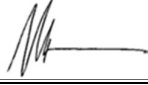




OUR LADY OF GRACE CATHOLIC ACADEMY TRUST
 Disclosure and Barring Service (DBS) Policy

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Signature of Chair of Board of Trustees:	
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1. Introduction

- 1.1 Safeguarding the children in our care is fundamental at Our Lady of Grace Catholic Academy Trust. This policy should be read alongside our [Safeguarding policy](#) and government legislation on [Keeping Children Safe in Education legislation](#).
- 1.2 Our Lady of Grace Catholic Academy Trust uses Disclosure and Barring checks (DBS) as part of a range of safeguarding measures to assess the suitability of preferred candidates, volunteers, including Governors and Directors, contractors, agency staff, those transferring jobs from schools within Our Lady of Grace Catholic Academy Trust, and the continued employment of those whom are engaged in “regulated activity” as part of their roles within Our Lady of Grace Catholic Academy Trust
- 1.3 Having a criminal record will not necessarily prevent an individual from being employed by the Trust. Whether the person will be employed will depend on the nature of the role and level of access to children, and the circumstances, nature and background of the offence(s). The Trust complies fully with the DBS Code of Practice, with an undertaking to treat all job applicants and volunteers fairly, and not discriminate on the basis of conviction alone. Any decision not to recruit or continue employment, will be after full consideration of the facts and other information revealed from the candidate/employee.
- 1.4 DBS checks will only be sought where a job, voluntary placement or contractual work undertaken is eligible to be checked and where the individual has consented for the Trust to do so. A DBS check will only be performed after an applicant has been made a conditional offer of employment or accepted for a voluntary role. The Trust reserves the right to require a disclosure and barring check/follow up check on employees throughout their employment or the duration of the individual’s volunteering within the Trust.

2. Scope

- 2.1 This policy applies to all permanent, temporary and casual employees, volunteers, and to other third parties engaged in work for, or on behalf of the Trust. DBS checks should be completed where the duties to be performed require the individual to have an Enhanced DBS disclosure, or Enhanced with Children Barred List check, and for those who are defined as engaging in “Regulated Activity”.

3. Roles and Responsibilities

- 3.1 For schools the Local governing bodies have the overall responsibility to:
 - Ensure that a DBS checking procedure is in place and that checks are carried out lawfully and in line with this policy.

- Ensure that the Single Central Record is maintained, and that the appropriate security measures relating to storage and access are in place

3.2 The Headteacher must:

- Ensure that all employees have an Enhanced DBS check and, if defined as in regulated activity, an additional Barred List check.
- Ensure that all regular volunteers, including Governors/Directors receive an enhanced DBS check and, if defined as in regulated activity, an additional Barred List check.
- Ensure that the applicant presents their disclosure certificate for checking once they have received it.
- Decide whether an appointment will be confirmed or the offer withdrawn, where there is a positive disclosure (see 10.0)
- Consider whether information disclosed by existing employees in relation to a change in criminal record status impacts on their continued suitability for employment.

3.3 The Catholic Senior Executive Lead must undertake the responsibilities set out in paragraph 3.2 for Central Trust staff and for Directors and Members.

3.4 Job Applicants/Volunteers/Employees must:

- Co-operate fully with the checking procedure
- Present the disclosure certificate to the school office as soon as possible once it is received
- Inform their Headteacher of any changes to their circumstances, which affect their criminal record status. This may impact upon the individuals' suitability to undertake their role and will be reviewed. Failure to disclose information may result in disciplinary action.

4. Definitions

4.1 "Regulated activities" are defined as activities performed by those for whom, as part of their role within the school:

- Will be responsible, on a regular basis, for teaching, training/instructing, caring for or supervising children;
- Will carry out unsupervised paid, or unpaid work regularly where that work provides an opportunity for contact with children;
- Engage in intimate or personal care or overnight activity, even if this happens only once.

'Regular' would be classified as attending the school to conduct the role more than once per week or more than 4 times in a 30-day period.



Intimate or personal care would involve any physical assistance to children, which includes dressing/undressing, toileting or bathing/washing. If it is care given because of illness/disability, personal care would also involve assistance in eating or drinking.

4.2 A “positive disclosure” is a previous criminal conviction which is either identified and disclosed by the individual when applying for a role within our Trust or will become apparent during a DBS check.

5. Links to other policies and related legislation

5.1 The use of DBS checks are part of the Our Lady of Grace Catholic Academy Trust’s safer recruitment procedures within the [Keeping Children Safe in Education legislation](#) statutory guidance.

5.2 The handling of disclosures is in accordance with the Rehabilitation of Offenders Act (1974) and the Exceptions order (1975).

5.3 The handling of information in relation to DBS checks is in accordance with the Data Protection Act (2018), General Data Protection Regulations and the DBS code of practice within the Police Act (1997).

6. Type of DBS checks

6.1 There are 2 types of DBS checks available to OUR LADY OF GRACE CATHOLIC Academy trust when recruiting staff or volunteers to engage in activities within our schools:

- Enhanced DBS Check –This enhanced level involves a check of the Police National Computer (PNC) and will also check local police information that relates to non-convictions but where the individual has been named in a local incident. This can be used to check volunteers who, as part of their role will not work with/come into direct and frequent contact with children unsupervised (unregulated activity).
- Enhanced DBS Check + Children’s Barred List check – All permanent staff in schools will require this level of check. To be eligible, the position must meet the new definition of regulated activities relating to children as well as meeting the other criteria within an Enhanced DBS check.

The table below provides some typical roles within a school and the type of check required:

School Role	Activity	Unsupervised Contact with children	Check required	Renewal frequency (minimum)
Teacher/TA	Regulated – frequent Training/teaching/care for/instruction/supervision/intimate care of children	Yes	Enhanced DBS + Barred List check	Every three years, or annually if the employee is subscribed to the DBS Update Service.

School Role	Activity	Unsupervised Contact with children	Check required	Renewal frequency (minimum)
Trainee Teacher Placement	Regulated – frequent access to children	Yes	Enhanced DBS + Barred List check – conducted by their base University	Every three years, or annually if the employee is subscribed to the DBS Update Service.
Office/Admin	Regulated – frequent care for/Instruction/supervision of children	Yes	Enhanced DBS + Barred List check	Every three years, or annually if the employee is subscribed to the DBS Update Service.
Parent volunteer	Regulated -	Yes	Enhanced DBS check + Barred List check	Every three years, or annually if subscribed to the DBS

				Update Service.
Governor/Trustees/ Member or Associate Member of LGB	Attendance at governor meetings and/or has access to information relating to sensitive Academy information/School finances	Limited	Enhanced DBS check with an additional 128 check (see 6.3)	Every three years, or annually if subscribed to the DBS Update Service.
Senior Leadership and Management	Regularly attending schools and has access to safeguarding/financial/confidential information	Yes	Enhanced DBS check + Barred List with additional section 128 check (see 7.0)	Every three years, or annually if the employee is subscribed to the DBS Update Service.
Premises staff	Unregulated. Routine access to children around school site	Yes	Enhanced DBS + Barred List check	Every three years, or annually if the employee is subscribed to the DBS Update Service.

School Role	Activity	Unsupervised Contact with children	Check required	Renewal frequency
Contractor	Conducting temporary or occasional work inside a school during term time (i.e. annual service of equipment/Utility meter readings)	Limited	Escorted visitor when children on site unless enhanced DBS is evidenced	Every three years, or annually if subscribed to the DBS Update Service.
Contractor	Providing services working with children where frequent and regular work inside/outside school hours (i.e extra curricular activities)	Yes	Enhanced DBS + barred list check	Every three years, or annually if subscribed to the DBS Update Service.
Contractor	Regularly providing a service to the school (i.e. carrying out long term building works or services where attendance on site is frequent when children are present)	Possible	Enhanced DBS + barred list check	n/a
Contractor	Providing occasional or frequent service <i>outside</i> of term time/school hours	No	No check required	n/a

6.2 A DBS disclosure cannot be requested for someone who is under 16 years old.

7. Section 128 Checks

7.1 Section 128 directions can be issued by the secretary of state on specific grounds whereby it is deemed inappropriate for an individual to become involved with the management of a school.

7.2 Anyone subject to a section 128 direction is prohibited from holding a management position in an academy, free school or independent school (as an employee). Management positions are classified as:

- Headteacher
- Teaching positions on the senior leadership team

Anyone subject to a section 128 direction is also prohibited from volunteering in a school as:

- an academy trustee or member

- a governor on any academy that has delegated responsibilities
- 7.3 In accordance with [Keeping Children Safe in Education legislation](#), the Trust schools will conduct such checks for:
- 7.4 All employees identified as holding 'management positions' as above and
- All members of the Local Governing Body (LGB), Board of Directors and Members.
- 7.5 A section 128 check is routinely carried out for staff in a management position, a trustee, a governor
- 7.6 For all new appointments or volunteers not in regulated activity, a section 128 check can be conducted using the [DFE sign in portal \(Teacher services\)](#).

8. The DBS Update Service

- 8.1 Individuals can join the DBS Update Service at the point that an application for a new DBS check has been made. Subscription to this ongoing service means that employers can check that no new information has been recorded since the last certificate was issued, therefore allowing portability of DBS clearance across employers.
- 8.2 If subscribed to this online service, a new or existing employer can review clearance quickly and at no extra cost. The Disclosure and Barring Service will re-check all police records and barred lists to ensure no new information has been received since the certificate was issued.
- 8.3 The DBS update service is free to use for all volunteers in schools. All volunteers should be asked to subscribe to the service (for free) at the point of administering a DBS check. By subscribing, the Trust will be able to renew the DBS clearance every 3 years at no extra cost.
- 8.4 Subscription to the DBS update service costs £13 per year for all paid employees. Whilst it is not compulsory for all new employees to subscribe to this service, OUR LADY OF GRACE CATHOLIC Academy Trust will use it where an employee has agreed to subscribe.
- 8.5 The Trust aims to use this service whenever it is available to the trust whilst balancing this against our safeguarding duties. For this reason, we will only use the DBS update service in the following circumstances:
- Where consent has been obtained from the individual to carry out an online check to view the status of an individual's DBS clearance;
 - Where we have independently verified the individual's identity, confirming the original DBS certificate matches the individual's identity;
 - Where we are satisfied that the original certificate contains no disclosures that would mean they are unsuitable for the role being carried out
 - Where we are satisfied that the level of the check on the original certificate is appropriate to the role they are carrying out for OUR LADY OF GRACE CATHOLIC e.g. enhanced DBS check/enhanced DBS check including with barred list information.
- 8.6 Where all other relevant pre-employment/vetting checks have been completed, in particular, employment references, identity, qualifications (if applicable) right to work in the UK (if applicable)

- Where there has been no break in service from education over 3 months (excluding maternity/paternity/parental/disability leave)

8.7 Once all conditions as above are met, and an individual confirms they are subscribed to the service, a simple check can be performed online using the [DBS online portal](#)

8.6 Schools should read the [DBS update service employer guide](#) for an explanation of typical results when using the service and to understand if a new DBS check is required following the online check.

9. Procedure for DBS Checks and Renewals

9.1 DBS checks provide updated information on the day that the checks have taken place. For this reason, all staff and volunteers are reminded that if, following an individual's appointment and DBS clearance, they are subsequently arrested, cautioned or convicted of a criminal offense, they must inform their Head Teacher or Catholic Senior Executive Lead (if part of the Central Team or trustee) immediately. Failure to do so and/or a discovery of a criminal conviction post appointment may be considered an act of misconduct and dealt with under the Trust Disciplinary Policy.

9.2 In line with our Safeguarding policy, and to fulfil our commitment to Keeping Children Safe in Education, the Trust will require all staff and volunteers to undergo a Disclosure and Barring Check prior to appointment unless they subscribe to the DBS update service in which case an identity check and online check of the DBS clearance will be undertaken prior to appointment.

9.3 If, on appointment to their employment or volunteering role, an individual is not subscribed to the DBS update service, a DBS check must be performed using the Local Authority or other approved system for DBS checks. Please see [government ID checking guidelines](#) for details on documents accepted.

9.4 An individual will not normally be permitted to commence in their role until the DBS clearance has been completed and the certificate verified by the designated person responsible for the Single Central Record (SCR). See paragraph 11.0 for more details.

9.5 Thereafter, for schools that use the DBS Update Service, employees are expected to maintain an active subscription throughout their employment. Should a subscription lapse, a new full DBS check will be required, and the employee must re-register for the DBS Update Service within the permitted period following receipt of the new DBS certificate.

For schools that do not use the DBS Update Service, employees will be required to undergo a new full DBS check every three years.

9.6 For all volunteers (except Governors, Directors and Members) within OUR LADY OF GRACE CATHOLIC Academy Trust, all individuals will be asked to subscribe to the update service on appointment. Volunteers will be requested to give their consent to a renewal of their DBS clearance every 3 years. Volunteers not signed up to the update service will be asked to renew their DBS check three yearly.

9.7 All Governors, Directors and Members will be required to undergo a Disclosure and Barring Check on renewal and thereafter a renewal every four years.

9.8 When considering the use of the DBS update service, where any of the conditions in 8.5 cannot be met, the individual must re-submit their identity documents in order to complete a renewed DBS check.

9.9 OUR LADY OF GRACE CATHOLIC Academy Trust reserves the right to request an individual whose role requires them to have a DBS check, to undergo a recheck at any point (and before any renewal date) where it has good reason to do so.

9.10 In all cases, the original DBS disclosure certificate must be presented to the School where the role is being carried out before or on the first day they are expected to attend. This includes Trust staff who transfer to another school within the trust, who are also expected to present evidence to confirm their identity.

Third party staff and contractors

9.11 Third party staff includes agency workers, Local Authority employees and contractors carrying out services for, and on behalf of, Our Lady of Grace Catholic Academy Trust. Where contact with children is possible, Trust schools will expect any third party staff/contractor to hold an enhanced DBS certificate.

9.12 For third party staff, Trust schools must seek confirmation from their employer that the necessary checks have been made for the role they are carrying out in school:

- For local authority employees such as Educational Psychologists, Speech and Language Therapists and music tutors, this can be in the form of a letter confirming the level of checks carried out on all employees. An identity check must be performed on arrival at the school office, so that we can be satisfied that the individual works for the Local Authority and therefore has been subject to the checks verified in the letter. The individual’s details MUST be entered into the school’s SCR.
- For supply staff provided by an agency, the school must receive details of the checks carried out on any individual. An identity check must be performed on arrival at the school office to check if the person presenting themselves for work is the same person on whom the checks have been made. Each Individual’s details MUST be entered on to the SCR, together with the dates we received confirmation of checks made.

9.13 Individual schools within Our Lady of Grace Catholic Academy Trust will need to decide whether on-site supervision of contractors is required. Our approach will be guided by this table:

Category of staff	Level of check obtained	Frequency of unsupervised contact with children	Regulated Activity	Supervision required
Supply teacher/TA	Enhanced + Barred List	Frequent	Yes	No supervision required

Contractor carrying out <i>occasional</i> works or maintenance	May have enhanced DBS or no DBS	Possible occasional/incidental	No	Supervision (escorting) would be needed if children were on site and the contractor left alone unless enhanced DBS is evidenced.
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Regular Contractor (i.e. cleaner/ASC)	Enhanced + Barred List	Frequent	Yes	No supervision required
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10. Positive disclosures

- 10.1 A “positive disclosure” is a previous criminal conviction which is identified and disclosed by the individual when applying for a role, or becomes apparent during a DBS check. All applicants for roles in Our Lady of Grace Catholic Academy Trust are asked to complete a criminal convictions disclosure.
- 10.2 In the event of a positive disclosure on the DBS certificate, the Head Teacher should be informed immediately so that a risk assessment can be carried out and the details of the disclosure discussed with the individual.
- 10.3 The risk assessment template can be found in appendix 1. Schools must determine the risks involved in allowing any appointment to proceed or existing employment to continue. As part of the risk assessment, a detailed discussion must take place with the individual so that a balanced decision can be reached when deciding whether employment/volunteering can commence or continue.
- 10.4 In accordance with the Rehabilitation of Offenders Act, a criminal conviction does not automatically prevent an individual from working for the Trust. When assessing whether a positive disclosure is acceptable, the following factors should be considered:
- The requirements of the role and level of supervision the individual will need
 - The seriousness of the offence/issue and its relevance to the safety of employees, pupils and property
 - In the case of fraud, the amount of money that was involved
 - How relevant the offence is to the role undertaken
 - How much time has elapsed since the offence was committed and whether it was a one-off incident or part of a history of re-offending
 - Whether the individual’s circumstances have changed since committing the offence, making re-offending less likely
 - Whether the individual was open and transparent about their past and declared relevant information when required.
- 10.5. Individual schools must maintain a register of all positive disclosures held by staff/volunteers with details of the level of risk applied, the dates the risk assessment was carried out and any control measures in place. The information must be stored confidentially and access restricted to the head Teacher / Catholic Senior Executive Leader.
- 10.6 The risk assessment, detailing considerations and final decisions concerning continued employment, must be documented in full and a copy kept in a sealed envelope retained on the individual’s employment file.
- 10.7 Following a positive disclosure for an existing member of staff, and in the event it is considered inappropriate for employment to continue, appropriate action under the Trust Disciplinary Policy must be considered and HR guidance sought.

10.8 Following a positive disclosure for a new appointment, and in the event that it is not considered appropriate to continue with an appointment, the offer of employment will be withdrawn and full reasons given to the individual in writing.

11. Commencing employment before receipt of disclosure certificate

11.1 The Department for Education strongly recommends that DBS disclosure certificates be obtained for individuals before they take up post. However, it is recognised that in certain instances there may be a need to employ at short notice.

11.2 In these circumstances, Head Teacher / Catholic Senior Executive Lead have the discretion to employ staff who have not yet received their disclosure, provided that, after a risk assessment, the following provisions are in place:

- they have had a separate check against the Children’s Barred List. To do this you must use Teacher Services - employer access using your [DFE sign in](#)
- all other relevant pre-appointment checks have been carried out
- they do not have unsupervised access to children until their full disclosure certificate is received and verified

In these circumstances a note must be placed on the SCR that a Risk Assessment has been undertaken and the individual permitted to work ahead of the receipt of the DBS. This note should be retained on the SCR.

12. Employing individuals worked overseas

12.1 Newly appointed staff who have lived outside the UK must undergo the same pre-employment checks as other staff. This includes a DBS check as appropriate for the role. The DBS can only check applicants from the date they arrive in the UK, as it does not have access to overseas criminal records.

12.2 If an individual has resided overseas within the past five years, a criminal records check must be conducted for the country they lived in. The Home Office provides guidance on how to conduct checks [here](#). Where the applicant has lived in several countries, then all countries must be checked.

12.3 If the details for the country required are not listed then the individual should contact the relevant embassy to establish the process to be followed. A list of contact details for London based embassies can be found at:

<https://www.gov.uk/government/publications/foreign-embassies-in-the-uk>

12.4 Once a criminal record check for the country/countries they lived in is confirmed, original copies should be verified and kept on the individual’s employment file. The SCR must be updated to reflect the checks that were made, and the date they were made.

12.5 Where there is a fee payable, then the applicant must pay this fee. Reimbursement will be at the discretion of the Headteacher/Head of School but will not ordinarily be paid for by the schools.

13. Handling DBS information

Storage and Access

13.1 Disclosure information is kept securely with access strictly controlled and limited to those who are entitled to see it as part of their duties.

13.2 Handling documents and information is in accordance with section 124 of the Police Act 1997; disclosure information is only passed to those who are authorised to receive it in the course of their duties.

13.3 OUR LADY OF GRACE CATHOLIC Academy Trust are legally obliged to maintain a record of all those to whom disclosure information has been revealed and recognise that it is a criminal offence to pass this information to anyone who is not entitled to receive it.

Usage

13.4 In line with GDPR regulations, disclosure information is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

Retention of information on the Single Central Register (SCR)

13.5 In accordance with statutory guidance, individual schools within the Trust will keep a comprehensive record of all pre-employment checks made on individuals who are working/volunteering for Our Lady of Grace Catholic Academy Trust on a Single Central Register.

13.6 As a Multi-Academy Trust, all schools SCR and documents will be encrypted with a secure password. An SCR will also be kept for all central Trust staff and Directors.

13.7 The information recorded will include what checks have been carried out or certificates obtained, and the date on which the checks were completed for the following:

- an identity check;
 - a barred list check;
- 13.8 an enhanced DBS check/certificate received;
- a prohibition from teaching check (applicable to teachers only);
 - Disqualification Under the Childcare Act 2006 – self declaration received
 - further checks on people living or working outside the UK (if applicable)



- a check of professional qualifications (if relevant to the role they are carrying out);
- a check to establish the person's right to work in the UK;
- a section 128 direction (if applicable)

13.9 Hard copies of an individual's DBS certificate must not be kept.

13.10 Disclosure information in relation to the withdrawal of job offers is not retained for any longer than is absolutely necessary. This is generally for a period of up to six months, to allow for the consideration and resolution of any disputes or complaints.

13.11 If, in very exceptional circumstances, it is considered necessary to keep disclosure information for longer than six months, the schools will consult the DBS about this and will consider the Data Protection and Human Rights of the individual subject before doing so. Where it is considered appropriate to retain information for longer, and for the purposes of managing control measures in place following a risk assessment, the usual conditions regarding safe storage and strictly controlled access will be maintained.

13.12 All leaver's information will be held on a separate tab within the SCR for the remainder of each academic year. Thereafter, a copy of the SCR will be archived securely.

13.13 At the start of each academic year (September) a new version of each school SCR will be uploaded on to the shared drive with appropriate security settings (password protected). Any leaver information should be saved and archived into the previous academic year's version.

APPENDIX
 POSITIVE DBS DISCLOSURE DECISION FORM (Risk
 Assessment)

Name of Individual

Date of Birth:

Post applied for:

School:

Recruiting Manager:

Signed:

Date:

Executive Leader:

Signed:

Date:

Decision/Outcome (tick as applicable)			
Continue with employment	Suspend for further investigation (applicable for current staff)	Allocate to a different role:	Do not continue with recruitment
Discussed outcome with individual:		Signed	Date:

Points of discussion:	Possible Responses	Answer	Comments (please complete as fully as possible to inform risk assessment)
Do the DBS Listings bar the appointment? If the answer is yes then the appointment is automatically unlawful and the person must not be appointed to the post. Do not continue with this decision sheet.	Yes* refer to LADO immediately No		

QUESTIONS TO CONSIDER	Possible Responses	Answer	Comments	QUESTIONS TO CONSIDER
How serious do you consider the offence to be?	Major Moderate Minor			
Did the offence occur recently? For example, minor offences that occurred a long time ago may be less relevant than ones that are very recent.	Within last; Year 3 years 10 years Older			
At what age were the offences committed? Was the offence committed as an adult, or as a child or adolescent? Offences that took place years ago may have less relevance now with the exception of serious violent or sexual offences.	State age			
What age is the applicant now?	State age			
Does the disclosure show a pattern of behaviour, or was the offence a one- off? Repeated offences may indicate that the individual has not been able to change his/her offending behaviour, and may be more likely to re-offend.	One-off Repeat frequent Repeat infrequent			
Have the circumstances that contributed to the applicant committing the offence or behave in such a manner changed for the better? Look at all the circumstances, including the employment pattern and the individual's own explanation.	Yes No Maybe			

<p>Did the applicant disclose any convictions, cautions, reprimands or final warnings, as part of the application process/at interview/or during their employment? Note that a failure to disclose a relevant offence, without a satisfactory reason, will be a breach of contract and render any employment offer void or where the individual is an employee lead to disciplinary action which could lead to their dismissal.</p>	<p>Yes No (please include any reasons for non disclosure)</p>		
<p>Are there any concerns in regard to the employee's motivations for working with children?</p>	<p>Yes/No</p>		
<p>Is there any evidence to suggest that the individual will be unable to manage conflict/cope with challenging behaviour?</p>	<p>Yes/No</p>		
<p>Were any gaps in employment identified and were these cause for concern?</p>	<p>Yes/No</p>		
<p>Were both employer references satisfactory and verified by telephone?</p>	<p>Yes/No</p>		
<p>Does the post involve responsibility for finance, items of value or other high risk areas? This is particularly relevant where the disclosed offences are related to robbery, burglary or fraud.</p>	<p>High Moderate Low</p>		
<p>Does the role allow the opportunity to re-offend? Consider the nature of the post in relation to the disclosed offence(s).</p>	<p>Yes/No</p>		
<p>What level of management supervision will the person receive? What opportunity would there be to re-offend? Will supervision reduce the risk? How much responsibility does the post carry?</p>	<p>High Moderate Low</p>		