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COUNTY COUNCIL

SCHOOLS DISCLOSURE & BARRING POLICY

School	Cybi
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Head teacher	Owain Lemin Roberts
Chair of Governors	Colin Bell

Prepared by Human Resources, Transformation Service

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1. PURPOSE OF THE POLICY

1.1 The Disclosure & Barring Service (DBS) helps schools make safer recruitment decisions and is responsible for processing requests for criminal records checks as well as checking the children's and adult's barred lists for eligible roles. The DBS also has responsibility for deciding if a person should be placed on or removed from a barred list for England, Wlaes and Northern Ireland.

1.2 The Governing Body is committed to safeguarding the welfare of those accessing its school. It has a statutory duty of care towards vulnerable members of society and in particular those groups or individuals in its care who are considered to be especially vulnerable or at risk, such as children and those with disabilities. This policy therefore should be implemented within the context of the schools Safeguarding Policy. The school will ask the DBS for information in relation to a person's history under the Exceptions Order to the Rehabilitiation Act (ROA) 1974 (as amended) which particularly applies where employees work with vulnerable groups which include children.

1.3 This Policy will apply to those aged 16 or older, seeking employment or volunteering opportunities with the school, seasonal work or placements, school governors, contractors and other positions involving unsupervised contact with vulnerable individuals. Chairs of Governors/ Headteachers will take every step to ensure that their employees, volunteers and contractors who work with, or otherwise come in to contact with these vulnerable groups are suitable to undertake the work.

1.4 The council through an agreement with Powys County Council who acts as the Registered Body for processing DBS applications undertakes checks with the DBS to supplement background, character and other vetting checks in accordance with the current Recruitment and Selection Policy for Schools and Safer Recruitment Policy for Schools, which should be read in conjunction with this policy.

Each school is responsible for implementing the Policy and may supplement it with internal guidance.

NOTE: A person affected by this policy may already have a current DBS check to the necessary level. Schools have the discretion to accept production of the original DBS check together with the necessary identification evidence provided the DBS is no more than 1 year old, subject to the relevant risk assessment as per Safer Recruitment Policy This does not obviate the need for the school to undertake a renewed check in due course in accordance with this policy whereby the person concerned is not registered with the DBS Online Update Service (see section 5).

Further information is available from the Disclosure and Barring Service – https://www.gov.uk/government/organisations/disclosure-and-barring-service/about

2. LEGISLATION

2.1 This policy has been written with regard to the following legislation:-

- Protection of Freedoms Act 2012
- Rehabilitation of Offenders Act 1974 and (Exceptions) Order 1975
- Police Act 1997 and Regulations
- Data Protection Act 1998
- Human Rights Act 1998
- Protection of Children Act 1999
- Care Standards Act 2000
- Freedom of Information Act 2000
- Safeguarding Vulnerable Groups Act 2006 (as amended)
- Disclosure and Barring Service Code of Practice
- The Criminal Justice and Court Services Act 2000

3. SECURE HANDLING OF INFORMATION

3.1 The Schools Privacy Notice on the secure storage, handling, use, retention and disposal of disclosures and disclosure information supplied by the Disclosure & Barring Service is attached at Appendix 1 and should be provided to each individual required to complete a DBS check.

3.2 It is a criminal offence to pass information contained on a DBS disclosure check to anyone who is not entitled to receive it. Any abuse of DBS disclosure information by any school employee is unacceptable and may lead to disciplinary action.

4. HOW TO DECIDE UPON A DBS CHECK.

4.1 All school employees, volunteers, placements, governors and contractorswill require an enhanced DBS check. The Safeguarding Vulnerable Persons Act 2006 makes it a requirement that where an individual works with children or vulnerable groups, and undertakes activities which are deemed to be 'regulated' activity under the Act, an enhanced DBS disclosure check **must** be undertaken and **received prior to appointment.**

4.2 Regulated Activity Definition (Children)

All posts under this definition will require an Enhanced DBS check which must include any relevant barring information.

- The individual must carry out one or more of the following on an unsupervised basis - teaching, training, instructing, caring for or supervising children or providing advice/ guidance on well being or driving a vehicle only for children. The term well-being includes physical, emotional and educational advice/guidance **AND/OR.**

- The work must be carried out in a specified place with opportunity for contact, for example Schools, Children's Homes and Childcare premises (including Flying Start).

Under the above 2 points, work only becomes Regulated Activity if carried out regularly. This means by the same person frequently (once a week or more often), or on 4 or more days in a 30 day period (or in some cases overnight 2am-6am).

Regulated Activity for work with children also includes:

- Relevant Personal care (washing or dressing or health care by or supervised by a professional, even if done once).
- Registered childminding; and foster-carers.

Exclusions

- Family arrangements,
- Personal, non commercial arrangements
- Activity supervised at a reasonable level
- Health Care not provided or supervised by a health care professional
- Legal advice
- Occasional or temporary services (for example maintenance workers) where the activity is supervised and does not allow for opportunity for contact. NB if the frequency etc falls into the above definition, an enhanced plus barring check is required.
- Volunteers supervised at a reasonable level (supervision must be day to day and by a person in regulated activity)

4.3 Examples of DBS Checks:

Standard – used for posts involving frequent access to sensitive, confidential client information or for people entering certain professions such as legal and accountancy. The position must be included in the Rehabilitation of Offenders Act 1974 Exceptions Order 1975. The disclosure shows current and spent convictions, cautions, reprimands and warnings held on the Police National Computer (PNC).

Enhanced – used when post involves undertaking regulated activity relating to children, adults or both. The position must be included in both the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975 and in Police Act Regulations. This disclosure shows the same information as the standard disclosure but with the addition of any relevant and proportionate information held by the local police forces and a check on the DBS Children's and/or Adults Barred Lists **where requested**.

Further information on eligibility for DBS checks can be found at DBS eligibility guidance - GOV.UK (www.gov.uk)

a) It is the school's policy that, where a post has been identified as requiring an enhanced DBS disclosure check, a prospective employee may **not** commence work until the disclosure check has been received and assessed

by the Appointing Manager/ Headteacher in conjunction with Human Resources if required. No written offer of employment will be made until all relevant pre-employment checks are received.

b) In **exceptional** circumstances, and in order to meet school needs, a Manager/ Headteacher may request that an employee be allowed to commence employment prior to a DBS disclosure check having been received and assessed. A Risk Assessment form (see Safer Recruitment Policy) will need to be completed outlining the exceptional reasons for the request and must be approved by the Chair of Governors in consultation with HR. However , individuals who have never previously been subject to a DBS check in previous employment will not be allowed to commence under any circumstances.

c) Schools are responsible for monitoring the need for their employees to have DBS certificates. All staff who require a DBS check for their role are responsible for registering with the DBS update service and paying the annual subscription fee (£13).

d) Should a different level of DBS be required or an individual moves to work in a different workforce (e.g. from adult to child) then a new DBS check may be required.

e) If, as part of the re-checking process, a DBS certificate is deemed unsatisfactory, a full investigation by the relevant Headteacher will be undertaken which may result in a member of staff being redeployed or dismissed.

f) Employees are required to inform their Manager/ Headteacher of any criminal/ civil offence(s) that occur during their employment at the earliest opportunity. Failure to disclose any criminal offence may be treated as a disciplinary matter.

4.4 Definitions

“Vulnerable people” – these comprise all children and vulnerable adults

(a) Child – a child is someone under the age of 18 years old (Children Act 1989 s105 (1)
(b) Vulnerable adult – “is or may be, in need of community care services by reason of mental or other disability, age or illness and who is, or may be, unable to take care of himself or herself, or unable to protect himself or herself against significant harm or serious exploitation”. Law Commission (from “Who decides?; Making decisions on behalf of mentally incapacitated adults 1997” as adopted by the North Wales Policy and procedure for the protection of Vulnerable Adults POVA).

5. DBS ONLINE UPDATE REGISTRATION SERVICE

5.1 Individuals will be required to subscribe to the DBS Online Update Registration Service for an annual subscription. This allows the individual to take their DBS check from role to role, within the same workforce, where the same type and level of check is required. Registration with the update service must be arranged within 30 days of the DBS certificate being issued.

5.2 Prospective employees should be asked if they are currently registered with the Update Service for the appropriate level and workforce of the post e.g. Enhanced and Child Workforce. Prospective employees that are currently registered should be asked to present their DBS certificate and complete the appropriate consent form (Appendix 5). Managers/Headteachers should check their status online at https://secure.crbonline.gov.uk/crsc/check?execution=e1s1

5.3 Where the Update Service check is satisfactory the prospective employee will not be required to undertake a new DBS check application.

5.4 Current employees who have not yet registered with the Update Service are required to do so on the submission of their next DBS application i.e. in these circumstances they will need to apply for a new DBS and register with the Update Service within three years of their initial/last DBS check.

5.5 Please refer to both the Managers and Employee Guidance sheets (Appendix 3 & 4) for more information.

6. RECRUITMENT BY SCHOOLS IN A POST REQUIRING A DBS CHECK

a) Every post will be advertised as being conditional upon a satisfactory DBS check. The job description will note that a DBS check is required and the application form will require applicants to declare any offences.

b) Every post will require the disclosure of all offences including spent convictions, details of any cautions, reprimands or warnings. Employment is conditional on a satisfactory DBS check. A “satisfactory” check does not necessarily mean a “clear” check (ie, where no convictions are disclosed) and certain convictions may not preclude an individual being employed. The decision on what constitutes a “satisfactory” check is for the appointing Manager/ Headteacher, in consultation with HR and the Chair of Governors to make.

c) DBS Disclosure Applications or Online Update Registration Service status checks will be carried out once a conditional verbal offer of employment has been accepted with the aim that the employment start date will only be agreed and commence upon the return of a satisfactory report, subject to exceptions as noted in 6(b).

d) Where a new application for a DBS check is required the school will instigate the online application process and the applicant for the post will verify their

identity by producing original documents for inspection when prompted to do so. The following are essential:

- Birth Certificate
- Evidence of any change of name
- Passport or photo card driving licence
- 2 documents proving current address e.g. utility bills or bank/credit card statements.

Further information on acceptable identity documents available at https://www.gov.uk/guidance/documents-the-applicant-must-provide

See Appendix 7 for DBS Check Process Flowchart

7. RECRUITMENT OF EX-OFFENDERS

7.1 As an organisation using the DBS to assess candidates suitability for positions of trust, the school complies fully with the DBS Code of Practice and undertakes to treat all candidates fairly. It undertakes not to discriminate unfairly against any subject of a DBS certificate on the basis of conviction or other information revealed.

7.2 The school is committed to the fair treatment of its staff, potential staff or users of its services, regardless of age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation or offending background.

7.3 The school will select all candidates for interview based on their skills, qualifications and experience.

7.4 A DBS check is only requested for posts that are eligible as per the Exceptions Order of the Rehabilitation of Offenders Act 1974. For those positions where a certificate is required, all application forms and recruitment briefs will contain a statement that a check will be requested in the event of the individual being offered the position.

7.5 Where a DBS check is to form part of the recruitment process, we encourage all candidates called for interview to provide details of their criminal record at an early stage in the application process. The appointing Manager/ Headteacher/ Panel will pose this question to candidates during the interview process.

7.6 Under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, as amended (“The Exceptions Order”), the nature of positions within schools allows the school to ask about a candidates entire criminal record including the disclosure of cautions or convictions even if considered spent under the 1974 Act. This is in recognition that there are certain activities for which fuller disclosure of a person’s criminal record history is relevant, for example, where there is a real risk to children, other people in vulnerable circumstances or some other particularly sensitive area of work.

7.7 Having a criminal record is not necessarily a bar to working with the School. This will depend on the nature of the position and the circumstances and background of the offences.

8. CRIMINAL RECORDS DISCLOSED BY THE APPLICANT/EMPLOYEE

8.1 Past convictions/cautions/reprimands or warnings may not necessarily be a bar to obtaining employment.

a) Consideration will be given to the nature of the matters disclosed by the applicant in their application form/interview/disclosure certificate and relevance and impact to the post applied for. This will be considered by the Recruiting Manager/ Headteacher who will interview the person and assess the risk against set criteria where the offence is deemed to be serious in nature, with advice from Human Resources. The Chair of Governors will ultimately determine the suitability of the individual for employment. (See section 13 and Appendix 8 checklist).

b) Failure to disclose past criminal history at the application stage may be seen as an attempt to gain employment by deception, and will normally result in the withdrawal of any offer of employment.

c) Failure to inform the Manager/ Headteacher of any criminal/civil offence(s) that occur during employment at the earliest opportunity may be treated as a disciplinary matter.

d) Failure to complete a DBS Disclosure Application (together with the documentation required for identification purposes) within a timescale set by the recruiting manager/ Headteacher will lead to a withdrawal of any offer of employment.

e) A DBS check is one part of a sound recruitment process and does not remove the need for a thorough selection process by Recruiting Managers/ Headteachers appropriate to the level of the position. This includes the checking of work and personal references employment history and appropriate qualifications and membership of professional body/ies.

f) Any withdrawal of employment offers as a result of the above must be made in writing.

9. INDEPENDENT CONTRACTORS AND OTHER TYPES OF AGENCY WORKERS (“THE CONTRACTOR”)

- Work to be undertaken will be risk assessed by schools (as for employed staff) and the advertisement and contract of work will state whether a satisfactory DBS check is required and if so what type. The DBS check will not be more than 1 year old.

- The contractor/agency supplier will produce an original DBS check for every person undertaking the work. The school is responsible for retaining proof of the eligibility to undertake the work.

- A contractor/agency worker with a criminal history will be subject to the same process as set out in 8(a) above.

10. SCHOOL GOVERNORS

10.1 Serving Governors are required to undertake an Enhanced DBS check. Governor roles may involve disclosure to them of personal and sensitive information about children and vulnerable adults in the context of service provision and governors come into contact with pupils whilst undertaking their duties.

a) On appointment of a new Governor the Clerk will initiate the Online DBS application process . Within 1 month of being appointed each Governor will produce the supporting paperwork to the clerk as identification.

b) In the event of non-participation with the Enhanced DBS check/Update Service process, or if the information revealed in the Enhanced DBS check raises concerns about the Governors's suitability to participate then the Governing Body will, following consultation with the relevant parties:

i) Determine whether a Governor is suitable to be appointed to any internal post or external body.

ii) Notify the Governor accordingly, and if already in post or on an external body, invite the Governor to withdraw from serving thereon.

iii) Failure to comply with such decision will be in breach of School Policy and liable for notification to the Education Service

11. VOLUNTEERS / STUDENTS

11.1 The relevant school will ensure DBS checks are applied for volunteers who work in positions that are eligible for a DBS check. This DBS check will normally be free, however, not all people who work without pay are classed as volunteers with the DBS.

11.2 To qualify for a free DBS check, the role must meet the DBS's definition of a volunteer which is "a person who is engaged in any activity which involves spending time, unpaid (except for travelling and other approved out-of-pocket expenses), doing something which aims to benefit some third party other than, or in addition to, a close relative".

11.3 Students gaining credits towards qualifications, people on work experience, foster parents/carers, etc must pay for their checks. Also, the relevant school will require new DBS applications to be undertaken for all students prior to the student starting placement in posts which require DBS checks, whereby an existing DBS certificate is not linked to the Update Service.

12. DISCLOSURE & BARRING SERVICE BARRED LISTS

12.1 The DBS children's barred list contains details of those individuals barred from working with children and replaces List 99, the POCA list and disqualification orders. The DBS adults barred list contains details of those individuals barred from working with vulnerable adults (replacing the POVA list).

12.2 When recruiting to school posts the relevant school will request checks to be made against the relevant barred list(s) as part of the DBS check. It is a criminal offence for individuals barred by the DBS to work or apply to work with children or vulnerable adults . Employers also commit a criminal offence if they knowingly employ a barred individual in such posts.

13. RISK MANAGEMENT

13.1 Schools should assess and manage the risk of employing a person with a criminal record, or about whom information has been revealed following a check. This means comparing the candidate's skills, experience and conviction circumstances against the risk criteria identified for the job, and deciding on the relevance of the conviction or other information.

13.2 Having a criminal record will not necessarily bar someone from employment with the school. This will depend on the background to the offence(s) and the nature of the position being sought.

<u>Considerations</u>

Addressing issues relating to criminal offences needs an objective, common sense approach which takes account of the following:-

The employer's duties in law
The nature of the crime
When it happened
The circumstances involved
The sentence
Patterns of offending
Efforts to avoid re-offending
Job requirements
Safeguards against offending at work
Possible reactions of employees/customers/clients, etc, objectively assessed.

<u>13.3 Candidate Awareness</u>

13.3.1 Applicants at interview should be forewarned by the recruiting panel that enhanced checks might include non-conviction information such as details of cautions, reprimands, warnings and may include police intelligence relating to on-going investigations and relationships with any known or suspected criminals.

13.3.2 As highlighted above the fact that someone has a criminal record will not necessarily lead to a bar in employment with the school, and an interview will be arranged to discuss the nature of the criminal record with the applicant who has disclosed they have a criminal record.

13.3.3 During the interview, the applicant should be able to give a full account of the circumstances of the offence(s), any extenuating circumstances and of their efforts to avoid re-offending.

13.3.4 Where assessment against the risk criteria indicates that the applicant could be employed on a conditional basis provided that extra safeguards are put into place, the appointing Manager/ Headteacher should discuss these with the applicant and explain the reasons for them.

13.3.5 Failure to reveal criminal history could lead to withdrawal of the conditional offer of employment.

14. **RETENTION OF DISCLOSURE INFORMATION**

14.1 In line with the electronic DBS system, the Headteacher/Manager is notified of the disclosure level, number and issue date. Once the recruitment decision has been made, the electronic DBS record is archived on the system. Personal data is purged in line with DBS requirements 6 months after the record has been moved to the archive status. Where appropriate, the school may retain the disclosure check for no more than **six** months to allow consideration for disputes or complaints – this retention limit is set by the DBS.

14.2 The school will retain a record of the following disclosure information:

- Name of the subject and the DBS unique identifying number
- Date and type of disclosure
- Date of renewal
- The recruitment decision made

Images or photocopies of the disclosures **must not** be retained.

14.3 Disclosure information is never kept on an applicant's personal file and is always kept separately and securely, with access strictly controlled and limited to those who are entitled to see it as part of their duties.

15. DISPOSAL

15.1 Once the retention period has passed disclosure information will be purged or destroyed by suitable secure means. Whilst awaiting disposal disclosure information will be stored securely.

16. OVERSEAS CANDIDATES

16.1 All persons appointed to a post, or seeking to volunteer to work with children and/or vulnerable adults, who have lived outside the UK must be requested by the school to undergo a DBS check regardless of their length of stay in the UK.

16.2 Although it may be of limited value to ask a person who has little or no previous residence in the UK to apply for a certificate, if that person seeks to work in the regulated childcare sector, the Recruiting Manager/ Headteacher is required to check the DBS Children's Barred List through the application process and similarly, if a person seeks to work with vulnerable adults, the Manager/ Headteacher is required to check the DBS Adults Barred List.

16.3 The Recruiting Manager/ Headteacher must also ask applicants from, or who have worked, overseas to get a criminal records check or "Certificate of Good Character" from the relevant countries. It may also be possible for the recruiting manager to get such a check through the relevant embassy in the UK but the applicant must give their permission. Details for embassies in the UK can be found on the Foreign Embassies section of GOV.UK website,
For further information see: https://www.gov.uk/dbs-check-requests-guidance-for-employers#overseas-applicants.

17. MONITORING AND REVIEWING

17.1 Human Resources will monitor and review this policy on a regular basis in order to ensure ongoing compliance with legislation and effective operational practice.

APPENDIX 1

PRIVACY NOTICE

How we use your information

This privacy notice tells you what to expect when the school collects personal information. It applies to information we obtain from the Disclosure and Barring Service and how we use, store and destroy it.

We use the Disclosure & Barring Service to help assess the suitability of applicants for positions of trust. We comply fully with the DBS Code of Practice regarding the correct handling, use, storage, retention and disposal of Disclosures and Disclosure information. We also comply with the law as it relates to the safe handling, use, storage, retention and disposal of Disclosure information.

We will only use your Disclosure information for the specific purpose of assessing your suitability for specific jobs, with your full consent. Your Disclosure information is only passed to those who need it in the course of their duties and we keep a record of this because it is a criminal offence to pass this information to anyone who is not entitled to receive it.

Storage, Access and Retention

Disclosure information is never kept on an applicant's personal file and is always kept separately and securely with access strictly controlled and limited to those who are entitled to see it as part of their duties.

Once a recruitment (or other relevant) decision has been made your disclosure information is kept for a period of up to six months, to allow for the consideration and resolution of any disputes or complaints.

Once the retention period has elapsed your Disclosure information will be securely purged or destroyed.

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APPENDIX 2

DBS Online Update Registration Service

Introduction

The key aim of the DBS Update Service is to improve the ease and speed with which employers can apply for criminal record checks.

It offers a level of portability of criminal record information which means that people will be able to change roles and employers more quickly without the constant need for a new DBS check. This is regardless as to whether the individual is moving within the Authority or to a different sector, as long as the new position doesn't change the type of vulnerable group they are working with and the activities they are undertaking do not require them to have a different level of check.

A new check will always be required if the individual is working or volunteering:

- with a different type of vulnerable group (e.g. is currently working with in a regulated activity with adults but is moving to a new regulated position working with children, and therefore will need clearances against the Children's barred list)

- is moving to a position which requires a different level of check (e.g. moving from a non-regulated activity into a regulated activity).

If used effectively, there is potential for the financial spend on DBS checks to be vastly reduced, as well as speeding up the time for appointments to be made and enhancing safeguarding processes.

- No more DBS applications to action orextended processing times

- No need for repeat DBS checks, saving money and time to recruit

- Access to perform a free online status check which will instantly confirm whether or not the individual's existing disclosure certificate is up to date

- Notification received when new information is known about an individual therefore enhancing safeguarding processes.

APPENDIX 3

DBS Online Update Registration Service Guidelines for the Manager/ Headteacher

1. What you need to do.

You are advised that all staff currently employed will be required to subscribe to the DBS Online Update Registration Service when their DBS check is next scheduled for renewal

When the employee's current DBS is due to expire or the employee moves to another workforce then the nominated DBS co-ordinator should look to:-

a) Complete a DBS application as normal with your staff member ensuring that the correct workforce and position is applied for.

b) Make sure that the staff member is directed to the DBS website to join the Update Service at register for the update service. (See Guidelines for Employee)

c) Ask the staff member to complete the consent form attached as Appendix 5, allowing the school to gain access to a DBS status check at anytime during their employment.

d) Make sure that the staff member is provided with the disclosure application reference number so that they can immediately apply to join the Update Service and DBS tracking service.

e) When the employee receives their DBS certificate they must bring that in to their DBS co-ordinator immediately for notation and recording of the

i. DBS certificate number

ii. current surname of the DBS certificate holder - as specified on their newly issued DBS Certificate

i. date of birth of the DBS certificate holder - as recorded on the DBS certificate.

f) When the newly issued DBS certificate is brought in the DBS Co-ordinator must check whether the employee has already joined the Update Service.

IF NOT they must instruct the employee to join using their newly issued DBS certificate number, within 30 days from the issue date shown on the certificate, and not from the date they actually received the certificate.

NOTE: Any application received on or after the 30 days have elapsed from the issue of the actual DBS certificate will be rejected by the DBS which means they won't be able to subscribe until they next need a DBS check.

2. Charges and payment rules for subscription and use of the service

- Individuals are required by the school to subscribe to this DBS Online Update Registration Service for an annual subscription fee of £13.

- Payment for subscription to the Update Service must be done online via a debit or credit card only.

- Employees in post prior to 1 April 2017 will be able to reclaim this subscription fee from the Authority on completion and submission of the attached reclaim form, provided a receipt of proof of payment is attached.

- Volunteers will be able to subscribe to the service for free however, if they move into paid employment they will need to pay the fee for their annual subscription the next time it is due for renewal

- Employers do not need to subscribe to the service but must have the Individual's permission to undertake an online status check on them. Access to this service is free of charge for the Employer.

3. Status Checks

To obtain an online status check and access information on the Update Service the school must have a legitimate interest in the individual you will be checking i.e. they are in your employ/are volunteering in or contracted to work for the school.

The Manager/Headteacher must ensure that a person is nominated as DBS Co-ordinator within their school to undertake these checks.

3.1. Do I have the authority to carry out a Status Check?

To undertake a status check you must be able to say 'yes' to the following questions. If you answer 'no' to any question you cannot carry out a status check:

- Have you sought the applicant's / employees consent to obtain a status check? (You should have a completed the Status Check Consent Form from the employee)

- Are you legally entitled to require a standard or enhanced DBS certificate?

- Does the DBS certificate contain information which you are legally entitled to see, such as barred list checks?

- Is the DBS certificate presented to you at the right level / workforce for the position being applied for?

- If you are legally entitled to a barred list check, is the DBS certificate presented to you for the right workforce i.e. child/adult/both? (This information will be indicated in the 'Position Applied For' section and will have been used by the police force to determine the relevancy of any locally held police information).

3.2. How to undertake a DBS status check using the online DBS Online Update Registration Service.

The DBS Co-ordinator can carry out a status check by going to the Update Service link on the DBS website at https://secure.crbonline.gov.uk/crsc/check?execution=e2s1

This should be done as soon as the newly issued DBS Certificate is received

After viewing the original DBS certificate, the authorised DBS Co-ordinator will need to enter

- the name of their organisation
- their own forename and surname

and then the following details of the DBS certificate being checked:

- DBS certificate number
- current surname of the DBS certificate holder - as specified on their DBS Certificate
- Date of birth of the DBS certificate holder - as recorded on the DBS certificate.

3.3. What information will be received when undertaking an online status check?

The status check will give one of four responses when you log onto the system:

- the certificate is clear and there is no new information (which means you can accept their current DBS disclosure certificate)
- the certificate contains information but there is no new information (which means that you must make your recruitment decision based on the information provided in the individual's original DBS disclosure certificate in line with the guidance provided within the schools current DBS Policy)
- new information is known (which means that new information has been recorded since the issue of their last DBS certificate and therefore you will need to obtain a new DBS check)
- details not found (which could mean that the individual has provided the wrong information and you will need to go back and check this with them, or their subscription has not yet been processed or they simply haven't yet subscribed).

4. Yearly renewal

The employee's subscription to the update service lasts for one year only and they can renew their subscription through the update service, either:

- when they first register, by choosing automatic renewal
- or up to 30 days before their current subscription ends.
- **They cannot renew on the last day of their subscription**
- Once they have registered they will be able to sign in to their DBS Online Update Registration account to renew their annual subscription

It is the individual employee's responsibility to ensure that their subscription doesn't lapse in much the same way as it is their responsibility to ensure that registration with a Professional Regulatory Body does not lapse.

If their subscription lapses then the account held on the Update Service will be closed and those who have a legitimate interest in obtaining information on that individual will cease to receive information. To re-subscribe the individual employee must obtain a fresh DBS check.

The school would expect that all staff maintain their online DBS Update Registration, and failure to do so may result in the matter being progressed within the Schools Disciplinary Policy and might affect the future continuance of their contract of employment.

Newly appointed staff after 1st April 2017:

The above processes will apply with the following exceptions:

It will be the recruiting Manager/Headteachers responsibility to ensure that any Job Descriptions include the requirement for the applicant to have a current registration to the Online DBS Update Service where necessary, applicable to the relevant workforce the post supports.

Any staff appointed to the school after the 1st April 2017 will be expected to be registered with the Online DBS Update Registration Service for the workforce for which they are employed before any confirmation of employment is made.

In addition a status check must be made, and the status must meet the standards expected by the school before any confirmation of employment is made.

The cost of annual renewal for the Online DBS Update Registration of £13 would be borne by the applicant and not reclaimable.

If suitable applicants are not registered then the Manager/Headteacher may help them through the process as noted above, but in these circumstances both the cost of DBS

application and both the application and ongoing annual registration to the Online DBS Update Registration will need to be borne by the employee.

DBS Checks currently cost between £18 and £38 pounds
Online DBS Update Registration Service costs £13 per annum

Full guidance for employers on the use of the Service can also be found on the DBS website at https://www.gov.uk/government/publications/dbs-update-service-employer-guide/dbs-update-service-employer-guide

DBS Online Update Registration Service
Guidelines for Employees

You are advised that all staff currently employed by the school will be required to subscribe to the DBS Online Update Registration Service when their DBS check is next scheduled for renewal.

How will this happen?
When your current DBS is due to expire/ or you move to work in a different post with the Authority which involves a different workforce then the nominated DBS Co-ordinator in your school/service will make arrangements to meet with you to action the following:

1. Complete a DBS application as normal ensuring that the correct workforce and position is applied for

2. They will then direct you to the DBS website to join the Update Service at register for the update service. at https://secure.crbonline.gov.uk/crsc/apply?execution=e1s1

3. They will also ask you to complete a Status Check consent form attached as Appendix 5, which allows the Authority to gain access to a DBS status check at any time during your employment.

4. To do this you will need to know the DBS disclosure application reference number so that you can immediately apply to join the Update Service and DBS tracking service at https://secure.crbonline.gov.uk/enquiry/enquirySearch.do.

5. When you receive your new DBS certificate in the post you must take that in to your DBS co-ordinator immediately for notation and recording of the

    a) DBS certificate number

    b) current surname of the DBS certificate holder - as specified on your newly issued DBS Certificate

    c) date of birth of the DBS certificate holder - as recorded on the DBS certificate.

6. When you take your newly issued DBS certificate in to the DBS Co-ordinator they will check whether you have already joined the Update Service.

IF NOT they will remind you to join using your newly issued DBS certificate number, within 30 days from the issue date shown on the certificate, and not from the date you actually received the certificate.

7. To track the progress of your DBS certificate application you can go to the DBS online tracking service at DBS tracking service https://secure.crbonline.gov.uk/enquiry/enquirySearch.do

8. Once you've registered, you can use the update service to:

- view your details
- take your certificate from one job to the next
- give employers permission to check your certificate
- see who's checked your certificate
- add or remove a certificate

NOTE It is important that you act quickly as any application to register received on or after the 30 days have elapsed from the issue of the actual DBS certificate will be rejected by the DBS.

Charges and payment rules for subscription and use of the service.

- Individual employees are required by the Authority to subscribe to the DBS Online Update Registration Service for an annual subscription fee of £13. payable by debit or credit card only.

- Employees in post prior to 1 April 2017 will be able to reclaim this subscription fee from the Authority on completion and submission of the attached reclaim form (Appendix 6), provided a receipt of proof of payment is attached.

- Volunteers will be able to subscribe to the service for free however, if they move into paid employment they will need to pay the fee for their annual subscription the next time it is due for renewal

Status Checks

To obtain an online status check and access information on the Update Service the school must have a legitimate interest in the individual they will be checking i.e. they you are in their employ/are volunteering in or contracted to work for the school.
To undertake a status check the Employer must be able to say 'yes' to the following questions.

- Have they sought the applicant's / employees consent to obtain a status check? (You as the employee should have completed the Status Check Consent Form)

- Are they legally entitled to require a standard or enhanced DBS certificate?

- Does the DBS certificate contain information which they are legally entitled to see,

such as barred list checks?

- ❖ Is the DBS certificate presented at the right level / workforce for the position being applied for?

- ❖ Are they legally entitled to a barred list check, is the DBS certificate presented for the right workforce i.e. child/adult/both? (This information will be indicated in the 'Position Applied For' section and will have been used by the police force to determine the relevancy of any locally held police information).

What information will be received by my Employer when undertaking an online status check?

****Please note that should there be any new disclosure noted then your Employer will expect you to apply through the DBS process again, and bear the cost of the new application.****

The status check will give one of four responses to the DBS Co-ordinator:

- ❖ the certificate is clear and there is no new information (which means they can accept your current DBS disclosure certificate)

- ❖ the certificate contains information but there is no new information (which means that they must make your recruitment decision based on the information provided in your original DBS disclosure certificate in line with the guidance provided within the schools current DBS Policy)

- ❖ new information is known (which means that new information has been recorded since the issue of your last DBS certificate and therefore you will need to obtain a new DBS check)

- ❖ details not found (which could mean that you may have provided the wrong information and the DBS Co-ordinator will need to come back and check this with you, or your subscription has not yet been processed or you haven't yet subscribed).

Renewing your annual subscription

Your subscription to the update service lasts for one year only and you can renew your subscription through the update service, either:

- when you first register, by choosing automatic renewal
- or up to 30 days before your current subscription ends.
- **you can't renew on the last day of your subscription**
- Once you have registered you can then sign in to your account to renew your annual subscription at https://secure.crbonline.gov.uk/crsc/subscriber

What happens if your subscription with the Online DBS Update Registration Service lapses?

Whilst you should be sent a reminder from the DBS service at least 30 days before your DBS Online Update Registration is due for renewal, it is your individual responsibility to ensure that your subscription does not lapse in much the same way as it your responsibility to ensure that your registration with a Professional Regulatory Body does not lapse.(i.e.EWC).

If your subscription does lapse then the account held on the Update Service will be closed and those who have a legitimate interest in obtaining information will cease to receive information. To re-subscribe you would then need to obtain a fresh DBS check, and bear the cost of that new application.

The school will expect all employees to maintain their yearly online DBS Update Registration, and failure to do so may result in the matter being progressed within the Schools Disciplinary Policy and might affect the future continuance of your contract of employment.

Newly appointed staff after 1st April 2017

The application process shown above will apply however please note the following exceptions;

Any staff appointed to the school after the 1st April 2017 will be expected to be registered with the Online DBS Update Registration Service for the workforce for which they are employed before any confirmation of employment is made.

In addition, a status check will be made, and the status must meet the standards expected by the school before any confirmation of employment is made.

The cost of annual renewal for the Online DBS Update Registration of £13 would be borne by the applicant and not reclaimable.

If suitable applicants are not registered then the Manager/Headteacher may help them through the process as noted above, but in these circumstances both the cost of DBS application and both the application and ongoing annual registration to the Online DBS Update Registration will need to be borne by the employee.

DBS Checks currently cost between £18 and £38 pounds
Online DBS Update Registration Service costs £13 per annum

Further Information and full guidance for employees on the use of the Service can be found on the DBS website at https://www.gov.uk/dbs-update-service and the attached guidance sheet from DBS: https://www.gov.uk/government/publications/dbs-update-service-applicant-guide/dbs-update-service-applicant-guide

CYNGOR SIR YNYS MÔN ISLE OF ANGLESEY COUNTY COUNCIL

DBS Online Update Registration Service

STATUS CHECK CONSENT FORM

Please complete in BLOCK CAPITALS

Mr / Mrs / Ms / Miss / Other	
First Name	
Second / Other Name(s)	
Surname	
Previous Surname (if applicable) Date of Change	
Date of Birth (for identification purposes only)	
Job Title	
School	
DBS Certificate Number	
DBS Online Update Registration Service Number	
DBS Type	**Please Tick** Basic ☐ Enhanced with Children's Barred List ☐ Enhanced with Adults Barred List ☐ Enhanced with both Children and Adults barred List ☐

Please read carefully and initial to confirm you understand and agree with each statement.	**Initial**
I give my permission for the Isle of Anglesey County Council to carry out a Status Check on my DBS Certificate	
I understand that if this information is incomplete when submitted, this may delay the recruitment process.	
I understand I may be contacted by my manager to discuss my DBS Status Check and may be asked to provide a written statement regarding any information revealed on my DBS Certificate in line with the Schools DBS Policy.	
I confirm that the information I have given is correct to the best of my knowledge and belief.	
I understand that I must inform my Line Manager of any changes to my criminal record and/or my DBS certificate.	
I understand that registration with the Online DBS Update Registration Service is required for my position with the school and that I have personal responsibility to register with the service and maintain my annual registration with them, in line with the guidance information provided to me	

Signature .....

Print Name .....

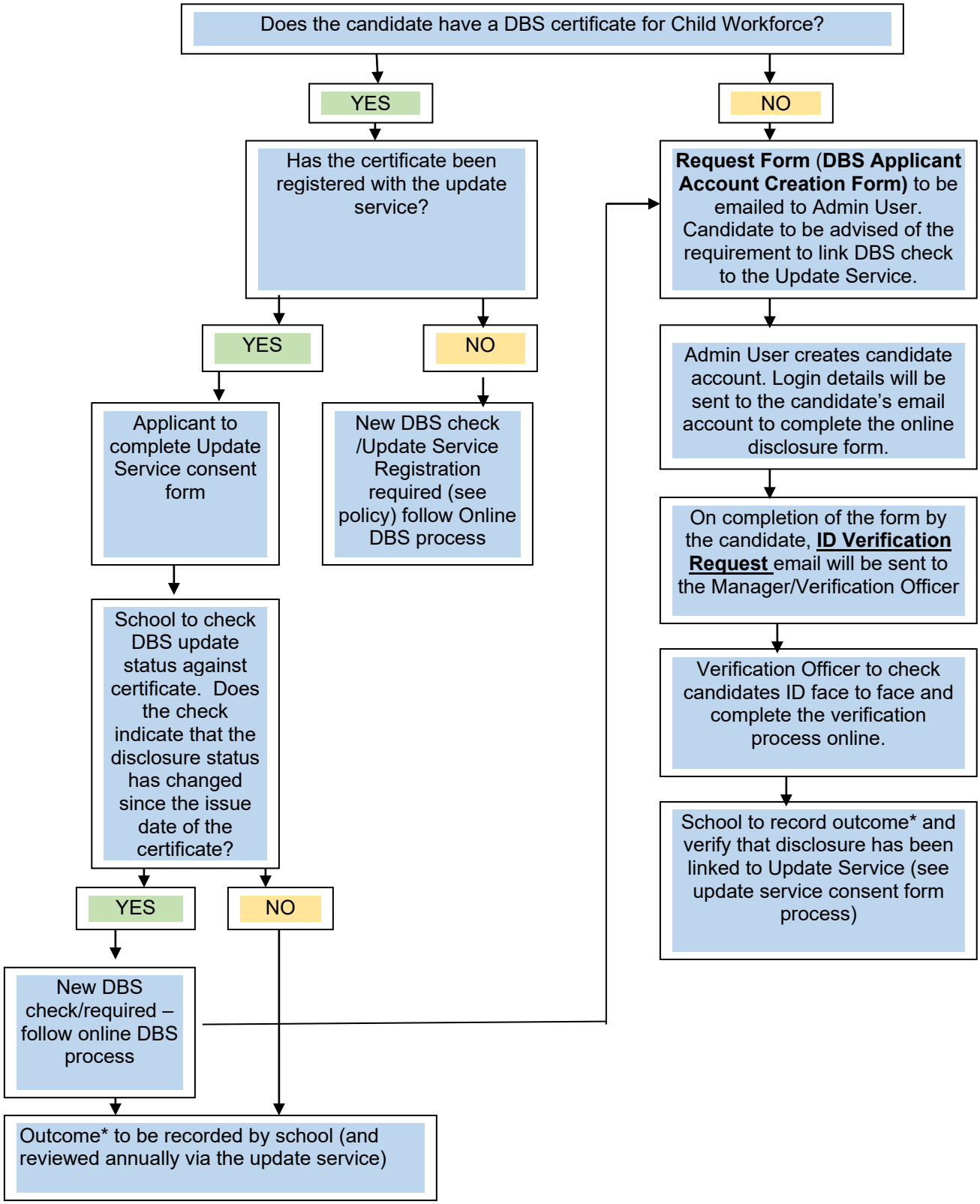
Date .....

APPENDIX 6

Gwasanaeth Cofrestru Diweddariad GDG Ar-lein DBS Online Update Registration Service Ffurflen ar gyfer Ad-dalu Costau Ymgeisio /Application Fee Reimbursement Claim Form			
Enw (Printiwch os gwelwch yn dda) Name (Please Print)			
Rhif Tâl Pay Number			
Teitl y Swydd Job Title			
Ysgol School			
Rhif Gwasanaeth Cofrestru Diweddariad GDG DBS Update Registration Service Number		Receipt Received by HR ☐	
Dyddiad Cofrestru Date of Registration			
Amgaewch gopi os gwelwch yn dda o'r dderbynneb am y taliad – nodwch y bydd angen y dderbynneb cyn i unrhyw daliad gael ei awdurdodi Please attach a copy of receipt of payment – Please note that this will be required before any payment is authorised.			
Llofnod y Gweithiwr Employee Signature		Dyddiad Date	
Enw'r Rheolwr sy'n Awdurdodi (Printiwch os gwelwch yn dda) Authorising Managers' Name (Please Print)			
Teitl Swydd y Rheolwr Manager Post Title			
Côd Cost Cost Code		Côd Manylion Detail Code	
Llofnod y Rheolwr sy'n Awdurdodi Authorising Managers' Signature		Dyddiad Date	
Nodwch os gwelwch yn dda bod rhaid cyflwyno ffurflenni hawlio costau o fewn 3 mis i'r cais a hynny'n unol â rheoliadau ariannol. Gall methiant i wneud hynny arwain at wrthod y cais. Please note that claim forms must be submitted within 3 months of applying in line with financial regulations and failure to do so may result in the claim being refused.			

APPENDIX 7

DBS CHECK FLOW CHART



Where checks indicate that there are disclosures recorded Headteachers must follow the process outlined in the DBS Policy and seek HR advice.

APPENDIX 8

DBS – ENHANCED DISCLOSURE

CHECKLIST TO REVIEW INFORMATION DISCLOSED AND RECORD A DECISION ON EMPLOYMENT

NAME: ……

POSITION APPLIED FOR: …….

DATE OF MEETING: ……..

PRESENT AT MEETING: ……..

1.	Does the post involve 1-1 contact with children or vulnerable adults or other vulnerable groups such as employees, customers and clients?	
2.	What level of supervision will the postholder receive?	
3.	Does the post involve any direct responsibility for finance or items of value?	
4.	Does the post involve direct contact with the public?	
5.	Will the nature of the job present any opportunities for the postholder to re-offend in the place of work?	
6.	What is the seriousness of the offence and its relevance to the safety of pupils, other employees, customers, clients and property?	
7.	What is the length of time since the offence occurred?	
8.	Any relevant information offered by the applicant about the circumstances which led to the offence being committed, for example the influence of domestic or financial difficulties.	
9.	Was the offence a one-off, or part of a history of offending?	
10.	Have the applicant's circumstances changed since the offence was committed, making re-offending less likely?	
11.	The country in which the offence was committed; some activities are offences in Scotland and not in England and Wales, and vice versa.	
12.	Whether the offence has since been decriminalised by parliament.	
13.	Is there verification of the explanation from other sources, eg, references, DBS.	
	Comments:-	

	Advice from HR or Legal as appropriate:-

RECOMMENDATION

Having interviewed the above named person, it is my view that the applicant is *suitable/unsuitable for employment

** please delete as appropriate*.

Signed …….

Print Name: ……..

Date ……

CHAIR OF GOVERNORS

Once the decision has been made, only the date of the meeting and the decision can be kept on file, details received from DBS should be retained and disposed of in accordance with sections 14 and 15 of the DBS Policy.

APPENDIX 9

ROLES & RESPONSIBILITIES

Schools

Each school is responsible for implementing this policy.

Schools will ensure that they request DBS information in relation to a person's history where required.

To ensure secure storage, handling, use, retention and disposal of disclosures and disclosure information in accordance with Data Protection guidelines.

To monitor the need for employees to have DBS certificates and are registered with the DBS Online Update Registration Service annually
.

To ensure that systems are in place for the above purpose.

Chair of Governing Body to undertake a full investigation if, as part of the re-checking process, a DBS certificate is deemed unsatisfactory.

To ensure that any work contracted to outside bodies is undertaken by appropriately DBS checked personnel if relevant.

Line Manager/ Headteacher

To assess whether a post requires a standard or an enhanced DBS check and to note this on the job description.

To ask the DBS via the Registered Body for information in relation to a person's history where employees work with vulnerable groups including children.

In **exceptional** circumstances, and in order to meet service needs, to complete a Risk Assessment if it is essential that an employee be allowed to commence employment prior to a DBS disclosure check having been received and assessed.

To follow the guidance for managers/ headteachers attached as an appendix to this policy where employees are required to be registered with the DBS Update Service.

Employee

Complete the necessary DBS Update Service Status Check consent form for checking and ensure that their registration is renewed annually.

To inform their Manager/ Headteacher of any criminal / civil offence(s) that occur during their employment at the earliest opportunity.

To produce relevant documents for inspection on request.

To follow the guidance for employees attached as an appendix to this policy where they are required to register with the DBS Update Service.

HR

To ensure that every post identified as requiring a DBS check is advertised as such and that the application form will require applicants to declare any offences, where relevant.

To provide advice and guidance to line managers/ headteachers on the implementation of this policy.

To monitor and review the DBS policy and arrangements.