

Ormiston Forge Academy

Disclosure and Barring Service Checks Policy

May 2016



Approved by the Governors Finance and General Purposes Committee under powers delegated by the Governing Body: **13th June 2016**

Review period: **June 2018**

Introduction

This guidance document outlines the requirements for Ormiston Forge Academy regarding staff vetting and carrying out Disclosure and Barring Service (DBS) checks (formerly CRB checks).

It covers checks for governors, staff and volunteers. Our guidance reflects the DfE Disclosure and Barring Service: guide for academies July 2013.

DBS checks for permanent staff

In addition to confirmation of identity and references, an enhanced DBS check will be made for any new member of staff at an academy before or as soon as practicable after appointment.

Commencement of Employment Prior to Disclosure

A Disclosure will be obtained before an individual starts work. Where it is essential to engage an employee prior to the receipt of a Disclosure a written risk assessment will be completed. In all cases an Enhanced Disclosure must have been applied for and all other recruitment checks completed. Where there is no current DBS certificate, arrangements will be put in place to ensure the individual has no unsupervised contact with children or vulnerable adults until such time that the Disclosure is received.

For staff whom, by reason of living outside of the UK, an enhanced DBS check is not sufficient, additional checks will be made as appropriate.

In addition to obtaining the DBS certificate described, anyone who is appointed to carry out **teaching work** will require an additional check to ensure they are not prohibited from teaching.

The academy will access the DfE Teacher Services secure website to find out if potential new staff have any current prohibitions, restrictions or sanctions.

Trainee/Student Teachers

Where applicants for initial teacher training are salaried by the academy, the academy will ensure that all necessary checks are carried out. As trainee teachers are likely to be engaging in regulated activity, an enhanced DBS certificate (including and barred list information) will be obtained.

Where trainee teachers are fee-funded it is the responsibility of the initial teacher training provider to carry out the necessary checks, the academy will obtain written confirmation from the training provider that these checks have been carried out and that the trainee has been judged by the provider to be suitable to work with children. Although there is no requirement for the academy to record details of fee-funded trainees on the Single Central Record, details will be included.

DBS checks for supply staff and third-party staff

In addition to confirmation of identity and references, the academy will ensure that written notification from the supply staff or third part organisation member's employer that an enhanced DBS check has been made and whether it disclosed any matters regarding section 113B(6) of the Police Act 1997. The academy will keep on file a letter from the supply agency confirming their procedures with regard to safer recruitment and DBS checks.

Where the position requires a barred list check this will be obtained, by the agency or third-party prior to appointing that individual.

The academy will ensure that the person presenting themselves for work is the same person on whom the checks have been made.

DBS checks for governors

It is the duty of the Chair of Governors to ensure enhanced DBS checks are carried out for all other governors and that this information is entered onto the academy Single Central Record. Governors DBS checks are renewed every **3 years**.

Additional checks will be made is appropriate for those who require them by reason of having lived outside the UK.

DBS checks for volunteers

The academy will ensure that appropriate checks are carried out on volunteers who work with children.

Under no circumstances will a volunteer who has not obtained a DBS disclosure be left unsupervised with children.

Commencement of Volunteering Prior to Disclosure

In the instance where a disclosure check is appropriate for a volunteer then the disclosure will be obtained before an individual starts to volunteer. Where it is essential to engage a volunteer prior to the receipt of a disclosure a written risk assessment will be completed. In all cases an Enhanced Disclosure must have been applied for and all other recruitment checks completed. Where there is no current DBS certificate, arrangements will be put in place to ensure the individual has no unsupervised contact with children or vulnerable adults until such time that the disclosure is received.

DBS checks for contractors

The academy will ensure that any contractor, or any employee of the contractor, who is to work at the academy has been subject to the appropriate level of DBS check. Contractors engaging in regulated activity will require an enhanced DBS certificate (including barred list information).

For all other contractors who are not engaging in regulated activity, but whose work provides them with an opportunity for regular contact with children, an enhanced DBS check (not including barred list information) will be required.

In considering whether the contact is regular, it is irrelevant whether the contractor works on a single site or across a number of sites.

Under no circumstances will a contractor in respect of whom no checks have been obtained be allowed to work unsupervised, or engage in regulated activity. The academy will determine the appropriate level of supervision depending on the circumstances.

If a contractor working at the academy is self-employed, the academy will consider obtaining the DBS check, as self-employed people are not able to make an application directly to the DBS on their own account.

The academy will always check the identity of contractors and their staff on arrival on site.

DBS checks for visitors

The academy does not have the power to request DBS checks and barred list checks, or ask to see DBS certificates, for visitors (for example children's' relatives or other visitors attending a sports day). The Principal will use his professional judgment about the need to escort or supervise visitors and implement any additional safeguarding procedures as appropriate.

Individuals who have lived or worked outside the UK

Potential employees will undergo the same checks as all other staff in the academy. In addition, the academy will make any further checks they think appropriate so that any relevant events that occurred outside the UK can be considered.

Dealing with a positive disclosure

A positive disclosure is a certificate that shows cautions, warnings or convictions. They may show spent convictions and also unspent convictions, and for Enhanced checks, they will also show information that a police force deems relevant to disclose based on the nature of the job that the individual will be employed to do.

The following is a summary of the action which will be taken following receipt of notification of a DBS disclosure:

Disclosure with no content	Disclosure with 'content'	Applicant is barred from working with children and/or vulnerable adults
<ul style="list-style-type: none">Appointment proceeds subject to all other pre-employment checks	<ul style="list-style-type: none">Applicant will be asked to bring certificate in. No start date will be arranged.The Principal will complete Positive Disclosure Form (Appendix A) following a DBS panel making a decision regarding the suitability for the applicant to take up the post.	<ul style="list-style-type: none">Offer of employment is voidAppointment is unlawful and will not proceed

Before a decision is reached on whether to offer or confirm employment to an individual, the individual will be offered the opportunity to discuss the content of the disclosure with a DBS panel, which will include the Principal and HR. The panel will make a balanced decision on whether they are satisfied to employ the person/service provider, based on:

- whether they are barred from appointment under the DBS lists
- whether the conviction is relevant to the position
- the circumstances surrounding the offence, and any explanations provided by the applicant
- the seriousness of the offence
- the length of time since the offence occurred
- whether there is a pattern to the offending behaviour, or whether it was a one-off
- whether the applicant's circumstances have changed

Further discussion will take place regarding:

- whether the applicant disclosed the conviction(s)/cautions, warnings or reprimands at application or at interview stage
- what level of supervision will the post-holder receive
- does the post involve responsibility for finance or items of value
- will the nature of the role allow the applicant to potentially re-offend

The decision and the reasons for it will be recorded on the DBS Positive Disclosure Form (Appendix A), signed by the panel and Principal, and be stored on the person's file in a sealed envelope.

If an applicant has made a false declaration on the application form, or anywhere else, about convictions and cautions (or lack of them), this may render the offer of a contract of employment void.

Applicant's Right to Challenge Disclosure Content

The content of a DBS certificate can be challenged or disputed if it contains an error, or inaccurate or irrelevant information. Challenges and disputes should be made immediately by contacting the DBS and should be raised within 3 months of the date of issue on the certificate.

The applicant, or a person who has a legitimate interest in the accuracy of a certificate such as the counter signatory; employer; or licensing authority may raise the dispute after discussing the reasons for the dispute with the applicant.

If the disputed information could exclude an employee from their post they will be given an opportunity to dispute the information with the DBS. If appropriate it may be necessary to arrange alternative duties or suspension until this is resolved.

Storage of DBS Checks

The academy will not file and keep photocopies of DBS checks for any longer than 6 months unless a positive disclosure has been received. In these circumstances they will be stored in the personnel file and either password protected or in a sealed envelope marked Private and Confidential along with the risk assessment supporting the appointment/continued employment.

Re-checking DBS Checks

There is no statutory requirement to run new checks on staff every three years however, the academy will carry out a full Enhanced DBS check on a number of randomly selected staff throughout the year.

All staff will be required to complete an annual 'Staff Declaration' document (see Appendix B) which reviews information to ensure systems are up to date including emergency contact numbers etc. and also asks for a signed declaration that there are no matters to disclose. This document also requests training information on safeguarding and identifies any gaps that staff may feel they have.

Transferring a DBS Check

If an employee, volunteer or governor transferring to the academy has opted to sign up to the DBS update service then the update service can be used as an alternative to undertaking a new check. If not then a new check must be undertaken.

Reporting to the DBS

The academy has a legal duty to refer to the DBS anyone who has harmed, or poses a risk of harm, to a child or vulnerable adult; where the harm test is satisfied in respect of that individual; where the individual has received a caution or conviction for a relevant offence, or if there is reason to believe that individual has committed a listed relevant offence; and that individual has been removed from working (paid or unpaid) in regulated activity, or would have been removed had they not left.

Positive DBS Certificate or Disclosure by staff – Academy Risk Assessment

This form should be completed by the Principal or nominated Senior Officer where a positive disclosure certificate includes additional information with regard to convictions /or cautions, warnings, reprimands or a member of staff discloses a new conviction/caution.

The completed Risk Assessment ensures that a review of the circumstances takes place and consideration is given on a case by case basis to the impact of the safety and wellbeing of the students and staff

Name of Employee:

Post Title:

Academy:

Start Date:

1. Please describe the nature of the work and the general duties of the job role? (include the amount of contact with vulnerable parties, frequency of contact and intensity of contact).

2. To what extent is the individual supervised?

3. New staff only, have 2 satisfactory references being received, including present or most recent employer and similar employment?

4. Has the individual previously declared any convictions/cautions/reprimands/warnings?

5. Are the offences likely to have any impact on the post held and the student's safety?

6. Is there a pattern of convictions?

7. How long ago did the offence/s occur?

8. Have the individual's circumstances changed? (If so, please explain)

9. Will any additional safeguarding arrangements have to be put in place? If so please describe the measures for example may not feel they are suitable to drive on school trips attend off school residential

Decision following the Risk Assessment

With the measures in place is this individual suitable to continue employment?

Any follow up or support from the academy required, OH counselling review meetings etc

Risk Assessment conducted by:

Signature..... Date

Signature staff member (Employee) Date:.....



Appendix B

OFA/HR/9

STAFF DECLARATION FOR DISCLOSURE OF CRIMINAL OFFENCES

Private and Confidential

In accordance with the Ormiston Forge Academy policy, all posts at the Academy are exempt from the Rehabilitation of Offenders Act 1974 and you must therefore disclose all police cautions, convictions reprimands or final warnings for a criminal offence. This includes any cautions or convictions you acquire whilst working for the Academy which you must report **immediately** to the Principal or HR Manager.

Title & Surname:		
Forename(s): Including middle names		
Address:	Line 1	
	Line 2	
	City/Town	
	Postcode	
Phone (home):		
Phone (mobile):		
Email Address (personal):		
Next of kin: In case of emergency	Name:	
	Relationship:	
	Contact numbers:	
Medical Conditions/Allergies that the academy needs to be aware of:		
Data Protection Act 1998: The Academy is registered under the Data Protection Act for holding personal data. The Academy has a duty to protect this information and to keep it up to date. The Academy is required to share some of the data with Ormiston Academies Trust and with the DfE.		

Disclosure and Barring Service:

I hereby confirm that have not received any cautions or convictions against me since my CRB/DBS was completed. Additionally, I confirm that I am not subject to any pending investigation or action from the police or any court, and have not had any other police involvement that might reasonably be agreed as impacting on my suitability to undertake my role.

I hereby confirm my understanding that failure to declare any of the above information now or any future time during my employment with the Ormiston Forge Academy, may be regarded as an act of Gross Misconduct which may lead to disciplinary action and potential dismissal from my employment.

Signed:

Date:

Safeguarding and Child Protection Training:

I confirm that I have read and understood following documents: please tick each line to confirm

Keeping children safe in education statutory guidance (DfE Sept 2016)

Working together to Safeguard Children (HMG March 2015)

Ormiston Forge Academy Child Protection and Safeguarding policy

What to do if you're worried a child is being abused (HMG March 2015)

Information Sharing (HMG March 2015)

Ormiston Forge Academy Whistleblowing Policy (Jan 2015)

Ormiston Forge Anti-Bullying Policy (Oct 2015)

I also confirm I have received safeguarding training from the academy in the last 12 months

I would like some support or further training with regard to safeguarding

Please list any training requirements here:

Signed:

Date:

PLEASE RETURN THIS FORM TO THE HUMAN RESOURCES COORDINATOR.

IF YOU ARE UNABLE TO COMPLETE THIS DECLARATION PLEASE SPEAK TO THE HR COORDINATOR OR THE DIRECTOR OF FINANCE IMMEDIATELY.