

## New School Canterbury

# DBS Policy

<b>Policy ratified and adopted by full board of Trustees: January 2019</b>		
This policy will be reviewed <u>at least</u> annually and/or following any updates to national and local guidance and procedures.		
Reviewed & Updated	Date: January 2020	By: Beth Cuenco
Reviewed & Updated	Date: January 2021	By: Beth Cuenco
Reviewed & Updated	Date: April 2022	By: Sarah Loudon & Emma Barber
Reviewed & Updated	Date: April 2023	By: Beth Cuenco
Reviewed & Updated	Date:	By:
Reviewed & Updated	Date:	By:
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## **DBS Policy Statement**

The safety of children and young people is paramount, and we are committed to implementing the Disclosure and Barring (DBS) procedures and arrangements. We will comply with the DBS Code of Practice regarding the correct handling of Certificates.

The DBS (formerly the CRB Agency) was set up by the Home Office to improve access to criminal record checks for employment related purposes and to help organisations make safer recruitment decisions; this applies to staff with access to children under 18 years of age, vulnerable adults or other positions of trust that fall within the Rehabilitation of Offenders Act 1974.

The DBS Code of Practice requires the school to have a written policy and procedure on the recruitment of people with a criminal record and to ensure anyone applying for a job with us receives access to a copy.

We are committed to the principle of equal opportunities and, subject to the overriding consideration of protecting children, we will endeavour to prevent unfair discrimination against those with a criminal record.

### **PROCEDURE:**

**Any role connected to New School Canterbury will require an ENHANCED DBS check including reference to the Children's Barred List (list 99)**

*Enhanced DBS check with children's barred list information – where people are working or seeking to work in regulated activity relating to children, this allows an additional check, to be made, about whether the person appears on the children's barred list, along with a check of the Police National Computer records plus additional information held by police as above. The position being applied for or activities being undertaken must be eligible for an enhanced DBS check as above and be for a purpose listed in the Police Act 1997 (Criminal Records) (No2) Regulations 2009 as qualifying for a barred list(s) check. In addition, this check can also include information as to whether an individual is subject to a section 128 direction. However, they have to use specific wording in the position applied for field (see paragraph 240).*

Enhanced Certificates involve an extra level of check with national police force records in addition to checks with the Police National Computer and the government department lists held by the Department for Children, Schools and Families and Department of Health, where appropriate. The government's safer recruitment initiative stipulates that all staff in an educational establishment must have an enhanced Certificate.

### **Recruitment of staff:**

At the time of application, applicants are advised in writing that relevant criminal convictions will need to be disclosed in order to assess job-related risks.

Applicants are encouraged to submit written details, dates and any other relevant information relating to a conviction, in confidence, to the Office Manager, who will ensure the security of this sensitive information.

All applicants who are invited to an interview will be required to bring the following evidence of identity, address and qualifications in order for the School to verify their name, date of birth and current address:

- current driving licence (including photograph) or passport or full birth certificate;
- two utility bills or statements (from different sources) less than three months old showing their name and home address;
- documentation confirming their National Insurance number (P45, P60 or National Insurance card);
- and documents confirming any educational and professional qualifications referred to in their Application Form.

Where an applicant claims to have changed their name by deed poll or any other mechanism (e.g. marriage, adoption, statutory declaration) they will be required to provide documentary evidence of the change. In all cases original documents (not photocopies) must be provided.

We will apply for a DBS Certificate only for applicants offered a position, once they have given consent. All other data will be handled in accordance with the UK GDPR.

Should a DBS Certificate reveal any convictions, the person concerned will be invited to attend an interview with the Chair of Trustees to discuss the conviction(s) and circumstances. Having a criminal record will not necessarily bar applicants from working with us. This will depend on the nature, circumstances and background of the offence, and the time elapsed since the offence. However, failure to reveal information directly relevant to the position sought could lead to the withdrawal of any offer of employment.

In addition to the DBS checks everyone will be required to undertake childcare disqualification checks.

#### CHECKS ON STAFF RECRUITED FROM ABROAD:

If an applicant has not previously lived in the UK, no purpose will be served by seeking a DBS check on arrival. The person will not have a criminal record in this country, nor will they appear on List 994 or the Protection of Children's Act List. We will insist that overseas applicants will bring a Certificate of Good Conduct from their police/embassy.

In addition, all applicants will be asked if they have lived or worked outside of the United Kingdom within the last 10 years for a period of six months or more, either at once or over the course of separate times. If they have, the applicant will also be asked to obtain a Certificate of Good Conduct from the police, embassy or relevant authority from all of the countries visited. The applicant needs to meet any fees or travel costs that this incurs.

Should this clearance be delayed and employment commence before it is received, the School may agree to the individual commencing work but before doing so shall obtain a barred list check (where required), undertake a Risk Assessment on the prospective member of staff concerned and make arrangements as appropriate for the member of staff to be paired with or supervised by another member staff who has received DBS clearance.

#### RECRUITMENT DECISIONS BASED ON ONGOING INVESTIGATIONS:

Enhanced DBS checks may result in a disclosure being brought to our attention disclosing non conviction information to us only and not to the individual (applicant). This may be because the information relates to an ongoing investigation. This information will and must never be disclosed to the individual under any

circumstances. If the information is deemed to show that the individual would present a genuine risk if they were to be employed, or were to continue with employment, legal advice will be sought on how to proceed.

#### SCHEDULE FOUR OFFENDERS AND INDIVIDUALS BANNED FROM WORKING WITH CHILDREN AND/OR VULNERABLE ADULTS

Under the Criminal Justice and Court Services Act 2000 and the VBS 2009, it is an offence punishable by imprisonment to apply for work with young people and/or vulnerable adults if an individual has been:

- Convicted of a Schedule Four Offence and/or;
- Put on the Protection of Children Act List (POCA4) and or;
- Put on the Protection of Vulnerable Adult List POVA5 and/or;
- Considered unsuitable or banned from working with children under section 142 of the Education Act of 2002.

It is also an offence for anyone knowingly to employ such a person in such a capacity, either on a voluntary or a paid basis. If such information is received as a result of a DBS check the individual must be reported to the police immediately. In such circumstances, an existing member of staff would be subject to disciplinary action (up to and including dismissal).

All staff are obliged to declare any unspent convictions in the recruitment process regardless of whether or not their position is subject to a DBS check. If it becomes apparent (through a DBS check or otherwise) that an individual has fraudulently misrepresented their conviction history or other relevant information by not disclosing it when given the opportunity to do so on application, the applicant's job offer will be withdrawn or the member of staff will be subject to disciplinary action (up to and including dismissal). Such action would be proportionate to the nature and significance of the misrepresentation and all circumstances would be taken into account

#### **Renewal of DBS Certificates**

Here at New School Canterbury we view DBS certificates as being valid for three years from their date of issue. We encourage everyone to sign up to the DBS Update Service. Annual checks are carried out to ensure that those on the update service have valid DBS checks with no disclosures.

The update service can be applied for at the time of your DBS application or within 30 days after receiving your certificate. <https://www.gov.uk/dbs-update-service>

If an applicant chooses not to use this service, they will need to apply for a new DBS certificate prior to the third anniversary of the original certificate's issue date. Checks are carried out to ensure that this is maintained.

In this instance, both a new complete application and enrolling with the DBS Update Service will incur a fee that is to be met by the employee. There is no charge for volunteers.

### **Volunteer DBS checks**

All volunteers will be checked. We also will ask people applying to be volunteers to provide two referees and to fill out a volunteer application form, in addition there will be a Childcare Disqualification form and applicants will be asked to read the latest 'Keeping Children Safe in Education' document.

### **Storage and Access**

Upon sight of the DBS Certificate, it will be returned immediately to the named holder. It is a criminal offence to pass this information to anyone who is not entitled to receive it. We record the DBS certificate numbers and issue dates on our online Single Central Register.

### **Protect Duty**

We will always mark the DBS checks on all staff and volunteers, within box 61, Position Applied for, 'Child Workforce Independent School'. This will ensure that the DBS will confirm if an s128 direction has been made.

We will not keep a copy of the Certificate or record its contents. We will, however, keep a record of the date of issue of a Certificate, the name of the subject, the type of Certificate requested, the position for which it was requested, the unique reference number of the Certificate and the details of the recruitment decision taken.

The update service can be applied for at the time of your DBS application or within 28 days after receiving your certificate. <https://www.gov.uk/dbs-update-service>



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