

DBS Policy

Dated: 04/04/ 23	Review Date: 04/04/202 4	Signed: Caitlin Howells	Caitlin Howells
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Introduction

The Field of Joy is committed to safeguarding and promoting the safety and welfare of children and young people and expects all employees and volunteers to share in, and demonstrate, this commitment.

The purpose of this policy is to have appropriate and effective procedures in place to prevent people who pose a risk of harm from working with children by adhering to statutory responsibilities to check staff who work with children.

This policy has been developed in accordance with the 'Keeping children safe in education' statutory guidance published by the Department for Education (DfE) and guidance published by the Disclosure and Barring Service (DBS). Those involved in the recruitment process and for carrying out repeat checks must make themselves familiar with this guidance and other statutory requirements as referenced in this policy and the Recruitment and Selection Policy.

Requirements and legislation may change from time to time and this policy will be updated accordingly.

Key Aims

- To safeguard and protect, as far as possible, all children and vulnerable persons within the setting
- To prevent unsuitable people from working with children

- To ensure that safer recruitment practice and pre-employment checks are rigorously undertaken before any appointment is confirmed
 - To ensure compliance with all relevant legislation, recommendations and guidance.
4. Establishing DBS requirements for new posts

A DBS check should only be requested after a thorough risk assessment has indicated that one is relevant to the role concerned, this should be confirmed prior to advertising.

The minimum age of a person who can apply for a DBS check is 16 years old. Members of staff, whether permanent, temporary, casual or volunteer must not start work until the DBS check has been received and appropriately considered and all other pre-employment checks have been completed. Offers of employment must be made subject to satisfactory clearances.

Types of DBS checks

For most appointments, an Enhanced DBS with Barred List check will be required as the majority of staff will be engaging in regulated activity. For other staff who do not fall into the remit of regulated activity, but have an opportunity for regular contact with children, an Enhanced DBS without Barred List check will be required.

Volunteers

The DBS definition of a volunteer is defined in the Police Act 1997 (criminal records) Regulations 2002 as:

“Any person engaged in an activity which involves spending time, unpaid, doing something which aims to benefit some third party and not a close relative.”

To qualify for a free-of-charge criminal record check, the applicant must not benefit directly from the position the DBS application is being submitted for, receive any payment, be on a placement or course that requires them to do the job or be in a trainee position that will lead to a full time role/qualification.

Volunteers who are supervised while regularly carrying out activities with pupils are not in regulated activity but as they have the opportunity to come into contact with children on a regular basis the Field of Joy may obtain an Enhanced DBS check only (without a Barred List check).

Employers are not legally permitted to request Barred List information on a volunteer who, because they are supervised, is not in regulated activity.

Under no circumstances must a volunteer, who has not been checked against the Children's/Adult's Barred List, because it is not required due to infrequent contact, be left unsupervised with children.

Contractors

Contractors engaging in regulated activity will require an Enhanced DBS with Barred List check. For contractors not engaging in regulated activity, but whose work provides them with the opportunity for regular contact with children, an Enhanced DBS check will be required (not including Barred List check). It is irrelevant whether the contractor works on a single site or across a number of sites when considering whether the contact is regular.

The contracting organisation should provide Field of Joy with a list of staff, their certificate number, date, workforce and level of their DBS checks.

Self-employed workers

Self-employed workers cannot apply for a check directly to the DBS as they cannot ask an exempted question of themselves. Field of Joy can apply for a self-employed workers DBS check if they are wishing to use their services.

The level of check would depend on whether the individual is in regulated activity, regular contact or supervised.

Visitors

DBS checks are not required for visitors to the Field of Joy who do not have unsupervised access to children. The Leader will use their professional judgement about the need to escort or supervise visitors.

Professional visitors to Field of Joy who undertake work with children will require a DBS check and their employing organisation should provide Field of Joy with their name, certificate number, date, workforce and level of their DBS checks.

Students on work placement

If the placement offers contact with children and the student is 16 years or over, they may be in regulated activity and would therefore require an Enhanced DBS check. If the student has a DBS check with a Field of Joy or college they are on placement from then this will suffice as long as confirmation is received from the Field of Joy or college.

Transgender process

DBS offers a confidential checking process for transgender applicants. This process is for transgender applicants who do not wish to reveal details of their previous identity to their prospective employer. The individual can email sensitive@dbs.gsi.gov.uk for more information.

Individuals who have lived or worked outside of the UK

The Disclosure and Barring Service cannot access overseas criminal records therefore, individuals who have lived or worked outside of the UK for more than 6 months in the last 5 years will require additional criminal record checks. For guidance on this process, refer to the Recruitment and Selection Policy.

Rehabilitation of Offenders

Under the requirements of the Rehabilitation of Offenders legislation there is a system for cautions and convictions, for both systems there is a list of exempt offences. This means that any caution or conviction for an offence on a particular list will not be filtered and others that will be.

Sighting the DBS Certificate

Once the applicant/employee has received their DBS certificate, they must present the certificate to Field of Joy.

Field of Joy will check all of the details on the certificate ensuring all personal data is correct and the correct workforce and Barred Lists (if appropriate) have been checked. Any discrepancies will be taken up with the Disclosure and Barring Service.

A record must be kept on the single central record of the date the certificate was sighted and who it was sighted by. A copy of the certificate should not be retained in Field of Joy in line with the DBS Code of Practice and point 12 of this policy.

Disclosures with Information

When a DBS check produces a history that causes concern then the Leader will discuss the circumstances with the individual before reaching a decision on whether to proceed with the appointment.

The Leader will discuss the circumstances with HR and consider:

- Whether the conviction or other information received is relevant to the post and workplace in question
- The seriousness of any offence or other information received
- The length of time since the offence or other matter occurred
- Whether the applicant has a pattern of offending behaviour
- Whether the applicant's circumstances have changed since the offending behaviour
- The circumstances surrounding the offence(s) and the explanation offered by the individual, and
- Any other relevant matters

Handling of DBS certificate information

Certificate information should be stored securely, in lockable, nonportable storage containers with strictly controlled access and limited to those who are entitled to see it as part of their duties.

Once a recruitment decision has been made, certificate information should not be kept for any longer than is necessary. Generally up to 6 months to

allow for consideration and resolution of any disputes or complaints. If it is considered necessary to retain certificate information for longer than 6 months, the DBS must be consulted and full consideration given to the Data Protection and Human Rights of the individual.

In accordance with section 124 of the Police Act 1997, Field of Joy will maintain a record of all those to whom certificate information has been revealed however, it is a criminal offence to pass the information to anyone who is not entitled to see it.

Once the retention period has elapsed, DBS certificate information must be securely destroyed in line with the DBS Code of Practice. Field of Joy will not keep any photocopy or other image of the certificate or any copy or representation of the contents of a certificate. However, Field of Joy will keep a record of the:

- Date of issue of the certificate
- Name of the subject
- Type of certificate
- Position for which the certificate is requested
- Unique reference number of the certificate
- Details of the recruitment decision taken

Repeat checking

Field of Joy employees and volunteers will be repeat checked every 3 years. Contractors and third party organisations may repeat check on different timescales or only request a DBS check on appointment. Providing the Field of Joy can satisfy themselves that the checks and safeguarding procedures of such organisations are satisfactory then confirmation of an Enhanced DBS check with the date can be accepted.

Field of Joy reserves the right to ask existing members of staff in relevant positions to apply for a new DBS check if their actions or activities give 'cause for concern'. The grounds for 'cause for concern' could include allegations of suspicious or inappropriate behaviour made by a child or other person or a colleague, parent, carer or member of the public. In such instances, a full

investigation of any such allegations will be conducted in accordance with the Disciplinary Policy.

Information Received between/after DBS checks

Following their initial pre-employment DBS check, if a member of staff in a DBS designated post is convicted of any offence or receives a police warning they are required to declare this to the Leader. The Headteacher will consider the conviction/warning and can contact Human Resources for advice.

Failure to notify the Leader may result in disciplinary action being taken. In some instances the Police will notify the Field of Joy/council direct.

The Field of Joy will carry out an annual review to certify that there have been no changes in circumstances since the employee's original/most recent disclosure.

Making a referral to the DBS

Field of Joy 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 the individual has committed a listed relevant offence; and that the individual has been removed from working (paid or unpaid) in regulated activity, or would have been removed had they not left.

Equality Statement

This Policy applies to all employees irrespective of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation.