**DBS Guidance for Schools**

**Introduction**

Employers of staff working with children have a statutory obligation to undertake appropriate pre-employment checks prior to confirming an appointment and the employee commencing work. These checks include an enhanced criminal background check, health checks and gaps in employment history. These measures ensure that the school and the governing body meet their safeguarding obligations. For further advice refer to the school’s Recruitment and Selection Code of Practice or email hr.operations@rbwm.gov.uk

It is school policy that for all qualifying new employees, it undertakes its own enhanced DBS check in relation to the role for which an individual has applied.

**Process**

Since January 2013, the council has undertaken its DBS checks via the online system provided by Atlantic data. This is quick, efficient and the results are, in most cases, available within 4-5 days. HR is still required to operate as ‘counter signatory’ and checks applications prior to approving them for onward transmission to Atlantic data for processing.

Since 17 June 2013 disclosure certificates have been issued to the applicant, therefore applicants are required to present their certificate for checking (see section on security of data).

As a result of a successful challenge about the information disclosed on DBS checks, since 29 May 2013 some old and minor cautions and convictions will be filtered from DBS checks. Further information is available from the DBS. See link below.

[DBS - filtering guidance](https://www.gov.uk/government/publications/dbs-filtering-guidance)

In addition, since 17 June 2013, individuals in receipt of a Disclosure certificate can register, for an annual fee, for the Update Service.

[DBS - update service](https://www.gov.uk/dbs-update-service)

This allows employers to check DBS certificates online, with the individual’s permission. The DBS record is automatically updated and any changes since the certificate was issued will be shown.

The application forms used by schools have been updated to ask applicants for their permission for the school to use the update service to check their certificate if they are registered.

If a new employee is registered for the Update Service, you can verify it by using the link below:

<https://secure.crbonline.gov.uk/crsc/check?execution=e1s1>

ID Checkers - You will need to enter the following information:

* Your organisation name e.g., RBWM
* Your forename
* Your surname

What information you will need to carry out a check:

* Authorisation from the applicant to carry out the check
* Certificate number
* Applicant’s surname on the Certificate
* Date of birth on the Certificate

You need to ensure you have seen the original DBS certificate.

To be able to accept the DBS which is registered to the update service you need to make sure the certificate has the correct workforce and job role.

The child workforce relates to roles which are eligible for the check on the basis of working with children. This includes roles which involve interaction with children known as regulated activity.

The adult workforce relates to roles which are eligible for a DBS check on the basis of regulated activity with vulnerable adults.

We are legally only allowed to request information we require for the position being carried out.

For example, if you have appointed a Teaching Assistant and their certificate which is on the update service has been checked for the ‘Child and Adult Workforce’, you would not be able to accept this.

The reason for this is, it should only be checked against the ‘Child Workforce’, and it does not require them to be checked for working with vulnerable adults.

There are 3 possible outcomes of a valid Status check:

* **This Certificate did not reveal any information and remains current as no further information has been identified since its issue**. This means that the individual’s Certificate contains no criminality or barring information, and no new information is available.
* **This Certificate remains current as no further information has been identified since its issue**. This means that the individual’s Certificate did contain criminality or barring information and no new information is available.
* **This Certificate is no longer current. Please apply for a new DBS check to get the most up to date information**. This means that the individual’s Certificate should not be relied upon as new information is now available and you should request a new DBS check.

**DBS Update Service FAQ’s**

* How does this benefit the school?
	+ The school will be able to arrange a quicker start date for new employees
	+ Ongoing checks are available, so the school will be able to check the employees DBS whenever they need to
* How does this benefit the employee?
	+ Their employers will be able to arrange a quicker start date
	+ The DBS will be transferrable, they can use it with any employer
* How long is the update service valid until?
	+ It remains current as long as the yearly fee is continuously being paid
* Can I accept a DBS on the update service issued by another school?
	+ Yes, as long as the workforce and job role are correct

We do not recommend that schools allow anyone to commence work without satisfactory DBS clearance. However, in the unlikely event that someone starts work before confirmation that DBS clearance is complete, then **they are not allowed to have any unsupervised contact with children.** Headteachers will be required to undertake a risk assessment to determine whether child safeguarding will be prejudiced by starting the individual at work prior to receipt of a DBS disclosure. Without a satisfactory **enhanced** DBS disclosure, unsupervised access to children cannot be permitted.

We recognise that there may be extra costs incurred but these need to be viewed as an essential part of the recruitment process.

Should there be concerns or issues about the content of a Disclosure, then the school should contact our HR Business Partner team to discuss. It may be necessary to complete a formal assessment – see the DBS Shortlist & assessment form (on the HR Information Page on the Schools Leadership page)

**Security of data and data handling**

Schools are required to ensure that Disclosures are handled correctly and safely and that access to this information is only available to those entitled to see it as part of their duties. The DBS Code of Practice requires that all registered bodies have a written policy on correct handling and safekeeping of disclosure information. Schools should refer to and must operate in accordance with this policy – DBS secure storage, handling, use, retention, and disposal of Disclosures policy (on the HR Information Page on the Schools Leadership page).

**When is a check required?**

We hope the following list of scenarios, though not exhaustive, will be helpful. You will need to use your judgement in individual circumstances.

* If you employ someone from an **agency**, for example, a supply teacher, the agency must have completed their own DBS check: the check is to be at least 3 months old and must be for a comparable role. If in doubt, you would need to carry out a check in respect of the role at your school.
* If an employee **transfers to a new post within the same school** and they have a current DBS disclosure, you do not need to recheck them.
* Some employees who have worked within schools in the same role for some time will have been subject to Police Checks/List 99 checks prior to the DBS disclosure process, which came into place in 2002. The Department for Education (DfE) have advised that these checks are sufficient at this time as long as
* a) there are no concerns regarding an individual
* b) no changes to the role have occurred
* c) no break in service longer than 3 months has occurred. The DfE have issued no further guidance on repeat/re-checks.
* If an individual **transfers from a different school** (or Academy) **within the Royal Borough**, a new DBS is required, unless they have subscribed to the update service and it’s the correct workforce.
* If an individual **transfers from another post within the Royal Borough**, e.g., from a social care role, the same advice would apply. Although an enhanced DBS disclosure will be in place, schools will need to ensure that a satisfactory **enhanced** DBS disclosure in compliance with the Protection of Children Act (POCA) is obtained as a safeguarding measure for working with children.
* If someone joins a school **from a position from outside the Royal Borough**, a new DBS application must be completed, and a satisfactory report obtained (unless they are signed up to the DBS Update system).
* **Governors** require an enhanced DBS check and personal details need to be submitted to HR for a Barred List check (full name and date of birth is to be provided for this purpose).
* All **volunteers** must be DBS checked before commencement of their duties. There is no charge for DBS checks on volunteers other than the HR administration fee. It is therefore prudent to think in advance of any planned activities involving volunteers. We recognise however that there may be the occasion where parents are requested at very short notice to participate on a trip. Upon request it is possible for a Barred List check to be carried out. Please refer to HR.Operations@RBWM.gov.uk if in doubt.
* **Relief and temporary staff** should be treated in exactly the same manner as permanent staff with regards to all checks.
* If you receive **students** in your school, for example from a university, it is advisable that you perform your own DBS checks unless you are confident that the supplier of the students has performed their own in the last 3 months.
* In the same manner, your school should be responsible for those conducting **work experience (aged 16+ only)** and an **enhanced** DBS disclosure will be necessary.
* **Peripatetic music teachers or advisers who work with small groups of pupils:** schools should perform their own DBS checks, unless they are confident that the music service or service through which they have been employed has performed their own checks and that a satisfactory disclosure has been received in the last 6 months.

Please note that if someone other than the school/registered body has applied for a DBS disclosure, they are not permitted to show that information to a third party. They can only comment that a satisfactory disclosure has been received or not. This is why it is advisable to do our own so that we have confidence in the checks carried out and to ensure that staff do not start work without all pre-employment checks confirmed.

**Further advice**

If in doubt on any DBS procedures or results, we advise you to check with HR by emailing hr.operations@rbwm.gov.uk