



# **Thorner's Church of England VA Primary School Criminal Records Checking Policy and Procedure**

## **1. SCOPE**

1.1 This policy and procedure applies to all employees of Thorner's Church of England VA Primary School as well as workers, volunteers and school governors. The principles of the policy will also apply to agency staff, self-employed individuals, individuals working for any contractors/subcontractors (where the contract agreement specifies the requirement for a criminal record check) and anyone working with children at the school.

1.2 The policy has been consulted on with the Trade Unions and is recommended to all school Governing Bodies for adoption.

## **2. POLICY STATEMENT**

2.1 The Governing Body is committed to fulfilling its duty to safeguard and protect the welfare of children and young people by ensuring the highest integrity of those appointed to positions in the school as well as ensuring that appropriate checks are made in respect of agency staff, self employed individuals, employees of contractors/sub-contractors, volunteers and those who come into contact with children and young people within the school or on long term work placements.

2.2 The Governing Body is also committed to the elimination of discrimination and to equal treatment in employment. This applies to prospective employment and all stages of employment and includes providing equal opportunities to both potential and existing employees, including ex-offenders, subject to the over-riding duty to protect children and young people. The policy and procedure has been developed to comply with legislation relevant to criminal record checking.

2.3 The Governing Body recognises that criminal record checking forms part of installing a safer recruitment/ongoing safer culture and is committed to ensuring that the other appropriate policies/procedures (listed below) are in place to complement this policy.

- [Recruitment and Selection Policy](#)
- [Code of Conduct](#)
- [Dealing with allegations against staff](#)
- [Whistleblowing Policy](#)
- [Policy on the Employment of Ex-Offenders](#)
- [Guidance on Volunteers](#)

## **3. GUIDANCE FOR SCHOOLS ON CRIMINAL RECORD (DBS) CHECKS**

### **The Disclosure and Barring Service**

3.1 The Disclosure and Barring Service is the body which provides the criminal record checks and makes the barring decisions where individuals are considered unsuitable to work with children or vulnerable adults.

3.2 DBS checks are available in cases where an employer is entitled to ask exempted questions under the Exceptions Order to the Rehabilitation of Offenders Act (ROA) 1974. This includes any organisation whose staff or volunteers work with children. In schools and academies checks, where undertaken, will either be Enhanced Checks or Enhanced Checks with a Barred List check. DBS checks can only be undertaken for individuals aged 16 or over.

### 3.3 Enhanced check with a Barred List check

This check is available to anyone employed in regulated activity i.e. regularly caring for, training, supervising or being in sole charge of children. It is important to request the check to be made for working with children as this may make a difference to the information that is disclosed. Such a check will show the criminal record of an individual including those convictions that are 'spent', any additional information from the Police and a check against the Children's Barred List.

### 3.4 Enhanced check

Whereas all employees in schools/academies are entitled to an enhanced check with a check of the Barred List, volunteers including Governors may not be as it will depend on their frequency of access to children and whether or not they are supervised. Where volunteers do not meet the requirements that would entitle them to an enhanced check with a check of the Barred List either because they do not have contact weekly, 4 times in a 30 day period or overnight, or where they do not undertake personal care or where they are supervised, then they would only be entitled to an enhanced check without a check of the barred list.

### 3.5 Disclosure Certificates

As of 17 June 2013, copies of the Disclosure certificate will only be sent to the applicant. It is the responsibility of the school/academy to ensure that they have seen a copy of the applicant's disclosure certificate and recorded the disclosure certificate number on the Single Central Record.

## 4. POSTS SUBJECT TO CRIMINAL RECORD CHECKS

4.1 In schools, under the Protection of Freedoms Act of May 2012, the requirement for a DBS check is that:

**Employees** – must have an Enhanced Check plus a check of the Barred List

**Volunteers** – must have an Enhanced Check plus a check of the Barred List if they:

- a) Have unsupervised contact with children regularly (once a week or more, 4 times in a 30 day period or overnight, defined as between 2am and 6am) or;
- b) Undertake personal care

Where volunteers are supervised by another adult in Regulated Activity they can (rather than must) be DBS checked if they are working regularly with children BUT are not eligible for a check of the Barred List. The definition of supervision is set out in the DfE guidance. Please see the link in Section 12.

**Governors** – must have an Enhanced Check. A check of the Barred List can only be undertaken if it is established that the governor is working in regulated activity.

More information is set out below and reference should be made to the flowchart on the requirement for DBS checks at Appendix L

Headteachers need to be clear about their reasons for obtaining or not obtaining a DBS check.

## **4.2 School Employees**

The School Staffing (England) (Amendment) Regulations 2006 make it mandatory for a DBS enhanced with a barred list check to be obtained for all newly appointed school staff. This includes workers who do not work directly with children such as caretakers, administrative and other ancillary staff. The definition of newly appointed is anyone who has not worked in a school/academy in England for 3 months or more. There is no requirement for existing staff who were recruited prior to the establishment of the DBS (previously the Criminal Records Bureau) in March 2002 and who have continuity of service (i.e. no break longer than 3 months) to be DBS checked. The only requirement for these staff is to have been checked against the Children's Barred List (List 99) which was done as part of the Police check at the time.

It is a requirement that any employee working in a boarding house within a school must have an enhanced DBS with barred list check **before** being permitted to start work.

## **4.3 Designated Senior Person for Child Protection**

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

## **4.4 Governors**

With effect from April 2016, it is a mandatory requirement to apply for an enhanced criminal record certificate (also known as a DBS check) for all Governors. Where a Governor is elected or appointed on or after 1 April 2016 and does not already hold a certificate, the governing body of Thorner's CE VA Primary School will apply for such a certificate in respect of that governor within 21 days of his or her appointment or election. All governors will be required to complete a criminal records declaration form (**see Appendix B**). The additional barred list check should only be carried out for Governors where it has been established that they are working in regulated activity.

## **4.5 Volunteers**

It is recognised that many parents and other volunteers help regularly in the classroom and with activities associated with the school. Some will require a DBS check because of the frequency of their volunteering activity and the contact they have with children, others will not.

### **4.5.1 Determining whether volunteer DBS checking is required**

The DfE does not expect schools/academies to check existing volunteers continuing with their old duties, unless they have cause for concern. For new volunteers, where the volunteering is frequent, intensive or overnight, involves contact with children and is not supervised, or where they undertake personal care (including assistance with changing), Headteachers should obtain an enhanced DBS check with a check of the Barred List. Statutory guidance states that frequent means once a week or more; intensive means four or more times in a thirty day period and overnight is from 2am to 6am.

Where individuals are supervised by another person in Regulated Activity the Headteacher will refer to the DfE statutory guidance on supervision of activity and the DfE factual note on regulated activity in relation to children when coming to a decision about whether a DBS check is necessary. In such circumstances the eligibility is for an Enhanced check without a check of the Barred List. Where a DBS check is requested for a volunteer, form SER1 should be completed (**Appendix M**).

#### **4.5.2 School Exchange Host Families**

UK host families providing accommodation for foreign students in organised school exchange visits for less than 28 days must have an enhanced DBS check. This check will include all adults living at the address of the lead family member. Thorner's CE VA Primary School will also give host families basic awareness of child protection issues and the contact details of the Designated Senior Person for Child Protection in the school. If the visit is longer than 28 days it will be treated in the same way as a private fostering arrangement and advice on the required level of check should be sought.

#### **4.5.3 Contractors and sub-contractors**

Contracted staff who come into regular contact with children such as cleaning, caretaking and kitchen staff must be checked by the contractor in the same way as school employees, including having an enhanced DBS with barred list check and such requirements form part of the contract. The outcome of such checks must be notified to the school and included on the single central record. The contractor is also responsible for ensuring that the same procedures are followed by any sub-contractors. The contractor must provide the school with a list of its direct employees and those of any sub-contractors at least 20 days before they start work on site. The Recruitment and Vetting Check form at **Appendix C** should be used for recording purposes.

FAQs on contract staff can be found at **Appendix D**.

#### **4.6 Agency supply staff**

Staff supplied to the school/academy via an agency will be subject to checks by the agency itself. In all cases the school will obtain written confirmation from the agency that appropriate checks have been completed using the form at **Appendix C**. The school is not required to see evidence that the checks have been completed, although it can have sight of a DBS check where relevant information is recorded.

#### **4.7 Work experience students placed in schools/academies**

Work Experience students placed in schools/academies are not required to obtain clearance from the DBS because it is not expected that they will at any time be left unsupervised whilst working with children. Note that it is not possible to obtain an enhanced check or barred list check for anyone under the age of 16.

#### **4.8 Teaching trainees or graduates placed in schools/academies**

Student (placements) or Teaching Graduate Trainees placed in schools/academies should have an Enhanced DBS with barred list check which will be undertaken by the initial teacher training provider so that disclosures are received prior to the trainee commencing school/academy based training. The school/academy will ensure that this is in place prior to the trainee commencing at the school/academy but are not entitled to view a copy.

## **4.9 Checks required for the self-employed**

The DBS recommends that self-employed persons should be subject to an enhanced disclosure (carried out by the LA on behalf of the school/academy but paid for by the individual) prior to commencing a role in circumstances where there is likely to be unsupervised access to children (in a school/academy setting this may include music tutors for example). The normal vetting checks such as identity checking should also be conducted.

Schools/academies can obtain DBS checks for self-employed people who will be working on school premises as long as the disclosure is intended to be used to consider their suitability for undertaking a particular role. It is normal practice for the self-employed person to pay for any DBS check undertaken by the school. Self-employed individuals are not able to obtain their own personal checks via the DBS.

## **4.10 Overseas staff to be checked**

Newly appointed staff and staff recruited since 2002 who have lived outside the United Kingdom must undergo the same checks as for all other staff in schools/academies. This includes an Enhanced DBS with a barred list check.

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

## **5. PEOPLE WHO ARE NOT REQUIRED TO OBTAIN A DBS CHECK**

It is not necessary to obtain a DBS check for:

- staff appointed before 2002 who have continuity of service and who have not previously been DBS checked unless moving roles into posts with closer contact with children or where there are concerns about suitability to work with children. The exception to this is workers from overseas.
- public sector staff such as psychologists, nurses, dentists and centrally employed teachers (because they will have been checked by their own organisations). However, the school should check the identity of such staff on arrival to ensure impostors do not gain access to children;
- visitors who have business with the Headteacher, principal or other staff who have brief contact with children with a member of staff present;
- volunteers or parents who only accompany staff and children on occasional outings or trips that do not involve overnight stays, or who only help at or attend events such as a sports day, school fête, school concerts etc;
- Key Stage 5 or sixth form pupils in connection with a short careers or subject placement. In these cases the school/academy placing the pupil should ensure that s/he is suitable for the placement in question;
- people who are on site before or after school/academy hours and when children are not present, e.g. local groups who hire premises for community or leisure activities, contract cleaners who only come in after children have gone home, or before they arrive.

## **6. PORTABILITY OF CHECKS**

6.1 Where Dorset County Council has carried out a check on an employee who moves schools within the LA boundary, and where there is not more than a three month gap in continuous employment, a new check is not required although one may be undertaken at the discretion of the Headteacher.

6.2 Where an employee already employed with the school/academy is being considered for another position with the school/academy a new check is not required.

## **7. THE DBS UPDATE SERVICE**

7.1 The DBS Update Service allows individuals to keep information on their DBS disclosure certificate up to date on payment of an annual subscription (free for volunteers). This only applies where they have had a DBS check within the last 14 days.

7.2 Where an individual has subscribed to the Update Service a school/academy will be able to carry out a status check, free of charge, which will indicate whether there have been any changes since the last full DBS check but not what they are. Where there are changes noted, the school/academy will be advised to obtain another DBS check. Disclosure certificates can therefore be portable ONLY in the following circumstances and at the discretion of the Headteacher:

- The applicant (employee or volunteer) has subscribed to the Update Service and
- You have the applicant's consent to carry out a Status Check and
- The certificate is the same type and level that you are legally entitled to see, e.g. Enhanced with Children's Barred List check

Otherwise a new check will need to be obtained.

## **8. CONSIDERING THE RELEVANCE OF CONVICTIONS**

### **8.1 Ensuring equal treatment**

The school/academy are required to ensure that applicants and existing employees who are subject to a DBS check and where there is a criminal record are treated fairly and in accordance with the Policy on the Employment of Ex-Offenders (**Appendix A**).

### **8.2 Convictions where working in a school/academy is banned**

Receipt of a positive disclosure will not automatically make an applicant or existing employee unsuitable for a position unless stipulated by statute/guidance. Under the Protection of Children Act 1999 and the Criminal Justice and Court Services Act 2000 certain persons are banned for life from working with children. These are those registered on Information held under Section 142 of the Education Act 2002 [previously known as List 99], those registered on the DH list, those listed on the register maintained by the National Assembly of Wales, and those aged 18 years or older convicted of a schedule 4 offence.

It is an offence for a disqualified person to apply for, offer to do, accept or do any work in any of the regulated positions (including those in school settings) set out in the Act. It is also an offence for an employer to knowingly offer work in a regulated position, or to procure work in a regulated position for an individual who is disqualified from working with children, or to fail to remove such an individual from such work.

### **8.3 Assessing positive disclosures where no statutory ban is in place**

In assessing the suitability of a person with a criminal record for employment or voluntary work the Headteacher needs to consider both the nature of the job and the details and circumstances of any convictions. Account must be taken of the school's Policy on the Employment of Ex-Offenders which is a mandatory requirement for all employers who use the DBS checking service. Advice can also be obtained from the LA HR provider.

Generally, only convictions relevant to the position can be taken into account. The over-riding consideration, however, will be the duty to safeguard children and young people.

### **8.4 Considering the circumstances against the risks identified**

Assessing the risk of employing a person with a criminal record means comparing the applicant's skills, experience and conviction circumstances against risk criteria identified for the job. Whilst it will not be possible to carry out a thorough risk assessment on each individual, the Headteacher may consult with the LA HR Officer and take the following matters into account when considering clearance:

- the seriousness of the offence;
- the length of time since the offence occurred, and the age at which it occurred (e.g. juvenile);
- any relevant information offered by the individual about the circumstances which led to the offence being committed;
- whether the offence was one-off or part of a history of offending;
- whether the individual's circumstances have changed since the offence was committed;
- the country in which the offence was committed (e.g. some activities are offences in Scotland but not England and Wales and vice versa);
- whether the offence has since been decriminalised by Parliament;
- the explanation, degree of remorse, rehabilitation or otherwise, expressed by the individual and the motivation to change.

Where it is deemed to be necessary, a full risk assessment may be carried out.

### **8.5 Handling positive disclosures of existing staff**

Employees are required to declare any cautions, convictions or reprimands (including judgements or investigations pending) that they receive during the course of their employment. The relevance of such disclosures will be considered as detailed in paragraph 9 below.

Where an employee does not declare any caution, conviction or reprimand but a DBS check reveals information which results in an existing employee being considered as potentially unsuitable for their position, a disciplinary investigation will take place. Findings will be presented to a disciplinary panel convened for this purpose where consideration will be given to the appropriate action to be taken. This could include a decision to terminate employment.

## **9. STARTING WORK PENDING A DBS CHECK**

Schools are advised not to start any new employee or volunteer prior to having seen a valid DBS disclosure certificate and recorded the disclosure certificate number on the SCR. In circumstances where it is deemed necessary to start someone pending a DBS check the following steps should be taken:



- a satisfactory check of the Children's Barred List and completion of other pre-employment checks;
- the Criminal Records Self Declaration form (HR14) should be completed;
- a full risk assessment should be carried out by the Headteacher;
- an offer of employment has been made subject to seeing a satisfactory DBS certificate;
- the individual should not be allowed unsupervised access to children.

Before allowing an employee or volunteer to commence their duties prior to the DBS certificate being seen by the school, the Headteacher should complete a risk assessment. Anyone who has not obtained a DBS check should not be left unsupervised with children. [Employees working in a boarding establishment must not start work prior to the DBS check being seen.]

Where an individual has been allowed to start work without a DBS certificate being seen by the school, and the DBS certificate is not produced in a timely way, the school will need to liaise with the Registered Body to see whether any information can be provided about whether the DBS certificate has been issued. Otherwise, consideration will need to be given as to whether any formal action will need to be taken against the individual and whether they can continue to work in the school without producing the DBS certificate.

## **10. SINGLE CENTRAL RECORD**

10.1 The DfE requires all schools/academies to be able to demonstrate that they have robust and accurate records of all recruitment and vetting checks carried out. This information must be compiled into a Single Central Record (SCR) of completed checks in each school/academy. The SCR is often the first document an Ofsted Inspector will ask to see and failure to produce an SCR evidencing that all the appropriate checks have been made will have an immediate and serious impact on the outcome of the inspection.

### **10.2 People to be included on the single central record**

- all staff who are employed to work at the school/academy;
- all staff who are employed as supply staff to the school/academy, whether employed directly by the school/academy or LA or through an agency;
- all others who have been chosen by the school/academy to work in regular contact with children (volunteers and governors who also work as volunteers);
- people brought into the school/academy to provide additional teaching or instruction for pupils but who are not staff members, such as specialist sports coaches, music tutors or artists;
- all others who are brought into the school/academy and have regular contact with the children in the school/academy.

### **10.3 Checks to be included on the central record**

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

- identity checks;
- qualification checks for any qualifications legally required for the job e.g. those posts where a person must have QTS or NPQH;
- checks of right to work in the United Kingdom for all staff;
- checks on information held under the Children's Barred List;
- DBS Enhanced Check and number;
- further overseas records checks where appropriate;
- Prohibition from Teaching check via the NCTL site for new starters from 03.04.2014 only;



- Supply staff - written confirmation that the agency supplying the member of supply staff has carried out the relevant checks and obtained the appropriate certificates, whether any enhanced DBS check certificate has been provided in respect of the member of supply staff, and the date that confirmation was received (from April 2015 onwards).

The information needs to be recorded on the SCR by the person in the school with the responsibility for doing so. That person should sign and date the record to verify that they have checked the employee's (or volunteer's) details. The record needs to show the date on which the check was completed or the relevant certificate obtained and should show who carried out the check

A sample form can be found at **App H**. Further information about recruitment and vetting checks can be found at **App G to K**.

## **11. RETENTION OF INFORMATION**

### **11.1 Confidentiality of information**

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

### **11.2 Compliance with DBS standards**

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

- A copy of the DBS disclosure can only be made with the applicant's permission.
- A copy of the DBS Certificate can only be retained with the applicant's permission.
- Any copies of DBS Certificates must be kept securely.
- Copies of DBS certificates will be destroyed securely when no longer required.

### **11.3 Records to be retained**

Records need to be kept by the school/academy detailing:

- the date the Disclosure was seen and by whom;
- the unique reference number on the disclosure certificate.

The Headteacher will also keep:

- a note of what other information was used to assess suitability including a note of any discussions with the individual;
- Any correspondence sent to the individual confirming their clearance.

In addition, where a disclosure reveals information about an individual, the Record of Positive Check (see **Appendix E**) will be completed and retained on the personal file of that individual. This record will not detail information about actual offences disclosed. These measures accord with the requirements of both the DBS and the school's/academy's Single Central Record (for further information see paragraph 12 below).

## 12. ADDITIONAL INFORMATION

Further published guidance is available as follows:

Changes to Disclosure and Barring from September 2012 – What you need to know (HM Government Brochure May 2012).

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/97875/leaflet-england-wales.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/97875/leaflet-england-wales.pdf)

Statutory definition of ‘Supervised’ – please view the Department for Education statutory guidance on supervision of activity.

<http://media.education.gov.uk/assets/files/pdf/s/supervision%20guidance%20revised%20sos%20sept%202012.pdf>

Regulated Activity in relation to Children – please view the Department for Education factual note on regulated activity in relation to children.

<http://media.education.gov.uk/assets/files/pdf/r/regulated%20activity%20children%20full%20information%20ewni%20final%202012-06-01.pdf>

Home Office UK Border Agency Guide for Employer on Preventing Illegal Working in the UK.

<http://www.dorsetforyou.com/media.jsp?mediaid=176235&filetype=pdf>

Membership of the European Union and European Economic Area.

<http://www.ukba.homeoffice.gov.uk/eucitizens/>

Applicant’s guide to completing the DBS application form.

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/230923/DBS\\_Applicant\\_Guidance\\_v1.4.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/230923/DBS_Applicant_Guidance_v1.4.pdf)

Guidance on DBS Update Service.

<https://www.gov.uk/government/publications/dbs-update-service-employer-guide>

Schools may also find it useful to refer to the DfE document ‘Safeguarding and Safer Recruitment in Education’ which came into force on 1 January 2007.

<http://webarchive.nationalarchives.gov.uk/20130401151715/https://www.education.gov.uk/publications/eOrderingDownload/Final%206836-Safeguard.Chd%20bkmk.pdf>

In accordance with the Equality Duty we seek to ensure that all pupils achieve their best, according to their capabilities and regardless of their special needs, disability, gender, race, culture, social, economic, ethnic, religious background and denominational diversity.

Thorner’s Church of England VA Primary School recognises that the welfare of the child is paramount and takes seriously its responsibility to safeguard and promote the welfare of the children and young people in its care.

Date reviewed by Staffing & Curriculum Committee: February 2021

Date adopted by Governing Body: February 2021

Date to be reviewed: February 2024

## **APPENDIX A: POLICY ON THE EMPLOYMENT OF EX-OFFENDERS**

### **Policy statement**

Criminal records will be taken into account for employment purposes only when the conviction is relevant. Unless the nature of the work demands it, applicants for posts will not be asked to disclose convictions which are 'spent' under the Rehabilitation of Offenders Act (ROA), 1974.

Where the School is provided with Disclosure information, it will not unfairly discriminate against applicants on the basis of conviction or other details revealed. An 'unspent' conviction will not necessarily bar an applicant from employment.

Any information revealed as a result of an application for Disclosure information will be treated in the strictest confidence.

All applicants for posts which fall under the terms of the Exceptions Order of the ROA, 1974 who are offered employment, will be subject to a criminal record check by Disclosure and Barring Service (DBS) before an appointment is confirmed. This will include details of cautions, reprimands or final warnings, as well as convictions.

A copy of this policy statement will be made available to all applicants and volunteers upon request, where a Disclosure will be requested.

Dorset County Council acts as an umbrella body in respect of the school.

### **Fair use of disclosure information**

Dorset County Council will specify all positions where a Disclosure will be required together with the type of Disclosure.

Application forms, together with accompanying recruitment information, will contain a statement that a Disclosure will be requested in the event of a successful application, so that applicants are aware of requirements at the application stage.

Whilst a criminal record will not necessarily be a bar to obtaining a position, non-declaration of a relevant conviction may lead to dismissal or the offer of a position being withdrawn.

Where an applicant has a criminal record, an assessment of their skills, experience and conviction circumstances will be weighed against the risk assessment criteria for the position.

All matters revealed in Disclosure information will be discussed with the individual seeking the position before any decision is made to dismiss or withdraw the offer of a position.

All applicants for positions will be informed of the existence of the Code of Practice for Registered Persons and Other Recipients of Disclosure Information. A copy will be supplied to individual applicants on request.

Headteachers and other school staff responsible for making recruitment and selection decisions will receive appropriate training relating to employment and non discriminatory practice.

Employees will be required, as part of their contract of employment, to declare any convictions, cautions or bindovers which occur during their employment with the School.



**PART A: APPLICANT / VOLUNTEER DECLARATION**

To be completed and returned by all applicants for posts in schools (including voluntary work) – Please refer to guidance notes on reverse

Post:  School.:

Please answer the following questions:

- 1. Have you ever been convicted by the courts or cautioned, reprimanded or given a final warning by the police? Please give details of offences, penalties and dates below.** (Note that the post you have applied for is exempted under the Rehabilitation of Offenders Act (Exceptions Order) 1974, which means that all convictions, cautions, reprimands and final warnings on your criminal record need to be disclosed).

Arrangements were introduced on 29<sup>th</sup> May 2013 to filter out certain old and minor convictions and cautions for criminal records certificates and enhanced criminal record certificates issued by the Disclosure and Barring Service (DBS). These arrangements are set out in The Police Act 1997 (Criminal Record Certificates: Relevant Matters) (Amendment) (England and Wales) Order 2013 (“the Order”). Please refer to this document if you are in any doubt on what convictions to disclose.

Please ✓ as appropriate

Yes

No

**Details of any cautions, reprimands, final warnings, offences, penalties and allegations with dates**

Date	Details

**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?**

Please ✓ as appropriate

Yes

No

Please give details:

**3. Please sign the following declaration and return this form to the Headteacher who will send a copy to HR**

I confirm that the information I have given on this form is correct and complete and that any offer of employment made to me will be subject to a further check with the Disclosure and Barring Service.

**Signed:**

**Date:**

**Name (Block Capitals):**

**4. HEADTEACHER DECLARATION - Based on the information given overleaf, I approve / reject the applicant. However I understand that if I approve the applicant and the DBS check highlights any additional convictions then the applicant's appointment will be subject to an adequate risk assessment and investigation of the circumstances / discussion with HR.**

**Please ✓ as appropriate**

Approve applicant

Reject applicant

**Please print your name and sign and date the declaration. Please return to HR Support services along with a DBS request if you wish to proceed with the appointment and have approved the applicant**

**NAME:**

**SIGNED:**

**DATE:**

**Disclosure of Criminal Background of those with access to Children or Vulnerable Adults (The Rehabilitation of Offenders Act 1974) (Exception) (Amendment) Orders 1975 and 2001**

1. This post is exempt from the provision of Section 4(2) of the Rehabilitation of Offenders Act 1974 by virtue of the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Orders 1975 and 2001. Owing to the

nature of the work, you are advised that if offered the post for which you are now making an application, the offer will be subject to the School being satisfied as to your suitability following a check on any records of convictions, bindovers or cautions by the Disclosure and Barring Service (DBS). A criminal record will not necessarily be a bar to obtaining a position, but will be considered by the school in accordance with its policy on the Employment of Ex-offenders.

Arrangements were introduced on 29<sup>th</sup> May 2013 to filter out certain old and minor convictions and cautions for criminal records certificates and enhanced criminal records certificates issued by the Disclosure and Barring Service (DBS). These arrangements are set out in The Police Act 1997 (Criminal Record Certificates: Relevant Matters) (Amendment) (England and Wales) Order 2013 ("the Order"). Please refer to this document if you are in any doubt on what convictions to disclose.

2. You have been asked to complete this form showing whether you have had any court convictions / bindovers / cautions. Your confirmation of attendance for interview will indicate acceptance that you will complete this form and, if necessary, will be willing to discuss any such offences at interview. Applicants should, therefore, be prepared to disclose all convictions, bindovers or cautions, no matter how long ago they happened. Convictions otherwise considered to be spent under the terms of the Rehabilitation of Offenders Act must be declared.
3. You should also be aware that the letter addressed to referees named in your application form (or others) will ask for disclosure of any convictions/bindovers/cautions which they consider relevant to your suitability for employment.
4. Your application will not be further considered without completing this form. Failure to complete the form will constitute withdrawal prior to interview and remove any entitlement to expenses for attendance at interview.
5. You will also be asked for verification of your identity. Please note that it is your responsibility to provide this verification and no reimbursement of any expense will be made. Without such verification the form will not be processed (nor will you be cleared to work in the post for which you have applied). Please ensure that you complete the form in **black ink**.



**APPENDIX C: RECRUITMENT & VETTING CHECK (AGENCY/CONTRACT EMPLOYEES)**

**Agency/Employing Organisation to complete this form in full and return to the Headteacher / nominated representative for approval prior to commencement of work**

**Date of request:**

**(Name)** \_\_\_\_\_ is to be supplied via

**(Name of agency)** \_\_\_\_\_ to undertake work with

**(School)** \_\_\_\_\_

**(Date of Birth)** \_\_\_\_\_

**(Address)** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Qualifications held (where this is a requirement for the work undertaken):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Is the person a national of a European Economic Area (EEA): Yes  No

If no, please attach evidence of permission to work.

**Please confirm:(✓ where appropriate)**

Post title under which DBS check was requested:

Date of DBS Disclosure Certificate:

Category code used (2 digit number):

DBS Disclosure Number:

**Please confirm type of DBS check carried out:**

Enhanced:

Enhanced with  
barred list  
check:

Working with adults:

Working with Children:

Were any convictions disclosed which may affect the individual's suitability to work with children?

YES

NO

Was any approved or additional information disclosed?

YES

NO

N.B – You should provide the school with the **original** DBS disclosure certificate if it refers to any disclosed information. This will be returned to you following inspection by the Headteacher. Where information is disclosed, a new DBS check may need to be obtained.  
(Ref: Safeguarding Children and Safer Recruitment in Education Section 4.22, 4.26 and Appendix II)

Are you aware of any post DBS check allegations? or of any reason why this person should not be employed to work with children? (Please give details):

Has this individual worked regularly (i.e. most weeks) for your organisation since the date of the DBS check?

YES

NO

Details of person completing the form

Name:

Post Title:

Organisation:

Date:

Signature:

**Thank you for taking the time to complete this form.**

**School details**

Please return to:

**For School Use Only:**

Suitability agreed by Headteacher/nominated representative:

YES

NO

Name:

Date:

## **APPENDIX D: DORSET COUNTY COUNCIL GUIDANCE FOR ENGAGING CONTRACTORS IN SCHOOLS, January 2011**

### **1.0 Guidance Summary**

1.1 This guidance details Dorset County Council's (DCC) requirements for working arrangements where contractors are used on school sites.

### **2.0 Scope**

2.1 This guidance is intended for use where Dorset County Council or the school engages contractors to construct new accommodation or to undertake routine maintenance (buildings or equipment), planned works and emergency repairs at existing premises.

### **3.0 Objectives**

3.1 The objective of this guidance is to assist Headteachers to put in place effective systems to safeguard children and young people when planned building works, routine maintenance and emergency repairs are undertaken at their premises. The ultimate aim is to 'Segregate or Supervise' in order to ensure the safety and wellbeing of children and young people in our care / charge.

### **4.0 Introduction**

4.1 All local authorities, schools and further education (FE) colleges in England have a responsibility to safeguard and promote the welfare of children and young people in its care (the Children Acts 1989 and 2004; the Education Act 2002).

4.2 The former Department for Education and Skills (now the Department for Education) has issued guidance in its document:

'Safeguarding Children and Safer Recruitment in Education'  
(DfES Publications: <http://www.education.gov.uk>)

4.3 This guidance needs to be read in conjunction with Chapter 4 of the above document. It offers advice on DBS checks for those who are working directly with children and young people in an education setting but also provides guidance for those who come into contact with children and young people on an ad hoc or irregular basis for short periods of time such as building contractors, maintenance companies, delivery personnel and the like.

4.4 In such situations it cites examples of good practice and suggests situations where Disclosure and Barring Services (DBS) checks are not required (see Appendix 1).

4.5 Accordingly this guidance considers what arrangements should be in place where contractors are engaged to work at schools premises in order to safeguard children and young people.

### **5.0 Communication with Children and Young People**

5.1 In general and wherever possible, children and young people should be made aware of contractors working on site via assemblies, form tutors, school council meetings, parent letters, newsletters, notice boards, internal websites, etc

5.2 Organisations engaging the contractor should ensure that contractor's staff are clearly visible and easily identified via name badges, special passes, high visibility jackets /

vests etc, showing the name of the company.

5.3 During lunch breaks and / or between school lessons, children and young people should be advised to avoid contact with contractor's staff who may be undertaking complex work / tasks or travelling between different locations on site to complete such works.

## **6.0 Contractors**

Three scenarios are considered:

- 1) Planned works
- 2) Routine service visits
- 3) Emergency call outs

### **6.1 Planned Works**

6.1.1 This includes contracts for works such as:

- New buildings
- Extensions
- Roof repairs
- Boiler renewals
- Window renewals
- Re-wiring
- IT installation

6.1.2 This means where work is planned and the contractor will be undertaking works that may take from a week to many months, sometimes where both contractors and sub-contractors are used.

6.1.3 The works shall be planned so that contact between the contractor's staff and children / young people will be avoided so far as is reasonably practicable. Physical barriers will prevent children / young people entering the site or work area and the contract will oblige contractor's staff to stay within the confines of the site or work area. In some situations, eg a new build, some members of the contractor's staff may visit the school on a regular basis, eg for project/progress meetings. In such cases these employees will need to be DBS checked by the contractors.

6.1.4 If it is not possible to take steps to segregate the contractors from the young people then the contractor's staff must be supervised and escorted whilst on the premises by a member of staff or appropriately vetted volunteer wherever possible. Where this is not possible or practical, children and young people who come into contact with the contractor must be supervised at all times by a member of staff or appropriate volunteer. In planning work by contractors, the Headteachers should ensure that facilities which are made available to contractors are not used by children or young people at the same time. If the school's toilet facilities are to be used, wherever possible these should be staff toilets and the closest to the entrance in order to minimise the potential for contact with children. Contractors should be advised of the times of school breaks so that the chances of their coming into contact with children in the school is minimised.

6.1.5 As a general rule contractors must not be left unsupervised with children / young people, although a common sense approach should be adopted.

6.1.6 Contractors will be obliged to follow the 'Code of Conduct' (see Appendix 2) which should be made available to each contractor by the school/premises.

6.1.7 DBS checks on contractors and sub-contractors who are not segregated will be required if they will be on site for more than 4 days in a 30 day period if the work is being undertaken in term time and in school hours.

## **6.2 Routine Service Visits**

6.2.1 This includes service contracts for:

- Boiler maintenance
- Fire alarm and emergency lighting checks
- Legionella checks
- Electrical tests
- Intruder alarms
- Gas heater maintenance

i.e. where usually the contractor's visit is planned and will be undertaking works over a period of hours or a couple of days involving a single or only a small number of workers. If it is not anticipated that this work will take involve attendance by the same contractor for more than 4 days in a 30 day period or every week, a DBS check is not required.

6.2.2 The work should be arranged so that contact between the contractor's staff and children / young people will be avoided so far as is practicable. The work area must be cordoned off, where possible, to prevent children / young people entering the work area. The contractor's staff will be instructed to stay within the confines of the work area.

6.2.3 If contact with children / young people cannot be avoided then the contractor's staff must be supervised and escorted whilst on the premises by a member of staff or appropriately vetted volunteer, wherever possible. Where this is not possible or practical, children and young people who come into contact with the contractor must be supervised at all times by a member of staff or vetted volunteer.

6.2.4 As a general rule, contractors must not be left unsupervised with children / young people.

6.2.5 Contractors will be obliged to follow the 'Code of Conduct' (see Appendix 2) which should be made available to each contractor by the school/premises.

## **6.3 Emergency Call Outs**

6.3.1 This includes contracts for work such as:

- Reactive maintenance
- Emergencies (e.g. window breakages, plumbing / electrical repairs)

i.e. where the contractors' visit is unplanned and would normally be undertaken over a period of hours involving a single or small number of workers. In emergency situations, a DBS check is not required.

6.3.2 The works shall be arranged so that contact between the contractor's staff and children / young people will be avoided so far as is practicable. The work area must be cordoned off where possible to prevent children / young people entering the work area. The contractor's staff will be instructed to stay within the confines of the work area wherever possible.

6.3.3 If contact with children / young people cannot be avoided then the contractor's staff must be supervised and escorted whilst on the premises by a member of staff or appropriately

vettted volunteer, wherever possible. Where this is not possible or practical, children and young people who come into contact with the contractor must be supervised at all times by a member of staff or vettted volunteer.

6.3.4 As a general rule, contractors must not be left unsupervised with children / young people.

## **7.0 Code of Conduct**

7.1 Contractors will be obliged to follow the 'Code of Conduct' (see Appendix 2) which should be made available to each contractor by the school/premises.

7.2 This code of conduct should be written into the building contract, form part of the pre-contract meeting agendas, displayed on site and, where appropriate, issued in card form to site workers.

7.3 The intention is for staff from both the contracting organisation and the contractor to understand what is considered to be acceptable behaviour. If this is understood, then either party can report any contact or activity that falls outside its scope to the contracting organisation for appropriate steps to be taken.

7.4 The Governing Body / Dorset County Council will exercise its right to exclude any contractor's staff from the site who fail to observe this code of conduct.

## **8.0 Summary**

8.1 When contractors are engaged to work on school sites;

1) Wherever possible, children and young people should be made aware that contractors are working on site.

2) Wherever possible, contractors should not come into contact with children / young people.

3) If contact cannot be avoided, then the contractors should be supervised by a member of staff or appropriately vettted volunteer, wherever possible. When this is not possible or practical, children and young people who come into contact with the contractor must be supervised at all times by a member of staff or vettted volunteer.

4) Contractors must not have unsupervised contact with children / young people (even if they have been 'DBS checked').

5) All contractors' staff should be briefed on what is considered appropriate behaviour whilst on the premises (Appendix 2).

The essence of the guidance is to 'Segregate or Supervise'.

## **9.0 Review**

9.1 This guidance will be reviewed regularly and updated in line with further guidance.



Copy extract from 'Safeguarding Children and Safer Recruitment in Education' Guidance (DfES Publications: <http://www.education.gov.uk>)

### *Building Works:*

4.74

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

See paragraph 4.23 for emergency call out contractors.

### *Emergency call out contractors / service visits:*

4.23

It is not necessary to obtain a DBS Check for visitors who will only have contact with children on an ad hoc or irregular basis for short periods of time, or secondary pupils undertaking voluntary work or work experience in other schools. However, it is good practice to ensure that visitors sign in and out, and are escorted whilst on the premises by a member of staff or appropriately vetted volunteer. Examples of people who **do not** need to apply for a DBS Check include:

- Visitors who have business with the Headteacher, Principal or other staff, or who have brief contact with children with a member of staff present;
- Visitors or contractors who come on site only to carry out emergency repairs or service equipment and who would not be expected to be left unsupervised on school or FE college premises;
- Volunteers or parents who only accompany staff and children on one off outings or trips that do not involve overnight stays, or who only help at specific one off events e.g. a sports day, school fete, college open day;
- Secondary pupils on Key Stage 4 work experience in other schools, FE colleges or nursery classes; secondary pupils undertaking work in another school or FE college as part of voluntary service, citizenship or vocational studies; or Key Stage 5 or sixth form pupils in connection with a short careers or subject placement. In these cases the school placing the pupil should ensure that s/he is suitable for the placement in question;
- People who are on site before or after school or college hours and when children are not present.

## Code of Conduct for Contractors Undertaking Work on Dorset County Council School premises:

- 1) Observe this code at all times
- 2) Stay within the confines of the agreed site or work area
- 3) Obtain prior consent if access is required outside the agreed site or work area
- 4) Use only the agreed access and exit routes
- 5) Obtain prior consent if alternative access and exit routes are required
- 6) Avoid contact with children / young people
- 7) **NEVER** be in contact with children / young people without the contracting organisation's supervision
- 8) If you are spoken to by a child / young person, be polite but do not engage in conversation
- 9) If spoken to by a child / young person, avoid any physical contact as this could be easily misinterpreted or misconstrued
- 10) Do not initiate any conversation with the children / young people
- 11) Do not use inappropriate, discriminatory or profane language whilst at the school
- 12) Dress appropriately – shirts to be worn at all times (i.e. no bare chests) and wear uniform/identity badges etc
- 13) Keep staff informed of where you are and what you are doing
- 14) Report any matters out of the ordinary or of concern, involving children / young people, immediately to the site manager, the manager of the premises or those responsible for commissioning the work. This includes reporting any difficulties in being able to comply with this code or any safeguarding concerns.
- 15) Do not share any personal details including addresses, telephone numbers or electronic means of communication including e-mails or any form of social media with children/young people and do not make contact via social networking sites
- 16) Do not arrange to meet with children / young people either inside or outside of the school
- 17) Do not offer to buy items for or from children / young people
- 18) Do not sell items to children / young people
- 19) Do not bring alcohol on the organisation's site
- 20) Do not join in games or activities with children / young people
- 21) Do not share food or drinks with children / young people (think of allergies and how the action could be mis-interpreted)
- 22) Remember that your actions, no matter how well-intentioned, could be misinterpreted
- 23) If your work means that you are required to have a DBS check, you are expected to declare to your employer if you are subject to any police investigations, cautions or if you are convicted of an offence during the course of your employment. Any such declaration need not affect your suitability to continue to provide services to the County Council/School and will be considered in accordance with the principles of the County Council's/School's Policy on the Employment of Ex-Offenders.

## APPENDIX E: RECORD OF POSITIVE DBS CHECK

The purpose of this document is to record the fact that an appropriate level of DBS check was obtained as a condition of confirming this appointment, based on the requirements of the job role. To comply with Data Protection law, the Headteacher should **NOT** record upon it any details of the actual offence(s) disclosed by the DBS check, but instead whether any offence(s) were disclosed, and also record a judgment as to whether the offence(s) were considered sufficiently serious to justify the withdrawal of an offer of appointment. It is particularly important to record an explanation of any case where one or more criminal offences have been disclosed, but where these were not thought serious enough to cause the offer of appointment to be withdrawn.

Surname:	Position applied for:
Forename:	Organisation:
Other Names:	Disclosure Ref No:
Date of Birth:	Date of Issue
Place of Birth:	

Police records of convictions, cautions, reprimands and final warnings

Date	Comments

Information from list held under Section 142 of the Education Act 2002. If none recorded state 'none recorded'

Date	Comments

Children's Barred List. If none recorded state 'none recorded'

Date	Comments

Other relevant information disclosed at the Chief Police Officer's discretion. If none recorded state 'none recorded'

Date	Comments

Decision as to suitability (Provide summary reason for decision).

Headteacher ..... Date .....  
HR Officer ..... Date .....

## **APPENDIX F: RISK ASSESSMENT FOR NEW APPOINTEES COMMENCING EMPLOYMENT PENDING DBS CLEARANCE**

In undertaking this risk assessment, the Headteacher must take account the employer's duty in law. In all cases, Human Resources must be made aware that the school is contemplating starting an employee pending a DBS check and the outcome of the risk assessment prior to a start date being agreed with the individual.

School Name

Applicant Name

**Have all identity and other vetting checks been carried out? If so which ones?**

**Were any convictions declared on the criminal record declaration form? (do not state the actual convictions)**

**Have the details of any convictions declared been discussed with the applicant at interview?**

**Have references been received?**

Do they include recent employers in similar roles/working environments?

Were any issues identified?

**Nature of the job**

What contact will they have with children?  
Face to Face/121/group/telephone etc

What frequency of contact will they have?  
Daily/weekly etc

**Will they be in a situation to build relationships?**

**What is the environment like from the child's point of view?**

Schools seen by children as safe – not associated with risk

**What are the risks?**

Safeguarding of children  
School reputation  
Reaction of pupils/parents if issues arise

**What safeguards are in place to reduce these risks?**

Supervision by other staff – what happens if this is not constant?

**Having considered the risks and safeguards to reduce the risks, the decision to appoint and reasons for it**

---

<b>Risk Assessment carried out by</b>	
<b>Headteacher signature</b>	
<b>Date</b>	
<b>Date discussed with HR</b>	
<b>HR Representative Name</b>	
<b>Date disclosure submitted</b>	



## APPENDIX G: SINGLE CENTRAL RECORD OF RECRUITMENT AND VETTING CHECKS GUIDANCE

All schools are required to create a single, central record of completed recruitment and vetting checks in respect of employees and others who have regular contact with children within the school. The person who carried out the checks should also be identified on the spreadsheet.

A spreadsheet template is available on Staffnet. The information fields are:-

<b>Name</b>	Full names should be included (you should have checked these whilst completing the Identity check form)
<b>Address</b>	Full address including post code should be included (you should have checked this whilst completing the Identity check form – make sure a note is kept of what documents were produced)
<b>Job Title</b>	Enter the full title for employees. For others, enter a category, such as volunteer, Governor etc. as appropriate.
<b>Date of Birth</b>	(you should have checked this whilst completing the Identity check form – make sure a note is kept of what documents were produced)
<b>Identity, Evidenced &amp; Date</b>	(you should have checked this whilst completing the Identity check form – make sure a note is kept of what documents were produced)
<b>Qualification Required</b>	Identify those posts for which either QTS or one of the special categories of qualification are required. See guidance at <a href="#">Appendix L</a> . For such posts enter “yes” in this column. For all other posts and individuals enter “no”.
<b>Qualification Evidenced &amp; Date</b>	Make sure sufficient evidence is The date that such evidence was viewed produced as explained in the guidance at <a href="#">Appendix L</a> . should be entered in this field.
<b>Children’s Barred List</b>	You should record that this check has been carried out for any staff or volunteers that you intend to start prior to the DBS clearance being received: refer to Safeguarding Children and Safer Recruitment in Education paragraphs 4.24 – 4.27. In addition, checks against the Children’s Barred List should be recorded for any staff / volunteers employed prior to March 2002 when the Disclosure and Barring Service (formerly the Criminal Records Bureau) was introduced and where a DBS check has not needed to be completed.
<b>DBS Check, Evidenced &amp; Date</b>	Person who evidenced DBS check and date.
<b>DBS Unique Reference Number</b>	A record must be kept of the DBS disclosure number.

**'Right to Work' in the UK Evidenced and Date**

This information will be evidenced by either the birth certificate or passport of a British National or citizen of the EEA. Otherwise you will need to see a work permit. You will need to keep evidence of what you have seen i.e. a photocopy that should be initialled and dated by the person carrying out the check. This needs to be retained for two years after last day of service.

**European Economic Area National, Yes/No**

You will need to enter "yes" or "no" in this field as appropriate. See Appendix L for DfE guidance.

**Date Work Permit Received**

Please note that anyone in paid employment, who is not a National of a European Economic Area Country, requires permission to work in the United Kingdom in the form of a work permit. This is obtained by the employer from the UK Border Agency prior to the individual taking up employment. Failure to meet this requirement contravenes the Immigration, Asylum and Nationality Act 2006 and could result in prosecution and a fine.

**Additional Checks for Staff coming from Abroad Evidenced and Date**

Guidance in Safeguarding Children and Safer Recruitment in Education paragraphs 4.65 – 4.71 offers advice about additional checks that should be done for individuals who have been living abroad.

**Date Left**

The spreadsheet may include the names of staff who have left. For these individuals, please enter the date of their last day of service. We would advise that you retain their line in the spreadsheet for up to two years, as this is the time required for evidence of the right to work in the UK to be retained. Former employees can be grouped together or moved to another page on the spreadsheet for administrative ease.

## APPENDIX H: SINGLE CENTRAL RECORD OF RECRUITMENT AND VETTING CHECKS

Name	Address	Date of Birth	Date Started with Dorset	Job title	Identity Evidenced & checked <i>Include initials/name of who saw the evidence or did the check*</i>	Qualification required Yes/No	*Qualification Evidenced & checked <i>Confirmation of QTS can be obtained from the Department for Education Employer Access Online</i>	*Children's Barred List check Evidenced & date	*DBS Check Evidenced & date	DBS Unique Reference Number	**Right to Work' in the UK Evidenced & date	EEA National Yes/No	Date work permit obtained	*Additional Checks for Staff coming from Abroad Evidenced & date

These are the latest recommended headings for the Single Central Record, taking into account the requirements of paragraph 4.54 of Safeguarding Children and Safer Recruitment in Education and advice from Ofsted to their Inspectors. See Appendix H2 for a model completed Single Central Record.

## APPENDIX I: DBS IDENTITY CHECK FORM

**EMPLOYEES & VOLUNTEERS IN SCHOOLS** To be submitted with all DBS application forms submitted for processing on or after 1 September 2012

In accordance with the DBS code of practice and guidance available at <http://www.homeoffice.gov.uk/agencies-public-bodies/crb/partners-reg-bodies/code-of-practice/>, you are required to thoroughly check and verify the identity of applicants applying for a DBS check. Please ensure that you check the originals of any required documents and that you satisfy yourself fully of their authenticity. This document will be taken as proof that the identity checker has fulfilled these obligations and Dorset County Council will inform the DBS of the name of the person who undertook identity verification for each applicant. Please note that all non EEA nationals must use Route 1. Please contact the County Council (HR) if the correct documents cannot be produced.

**Route 1** - One document from Group 1, plus two documents from either Group 1, 2a or 2b.

**Route 2** - If the applicant cannot produce any document from Group 1, check one document from Group 2a, and two further documents from group 2a or 2b one of which must verify their current address. Identity checks via Route 2 will require external identity validation. **NOTE: if using Route 2 please attach copies of all documents seen, and a consent form signed by the applicant these will be required for the external validation check and will be securely destroyed on satisfactory validation.** In all cases please record the information directly from the original document. Please note that if the person's identity documents are not in the applicant's current name, official evidence of the name change (marriage certificate or deed poll evidence, etc.) should be seen and recorded.

Full name of

Job title of applicant or

Date of ID Check

School

Is applicant working in regulated Yes  No

### Documents

Please verify which Group 1 documents have been seen and checked by crossing the

- Current valid passport
- Biometric residence permit (UK)
- Current driving licence (UK) full or provisional (includes Isle of Man/Channel
- Birth certificate (UK or Channel Islands) issued within 12 months of birth – full or short form acceptable including those issued by UK authorities overseas. Such as Embassies, High Commissions and HM Forces

### Passport details

Passport

Issue date

Nationality

Date of

### Driving licence details

Driving licence

Valid from

Country of

Date of

Is it a photographic driving licence? Yes  No

If so have you seen the photocard and the counterpart? (if Jersey  No

If **Yes**, is the photograph of the person interviewed? Yes  No

Address on the driving licence:

**One proof of address**

e.g. recent utility bill (UK), credit card statement (UK or EEA only), bank or mortgage statement (UK or EEA only) **Note mobile telephone bills or documents printed**

Type of document

Document

Recorded address:  
(including postcode)**Birth certificate details**

Place of birth

Date of

Country of

Date of

**Evidence of name change (If identity documents are not in the applicant's current**Marriage  Deed  Other 

If other, please

Previous name

New name

Date of name

**Please place a tick against all original documents seen and checked****Group 1 – Primary trusted identity credentials**

- |   |  |
|---|--|
| <input type="checkbox"/> Current valid passport   | <input type="checkbox"/> Biometric residence permit (UK)   |
| <input type="checkbox"/> Current driving licence (UK) (full or provisional) Isle of Man/Channel Islands (a photo card is only valid if the individual presents it with the associated counterpart licence; except Jersey) | <input type="checkbox"/> Birth certificate (UK and Channel Islands) – issued within 12 months of date of birth; full or short form acceptable including those issued by UK authorities overseas, such as Embassies, High Commissions |

**Group 2a – Trusted government/state issued documents**

- |  |  |
|--|--|
| <input type="checkbox"/> Current non UK photo driving licence (valid only if applicant resides outside of UK at time of application) | <input type="checkbox"/> Biometric residence permit (UK)                                 |
| <input type="checkbox"/> Birth certificate (UK and Channel Islands) – issued after 12 months of date of birth                        | <input type="checkbox"/> Marriage/Civil Partnership certificate (UK and Channel Islands) |
| <input type="checkbox"/> Current UK driving licences (old paper)   | <input type="checkbox"/> Adoption certificate (UK and Channel Islands)                   |
| <input type="checkbox"/> HM Forces ID card (UK)  | <input type="checkbox"/> Firearms Licence (UK and Channel Islands)                       |

**Group 2b – Financial/social history documents**

- |  |   |
|--|---|
| <input type="checkbox"/> Mortgage statement (UK or EEA) **   | <input type="checkbox"/> Bank/building society statement (UK or EEA) *  |
| <input type="checkbox"/> Credit card statement (UK or EEA) *   | <input type="checkbox"/> Financial statement ** - e.g. pension  |
| <input type="checkbox"/> P45/P60 statement ** (UK and Channel Islands)   | <input type="checkbox"/> Council tax statement ** (UK and Channel Islands)  |
| <input type="checkbox"/> Work permit/visa (UK) ** (UK residence)   | <input type="checkbox"/> Utility bill (UK) * - not mobile telephone   |
| <input type="checkbox"/> Benefit statement * - e.g. child allowance,   | <input type="checkbox"/> EU national ID card  |
| <input type="checkbox"/> Bank/building society account opening confirmation letter (UK)  | <input type="checkbox"/> Cards carrying the PASS accreditation logo (UK and Channel Islands)  |
| <input type="checkbox"/> Letter from headteacher or college principal (16/17 year olds in full time education) (only in exceptional circumstances when no other documents  | <input type="checkbox"/> Letter of sponsorship from future employment provider (non UK) Non EEA only – if residing outside of the UK at time of application |
| <input type="checkbox"/> A document from central/local government/government agency/local authority giving entitlement (UK and Channel Islands)*- e.g. from the Department for Work and Pensions, the Employment Service, Customs & Revenue, Job Centre, Job Centre Plus, Social |   |

**Please note - If a document in the list of valid identity documents is denoted with;**  
\* - it should be less than three months old \*\* - it should be issued within the past 12 months  
not denoted – it can be more than 12 months old

**Endorsement**

I certify that I have personally seen the originals of the documents detailed above, and that I am satisfied of their authenticity. I understand that this form will be used as evidence of identity for DBS checking purposes and I have read and understood the county council's

Name (in BLOCK

Signature

Date

N.B. If the applicant is using route 2, an external validation check is required and the applicant must sign a consent form to be attached to this form, with copy documentation and the DBS application form

**APPENDIX Ib: APPLICANT CONSENT FOR AN EXTERNAL  
IDENTITY VALIDATION CHECK DBS APPLICATION**

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I cannot provide Route 1 identity documentation for a Disclosure and Barring Services check. I consent to Dorset County Council undertaking a search with Experian for the purposes of verifying my identity. To do so, Experian may check the details I supply against my particulars on any database (public or otherwise) to which they have access. Experian may also use my details in the future to assist other companies for verification purposes. I understand that a record of the search

Full name of applicant	
Signature	
Date Of consent	

Post Applied For	
Name of School	

## **APPENDIX Ic: GUIDANCE FOR IDENTITY CHECKERS**

Applicants must produce three documents that the nominated person must record on the Identity check form

### **Route 1**

The applicant must produce one document from Group 1 plus any two others from Groups 1 or 2a or 2b, one of which should confirm the applicant's current address.

**This route is the only route to be used by non EEA nationals**

**The possibility of using Route 1 should be exhausted BEFORE route 2 is considered**

### **Route 2**

The applicant must produce one document from Group 2a and two further documents from Group 2a or 2b one of which must verify their current address.

**These applicants will require an external validation check** accessed through the County Council as the registered body **PLEASE NOTE** there will be an additional check for external validation which is undertaken by a commercial company, this will incur an additional charge and cause a delay, therefore all possibility of using route 1 should be exhausted before this route is considered.

### **Route 3**

**To be used only if validation of identity through Routes 1 and 2 cannot be achieved.**

Identity checkers are advised to have a probing discussion with the applicant, why can they not meet the requirements of route 1 or 2? Has there been a previous name change which has not been declared? A record of this discussion should be kept and submitted with the DBS application form and the County Council as the registered body may also need to have a recorded discussion with the individual. Please notify the individual of this possibility and provide telephone contact details to the County Council To use route 3, the applicant must produce an original version of a Birth Certificate (UK or Channel Islands), one document from Group 2a and three further documents from Group 2a or 2b one of which must verify their current address.

Failure to prove identity through any of the above routes will mean that the applicant will need to be fingerprinted as part of the DBS checking process which will introduce delay in clearance.

## **List of Valid Identity Documents**

### **Group 1 – Primary Trusted Identity Credentials**

- Current valid Passport
- Biometric Residence Permit (UK)
- Current Photo card Driving Licence (UK) (Full or provisional) Isle of Man /Channel Islands;
  - The photo card is only valid if the individual presents it with the associated counterpart licence; except Jersey)
- Birth Certificate (UK and Channel Islands) - issued at the time of birth;



- Full or short form acceptable including those issued by UK authorities overseas, such as Embassies, High Commissions and HM Forces

### **Group 2a – Trusted Government/State Issued Documents**

- Current UK Driving Licence (old style paper version)
- Current Non-UK Photo Driving Licence (valid only for applicants residing outside of the UK at time of application)
- Birth Certificate (UK and Channel Islands) - (issued after the time of birth by the General Register Office/relevant authority i.e. Registrars – Photocopies are not acceptable)
- Marriage/Civil Partnership Certificate (UK and Channel Islands)
- Adoption Certificate (UK and Channel Islands)
- HM Forces ID Card (UK)
- Fire Arms Licence (UK and Channel Islands)

### **Group 2b – Financial/Social History Documents**

- Mortgage Statement (UK or EEA)\*\* (Non-EEA statements must not be accepted)
- Bank/Building Society Statement (UK or EEA)\* (Non-EEA statements must not be accepted)
- Bank/Building Society Account Opening Confirmation Letter (UK)
- Credit Card Statement (UK or EEA)\* (Non-EEA statements must not be accepted)
- Financial Statement \*\* - e.g. pension, endowment, ISA (UK)
- P45/P60 Statement \*\*(UK & Channel Islands)
- Council Tax Statement (UK & Channel Islands) \*\*
- Work Permit/Visa (UK) (UK Residence Permit) \*\*
- Letter of Sponsorship from future employment provider (Non-UK/Non-EEA only – valid only for applicants residing outside of the UK at time of application)
- Utility Bill (UK)\* – Not Mobile Telephone
- Benefit Statement\* - e.g. Child Allowance, Pension
- A document from Central/ Local Government/ Government Agency/ Local Authority giving entitlement (UK & Channel Islands)\*- e.g. from the Department for Work and Pensions, the Employment Service , Customs & Revenue, Job Centre, Job Centre Plus, Social Security
- EU National ID Card
- Cards carrying the PASS accreditation logo (UK and Channel Islands)
- Letter from Head Teacher or College Principal (16/17 year olds in full time education - only used in exceptional circumstances when all other documents have been exhausted)

#### **Please note:**

If a document in the List of Valid Identity Documents is:

- denoted with \* - it should be less than three months old
- denoted with \*\* - it should be issued within the past 12 months
- not denoted – it can be more than 12 months old.

#### **How can I check Driving Licences?**

Do not accept licences, other than those stated in the list of Valid Identity Documents. English, Welsh and Scottish driving licence numbers contain information about the applicant's name, sex and date of birth. This information is written in a special format but can be gleaned and matched against the information provided by the applicant in Section A.

Please note that the date of birth on English, Welsh and Scottish driving licences, issued before 1977, is not recorded as a separate entry on the licence. The date of birth can be deciphered from the driving licence number and checked against the date of birth field on the application form.

For example the format of the number for Christine Josephine Robinson, born 2 July 1975

ROBIN 757025 CJ99901  
NNNNN YMMDDY IICCC C

- N = 1st five letters of the surname (if the surname begins MAC or MC it is treated as MC for all).
- Y = YEAR of birth.
- M = MONTH of birth (In the case of a female, the number represented by the first M will have the value 5 added to the first digit e.g. a female born in November (i.e. 11) would display '61' in the MM boxes or if born in February (i.e. 02) would display '52').
- D = DAY of month of birth.
- I = Initial letter of the first two forenames - if only one, then 9 will replace the second letter. If the licence indicates that the applicant has a middle name, ensure that one has been provided in Section A.
- C = Computer generated.

Please note, for Northern Ireland; Isle of Man and Jersey driving licences the licence number is in a different format. The licence number is unique to the driver and the 'name' or 'date of birth' validation, as shown above, cannot be used.

### **What if the applicant has been adopted?**

Registered Bodies should inform applicants that if they were adopted before the age of 10, they do not need to provide their surname at birth in Section A of the DBS application form, they should give their adoptive name in this section.

This is because the age of criminal responsibility is deemed to be 10 years, under the Children and Young Persons Act 1933, Chapter 12, Section 50. This means that there is no possibility that an individual could have a criminal record in a name that was used until the age of 10.

### **What if the applicant has changed their name recently and cannot provide ID documents in this new name?**

Documents in a previous name can be accepted ONLY where the applicant can provide documentation supporting a recent change because of:

- marriage/civil partnership (marriage/civil partnership certificate)
- divorce/civil partnership dissolution (decree absolute/civil partnership dissolution certificate)
- deed poll (Deed Poll certificate)

In these instances, you must:

1. Return a 'Continuation Sheet' with the application form clearly stating

- current and previous names
  - date of the change
  - reason for the change
  - the document you have seen to support this change
2. Ensure that all 'Previous names' and 'Dates used' are recorded in Section A (Additional Personal Details)

### **What should I do if I suspect false identity or documents?**

If you suspect that you have been presented with a false identity or documents at the time of application, do not proceed with the application process.

- To report suspected identity fraud contact the county council as your DBS registered body
- For further information on identity fraud see <http://www.met.police.uk/fraudalert/>
- If you suspect identity fraud once a DBS check has been submitted, you must contact the DBS directly or via the County Council as your registered body.
- You are also advised that under Section 8 of the Asylum and Immigration Act 1996 all employers in the United Kingdom are required to make basic document checks to help prevent anyone from working illegally. By carrying out checks employers will be able to establish a defence for themselves if any of their employees are found to be working illegally at a later date.

Further details are available at <http://www.ukba.homeoffice.gov.uk/business-sponsors/>

The UK Border Agency Employer Helpline is 0845 010 6677

### **How do I check for indicators of fraud?**

Always check for signs of tampering when checking identity documents. Documents should be queried if they display any signs of damage, especially in the areas of personal details such as the name and the photograph. The following guidelines should help you look out for any suspicious signs when authenticating documents.

#### **Checking a passport**

Check the general quality and condition of the passport. Treat it with suspicion if it is excessively damaged; accidental damage is often used to conceal tampering. Photographs should be examined closely for signs of damage to the laminate or for excessive glue or slitting of the laminate; these signs would indicate photo substitution. If the photograph appears excessively large, this might indicate an attempt to hide another photograph underneath. There should also be an embossed strip embedded into the laminate, which will catch a portion of the photograph.

Check there is no damage to this area. If the passport is from a foreign national, you can still follow the same general procedures as above.

Further information can be found here:

<http://www.homeoffice.gov.uk/publications/agencies-public-bodies/ips/general-ips-publications/passports/basic-passport-checks>

#### **Checking a photo Driving Licence**

Examine the licence for evidence of photo tampering or any amendment of the printed details. Further advice is given here

[http://www.direct.gov.uk/prod\\_consum\\_dg/groups/dg\\_digitalassets/@dg/@en/@motor/documents/digitalasset/dg\\_068625.pdf](http://www.direct.gov.uk/prod_consum_dg/groups/dg_digitalassets/@dg/@en/@motor/documents/digitalasset/dg_068625.pdf)

### **Checking an old style driving licence (no photograph)**

Remove the document from the plastic wallet and check that it is printed on both sides. It should have a watermark visible by holding the licence up to the light and there should be no punctuation marks in the name or address. The 'Valid To' date should be the day before the bearer's 70th birthday (unless the bearer is already over 70). The 'Valid To' date can therefore be cross-referenced with the applicant's date of birth detailed in Section A.

### **Checking a birth certificate**

Birth certificates are not evidence of identity, and are easily obtained. Although certificates issued at the time of birth may give more confidence that it belongs to the individual, unlike a recently issued certificate they will not show if any information has been corrected or superseded by a new registration.

Check the quality of paper used; genuine certificates use a high grade. There should be a watermark visible when the document is held up to the light. Any signs of smoothness on the surface would indicate that original text might have been washed or rubbed away. There should be no signs of tampering, changes using liquid paper, overwriting or spelling mistakes.

The following list provides some general information about certificate completion which **may** help to establish whether the certificate and/or the details have been falsified. This is provided solely as a guide and is not exhaustive:

- The certificate format used should be appropriate for the year of registration.
- Only the surname should be entered in upper case, not the forename(s).
- Dates of birth should be shown with the day and month in words and the year in figures.

The following information might indicate that the certificate has been altered:

- Spacing between falsely added particulars might be irregular compared to original information. 'Thick' or 'thin' spacing might infer particulars have been added.
- False particulars might not have been aligned with other words.
- Characters may not be of the same size or shape with the rest of the particulars.
- Movement of handwriting may look mechanical and does not flow with the rest of the particulars.
- Changes might not be consistent e.g. parents' surnames might be altered, but not the signatures.
- The area around falsely added or removed particulars may react differently under an ultra violet light i.e. show signs of staining. In addition, such areas of paper may appear thinner where the paper fibres have been disturbed by abrasion.

### **Checking an EU photo identity card**

Examine the card for evidence of photo tampering or any amendment of the printed details.

### **Checking an HM Forces ID card**

Examine the card for evidence of photo tampering or any amendment of the printed details.

### **Checking a firearms licence**

Check the licence is printed on blue security paper with a Royal crest watermark and a faint pattern stating the words 'Home Office'. Examine the licence for evidence of photo tampering or any amendment of the printed details, which should include home address and date of birth. The licence should be signed by the holder and bear the authorising signature of the chief of police for the area in which they live, or normally a person to whom his authority has been delegated.

### **Other forms of identification**

Ensure all letters and statements are recent, i.e. within a three month period. Do not accept documentation printed from the internet. Check letter headed paper is used, bank headers are correct and all documentation looks genuine. The address should be cross-referenced with that quoted in Section B.

### **Where to go for help**

The PRADO website is provided by the Council of European Union. Employers are able to use this website to identify the basic safeguards contained in European documents and a few more other nationality documents.

<http://prado.consilium.europa.eu/>

## **APPENDIX J: IDENTITY CHECKS AND PROOF OF RIGHT TO WORK IN THE UK**

Under the Asylum and Immigration Act 2006, the School may be found guilty of a criminal offence if it employs someone who does not have permission to be or to work in the United Kingdom. Penalties of to £10,000 per illegal employee can be imposed.

However by conducting certain basic checks before taking on new employees the school will have a statutory excuse against the penalty. These checks should be built in to normal recruitment procedures for all staff to prevent any claims of racial discrimination which could happen if information was only requested from those who sound or look like they are from a different country. From 2008 it became mandatory to retain a copy of the documentation showing the evidence to work in the UK for all joiners after that date.

It is important that the checks are undertaken prior to the individual starting work with the school. It is also important that the documents relate to the person who produces them (i.e. check that they are current and consistent with the appearance and age of the employee) and whether they have any expiry date.

Documents can also be checked for the purpose of the DBS disclosure application at the same time and recorded on the Employee Identity check form which must be sent in with the DBS application form to the County Council as the Registered Body.

Further information about who is eligible to work in the UK, what documents prove a person is able to work in the UK, work permits, and the requirements for Bulgarian and Romanian nationals are set out in the Summary Guide for Employers on Preventing Illegal Working in the UK issued by the UK Border Agency <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/employersandsponsors/preventingillegalworking/currentguidanceandcodes/summary-guidance.pdf?view=Binary>

Please see the Criminal Records Policy, Section 12 – Additional Information, for the link to Membership of the European Union and European Economic Area.

## **APPENDIX K: QUALIFICATIONS**

### **Guidance on Checking Qualifications**

Schools should verify qualifications and membership of professional bodies by asking shortlisted candidates to bring the originals of their declared qualifications and memberships to interview. Photocopies of the originals should be taken for all candidates.

Copies of the successful candidate's qualifications and memberships should be retained on the personal file, and a record made to confirm that these have been verified as part of the schools single central record.

Care should be taken when verifying qualifications to ensure that the date on the certificates matches those declared on the application form, and that the name and details of the qualification certificate also match fully the information given.

The quality and finish of the certificate provided should be checked and any watermarks to verify the certificate's authenticity. If there are any concerns, it may be appropriate to contact the awarding body or college or university to confirm the details.

Please seek further advice from your HR Employee Relations team if required.

### **DfE GUIDANCE - Who may teach?**

No person may teach in a maintained school or a non-maintained special school unless he/she:

- has qualified teacher status (QTS/QTLS), otherwise known as a "qualified teacher"; or
- falls within one of the special categories specified in the Education (Specified Work and Registration) (England) Regulations 2003 (S.I. No. 1663).

Special categories include:

- Student teachers
- Instructors with special qualifications or experience
- Overseas trained teachers
- Teacher trainees who have yet to pass the skills test
- Graduate teachers
- Registered teachers
- Staff on an employment-based teacher training scheme
- Support staff (such as HLTAs and TAs) may also teach, provided -
  - they do so in order to assist or support the work of qualified teachers or nominated teachers and are subject to their direction and supervision, in accordance with arrangements made by the head teacher; and
  - the head teacher is satisfied that they have the skills, expertise and experience required to teach.

LAs and schools should ask teachers who are specialising in teaching sensory-impaired pupils to produce evidence of gaining an approved qualification to teach sensory-impaired pupils; or establish the intentions of gaining such qualification within three years, as required by the regulations.

The Department for Education (DfE) Employer Access Online is a free service available for schools, local authorities and teacher supply agencies in England. It enables employers and potential employers to view the record of any teacher with qualified teacher status (QTS) (with the exception of teachers who have achieved QTS through holding qualified teacher learning and skills (QTLS)) or any teacher with an active restriction (including any teacher with QTLS to whom this applies). Schools may also contact their LA to arrange for a check to be undertaken if needed.



## APPENDIX L: FAQ's

### Applicant Only Certificates

#### ***Q.1 Can I keep a copy of the DBS Certificate that I have checked?***

You can retain a copy of the DBS certificate with the applicant's permission. You should ask for agreement and where it is given, you must store the copy in line with the DBS policy on Storage and Retention of Disclosure information and the Data Protection Act. Where permission is not given you will need to ensure that the certificate number is recorded on the Single Central Record. For more information about storage of copies of DBS checks, please refer to the DBS Code of Practice which can be found at [www.gov.uk/dbs](http://www.gov.uk/dbs).

#### ***Q.2 I've carried out a Status Check for my new teacher. Can I print and keep a record of the Status Check result?***

Yes, you are strongly advised to do this, as long as you protect this information in line with the DBS's Code of Practice and the Data Protection Act. The DBS number should be recorded on the Single Central Record.

#### ***Q.3 Can I still start someone prior to seeing their DBS Certificate?***

The existing rules around employing new staff without a DBS check where one is required have not changed. This would always be subject to a risk assessment being carried out and the person being supervised.

However because of the introduction of the applicant only certificate it is our strongest recommendation that schools and academies should not start any new employee or volunteer without having first seen their valid DBS disclosure certificate and recording the DBS certificate number on your Single Central Record. As it is only the employee who can provide a copy of their DBS certificate, there is a much greater risk in starting someone who does not then produce their DBS certificate. This may be because they do not want you to see what the certificate contains as it may mean that they are unsuitable to work with children.

#### ***Q.4 I started someone 6 weeks ago and they still haven't provided me with a copy of their DBS Disclosure Certificate***

If someone does not produce the DBS certificate prior to starting work you can withdraw the conditional offer of employment you have made. If someone has already started work then the school would need to take steps to dismiss the employee.

#### ***Q.5 I've mislaid/lost a copy of the DBS certificate number and I need this for the Single Central Record. Can you provide me with these details?***

From 17 June, schools will now be responsible for ensuring that any new employee has a valid DBS certificate and that they have recorded the DBS certificate number on their SCR. **Dorset County Council will no longer be able to provide schools/academies with the DBS certificate number for any new employee who received clearance after 17 June 2013.**

**Q.6 After I've carried out a Status Check, will the DBS notify me if the information revealed on the DBS Certificate subsequently changes?**

No. If you want to check whether there have been any changes to the most recent DBS Certificate you can only do so if the individual has subscribed to the Update Service and with their consent. The only way of finding out what those changes are would be to obtain another DBS disclosure.

**Q.7 What do I do if the individual has a DBS check which has information about criminal convictions on it?**

A criminal record does not automatically make an applicant unsuitable for a position unless stipulated by statute/guidance. All employers who can access DBS information have to have a policy on the Rehabilitation of Offenders. A model policy is available for schools to use and can be found at Appendix A of the Criminal Records Checking policy. You are required to comply with this policy otherwise you could be challenged.

**Q.8 How do I assess an applicant's suitability for employment if they have a criminal record?**

When assessing the suitability of a person with a criminal record for employment or voluntary work, you should consider both the nature of the work and the details and circumstances of any convictions. Only convictions relevant to the role can be taken into account. When assessing the risk of employing someone with a criminal record you should compare the applicant's skills, experience and conviction circumstances against risk criteria identified for the job. The overriding consideration however will be the duty to safeguard children and young people.

You should discuss the disclosure with the applicant and take the following into account when considering clearance:

- the seriousness of the offence;
- the length of time since the offence occurred, and the age at which it occurred (e.g. juvenile);
- any relevant information offered by the individual about the circumstances which led to the offence being committed;
- whether the offence was one-off or part of a history of offending;
- whether the individual's circumstances have changed since the offence was committed;
- the country in which the offence was committed (e.g. some activities are offences in Scotland but not England and Wales and vice versa);
- whether the offence has since been decriminalised by Parliament;
- the explanation, degree of remorse, rehabilitation or otherwise, expressed by the individual and the motivation to change.

If you have any concerns about a positive disclosure that you have received then please do not hesitate to contact a member of the Schools' ER Team.

In addition to this, you should also complete Appendix E in the Criminal Records Checking Policy Toolkit.

**Q.9 What should I look for when checking a DBS Certificate?**

The DBS Certificates have a number of security features to prove they are genuine. These are:

- a 'crown seal' watermark repeated down the right hand side, visible both on the surface and when holding it up to the light;
- a background design featuring the word 'Disclosure', which appears in a wave like pattern across both sides of the certificate; the pattern's colour alternates between blue and green on the reverse of the certificate;
- ink and paper which change colour when wet.

In addition you should check that the personal details and spelling are shown correctly on the certificate.

**Q.10 Is it possible to obtain a copy of the DBS Disclosure Certificate from the DBS?**

It is only possible to ask the DBS for a copy of the applicant's DBS Certificate if all of the following conditions apply:

- The individual is subscribed to the Update Service; **and**
- The employer has carried out a Status Check which revealed a change to the DBS Certificate; **and as a result**
- The individual has applied for a new DBS check as the result of a change to an existing DBS Certificate; **and**
- The DBS issued the new DBS Certificate to the applicant more than 28 days ago; **and**
- The applicant has not shown the employer their new DBS Certificate.

These are the only circumstances in which the DBS will be able to provide a copy of the DBS Certificate.

**DBS Update Service**

**Q.11 What does this mean for my school/academy?**

For an annual subscription of £13, applicants can have the information on their DBS certificate kept up to date and use one certificate for different roles with different organisations provided it is within the same workforce, where the same type and level of check is required. An individual can only subscribe to the Update Service within two weeks of making an application for a DBS criminal record check. It is for an individual to agree to join the Update Service. Where an individual has joined the update service it will be possible for an employer to go online, with the person's agreement, and enter the DBS number to see whether any new information has been added since the latest DBS check. Where new information has been added the employer will be advised to obtain a new DBS check to find out what it is.

**Q.12 Has the introduction of the Update Service changed the requirements for criminal record checks?**

No, the same requirements apply which are set out in the Recruitment and Selection and Criminal Records Checking Policies.

**Q.13 What will a Status Check tell me?**

If an individual is a member of the Update Service, a Status Check will let you see the following details:

- The individual's name
- The individual's date of birth
- One of the following results:
  - This DBS Certificate did not reveal any information and remains current as no further information has been identified since its issue. *This means that the DBS Certificate when issued was blank, i.e. it did not reveal any information about the person and no new information has been found since its issue and can therefore be accepted as being still current and valid.*
  - This DBS Certificate remains current as no further information has been identified since its issue. *This means that the DBS Certificate revealed information about the person and no new information has been found since its issue and can therefore be accepted as being still current and valid.*
  - This DBS Certificate is no longer current. Please apply for a new DBS check to get the most up-to-date information. *This means that new information has come to light since the DBS Certificate was issued and you will need to apply for a new DBS check to see this new information.*
  - The details entered do not match those held on our system. Please check and try again. *This means either that the individual has not subscribed to the Update Service; or that the DBS Certificate has been removed from the Update Service; or that you have not entered the correct information.*

**Q.14 What will it cost to carry out a Status Check?**

Nothing, this is a free service for employers.

**Q.15 What do I need to do to carry out a Status Check?**

To carry out a Status Check you will need to do the following:

- Check that the individual has joined the Update Service
- Check the DBS Certificate is the same type and level as you need
- Check the individual's identity, following the guidance set out in the criminal records checking policy on identity checking
- Check the name on the DBS Certificate matches this identity
- Get the person's consent to carry out a Status Check
- Take a note of the DBS Certificate number and the person's name and date of birth
- **You will need to make sure that you have seen the original DBS Certificate to ensure that it is of the right type and level that you need and that you are legally entitled to, for example an Enhanced with Children's Barred List check.**

For more information please go to [www.gov.uk/dbis](http://www.gov.uk/dbis) and search for the DBS Update Service.

**Q.16 Do I need to get the applicant's permission to carry out a Status Check?**

Yes, you can only carry out a Status Check with the applicant's consent. This can be verbal or written consent. We would advise that you obtain this consent in writing. The applicant will be able to see who has carried out a Status Check and when they did so from their online account.

**Q.17 What is likely to cause a change to someone's status so their DBS Certificate is no longer current?**

The status will change if:

- For all DBS Certificates there are any:
  - new convictions, cautions, reprimands or warnings
  - amendments or changes to a current conviction, caution, warning or reprimand
- For all Enhanced DBS Certificates if there is any new, relevant police information.
- For all Enhanced with a Barred List check Certificate if the person becomes barred for that list checked on the Enhanced Certificate.

**Q.18 How often does the DBS search for updates on each DBS certificate?**

When a person adds their DBS Certificate to their Update Service account, the DBS will search regularly to see if any new information has come to light since it was issued. For criminal conviction and barring information the DBS will search for updates on a weekly basis as this information can change frequently. For non conviction information which changes infrequently, the DBS will search for updates every 9 months.

**Q.19 I am appointing a new teaching assistant. Their previous job was working in an adult care home. They have told me that they have subscribed to the Update Service and I have seen a copy of their original Enhanced with barred adult list check DBS Certificate. Can I carry out a Status Check on their current DBS Certificate?**

No. Your new teaching assistant will be working in a different workforce to that which their current certificate applies for. They will need to apply for a new Enhanced with Children's Barred List check. They will not be able to start working until you have seen their new disclosure certificate.

**Q.20 As DBS Certificates can now be taken from role to role within the same workforce, does this change the guidance in the Criminal Records Checking Policy about portability of certificates?**

Yes but only where an individual has signed up to the Update Service. Previously DBS certificates were only portable at the discretion of the Headteacher when Dorset County Council had carried out a check on an employee who moved schools within the LA boundary, with no change in the level of contact with children and where there was no more than a three month gap in continuous employment. This still applies where an individual has not signed up to the Update Service.

If an individual has signed up to the Update Service, the DBS certificate can be portable as long as the following apply:

- There is no change in the level of contact with children.
- The current DBS Certificate is the same level of DBS check that you require e.g. Enhanced or Enhanced with Children's Barred List check.
- The current DBS Certificate is for the same workforce. In the case of schools and academies this would be Child Workforce and will be indicated in the 'Position Applied For' section.
- The applicant has subscribed to the Update Service and has shown you their current DBS certificate.
- You have carried out rigorous identity checks, in line with the Criminal Records Checking Policy, to confirm that the person is who they say they are.
- You carry out a Status Check and this confirms that there has been no change to the DBS certificate and that it remains current.

If the level of contact with children has changed, the DBS check that you require is different from that on the current certificate, not for the same workforce, or the individual has not subscribed to the Update Service or the Status Check confirms that the DBS certificate is no longer current, then a new DBS check will be required. If this is the case then the DBS certificate will not be portable.

There is no change where an employee already employed at the school/academy is being considered for another position within the school/academy; a new check would not be required unless there was a change in personal details or in the level of contact with children.

## **Filtering of reports of convictions/cautions**

### **Q.21 What offences are being removed from the DBS Certificate?**

The filtering rules set out in legislation are as follows:

For those 18 or over at the time of the offence, an adult conviction will be removed from the DBS certificate only if:

- 11 years have elapsed since the date of conviction; **and**
- It is the person's only offence;**and**
- It did not result in a custodial sentence.

Even then it will only be removed if it does not appear on the list of offences relevant to safeguarding. If a person has more than one offence, then details of all their convictions will be included.

An adult caution will be removed after 6 years have elapsed since the date of the caution – and if it does not appear on the list of offences relevant to safeguarding.

For those under 18 at the time of the offence:

- The same rules apply as for adult convictions, except that the elapsed time period is 5.5 years;
- The same rules apply as for adult cautions, except that the elapsed time period is 2 years.

There are a number of offences that will never be filtered and removed from the DBS certificate. This list and further information on the filtering of convictions and cautions can be found at [www.gov.uk/dbs](http://www.gov.uk/dbs)

**Q.22 What is a spent/unspent conviction?**

The Rehabilitation of Offenders Act 1974 exists to support the rehabilitation into employment of reformed offenders.

Under the Act, following a specified period of time which varies according to the disposal administered or sentence passed, all cautions and convictions (except those resulting in prison sentences of over 30 months) are regarded as 'spent'. As a result the offender is regarded as rehabilitated.

For most purposes the Act treats a rehabilitated person as if he or she had never committed an offence and, as such, they are not obliged to declare their caution(s) or conviction(s), for example, when applying for employment or insurance. Spent cautions and convictions need not be disclosed when filling in application forms or at an interview. Schools however are listed on the Rehabilitation of Offenders Act 1974 (Exceptions) Order and therefore applicants are required to list spent and unspent convictions. Imprisonment or detention in a young offenders institution for over 30 months (2.5 years) is never considered to be spent.

## APPENDIX M: GLOSSARY OF TERMS

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### **Additional Information**

Enhanced checks may contain 'additional' information. Occasionally the Chief Police Officer may, if thought necessary in the interests of the prevention or detection of crime, release 'additional' information to the Countersignatory only, in the form of a separate letter and should not be revealed to the applicant.

### **Approved Information**

Enhanced checks may contain 'approved' information. This is non-conviction information provided by the police from their local records. The Chief Police Officer in each force will decide what, if any, information to provide. The DBS will print this information on both the applicant's and the Countersignatory's copy.

### **Caution**

A caution is a formal warning about future conduct given by a senior police officer, usually in a police station, after a person has committed an offence. It is used as an alternative to a charge and possible prosecution.

### **Children**

The Criminal Justice Court Service Act (CJCSA) defines a child as someone who is under 18 (under 16 if the child is employed).

### **Countersignatory**

A person within a Registered Body who is registered with the DBS to countersign applications and receive the Disclosure.

### **Criminal Justice and Court Services Act 2000 (CJCSA)**

The child protection provisions in Part II of the CJCSA 2000 are part of an integrated system for the protection of children.

### **Criminal Record**

A record of convictions held on the Police National Computer for individuals convicted of crimes.

### **Department for Education**

Government department responsible for improving the focus on all aspects of policy affecting children and young people, as part of the governments aim to deliver educational excellence (formerly the Department for Children, Schools and Families).

### **Department of Health (DH)**

Government department responsible for protecting and improving the nation's health and ensuring that our health and social services are high quality, fast, fair and convenient.

### **Disclosure**

The term that is used to describe the service provided by the DBS and the document issued to the applicant and Registered Body when a DBS check has been completed.

### **Disclosure Application Reference Number**

The specific reference number allocated to each Disclosure application by the DBS.

### **Enhanced DBS Check and Enhanced with Barred List Check**

Also referred to as an Enhanced Disclosure. These are for posts that involve a far greater degree of contact with children or vulnerable adults. In general the type of work will involve regularly caring for, supervising, training or being in sole charge of such people. Examples include a Teacher, Scout or Guide leader. This level of check involves an additional level of check to those carried out for the Standard DBS check - a check on local police records. Where local police records contain additional information that may be relevant to the post the applicant is being considered for, the Chief Officer of



police may release information for inclusion in an Enhanced check. Exceptionally, and in a very small number of circumstances (typically to protect the integrity of current police investigations), additional information may be sent under separate cover to the Countersignatory and should not be revealed to the applicant.

### **Excepted Professions**

Positions of trust set out in the Exceptions Order to the Rehabilitation of Offenders Act (ROA) 1974, where an employer is entitled to ask a candidate to reveal details of all convictions, whether spent or not.

### **Exceptions Order**

The Exceptions Order to the Rehabilitation of Offenders Act (ROA) 1974 sets out those occupations and positions exempt from the provisions of the ROA. These are generally positions of trust, where there is a valid need to see a person's full criminal history in order to assess their suitability for a position. This information is intended as general guidance only. It must not be regarded as a definitive interpretation of the Act. Anyone requesting further guidance should seek legal advice.

### **Exempted Question**

An exempted question is a valid request for a person to reveal their full criminal history (including spent convictions) and is made possible by virtue of the Exceptions Order to the Rehabilitation of Offenders Act (ROA) 1974.

### **Ex-Offender**

A person who has been convicted of a criminal offence and whose crime is now "spent" under the Rehabilitation of Offenders Act (ROA) 1974.

### **Information held under Section 142 of the Education Act 2002**

This list was previously called 'List 99'. This list is maintained by the Disclosure and Barring Service (DBS) and contains the details of teachers who are considered unsuitable or banned from working with children in education.

### **Lead Countersignatory**

A senior figure within a Registered Body who has overall responsibility for the use of the CRB checks in their organisation.

### **Children's Barred List**

See <http://www.education.gov.uk/vocabularies/educationtermsandtags/6420>

### **Local Police Records**

Police records, not held on the Police National Computer, containing non-conviction information.

### **Nacro**

A crime reduction charity, making society safer by finding practical solutions to reducing crime. Since 1966 Nacro has worked to give ex-offenders, disadvantaged people, and deprived communities the help they need to build a better future.

### **Police Act 1997**

The piece of legislation that brought about the CRB.

### **Police National Computer (PNC)**

A national police database that contains information about criminal records i.e. convictions, cautions, reprimands, and warnings.

### **Portability**

Portability refers to the re-use of a DBS Disclosure, obtained for a position in one organisation and later used for another position in another organisation.

This practice is no longer endorsed by the DBS due to the risks factors involved.

### **Positions of Trust**

Roles that involve working with children and other vulnerable groups, that the DBS is dedicated to protecting.

### **Registered Bodies**

Organisations that have registered directly with the DBS to use its services.

### **Rehabilitation of Offenders Act (ROA) 1974**

The Rehabilitation of Offenders Act (ROA) 1974 enables some criminal convictions to become 'spent', or ignored, after a 'rehabilitation period'. A rehabilitation period is a set length of time from the date of conviction. After this period, with certain exceptions, an ex-offender is not normally obliged to mention the conviction when applying for a job or obtaining insurance, or when involved in criminal or civil proceedings.

### **Rehabilitation Period**

A rehabilitation period is a set length of time from the date of conviction. After this period, with certain exceptions, an ex-offender is not normally obliged to mention the conviction when applying for a job or obtaining insurance, or when involved in criminal or civil proceedings.

### **Reprimand**

A reprimand has replaced the caution for young people aged under 18. A young person given a second formal warning about future conduct is given a final warning.

### **Spent Conviction**

The Rehabilitation of Offenders Act (ROA) 1974 sets out to make life easier for many people who have been convicted of a criminal offence and who have since lived on the right side of the law. A person convicted of all but the most serious criminal offences and who receives a sentence less than 2.5 years in prison, benefits from the Act if they are not convicted again during a specified period. This is called the rehabilitation period. In general terms, the more severe a penalty is, the longer the rehabilitation period. Once a rehabilitation period has expired and no further offending has taken place, a conviction is considered to be 'spent'. Once a conviction has been spent, the convicted person does not have to reveal it or admit its existence in most circumstances, including, for example, when applying for a job. In most circumstances, an employer cannot refuse to employ someone, or dismiss them, on the basis of a spent conviction. There are some exceptions to the general principle that spent convictions do not have to be declared. When assessing the suitability of a person for a position of trust, an employer is entitled to ask a candidate to reveal details of all convictions, whether spent or not. This is, in part, to ensure that children and other vulnerable groups are adequately protected from those in positions of authority over them. These positions of trust, or excepted professions, are set out in the ROA Exceptions Order.

### **Unspent Conviction**

A conviction is described as unspent if the rehabilitation period associated with it has not yet lapsed. A rehabilitation period is a set length of time from the date of conviction, according to the sentence imposed.

### **Volunteer**

The definition of a volunteer is 'a person who performs any activity which involves spending time, unpaid (except for travelling 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'.

### **Warning**

A young person given a second formal warning about future conduct is given a final warning. A reprimand has replaced the caution for young people aged under 18.

### **Working with children**

The definition of this term is in two parts:

- a) a child care position within the meaning of the Protection of Children Act. The Criminal Justice and Court Services Act (CJCSA) 2000 replaces the original definition in the Protection of Children Act with 'regulated position' for the purposes of Part II of the 2000 Act. Within the 2000 Act, section 36 sets out what the regulated positions are for the purposes of Part II of the Act; or
- b) a position in which employment or further employment is prohibited or restricted by regulations made under section 218 of the Education Reform Act 1988.