also keep the school informed of the position.
- 7.6 Once the DBS Disclosure application is processed by the DBS a Disclosure Certificate will be issued by the DBS to the applicant. Applicants will be required to share their Disclosure Certificate with the school as part of the recruitment process (this must be the *original*, not a copy). Any delay in doing so may result in a delay in their appointment being confirmed and them being allowed to commence work.
- 7.7 The school recognises that there may be occasions when an applicant wishes to dispute the contents of the DBS Disclosure with the DBS. In such cases a recruitment decision will not be finalised until the outcome of the dispute is known.
- 7.8 Once the certificate has been shared by the applicant the school will inform the HRSC Team / the school's relevant service provider of the recruitment decision.

## **8. DBS DISCLOSURE CHECK AND A DBS BARRED LIST CHECK FOR EXISTING WORKERS**

- 8.1 In addition to its normal review of relevant safeguarding checks, the School may deem it necessary to carry out a DBS Disclosure check on an existing worker for one of the following reasons:
- Where checks have not been implemented previously for certain voluntary roles but on review by the Headteacher become necessary;
  - where an existing volunteer moves from a role that did not require a DBS Disclosure check to be carried out to one that does; or
  - where the school has concerns (for example, information comes to light or the circumstances are judged by the Headteacher to warrant a re-check).
- 8.2 It may be necessary to carry out a DBS Barred List check for one of the following reasons:

- where a certain voluntary role has previously been judged to fall outside the definition of 'regulated activity' but is now judged by the Headteacher to fall within the definition of regulated activity;
- where an existing volunteer moves from a role that is not 'regulated activity' to one that is 'regulated activity'
- where the school has concerns (for example, information comes to light or the circumstances are judged by the Headteacher to warrant a re-check.

8.3 In these circumstances the Headteacher will arrange for a notification letter to be issued to the individual with a copy of the DBS application form to complete. The individual should be advised that they must share their DBS Disclosure Certificate with the school once it is received (unless they wish to dispute the information disclosed by the DBS).

8.4 Where an individual does not give their consent to a DBS Barred List check and/or a DBS Disclosure check being made OR does not share the DBS Disclosure Certificate (the certificate must be the *original*, not a copy) with the school once received, the Headteacher / relevant manager will provide the opportunity for the worker to discuss the matter. If, despite such discussions, the worker still refuses to co-operate the school reserves the right to move the individual to a position which does not require a DBS Barred List Check and/or a DBS Disclosure check or where a suitable alternative position does not exist, to terminate the individual's employment/supply/casual or voluntary work. Further advice can be sought from the HRSC / the school's relevant service provider.

## 9. PROCEDURE FOR MANAGING AN UNSATISFACTORY DBS DISCLOSURE (CRIMINAL RECORD)

### 9.1 New starters

9.1.1 Where the DBS Disclosure Certificate reveals a criminal record which the Head teacher judges may be relevant to the suitability of the individual to work with children, the applicant must not under any circumstances be permitted to commence working until the steps below have been followed and the Head teacher and Chair of Governors are satisfied of the suitability of the individual to work with children.

9.1.2 **Step 1** **Headteacher to** discuss the DBS Disclosure content with the applicant before any recruitment confirmation is made. The purpose of this discussion will be to obtain further relevant information from the applicant to enable the Headteacher to make an informed decision regarding the applicant's suitability for the position applied for.

**Step 2** **Headteacher to** complete a 'Suitability Pro Forma' (attached as **Appendix 10**) recording relevant information relating to the applicant's criminal record and the final decision regarding their suitability for the position applied for. The Suitability Pro-Forma will need to be signed off by the Headteacher and counter-signed by the Chair of Governors then forwarded to the North Somerset Schools' HRSC team / the school's relevant service provider. Where a decision is taken by the Head teacher and Chair of Governors not to recruit based on an unsatisfactory DBS Disclosure, the Suitability Pro-Forma will be retained by the School along with the candidates completed

DBS Disclosure Application for up to a period of 6 months after which they will be destroyed in an appropriate manner to ensure confidentiality. Feedback will be given to the applicant.

## 9.2 Existing Workers: Employees

9.2.1 Should a DBS Disclosure containing relevant convictions and / or cautions and / or other information be received for an existing **employee**, the Headteacher/Chair of Governors should consider their suitability to work with children using the assessment of suitability checklist in the 'Suitability Pro Forma' (attached as **Appendix 10**). If necessary the Headteacher will discuss the DBS Disclosure content with the employee. If the Headteacher's/Chair of Governor's assessment is that the relevant convictions and / or cautions and / or other information on the DBS certificate calls into question their suitability to work with children the Headteacher/Chair of Governors will arrange to investigate the matter under the School's Disciplinary Procedure and this procedure should then be followed as appropriate. Consideration will be given to whether the employee should be transferred to an alternative role not working with children pending the outcome of the investigation, or where this is not possible, suspension on normal pay will be considered.

## 9.3 Existing Workers: Volunteers, Supply Teachers and Casual Support Workers

9.3.1 If the individual is not an employee, for example a volunteer or a supply teacher or casual support worker, the continued use of individual's services will cease pending an investigation into their suitability. The assessment of suitability checklist in the Suitability Pro-forma (attached as **Appendix 10**) will be used in the assessment of their suitability. The individual will be given the opportunity to provide any relevant information he/she wants taken into consideration by the School when reaching a decision regarding the individual's suitability to work with children.

## 9.4 All workers

9.4.1 Where the School decides that the individual is unsuitable to continue in their role working with children, the decision will be conveyed in writing to the individual.

9.4.2 Any decision to remove an individual (employee, volunteer, supply teacher or casual support worker) from working in regulated activity, will be notified by the School to the Designated Officer for Allegations (DOFA) (formerly LADO) to determine whether a DBS referral is appropriate. For information on referrals to the DBS please see the *Keeping Children Safe in Education* guidance and GOV.UK

## 10. INCLUSION ON THE DBS CHILDREN'S AND/OR VULNERABLE ADULTS BARRED LISTS

### 10.1 All Barred Persons

10.1.1 It is a criminal offence for a person who is barred from undertaking regulated activity to knowingly apply for, offer to do, accept or undertake regulated activity work, paid or

unpaid. Similarly it is an offence for the school to knowingly offer a position which involves regulated activity to any person whose name is included on the relevant DBS Barred List.

10.1.2 If such a person inadvertently applies for, offers to do, accepts or undertakes any such work he/she should bring the fact immediately to the attention of the Headteacher.

## **10.2 New Starters**

10.2.1 Where the DBS Barred Check reveals the inclusion of a person on the relevant DBS Barred List:

- the Headteacher will arrange to discuss the matter with the person before any final decision is made regarding the person's suitability for the position applied for. If the person believes the information provided by the DBS to be incorrect regarding their inclusion on the DBS Barred List they should contact the DBS who will be able to provide them with details of the DBS disputes procedure. The School will consider deferring the final recruitment decision until the outcome of the disputes process is known
- While any dispute is being resolved the applicant will not, under any circumstances be permitted to commence working. If the applicant accepts their inclusion on the DBS Barred List or the dispute is resolved to the effect that they are rightfully included on the list, they will be informed that any provisional offer of work (paid or unpaid) is withdrawn.
- the Headteacher will notify the DBS and the police that a barred individual has sought to engage in 'regulated activity'.

## **10.3 Existing Workers**

10.3.1 Where the DBS Barred Check reveals the inclusion of a person on the relevant DBS Barred List:

- the Headteacher will arrange to discuss the matter with the person before any final decision is made regarding the person's suitability to continue in their role. If the person believes the information provided by the DBS to be incorrect regarding their inclusion on the DBS Barred List they should contact the DBS who will be able to provide them with details of the DBS disputes procedure. The School will consider deferring the final decision with regard to whether the person should continue in their role until the outcome of the disputes process is known
- While any dispute is being resolved the applicant will be suspended from work at the school under the Disciplinary Procedure. If the applicant accepts their inclusion on the DBS Barred List or the dispute is resolved to the effect that they are rightfully included on the list, a Hearing will be held under the school's Disciplinary Procedure to consider their dismissal.
- the Headteacher will notify the DBS and the police that a barred individual has engaged in 'regulated activity'.

## **11. PROCEDURE FOR MANAGING A WORKER DISQUALIFIED OR DISQUALIFIED BY ASSOCIATION**

- 11.1 Any relevant information passed to the school relating to any relevant member of staff (paid or unpaid) must be provided to Ofsted as soon as reasonably practicable, but at the latest within 14 days of the date the school became aware of the information or ought reasonably to have become aware of it if they had made reasonable enquiries.
- 11.2 Where the school becomes aware that a member of staff is disqualified the Headteacher will explain the implications to the individual, tell them that Ofsted has been informed and advise them that they can usually apply to Ofsted for a waiver of disqualification (Ofsted cannot, for example, grant a waiver to an individual who is on the Children's Barred List). Individuals should be directed towards the Ofsted guidance on who can apply and how to apply: *Applying to waive disqualification: early years and childcare providers*.
- 11.3 Ofsted may grant a full or partial waiver, including a waiver that would allow an individual to work in the school settings described above. Whilst a waiver application is under consideration the individual must not commence or continue to work in these settings.

#### **11.4 New Starters**

- 11.4.1 Where the school becomes aware that an applicant for employment is disqualified it will write to the individual informing them that their appointment will not be confirmed due to their disqualification status and they will not be allowed to commence work. In the letter the individual will be informed that they can apply to Ofsted for a waiver of disqualification. Further details about how to make an applications for a waiver can be found in the Ofsted guidance '*Applying to waive disqualification early years and childcare providers*'.
- 11.4.2 Where no application for a waiver is made the School will withdraw the offer of employment and will notify the individual in writing of this decision.
- 11.4.3 Where the individual notifies the school they will be applying for a waiver, the school will hold the offer of the job open pending the result of the application to Ofsted for a waiver. If Ofsted does not grant the waiver the School will withdraw the offer of employment and will notify the individual in writing of this The School reserves the right to withdraw the offer of employment in the event the prospective employee declares they are disqualified. Should the school decide to hold the offer open pending the result of the waiver application, where Ofsted does not grant a waiver the School will withdraw the offer of employment and will notify the individual in writing of this decision

#### **11.5 Existing Employees**

- 11.5.1 If the individual is already working in the school, the Headteacher will consider whether the employee's role can be adjusted so that it does not involve providing or managing the relevant childcare and / or whether the employee can be temporarily moved to an alternative role which does not involve providing or managing the relevant childcare. Where this is not possible, the school will consider whether to grant paid leave or to suspend the employee under the School's Disciplinary Policy, pending the result of any application to Ofsted for a waiver. Whether paid leave is granted or the employee is suspended will depend on the circumstances of the individual case.

11.5.2 Where Ofsted does not grant a waiver or no application for a waiver is made, a Panel will be convened under the Disciplinary Policy to consider whether the employee's role should be permanently adjusted or the employee should be permanently moved to an alternative role or the employee should be dismissed.

11.5.3 When making decisions about the possible adjustment of roles / redeployment of employees on a temporary or permanent basis the School will take into account the risk of harm to the children concerned and its safeguarding obligations.

## **11.6 Workers who are not Employees**

11.6.1 If the existing worker is not an employee, the volunteer or supply teacher / casual support worker will be informed that their services are not / no longer required.

## **12. DISCREPANCY IN CRIMINAL RECORDS INFORMATION**

12.1 Where there is a discrepancy in the information provided by the applicant through the self-disclosure process and the information contained within the DBS Disclosure Certificate, the relevant manager should arrange to discuss the matter with the individual before any decision is made regarding the person's suitability for the position applied for. If the person believes the information provided by the DBS to be incorrect they should contact the DBS who will be able to provide them with details of the DBS disputes procedure. The person should not be allowed to commence work and, in those instances where they have commenced work prior to the DBS check being completed), they must be removed from that work with immediate effect

12.2 Recruitment decisions should be deferred until the outcome of the disputes process is known.

## **13. GATHERING INFORMATION, RECORDING AND MONITORING**

13.1 In processing information under this Policy, the School will ensure that it acts proportionately and minimise wherever possible the intrusion into the private lives of staff. The School will process data fairly and lawfully in accordance with the General Data Protection Regulation (GDPR), the Data Protection Act 2018, the Rehabilitation of Offenders Act 1974 (ROA) and the Human Rights Act 1998.

13.2 The School will not ask applicants or staff for medical records, details of protected (filtered) convictions or cautions, details about the convictions of household members or copies of anyone's criminal record from the police. The school will not ask staff or third parties to make requests for their criminal records. Where third parties are asked to provide information they will be informed why the information has been requested and how it will be used.

### **13.3 Single Central Record and Additional Checks**

13.3.1 The School will maintain a **single central record** of pre-employment checks and carry out the pre-employment checks additional to the DBS checks as required. The single central record will cover:

- all paid staff, including supply and casual staff and *salaried* teacher trainees who work at the school
- (*include if Academy*) all members of the proprietor body (this means the members and trustees of the Academy Trust)

13.3.2 The School will record whether the DBS Barred List check and the enhanced DBS check has been carried out and the certificate obtained and the date on which the check was completed / certificate obtained. In connection with the disqualification check, the School will keep a record of those staff who provide or manage relevant childcare and will record the date on which the disqualification checks were completed. This School will keep disqualification information

13.3.3 The Single Central Record will also record whether each of these further checks have been carried out and the date each check was completed:

- *for all roles* an identity check
- *for roles in which 'teaching work' will be carried out* a prohibition from teaching check (carried out by logging into the Secure Access Portal via the Teacher Regulation Agency's (TRA's) Teacher Services webpage) *Note: prior to the introduction of prohibition orders, sanctions and restrictions were issued by the General Teaching Council for England (GTCE) and these are also recorded and can be checked through Secure Access*
- *for maintained school governors and management, governance, trustee or proprietor roles in academies or free schools* a section 128 check for management positions in free schools and academies (carried out by logging into the Secure Access Portal via the TRA's Teacher Services webpage)
- *for those who have lived and worked outside the UK* overseas checks including, where relevant, checks for EEA teacher sanctions and restrictions (carried out by logging into the Secure Access Portal via the Teacher Services' webpage) see paragraph 16 below
- *where relevant* a check of professional qualifications and
- *for all roles* a check to establish the person's right to work in the UK

13.3.4 For supply staff, the School will include whether written confirmation has been received that the employment business supplying the individual has carried out the relevant checks and obtained the appropriate certificates, the date the confirmation was received and whether any enhanced DBS certificate has been provided in respect of the individual.

13.3.5 There is no statutory duty to include on the single central record details of any other checks (for example checks for volunteers, childcare disqualification and safeguarding and safer recruitment training dates), the School may record any other information it deems relevant. The School may record the name of the person who carried out each check.

13.3.6 For further information regarding:

- the Single Central Record;

- prohibitions, directions, sanctions and restrictions, specifically the prohibition from teaching check, the section 128 check, historic General Teaching Council for England (GTCE) sanctions and restrictions and the EEA sanctions and restrictions check and
  - the TRA, the Teacher Services webpage and Secure Access
- see the *Keeping Children Safe in Education* guidance.

13.3.6 Note: the prohibition from teaching check must be carried out before a person carries out 'teaching work' regardless of whether they are being newly appointed. The prohibition check will need to be carried out on individuals who were originally appointed to a non-teaching role but who are subsequently asked to undertake teaching work. The prohibition check will also need to be carried out on individuals who are not qualified teachers if they will be carrying out teaching work. Please note that, due to the Education (Specified Work) (England) Regulations 2012, teaching assistants (including HLTAs) are not permitted in maintained schools to carry out 'teaching work' *as it is defined for the purposes of the prohibition from teaching check*. For further information on when the prohibition check must be carried out and when it may be carried out, the definition of 'teaching work' and the different regulations as to who can undertake teaching work in maintained schools and academies, please see Ofsted's *School Inspection Update* of November 2016. Please also note that someone is not permitted to undertake teaching work if they are subject to either a prohibition order or an interim prohibition order.

13.3.7 Although there is no requirement to record reference checks on the SCR, references should be sought on all prospective workers and volunteers at the school. For further information on references, see the *Keeping Children Safe in Education* guidance and the school's Reference Policy.

## 13.4 Further Information

13.4.1 For further information on appropriate and lawful information gathering and recording please see the DfE's data protection toolkit for schools and the Information Commissioner's Office (ICO) guidance on the GDPR and their employment practices code.

## 14. STORAGE OF DBS DISCLOSURE INFORMATION

14.1 No copies of DBS disclosure certificates will normally be stored in the school. If, in exceptional circumstances, it is necessary to store the copy of a certificate temporarily, it will be stored for the minimum period of time, it will not be stored for more than a maximum of six months and it will be stored in accordance with the policy on the storage of DBS Disclosure Information (**Appendix 11**).

14.2 Returned self-disclosure forms should be destroyed once the recruitment decision is made. Where a school retains personal information that is relevant to disclosure or disqualification this should be kept on the personnel file. Any information that is provided to the School which is not relevant to the disclosure or disqualification checks will be destroyed.

14.3 The Council's policy on the storage of DBS Disclosure Information, which will be adhered to by the School, is attached as **Appendix 11**.

## 15. PORTABILITY OF DBS DISCLOSURES

15.1 A Barred List check **must always** be completed for new staff if they will be engaging in regulated activity including where the individual has a break in service of less than three months from a similar position.

15.2 It is not a statutory requirement to obtain an enhanced DBS certificate if, during a period which ended not more than three months before the person's appointment, the applicant has worked in a school in England in a post which brought them regularly into contact with children or to which the person was appointed on or after 12 May 2006 and which did not bring the person regularly into contact with children. However, given the potential complexities that can arise in using a Disclosure for one position to assess an applicant's suitability for another position, it is the policy of the School **not** to accept Disclosure certificates which have been issued to a Registered Body other than the Registered Body used by the School **unless** the relevant individual has subscribed to the DBS's Update Service and the 'Status Check' carried out using this Service indicates that their enhanced DBS certificate is 'current'. Similarly it is the policy of the School and the Registered Body it uses not to disclose any information regarding Disclosures to any other organisation.

15.3 However the School accepts the internal portability of Disclosures issued to the Registered Body the School uses providing ALL of the following five requirements are met:-

- The new position is one that is eligible to be DBS Disclosure checked i.e. it is exempt from the Rehabilitation of Offenders Act 1974 **and**
- That both the current position and the new position require the same level of DBS check (Enhanced in schools), **and**
- The Headteacher has obtained the written consent of the candidate before asking the Counter-signatory to release any information about a previous Disclosure (a model consent statement attached as **Appendix 12) and**
- The individual does not have a gap between engagements with schools in England of three months or more **and**
- Confirmation has been obtained from the North Somerset Schools' HRSC / the school's relevant service provider that the police have not provided additional information under their common law powers. In the unlikely event that additional information has been provided by the police a fresh Disclosure Application must be carried out.

## 16. CHECKING OF OVERSEAS APPLICANTS

- 16.1 The Disclosure and Barring Service can only access criminal records (convictions or cautions) held on the Police National Computer (PNC) in England, Wales, and those recorded from Scotland. There is also some Northern Ireland conviction data held on the PNC. If an applicant is undertaking 'regulated activity' or is assessed as needing to have an enhanced DBS check and is living or has lived for a substantial period overseas, the DBS criminal records check may not provide a complete picture of their criminal record, if they have one. In these circumstances and in addition to a DBS Disclosure check, a criminal records check, certificate of good conduct or equivalent should be sought from the overseas country in which the applicant has been or is living.
- 16.2 Overseas checks should, where relevant, include a check for information about any teacher sanction or restriction that a European Economic Area (EEA) professional regulating authority has imposed, obtained by logging into the Secure Access Portal via the Teacher Regulation Agency's (TRA's) Teacher Services webpage).
- 16.3 Further advice on criminal records checks for overseas applicants and employing overseas trained teachers can be obtained from the GOV.UK website

**17. OTHER RELEVANT POLICIES / GUIDANCE**

- DfE *Keeping Children Safe in Education* guidance (Sept 2018)
- DfE *Disqualification under the Childcare Act 2006* (July 2018)
- Disciplinary Policy
- Reference Policy
- Code of Conduct (*if school has one in place*)
- DBS Referral Guide

All our policies and guidance can be found at [www.supportservicesforeducation.co.uk](http://www.supportservicesforeducation.co.uk)

Signed by the chair of Governors \_\_\_\_\_

Date \_\_\_\_\_

Renewal Date \_\_\_\_\_

## APPENDICES

<b>Appendix 1</b>	<b>Policy Statement on Recruitment of Ex-Offenders</b>
<b>Appendix 2</b>	<b>Flowchart of Disclosure and Barring Service criminal records and barred list checks</b>
<b>Appendix 3</b>	<b>When to Check a Volunteer Flowchart</b>
<b>Appendix 4</b>	<b>DfE Definition of 'Regulated Activity' relating to Children</b>
<b>Appendix 5</b>	<b>DfE Definition of 'Supervision' (relating to work with Children)</b>
<b>Appendix 6</b>	<b>Model Letter to Contractor/ Personnel Supplier</b>
<b>Appendix 7</b>	<b>DBS Disclosure Flowchart</b>
<b>Appendix 8A</b>	<b>Self-Disclosure for Short-listed Candidates to Complete (DBS Barred List and enhanced DBS Disclosure check needed)</b>
<b>Appendix 8B</b>	<b>Self-Disclosure for Short-listed Candidates to Complete (where DBS Barred List check <u>not</u> applicable)</b>
<b>Appendix 9</b>	<b>Self-Disclosure for Existing Workers</b>
<b>Appendix 10</b>	<b>Headteacher's Employee Suitability Form</b>
<b>Appendix 11</b>	<b>Disclosure Information Safe Storage Policy</b>
<b>Appendix 12</b>	<b>Portability – Sample Consent Statement</b>

## **Appendix 1 - Policy Statement on Recruitment of Ex-Offenders**

**St Joseph's** is determined to make all efforts to prevent discrimination or unfair treatment against any staff or potential staff regardless of offending background that does not create a risk to children and vulnerable adults.

People with criminal records applying for positions (paid or unpaid) with the School should be treated according to their merits and to the nature or special criteria of the position (e.g. access to children or responsibility for budgets).

The School and the School's Registered Body will ensure that they observe the Disclosure and Barring Service (DBS) Code of Practice on disclosure information. For those positions requiring a DBS Disclosure, all applicants will be informed at an early stage through recruitment literature issued by the School that a Disclosure will be requested in the event of the individual being provisionally offered the position. Details of a person's criminal record will always be maintained as strictly confidential and will not be passed to persons not authorised to receive it.

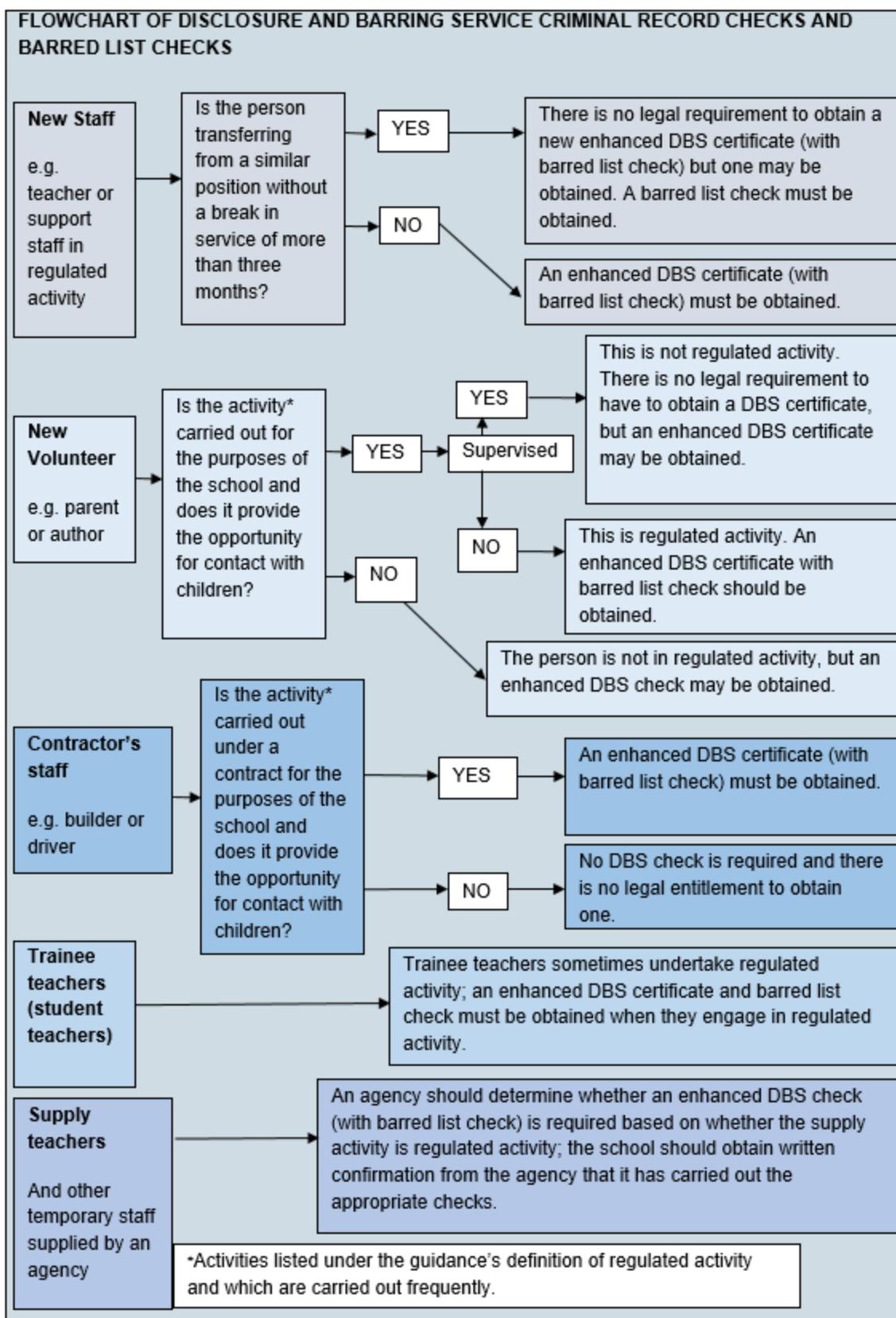
It is the School's policy to ask applicants questions about 'unfiltered' criminal records and whether they have been barred from working with children and/or vulnerable adults whenever they will be undertaking 'regulated activity' or working regularly in school with access to children. At the short-listing stage applicants will be required to provide this information through the completion of a DBS Disclosure Application and a self-disclosure of criminal record. Where the applicant is applying for a position involving 'regulated activity' they will also be required to declare whether they have been listed on any Disclosure and Barring Service list of people considered unsuitable to work with children and vulnerable adults.

It is also the School's Policy to disqualification check relevant applicants using the self-disclosure form. Please see the self-disclosure form for information on who is required to be disqualification checked.

Having an 'unfiltered' criminal record in itself will not necessarily prevent a person from being appointed unless the offence statutorily debar the person or renders the person unsuitable to work with children. If an applicant reveals an 'unfiltered' criminal record and/or other information which could render the applicant potentially unsuitable then the Headteacher will arrange to discuss the disclosure with the applicant in the first instance and before any final decision is made regarding the suitability of the applicant.

Failure to disclose relevant information could lead to the withdrawal of an offer of employment or other non-employment arrangement e.g. voluntary work or, if subsequently discovered once confirmed in position, could lead to the termination of the employment/non-employment arrangement.

**Appendix 2 - Flowchart of Disclosure and Barring Service checks from *Keeping Children Safe in Education*** Please note: enhanced DBS Disclosure check must be carried out on all



governors

**Appendix 3 – When to Check a Volunteer Flowchart**

Please note: this should not be used for Governors. All governors must be enhanced DBS Disclosure checked. See paras 4.3.3 and 5.4.

Will the volunteer be...

<b>Regular <u>or</u> engaged in intimate / personal care of children</b>	→ No	<b>DBS Disclosure not required. Unable to do DBS Barred check</b>
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Definition of 'regular' will be once a week or more for several weeks or more or 4 or more days in a 30 day period or overnight (between 2am or 6am)

Yes ↓

<b>Undertaking Regulated Activity</b>	→ No	<b>DBS Disc not req but can consider doing after risk assessment. Unable to do DBS Barred check</b>
---------------------------------------	---------	---

- i Unsupervised activities: teach, train, instruct, care for or supervise children, or provide advice / guidance on well-being or drive a vehicle only for children
- ii Work for a limited range of establishments ('specified places') including schools but not work by supervised volunteers
- iii Relevant personal care, for example washing or dressing or health care by or supervised by a professional
- iv Registered childminding and foster-carers

Yes ↓

<b>Supervised (note: even if supervised those undertaking intimate / personal care must be DBS Disclosure and Barred List checked)</b>	→ No	<b>DBS Disclosure and Barred List Checks Required</b>
--	---------	---

- i if the volunteer is not in the same room and / or in the line of sight of the supervisor most of the time then they are not supervised and are undertaking regulated activity
- ii if the volunteer is in the same room and / or in the line of sight of the supervisor most of the time this may count as supervision however, a further assessment needs to take place in order to determine whether they are supervised

Yes ↓

**Unable to do Barred List check but should do enhanced DBS Disclosure check**

## **Appendix 4 – Department for Education (DfE) Definition of ‘Regulated Activity’ in Relation to Children**

Regulated activity is work that a barred person must not do. This note provides information on the scope of Regulated Activity in relation to children, defined in the Safeguarding Vulnerable Groups (SVG) Act 2006 and the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007, both as amended (in particular by, respectively, section 64 and Schedule 7, Protection of Freedoms Act 2012). This note is about the law in England.

This note comprises (I) a short summary, and (II) a full description.

Regulated activity still excludes family arrangements; and personal, non-commercial arrangements.

### **(I) Summary**

The new definition of regulated activity (i.e. work that a barred person must not do) in relation to children comprises, in summary:

- i. unsupervised activities: teach, train, instruct, care for or supervise children, or provide advice/guidance on well-being, or drive a vehicle only for children;
- ii. work for a limited range of establishments (‘specified places’), with opportunity for contact: e.g. schools, children’s homes, childcare premises. Not work by supervised volunteers;

Work under (i) or (ii) is regulated activity only if done regularly: “regularly” is defined in detail on the following pages under items (a) to (f).

HM Government is publishing statutory guidance on supervision of activity that would be regulated activity if unsupervised.

- iii. relevant personal care, e.g. washing or dressing; or health care by or supervised by a professional;
- iv. registered childminding; and foster-carers

A full detailed description of the above scope follows below.

**(II) Full description of scope**

**Part 1: Regulated Activity in relation to children - Activities**

The activities in the left-hand column are regulated activity in relation to children under the Safeguarding and Vulnerable Groups Act 2006 (as amended), subject to:

- exceptions in the right-hand column;
- different provisions for “establishments” (specified places) in Part 2 below.

Do not read the left-hand column in isolation from the right-hand column or from Part 2.

In the right-hand column:

- “new” exceptions are those in the Protection of Freedoms 2012 Act;
- “existing” exceptions are already in the Safeguarding and Vulnerable Groups Act 2006 as amended before the 2012 Act, or in secondary legislation under it.

Activity	Exceptions – not Regulated Activity
All of regulated activity.	Activity by a person in a group assisting or acting on behalf of, or under direction of, another person engaging in regulated activity in relation to children. This is the “peer exemption”.
In para 2(1) of Schedule 4 (SVGA):	
<p><b>(a)</b> Teaching, training or instruction of children, carried out by the same person frequently (once a week or more often), or on 4 or more days in a 30-day period, or overnight*.</p> <p>Day to day management or supervision on a regular basis of a person providing this activity which would be regulated if unsupervised. <i>Para 1(15).</i></p> <p><i>*Sources:</i>                      - <i>once a week: guidance, March 2010, Annex B, page 70 para B.12;</i>                      - <i>four or more days/ overnight: Schedule 4, para 10(1) as amended.</i></p>	<p>New:</p> <ul style="list-style-type: none"> <li>• Supervised activity - under reasonable day to day supervision by another person engaging in regulated activity. <i>Para 2(3A)</i></li> </ul> <p>Existing:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> <input type="checkbox"/> Activity relating to a child in the course of his employment, not by a person for whom arrangements exist principally for that purpose.</li> <li>▪ Activity merely incidental to activity with adults.</li> </ul>
<p><b>(b)</b> Care or supervision of children if carried out by the same person frequently (once a week or more often), or on 4 or more days in a 30-day period or overnight.</p> <p><input type="checkbox"/> <input type="checkbox"/> See rows (i) to (iii) below re types of care.</p>	<p>New:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> <input type="checkbox"/> Supervised activity - under reasonable day to day supervision by another person engaging in regulated activity. <i>Para 2(3B)(b).</i></li> </ul>

<p>Day to day management or supervision on a regular basis of a person providing this activity which would be regulated if unsupervised.</p>	<p>Existing:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> <input type="checkbox"/> Activity relating to a child in course of his employment, not by person for whom arrangements exist principally for that purpose.</li> <li>▪ Activity merely incidental to activity with adults.</li> </ul>
<p>Particular types of care within <b>(b)</b> above, which apply to any child, even if done only once: (i) to (ii) below.</p>	
<p><b>(i)</b> Relevant personal care. <i>Para 1(1B)</i>:  (a) physical help in connection with eating or drinking, for reasons of illness or disability;  (b) physical help for reasons of age, illness, or disability, in connection with:  <input type="checkbox"/> (i) toileting (including re menstruation);  <input type="checkbox"/> (ii-iii) washing, bathing, or dressing;    (c)-(d) prompting with supervision, in relation to (a)-(b), where the child is otherwise unable to decide;  (e)-(f) other training or advice in relation to (a)-(b).</p>	
<p><b>(ii)</b> Health care. <i>Para 1(1C)</i>:  All forms of health care relating to physical or mental health including palliative care and procedures similar to medical or surgical care.</p>	<p>New:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> <input type="checkbox"/> Health care not by, or directed or supervised by, a health care professional*.</li> </ul> <p><i>Para 2(3B)(a)</i>.</p> <p>*Defined by reference to regulatory bodies. <i>Para 1(1C)</i>.</p>
<p><b>(c)</b> Advice or guidance provided wholly or mainly for children relating to their physical, emotional or educational well-being if carried out by the same person frequently (once a week or more often), or on 4 or more days in a 30-day period or overnight.</p>	<p>New:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> <input type="checkbox"/> Legal advice. <i>Para 2(3C)</i>;</li> </ul> <p>Existing:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> <input type="checkbox"/> Activity relating to a child in course of his employment, not by person for whom arrangements exist principally for that purpose.</li> </ul>
<p>(a), (b) &amp; (c): Definition of “overnight”:  In relation to teaching, training or instruction; care or supervision; or advice or guidance, it is also regulated activity if carried out (even once) at any time between 2am and 6am and with an opportunity for face-to-face contact with children. <i>Schedule 4, Para 10(2)</i>.</p>	

Former category <b>(d)</b> , treatment or therapy, is now replaced by “health care” provisions.	
<b>(e)</b> Moderating a public electronic interactive communication service likely to be used wholly or mainly by children, carried out by the same person frequently (once a week or more often), or on 4 or more days in a 30-day period.	Existing: <input type="checkbox"/> <input type="checkbox"/> Activity by a person who does not have access to the content of the matter, or contact with users.
<b>(f)</b> Driving a vehicle being used only for conveying children and carers or supervisors under arrangements as prescribed*, carried out by the same person frequently (once a week or more often), or on 4 or more days in a 30-day period. *Prescribed by SI 2009-1548.	
In para 1 of schedule 4 (SVGA):	
(3) Early years or later years childminding* with a requirement to register, or voluntary registration, under Childcare Act 2006. *That is: on domestic premises, for reward; as opposed to “childcare premises”, part 2 below.	
(5) Fostering** a child. **Defined at section 53.	Existing: <input type="checkbox"/> <input type="checkbox"/> Care arranged by family members and not for reward is not regulated activity. <i>Section 53(8)6.</i>  <input type="checkbox"/> <input type="checkbox"/> Local Authority can foster child with barred person who is, or lives with, a relative of the child. <i>SI 2009-1797, Art 3(2).</i>
(14) Day to day management on a regular basis of a person providing a regulated activity in Schedule 4, paragraphs 1(1) or (2) – that is, activity: - at (a) to (f) above; or - in establishments in part 2 below	

## Part 2: Regulated Activity in relation to Children - Establishments

An activity is regulated activity in relation to children if carried out (subject to exceptions below):

- in one of the following establishments;
- frequently (once a week or more often), or on 4 or more days in a 30-day period;
- by the same person, engaged in work for or in connection with the purposes of the

establishment; and

- it gives the person the opportunity, in their work, to have contact with children.

Day to management or supervision on a regular basis of a person providing the above regulated activity for children is regulated activity for children.

Establishment	Exceptions – not Regulated Activity
Schedule 4, para 3(1) (SVGA):	
<p>(a) schools (all or mainly full-time, for children);            (aa) pupil referral units (also known as Short Stay Schools) not falling within the above;            (b) nursery schools;            (d) institutions for the detention of children;            (e) &amp; (f) children’s homes;            (fa) children’s centres in England;            (g) childcare premises (including nurseries).            Day to day management or supervision on a regular basis of a volunteer activity which would be regulated if unsupervised. <i>Para 1(15)</i>.</p>	<p>New:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> <input type="checkbox"/> Activity by person contracted (or volunteering) to provide occasional or temporary services (not teaching, training or supervision of children). <i>Para 1(2A) &amp; (2B)(a)</i>;</li> <li><input type="checkbox"/> <input type="checkbox"/> Volunteering, under day to day supervision of another person engaging in regulated activity. <i>Para 1 (2B)(b)</i>.</li> </ul> <p>Existing:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> <input type="checkbox"/> Activity by a person in a group assisting or acting on behalf of, or under direction of another person engaging in regulated activity;</li> <li>• childcare premises which are the home of a parent etc. of at least one child to whom the childcare or child minding is provided;</li> <li><input type="checkbox"/> <input type="checkbox"/> for activity undertaken regularly in a number of different establishments, but only infrequently in each: each establishment is only arranging the activity infrequently, so each establishment is not a regulated activity provider in relation to that activity.</li> </ul>

Note: Categories for office holders (“Positions” - Para 1(9) and Para 4) and for Inspectorates in England (sub-paragraphs of Para 1) are removed from the Safeguarding Vulnerable Groups Act.

Department for Education, June 2012

## Appendix 5 – DfE Guidance on Supervision of Volunteers

### Statutory guidance: Regulated Activity (children) - supervision of activity with children which is regulated activity when unsupervised

1. This document fulfils the duty in legislation<sup>i ii</sup> that the Secretary of State must publish statutory guidance on supervision of activity by workers with children, which when unsupervised is regulated activity. This guidance applies in England, Wales and Northern Ireland. It covers settings including but not limited to schools, childcare establishments, FE colleges, youth groups and sports clubs.

2. For too long child protection policy has been developed in haste and in response to individual tragedies, with the well-intentioned though misguided belief that every risk could be mitigated and every loophole closed. The pressure has been to prescribe and legislate more. This has led to public confusion, a fearful workforce and a dysfunctional culture of mistrust between children and adults. This Government is taking a different approach.

3. We start with a presumption of trust and confidence in those who work with children, and the good sense and judgment of their managers. This guidance applies when an organisation decides to supervise with the aim that the supervised work will not be regulated activity (when it would be, if not so supervised). In such a case, the law makes three main points:

- there must be supervision by a person who is in regulated activity<sup>iii</sup>;
- the supervision must be regular and day to day; and
- the supervision must be “reasonable in all the circumstances to ensure the protection of children”.

The organisation must have regard to this guidance. That gives local managers the flexibility to determine what is reasonable for their circumstances. While the precise nature and level of supervision will vary from case to case, guidance on the main legal points above is as follows.

4. Supervision by a person in regulated activity / regular and day to day: supervisors must be in regulated activity themselves<sup>iv</sup>. The duty that supervision must take place “on a regular basis” means that supervision must not, for example, be concentrated during the first few weeks of an activity and then tail off thereafter, becoming the exception not the rule. It must take place on an ongoing basis, whether the worker has just started or has been doing the activity for some time.

5. Reasonable in the circumstances: within the statutory duty, the level of supervision may differ, depending on all the circumstances of a case. Organisations should consider the following factors in deciding the specific level of supervision the organisation will require in an individual case:

- ages of the children, including whether their ages differ widely;
- number of children that the individual is working with;
- whether or not other workers are helping to look after the children;
- the nature of the individual’s work (or, in a specified place such as a school, the individual’s opportunity for contact with children);
- how vulnerable the children are (the more they are, the more an organisation might opt for workers to be in regulated activity);

how many workers would be supervised by each supervising worker.

6. In law, an organisation will have no entitlement to do a barred list check on a worker who, because they are supervised, is not in regulated activity.

## **EXAMPLES**

### ***Volunteer, in a specified place***

Mr Jones, a new volunteer, helps children with reading at a local school for two mornings a week. Mr Jones is generally based in the classroom, in sight of the teacher. Sometimes Mr Jones takes some of the children to a separate room to listen to them reading, where Mr Jones is supervised by a paid classroom assistant, who is in that room most of the time. The teacher and classroom assistant are in regulated activity. The Headteacher decides whether their supervision is such that Mr Jones is not in regulated activity.

### ***Volunteer, not in a specified place***

Mr Wood, a new entrant volunteer, assists with the coaching of children at his local cricket club. The children are divided into small groups, with assistant coaches such as Mr Wood assigned to each group. The head coach oversees the coaching, spends time with each of the groups, and has sight of all the groups (and the assistant coaches) for most of the time. The head coach is in regulated activity. The club managers decide whether the coach's supervision is such that Mr Wood is not in regulated activity.

### ***Employee, not in a specified place***

Mrs Shah starts as a paid activity assistant at a youth club. She helps to instruct a group of children, and is supervised by the youth club leader who is in regulated activity. The youth club managers decide whether the leader's supervision is such that Mrs Shah is not in regulated activity.

In each example, the organisation uses the following steps when deciding whether a new worker will be supervised to such a level that the new worker is not in regulated activity:

- consider whether the worker is doing work that, if unsupervised, would be regulated activity. If the worker is not, the remaining steps are unnecessary;
- consider whether the worker will be supervised by a person in regulated activity, and whether the supervision will be regular and day to day, bearing in mind paragraph 4 of this guidance;
- consider whether the supervision will be reasonable in all the circumstances to ensure the protection of children, bearing in mind the factors set out in paragraph 5 of this guidance; and if it is a specified place such as a school:
- consider whether the supervised worker is a volunteer<sup>v</sup>.

***Department for Education / Department of Health, Social Services and Public Safety  
(Northern Ireland), September 2012***

## End-notes

- i Safeguarding Vulnerable Groups Act 2006, amended by Protection of Freedoms Act 2012: Schedule 4, paragraph 5A: guidance must be “*for the purpose of assisting*” organisations “*in deciding whether supervision is of such a kind that*” the supervisee is not in regulated activity.
- ii Safeguarding Vulnerable Groups (Northern Ireland) Order 2007, Schedule 2, paragraph 5A, is as above on guidance on “supervision” for Northern Ireland.
- iii If the work is in a specified place such as a school, paid workers remain in regulated activity even if supervised.
- iv From 2013-14, the Government plans to commence a statutory duty on an organisation arranging regulated activity (under the 2006 Act or 2007 Order, both as amended) to check that a person entering regulated activity is not barred from regulated activity; and plans to commence a stand-alone barring check service by the new Disclosure and Barring Service.
- v A volunteer is: in England and Wales, a person who performs an activity which involves spending time, unpaid (except for travel and other approved out-of-pocket expenses), doing something which aims to benefit someone (individuals or groups) other than or in addition to close relatives; in Northern Ireland, a person engaged, or to be engaged, in an activity for a non-profit organisation or person which involves spending time unpaid (except for travel and other approved out-of-pocket expenses) doing something which amounts to a benefit to some third party other than, or in addition to, a close relative.

## Appendix 6 – Model Letter to Contractor / Personnel Supplier for individuals who will be working regularly in the school

*[Model Letter – you will need to customise those sections highlighted in turquoise]*

Dear

### SAFER RECRUITMENT REQUIREMENTS

I am writing to you with regard to the employee(s) of your organisation / individual(s) you will be providing to the school (*delete as applicable*) who will be working regularly at (*name of school*).

As you may be aware, contractors / personnel suppliers / suppliers of fee- or self-funded trainees (*delete as applicable*) are required by the Vulnerable Groups Act 2006, the DfE's *Keeping Children Safe* statutory guidance, the Childcare Act 2006 and the Childcare (Disqualification) (Amendment) Regulations 2018 to ensure that all applicable safer recruitment checks including a DBS Barred List, an enhanced DBS Disclosure check and a childcare disqualification check have been carried out, where relevant, on those individuals they send or supply to schools.

To ensure that the school meets its obligation to ensure that relevant satisfactory safeguarding checks have been carried out I would be grateful if you would:

- provide the school with a list of the full names and dates of birth of all those individuals you are supplying to the school who will require safer recruitment checks together with a written assurance that all the necessary safer recruitment checks have been carried out on each of these individuals by your organisation (and by whom within your organisation) and that these checks reveal no information that would indicate that they were in any way unsuitable to work within a school; and
- confirm to the school that you have informed the relevant individuals that they will be committing an offence if they carry out 'regulated activity' and are on the Children's Barred List or if they provide or manage 'relevant' childcare and are disqualified under the Childcare Disqualification Regulations

The Safer Recruitment checks that you are required to carry out on the workers you are sending / supplying to the school in this case are:

- DBS Barred List Check [**only include in letter if contractor / agency worker will be undertaking 'regulated activity' (see Paragraph 5 in Policy for when this applies)**];
- Enhanced DBS Disclosure check (*please confirm you saw the original certificate and state the DBS Disclosure Number and the date the Disclosure was issued against each name on the list and whether the DBS Disclosure included any disclosed information*); [**only include in letter if contractor / agency worker will be undertaking 'regulated activity' (see Paragraph 5 in Policy for when this applies)**];
- Disqualification Check. *Please see the attached information sheet regarding the Disqualification Check for further information.* [**only include in letter if contractor / agency worker will be providing early or relevant later years childcare (see disqualification check paragraphs in Disclosure Policy)**];

- (if person has lived and worked outside the UK) equivalent overseas checks including, if they are a teacher, a check for information about any teacher sanction or restriction that an EEA professional regulating authority has imposed)
- (if a teacher) check to ensure teacher not subject to a prohibition order or an interim prohibition order issued by the secretary of state
- (if a prospective manager, governor, proprietor or trustee of an academy or free school) check to see they are not subject to a section 128 direction (prohibition) from taking part in the management of an academy or free school
- Identity check
- Health / mental and physical fitness check
- Right to Work in the UK check
- Verification of professional qualifications (where relevant)
- References and
- Interviews

**N.B** The DBS Barred List and enhanced DBS Disclosure check must be carried out on all those you send or supply to our school who will be providing personal care to children and / or working regularly in the school with the opportunity for contact with children. These checks must be carried out before they undertake that work.

The childcare disqualification check must be carried out on all those you send or supply who will be providing childcare or managing childcare provision in the relevant settings in the school before they undertake that work.

**Personnel Suppliers only - only include in letter if school is requiring the Agency to carry out an enhanced DBS Disclosure check**

\*If the DBS Disclosure of the individual / any of the individuals contains any disclosed information, we require a copy of the Disclosure.

The processing of this information is lawful as it is 'necessary for compliance with a legal obligation' to which the school is subject (GDPR Article 6 (1)(c)). The specific condition in Schedule 1 of the Data Protection Act 2018 for the processing of this data is that it is 'necessary for the purposes of performing or exercising obligations or rights of the controller or the data subject under employment law' (Data Protection Act 2018, Clause 10 (4) and (5) and Schedule 1, Part 1, paragraph 1 (1)(a)).

The school is not able to confirm the offer of work for any of the relevant individuals until this requested written confirmation of safer recruitment checks has been received. I look forward to hearing from you. In the meantime if you have any queries regarding this letter please do not hesitate to contact me.

Thank you for your co-operation.

Yours sincerely

[Name]  
[School]

## CHILDARE DISQUALIFICATION CHECK: INFORMATION SHEET FOR AGENCIES AND CONTRACTORS

### Childcare Disqualification Check

The Childcare Act 2006 and the Childcare (Disqualification) (Amendment) Regulations 2018 disqualify workers who have committed a 'relevant offence' under the Regulations or where they meet the other disqualification criteria set out in the Regulations from:

- providing relevant childcare provision or
- being directly concerned in the management of such provision.

In schools, this means workers who have committed a 'relevant offence' under the Regulations or who meet any of the other disqualification criteria are disqualified from:

- providing early years childcare (this covers the age range from birth until 1 September following a child's fifth birthday) or later years childcare to children who under the age of eight; or
- being directly concerned in the management of that childcare.

For information on 'relevant offences' and on the other disqualification criteria, please see the DfE's *Disqualification under the Childcare Act 2006* guidance of July 2018.

The following categories of staff in school settings are covered by the Childcare (Disqualification) (Amendment) Regulations 2018:

- all new and existing staff who directly provide any care for a child up to and including reception age **both during and outside** of school hours (this includes education in nursery and reception classes and any supervised activity (such as break and lunch time supervision, breakfast clubs and after school care provided by the school));
- all new and existing staff who directly provide childcare **outside** of school hours for children who are above reception age but who are under 8 years of age (this includes breakfast clubs and after school provision but does not include co-curricular learning activities during extended school hours such as school choir or sports teams);
- all new and existing staff who are directly concerned in managing the provision of such childcare

## Appendix 7 – DBS Disclosure and DBS Barred List Check Flowchart

### SCHOOL RECRUITMENT PROCESS

Short listed candidates complete a self-disclosure form

Once conditional offer or employment made, the successful candidate completes an Enhanced DBS clearance application form unless they are subscribed to the DBS's Update Service and the 'Status Check' carried out using this Service indicates that their enhanced DBS certificate is 'current'.

School submits DBS application to HRSC (Human Resource Service Centre) / relevant provider

HRSC / Relevant provider carry out DBS Barred List Check

HRSC / Relevant provider check DBS application form to ensure completed correctly and check necessary evidence of identity provided.

OK

HRSC / Relevant provider complete back of form and send to DBS.  
Copies of evidence destroyed

NOT OK

HRSC / Relevant provider liaise with School and applicant as appropriate for further information and/or evidence of identity.

Once necessary information or evidence received, HRSC / relevant provider complete back of form and send to DBS.  
Copies of evidence destroyed

### DISCLOSURE CERTIFICATE RECEIVED BY APPLICANT

#### Cleared

Applicant shares Certificate with school and school informs HRSC / relevant provider

#### Not Cleared

Applicant shares Certificate with Headteacher; Headteacher arranges to discuss content of DBS Disclosure with individual  
Head teacher/ Governors decide whether to employ / engage individual  
Headteacher informs HRSC / relevant provider of School's decision

**Appendix 8A – Model Self-Disclosure for Short-listed Candidates to Complete to Share any Convictions / Cautions / Disqualifications etc.**

***NB This model Self-Disclosure only applies to those required by the school to complete an enhanced DBS Disclosure check with a DBS Barred List check.***

**Confidential  
Declaration of Criminal Record and Other Relevant Information**

**Positions Exempt from the  
Rehabilitation of Offenders Act 1974**

As stated on the application form, because of the nature of the duties the postholder will be expected to undertake, you are required to disclose details of your ‘unfiltered’ criminal record. If you will be providing or managing childcare you are required to disclose whether you have been disqualified under the Childcare (Disqualification) (Amendment) Regulations 2018. For further information on who is covered by the Regulations, see the Disclosure Policy and the DfE’s *Disqualification under the Childcare Act 2006* guidance of July 2018.

The position you have applied for is exempt from the Rehabilitation of Offenders Act 1974, which means that all ‘unfiltered’ convictions and cautions (including ‘spent’ convictions and cautions, youth cautions, reprimands and final warnings) on your record need to be disclosed. You are not required to disclose any ‘protected’ (i.e. ‘filtered’ convictions and cautions (including youth cautions, reprimands and final warnings). *For further information please see the ‘DBS filtering guidance’ page of the GOV.UK website and for more information on spent cautions and convictions please see the Ministry of Justice’s New Guidance on the Rehabilitation of Offenders Act on the GOV.UK website).*

If you are disclosing information under the Childcare (Disqualification) Regulations you are not required to disclose details about any convictions that are not relevant to the childcare disqualification legislation. Please see the DfE’s *Disqualification under the Childcare Act 2006* guidance for guidance on which offences must be disclosed if you are providing or managing childcare provision at the School.

Only relevant convictions and other information will be taken into account so disclosure need not be a bar to obtaining the position you have applied for (please refer to the School’s policy on the ‘Employment of Ex-Offenders’ contained within the Recruitment Pack previously sent to you on requesting a job application form).

If you declare your ‘unfiltered’ criminal record and / or other information we believe this to have a bearing on the requirements of the post, we shall arrange to discuss the matter with you before any final recruitment decision is taken in relation to your job application. If we do not raise the matter with you it is because it is considered that your disclosure has no bearing on the requirements for the post.

If you have any concerns or queries about filling in this declaration please contact the Headteacher.

Applicants should be assured that the information they give will be kept and used securely and in accordance with the requirements of the General Data Protection Regulation (GDPR) and the Data Protection Act 2018.

.....

1. **Have you any unfiltered convictions or cautions (including youth cautions, reprimands or warnings) or court orders that may affect your suitability to work with children?**

**Yes / No** *(please delete as applicable)*

If yes, please give details of offences, penalties and dates.

2. **Are you aware of any police enquiries undertaken following allegations made against you, which may have a bearing on your suitability for this post?**

**Yes / No** *(please delete as applicable)*

If yes, please give details.

3. **Is your name included on the ‘Disclosure and Barring Service (DBS) Children’s Barred List’ or the equivalent Welsh, Northern Irish or Scottish Lists as someone unsuitable to work with children?**

**Yes / No** *(please delete as applicable)*

4. **Is your name included on the ‘DBS Vulnerable Adults List’ maintained by the Disclosure and Barring Service or the equivalent Welsh, Northern Irish or Scottish Lists as someone unsuitable to work with vulnerable adults? *[Note: only answer this question if you will be working in a Special School which caters or could cater for pupils 18 or over]***

**Yes / No** *(please delete as applicable)*

**DISQUALIFICATION CHECK**

**PLEASE NOTE: ONLY COMPLETE THE FOLLOWING QUESTION IF YOU WILL BE PROVIDING CARE TO A CHILD / CHILDREN UP TO AND INCLUDING RECEPTION AGE DURING OR OUTSIDE SCHOOL HOURS OR PROVIDING BEFORE OR AFTER SCHOOL**

**CARE TO A CHILD / CHILDREN WHO ARE ABOVE RECEPTION AGE BUT UNDER THE AGE OF 8 OR IF YOU WILL BE DIRECTLY CONCERNED IN THE MANAGEMENT OF SUCH PROVISION**

**Please see the School’s Disclosure Policy for further information with regard to who is required to be disqualification checked.**

**Grounds for disqualification include cautions or convictions for a ‘relevant offence’, having been issued with a care order with respect to a child who has been in your care and being on the Children’s Barred List. For details of the criteria for disqualification and information on relevant offences please see the DfE guidance *Disqualification under the Childcare Act 2006*.**

**5. Are you disqualified from this appointment under the Childcare (Disqualification) (Amendment) Regulations 2018?**

**Yes / No** (please delete as applicable)

If yes, please give details, including dates, of any relevant unfiltered convictions or cautions (including youth cautions, reprimands or warnings) or court orders and information about the body that made the determination

**I consent to the processing of the data I have disclosed on this form.**

**I certify that, should there be any change(s) that will or may affect my suitability to work with children I will disclose the relevant details to the school immediately.**

**Name (please print clearly):**

**Signed:**

**Dated:**

*Please return your completed declaration in a sealed envelope marked private and confidential to the Headteacher at the School.*

**Privacy Statement**

*The School is registered with the Information Commissioner’s Office for the purposes of processing personal data.*

*The information you provide will be held and used in accordance with the requirements of UK and European data protection law.*

*Once a recruitment decision is made, your Self-Disclosure form will be confidentially destroyed. Only the people directly responsible for recruitment or for advising on the suitability of your recruitment will be informed of disclosed information on a strict need-to-know basis.*

*The purpose of the processing of this data is to ensure that the school is abiding by its responsibilities under safeguarding legislation. The processing of this information is lawful as it is 'necessary for compliance with a legal obligation' to which the school is subject (GDPR Article 6 (1)(c)). The specific condition in Schedule 1 of the Data Protection Act 2018 for the processing of this data is that it is 'necessary for the purposes of performing or exercising obligations or rights of the controller or the data subject under employment law' (Data Protection Act 2018, Clause 10 (4) and (5) and Schedule 1, Part 1, paragraph 1 (1)(a)).*

*If you have any questions or concerns about the way we process your personal data, please contact our Data Protection Officer through the School.*

## **Appendix 8B – Model Self-Disclosure for Short-listed Candidates to Complete to Share any Convictions / Cautions / Disqualifications etc.**

***NB This model Self-Disclosure only applies to those to whom a DBS Barred List check does not apply).***

### **Confidential Declaration of Criminal Record and Other Relevant Information**

#### **Positions Exempt from the Rehabilitation of Offenders Act 1974**

As stated on the application form, because of the nature of the duties the postholder will be expected to undertake, you are required to disclose details of your ‘unfiltered’ criminal record. If you will be providing or managing childcare you are required to disclose whether you have been disqualified under the Childcare (Disqualification) (Amendment) Regulations 2018. For further information on who is covered by the Regulations, see the Disclosure Policy and the DfE’s *Disqualification under the Childcare Act 2006* guidance of July 2018.

The position you have applied for is exempt from the Rehabilitation of Offenders Act 1974, which means that all ‘unfiltered’ convictions and cautions (including ‘spent’ convictions and cautions, youth cautions, reprimands and final warnings) on your record need to be disclosed. You are not required to disclose any ‘protected’ (i.e. ‘filtered’ convictions and cautions (including youth cautions, reprimands and final warnings). *For further information please see the ‘DBS filtering guidance’ page of the GOV.UK website and for more information on spent cautions and convictions please see the Ministry of Justice’s New Guidance on the Rehabilitation of Offenders Act on the GOV.UK website).*

If you are disclosing information under the Childcare (Disqualification) Regulations you are not required to disclose details about any convictions that are not relevant to the childcare disqualification legislation. Please see the DfE’s *Disqualification under the Childcare Act 2006* guidance for guidance on which offences must be disclosed if you are providing or managing childcare provision at the School.

Only relevant convictions and other information will be taken into account so disclosure need not be a bar to obtaining the position you have applied for (please refer to the School’s policy on the ‘Employment of Ex-Offenders’ contained within the Recruitment Pack previously sent to you on requesting a job application form).

If you declare your ‘unfiltered’ criminal record and / or other information we believe this to have a bearing on the requirements of the post, we shall arrange to discuss the matter with you before any final recruitment decision is taken in relation to your job application. If we do not raise the matter with you it is because it is considered that your disclosure has no bearing on the requirements for the post.

If you have any concerns or queries about filling in this declaration please contact the Headteacher.

Applicants should be assured that the information they give will be kept securely and in accordance with the requirements of the General Data Protection Regulation (GDPR) and the Data Protection Act 2018.

.....

1. **Have you any unfiltered convictions or cautions (including youth cautions, reprimands or warnings) or court orders that may affect your suitability to work with children?**

**Yes / No** (please delete as applicable)

If yes, please give details of offences, penalties and dates.

2. **Are you aware of any police enquiries undertaken following allegations made against you, which may have a bearing on your suitability for this post?**

**Yes / No** (please delete as applicable)

If yes, please give details.

**DISQUALIFICATION CHECK**

**PLEASE NOTE: ONLY COMPLETE THE FOLLOWING QUESTION IF YOU WILL BE PROVIDING CARE TO A CHILD / CHILDREN UP TO AND INCLUDING RECEPTION AGE DURING OR OUTSIDE SCHOOL HOURS OR PROVIDING BEFORE OR AFTER SCHOOL CARE TO A CHILD / CHILDREN WHO ARE ABOVE RECEPTION AGE BUT UNDER THE AGE OF 8 OR IF YOU WILL BE DIRECTLY CONCERNED IN THE MANAGEMENT OF SUCH PROVISION**

**Please see the School's Disclosure Policy for further information with regard to who is required to be disqualification checked.**

**Grounds for disqualification include cautions or convictions for a 'relevant offence', having been issued with a care order with respect to a child who has been in your care and being on the Children's Barred List. For details of the criteria for disqualification and information on relevant offences please see the DfE guidance *Disqualification under the Childcare Act 2006*.**

3. **Are you disqualified from this appointment under the Childcare (Disqualification) (Amendment) Regulations 2018?**

**Yes / No** (please delete as applicable)

If yes, please give details, including the dates, of any relevant unspent convictions or cautions (including youth cautions, reprimands or warnings) or court orders you have received and information about the body that made the determination.

**I consent to the processing of the data I have disclosed on this form.**

**I certify that, should there be any change(s) that will or may affect my suitability to work with children I will disclose the relevant details to the school immediately.**

**Name (please print clearly):**

**Signed:**

**Dated:**

*Please return your completed declaration in a sealed envelope to the School.*

### **Privacy Statement**

*The School is registered with the Information Commissioner's Office for the purposes of processing personal data.*

*The information you provide will be held and used in accordance with the requirements of UK and European data protection law.*

*Once a recruitment decision is made, your Self-Disclosure form will be confidentially destroyed. Only the people directly responsible for recruitment or for advising on the suitability of your recruitment will be informed of disclosed information on a strict need-to-know basis.*

*The purpose of the processing of this data is to ensure that the school is abiding by its responsibilities under safeguarding legislation. The processing of this information is lawful as it is 'necessary for compliance with a legal obligation' to which the school is subject (GDPR Article 6 (1)(c)). The specific condition in Schedule 1 of the Data Protection Act 2018 for the processing of this data is that it is 'necessary for the purposes of performing or exercising obligations or rights of the controller or the data subject under employment law' (Data Protection Act 2018, Clause 10 (4) and (5) and Schedule 1, Part 1, paragraph 1 (1)(a)).*

*If you have any questions or concerns about the way we process your personal data, please contact our Data Protection Officer through the School.*

**Appendix 9 - Model Self-Disclosure for Existing Workers to Share any Convictions / Cautions / Disqualifications etc.**

**Confidential  
Declaration of Criminal Record and Other Relevant Information**

**Positions Exempt from the  
Rehabilitation of Offenders Act 1974**

As stated on your application form when you originally applied for your post, because of the nature of the duties the postholder is expected to undertake, you are required to disclose details of your 'unfiltered' criminal record. If you are providing or managing childcare you are required to disclose whether you have been disqualified under the Childcare (Disqualification) (Amendment) Regulations 2018. For further information on who is covered by the Regulations, see the Disclosure Policy and the DfE's *Disqualification under the Childcare Act 2006* guidance of July 2018.

The position in which you are working is exempt from the Rehabilitation of Offenders Act 1974, which means that all 'unfiltered' convictions and cautions (including 'spent' convictions and cautions, youth cautions, reprimands and final warnings) on your record need to be disclosed. You are not required to disclose any 'protected' (i.e. 'filtered' convictions and cautions (including youth cautions, reprimands and final warnings). *For further information please see the 'DBS filtering guidance' page of the GOV.UK website and for more information on spent cautions and convictions please see the Ministry of Justice's New Guidance on the Rehabilitation of Offenders Act on the GOV.UK website).*

If you are disclosing information under the Childcare (Disqualification) Regulations you are not required to disclose details about any convictions that are not relevant to the childcare disqualification legislation. Please see the DfE's *Disqualification under the Childcare Act 2006* guidance for guidance on which offences must be disclosed if you are providing or managing childcare provision at the School.

Only relevant convictions and other information will be taken into account so disclosure need not be a bar to continuing in your position (please refer to the School's Disclosure Policy).

If you declare your 'unfiltered' criminal record and / or other information and we believe this to have a bearing on the requirements of the post, we shall arrange to discuss the matter with you before any final decision is taken in relation to your role. If we do not raise the matter with you it is because it is considered that your disclosure has no bearing on the requirements for the post.

If you have any concerns or queries about filling in this declaration please contact the Headteacher.

You should be assured that the information you give will be kept securely and in accordance with the requirements of the General Data Protection Regulation (GDPR) and the Data Protection Act 2018.

.....

1. Have there been any changes since completing your last enhanced CRB / DBS Disclosure check (including any unfiltered convictions or cautions (including youth cautions, reprimands or warnings) or court orders or enquiries undertaken following allegations made against you) that may affect your suitability to work with children?

Yes / No (please delete as applicable)

If yes, please give details of offences, penalties and dates.

**DISQUALIFICATION CHECK**

**PLEASE NOTE: ONLY COMPLETE THE FOLLOWING QUESTION IF YOU ARE PROVIDING CARE TO A CHILD / CHILDREN UP TO AND INCLUDING RECEPTION AGE DURING OR OUTSIDE SCHOOL HOURS OR PROVIDING BEFORE OR AFTER SCHOOL CARE TO A CHILD / CHILDREN WHO ARE ABOVE RECEPTION AGE BUT UNDER THE AGE OF 8 OR IF YOU ARE DIRECTLY CONCERNED IN THE MANAGEMENT OF SUCH PROVISION**

***Please see the School's Disclosure Policy for further information with regard to who is required to be disqualification checked.***

Grounds for disqualification include cautions or convictions for a 'relevant offence', having been issued with a care order with respect to a child who has been in your care and being on the Children's Barred List. For details of the criteria for disqualification and information on relevant offences please see the DfE guidance *Disqualification under the Childcare Act 2006*.

2. Are you disqualified from your post under the Childcare (Disqualification) (Amendment) Regulations 2018?

Yes / No (please delete as applicable)

If yes, please give details, including the dates, of any relevant unfiltered convictions or cautions (including youth cautions, reprimands or warnings) or court orders and information about the body that made the determination.

**I consent to the processing of the data I have disclosed on this form.**

**I certify that, should there be any change(s) that will or may affect my suitability to work with children I will disclose the relevant details to the school immediately.**

**Name (please print clearly):**

**Signed:**

**Dated:**

*Please return your completed declaration in a sealed envelope to the School.*

## **Privacy Statement**

*The School is registered with the Information Commissioner's Office for the purposes of processing personal data.*

*The information you provide will be held and used in accordance with the requirements of UK and European data protection law.*

*Once a recruitment decision is made, your Self-Disclosure form will be confidentially destroyed. Only the people directly responsible for recruitment or for advising on the suitability of your recruitment will be informed of disclosed information on a strict need-to-know basis.*

*The purpose of the processing of this data is to ensure that the school is abiding by its responsibilities under safeguarding legislation. The processing of this information is lawful as it is 'necessary for compliance with a legal obligation' to which the school is subject (GDPR Article 6 (1)(c)). The specific condition in Schedule 1 of the Data Protection Act 2018 for the processing of this data is that it is 'necessary for the purposes of performing or exercising obligations or rights of the controller or the data subject under employment law' (Data Protection Act 2018, Clause 10 (4) and (5) and Schedule 1, Part 1, paragraph 1 (1)(a)).*

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## Appendix 10 – Headteacher’s Employee Suitability Form

(For return to North Somerset Schools’ HRSC Team / the school’s relevant service provider)

*Please note: this form only applies to those required by the school to complete an enhanced DBS Disclosure check. See Paragraph 6 of the Disclosure Policy above for guidance on when this is appropriate.*

### Suitability Assessment Form and Guidance to Headteachers

#### Strictly Confidential Disclosure Information – Assessment of Suitability

This form is to be completed by the Headteacher in circumstances where the DBS disclosure reveals unfiltered convictions and / or cautions and / or other matters which may call into question the applicant’s suitability for the position applied for.

Once completed it should be signed by the Headteacher and counter-signed by the Chair of Governors.

Guidance on the considerations which should be made in determining the suitability of an applicant with an unfiltered criminal record can be found in the attachment to this form. Please refer to these guidance notes and to the School’s Disclosure Policy.

#### Part A

Name of Applicant .....

D.O.B .....

Position Applied for .....

Please confirm date disclosure information discussed with applicant

Date: .....

#### Part B

Please provide a summary of the assessment of suitability of the applicant for the position applied for in the light of the disclosure information received.

*E.g.: Wayne has applied and been successfully recruited for the post of School Administrator. Whilst he has a conviction for a minor traffic offence, we do not consider that this renders him a danger to children in the school.*

## Part C

### Confirmation of suitability (tick relevant box)

Suitable

Unsuitable

Signed by Headteacher .....

Print Name .....

Date .....

Signed by Chair of Governors .....

Print Name .....

Date .....

***Please note that failure to reach agreement on the suitability of the applicant on the basis of information disclosed on the DBS certificate should be referred to the Schools' HR provider as soon as possible.***

### Assessment of Suitability – Guidance to Headteachers

#### Criminal Record - Consideration should be given to the following:-

1. Is the conviction, caution or other matter relevant to the position?
  - If yes, record the relevancy
  - If no, record why criminal record not relevant
2. How serious is the conviction, caution or other matter revealed in the Disclosure?
3. Are there mitigating circumstances surrounding the conviction, caution or other matter and what explanations are offered by the individual?
4. How long is it since the conviction, caution or other matter revealed in the Disclosure?
5. Does the individual have a pattern of offending behaviour which suggest they are a continuing risk?

6. Has the individual's circumstances changed since their offending behaviour or other matter revealed in the Disclosure?
  
7. Does the nature of the conviction, caution or other matter render the individual unsuitable to work in the position?

### **Inclusion of DBS Barred Lists**

***Please note: this section of the form only applies to those required by the school to be DBS Barred List checked.***

1. Does the disclosure confirm the inclusion of the individual on the DBS lists of people deemed unsuitable to work with children or vulnerable adults i.e. the DBS Children's Barred List and the DBS Adults Barred List?

***If yes, please note that it is illegal for an individual listed on DBS Children's Barred List to apply for 'regulated activity' and it is illegal for the school to offer a position classified as 'regulated activity' to any individual who is included on the DBS Children's Barred List.***

Where an inclusion on the DBS Children's Barred List is revealed through the disclosure process you should still seek to check this information out with the applicant. It may be that the applicant wishes to challenge this information as being incorrect. Where this is the case they should be referred to the Disclosure and Barring Service for guidance on how to lodge a challenge. Where an applicant does challenge their inclusion, no recruitment decision should be taken until the applicant's challenge has been processed and the outcome known.

## **Appendix 11 – Disclosure Information Safe Storage Policy**

### **General Principles**

As an organisation using the Disclosure and Barring Service (DBS) Disclosure service to help assess the suitability of applicants for positions of trust, the School complies fully with the DBS Code of Practice regarding the correct handling, use, storage, retention and disposal of Disclosures and Disclosure information. It also complies fully with its obligations under the General Data Protection Regulation (GDPR), the Data Protection Act 2018 and other relevant information pertaining to the safe handling, use, storage, retention and disposal of Disclosure information and has a written policy on these matters, which is available to those who wish to see it on request.

### **Storage and Access**

Disclosure information should be kept 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.

### **Handling**

In accordance with section 124 of the Police Act 1997, Disclosure information is only passed to those who are authorised to see it in the course of their duties. We maintain a record of all those to whom Disclosures or Disclosure information is revealed and it is a criminal offence to pass the information to anyone who is not entitled to receive it.

### **Usage**

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

### **Retention**

Once a recruitment (or other relevant) decision has been made, we do not keep Disclosure information for any longer than is necessary. This is generally for a period of up to 6 months, to allow for consideration and resolution of any disputes or complaints. If, in very exceptional circumstances, it is considered necessary to keep Disclosure information for longer than 6 months, we will give full consideration to the data protection and human rights of the individual before doing so. Throughout this time, the usual conditions regarding the safe storage and strictly controlled access will prevail.

### **Disposal**

Once the retention period has elapsed, we will ensure that the Disclosure information is immediately destroyed by secure means, i.e. by shredding, pulping or burning. While awaiting destruction, Disclosure information will not be kept in any insecure receptacle (e.g. waste bin or confidential waste sack). We will not keep any photocopy or other image of the Disclosure or any copy or representation of the contents of the Disclosure. However, notwithstanding the

above, we may keep a record of the date of issue of a Disclosure, the name of the subject, the type of Disclosure requested, the position for which the Disclosure was requested, the unique reference number of the Disclosure and the details of the recruitment decision taken.

## **Appendix 12 – LA maintained schools Portability within North Somerset (where Portability through Update Service not applicable) - Sample Consent Statement**

I, (***name of candidate***), having been provisionally offered a position as (***enter position***) by (***enter name of Headteacher***), consent to (***enter name of person who countersigned original Disclosure application***) confirming such details relating to the Disclosure issued to me by the Disclosure and Barring Service on (***enter date of issue of Disclosure Certificate***), reference number (***enter number***) with (***enter name of Headteacher***) as may be necessary to assist in an assessment of my suitability for the position.

**Signed**

**Print Name**

**Date**

***Note: Copy of the signed statement should be retained by the job candidate, the Headteacher and a copy forwarded to the Counter signatory.***

### **Privacy Statement**

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*The purpose of the processing of this data is to ensure that the school is abiding by its responsibilities under safeguarding legislation. The processing of this information is lawful as it is 'necessary for compliance with a legal obligation' to which the school is subject (GDPR Article 6 (1)(c)). The specific condition in Schedule 1 of the Data Protection Act 2018 for the processing of this data is that it is 'necessary for the purposes of performing or exercising obligations or rights of the controller or the data subject under employment law' (Data Protection Act 2018, Clause 10 (4) and (5) and Schedule 1, Part 1, paragraph 1 (1)(a)).*

*If you have any questions or concerns about the way we process your personal data, please contact our Data Protection Officer through the School.*