Disclosure and Barring Services (DBS) Policy

Date:	June 2025
Adopted:	July 2025
Review:	June 2026 (Please note this policy may be replaced after 1st November 2025 by SGA)

This policy has been adopted by Christ the King Catholic Collegiate (CtKCC) Multi Academy Company (MAC) for the purposes of detailing the approach to using Disclosures & Barring Service (DBS) Checks (formally known as Criminal Records Bureau (CRB)) and implications arising from their use for employees, volunteers, Directors and Local Governing Body Representatives. It relates to checks carried out upon recruitment and during the life time of their employment, placement or Board representation.

1. Introduction

1.1 The DBS check searches personal details provided by applicants, employees, volunteers and Directors/Academy Representatives against criminal records and other sources. The DBS check will either confirm that the person named doesn't have a criminal record, or it will list any relevant convictions, cautions, reprimands, warnings and, if applicable, whether they have been barred from working with vulnerable groups. The police can also include non-conviction information, for example, fixed penalties, that may be relevant.

1.2 Under the Rehabilitation of Offenders Act 1974 a person with a criminal record is not required to disclose any spent convictions unless the position they are applying for, or are currently undertaking, is listed as an exception under the act. Therefore, we have a legal responsibility to ensure that we have a relevant exemption before requesting this from an applicant / employee / volunteer / Director or risk withdrawal of our right to request DBSs in future, and potential prosecution. Also, under the Protection of Freedoms Act 2012 we have a legal responsibility to ensure that we carry out checks on anyone engaged in Regulated Activity but only carry out checks for those individuals of the appropriate barring list for the groups they are working with.

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2. Background

2.1 DBS Checks have been used for many years as an aid to recruitment for certain posts where trust and confidence are vitally important to the role. More recently the range of posts eligible for DBS has been extended in response to the Safeguarding Vulnerable Groups Act 2006.

2.2 There are two levels (4 types) of DBS check available: Standard and Enhanced.

a. Standard DBS Check

These apply to positions and professions exempted under the Rehabilitation of Offenders Act. Groups include those involved regularly with children, young people, the elderly, sick or disabled, the administration of the law and other sensitive areas or positions of trust.

Standard checks contain details of an individual's convictions, cautions, reprimands or warnings recorded on police central records and includes 'spent' and 'unspent' convictions. These are shown on a criminal records check.

To be eligible for a standard level DBS check the position must be included in the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975.

b. Enhanced DBS Check

Enhanced checks are for posts that involve a far greater degree of contact with vulnerable groups including children. In general the type of work will involve regularly caring for, supervising, training or being in sole charge of such people. Enhanced checks are also issued for certain gaming and licensing purposes and judicial appointments.

An enhanced check contains the same details as a standard check, together with any information held locally by police forces that a Chief Officer reasonably believes to be relevant to the post applied for and considers ought to be disclosed.

To be eligible for an enhanced level DBS check, the position must be included both in the ROA Exceptions Order and in Police Act Regulations.

c. Enhanced Disclosure + barred list check (child)

d. Enhanced Disclosure + barred list check (adult).

An enhanced check with information from the DBS's children's/adult's barred lists is only available for those individuals engaged in regulated activity with vulnerable groups and a small number of posts as listed in the Police Act Regulations.

2.3 All DBS checks conducted by CtKCC are to be 'Enhanced Disclosures' or 'Enhanced Disclosure + barred list check (child) for all staff.

3. Eligible Posts

3.1 The Disclosures & Barring Service provides guidance on all the eligible roles and types of roles that are exceptions to the Rehabilitation of Offenders Act 1974. This guidance is reviewed and updated on a regular basis, with the most up to date guidance available on the GOV.UK website.

3.2 DBS clearance should be a requirement of any post meeting any one of the following criteria:

a. Has unsupervised access to children or vulnerable adults (regardless of regularity or duration);
b. Has supervised access to children or vulnerable adults on a regular basis;
c. Is based within a setting regularly occupied by children or vulnerable adults (regardless of direct access or nature of role), e.g. school, residential establishment, community centre, leisure centre, park, unless the presence is exclusively before or after children/vulnerable adults are on the premises;
d. Entails visits to domestic residences, or has indirect contact with children or vulnerable adults via the telephone or internet;
e. Has substantial access to highly sensitive personal details relating to the care of children or vulnerable adults. The "care of" refers to health, social care, looked after children, etc., as opposed to general data such as contained within registers and databases.

3.3 The criteria apply equally to all types of employment, whether or not an established post, such as permanent, temporary, casual, supply, volunteer or unpaid. If agencies are used, agency staff must be subject to the same checks as permanent staff, and it will be up to the Primary/Secondary Academy Manager to obtain and record confirmation from the agency that clearance has occurred.

4. Returned Traces

4.1 All current employees are covered by a specific clause in their employment contract to notify their respective Headteacher who is to inform the CtKCC Accounting Officer of any charges or convictions brought against them. Clearly where a role is subject to a satisfactory DBS check this clause becomes critical in determining what action should take place.

4.2 Depending on the nature of the offence CtKCC will determine by way of an investigatory interview (see Annex B for interview template – not to be published with this policy) whether:

a. the charge or conviction is such as to affect, or be likely to affect, the suitability of the employee for the position in which he/she is employed,
b. the offence is likely to damage the business or reputation of the Employer,
c. the existence of the charge or conviction could, in the opinion of the CtKCC Board of Directors, otherwise seriously undermine the trust and confidence that the Employer has in the employee.

4.3 Criminal charges or convictions for offences of dishonesty or violence committed outside working hours may result in disciplinary proceedings being taken against the employee up to and including summary dismissal. Employees are to notify their Headteacher and the

CtKCC Accounting Officer immediately if they are subject to any criminal charges, cautions or convictions to enable the employer to assess risk and determine if any further action may need to be taken. Failure to disclose this information may also result in disciplinary action.

5. Recruitment

5.1 Where a DBS check is required prior to appointment, appropriate text is to be included in the advert for the post. The text must clearly state that appointment of the selected candidate is subject to a satisfactory Enhanced DBS check. General information is to be made available to applicants as part of the application pack.

5.2 As a Registered Body, CtKCC must establish the true identity of the applicant, through the examination of a range of original documents as set out by the DBS. This will be carried out by the Primary/Secondary Academy Business Manager and a certified copy of the document will be taken. Copies of the certified documents are to be retained as per paragraph 6 below.

5.3 All applications for DBS checks on behalf of CtKCC are to be initiated by the individual and completed by the Primary/Secondary Academy Business Manager using the certified copies of the original proof of identity provided by the applicant.

5.4 Once the check is complete, the DBS will send a certificate listing the results to the applicant and CtKCC will be notified by e-mail of a 'clear' result only. Primary/Secondary Academy Business Manager will ask the applicant for sight of their original DBS certificate in all instances where the check is 'not clear'. Details of the proof of ID and DBS check result will be recorded on a database (see paragraph 6.4 below). The DBS will not provide a copy of the certificate to CtKCC.

5.5 If CtKCC is satisfied with the information contained in the DBS certificate, the Contract of Employment will state that the position to which the individual has been appointed is subject to a DBS check and will require the employee to inform the Headteacher and CtKCC Accounting Officer of any subsequent criminal convictions, cautions, reprimands and warnings. It will also detail the consequences of failure to do so which may include termination of employment.

5.6 Where a trace is returned during recruitment the recruiting manager and Headteacher (or delegated representative) having taken advice from the CtKCC HR Consultant and safeguarding lead will make a decision based on the investigatory interview referred to in paragraph 4.2. Having a conviction will not necessarily bar individuals from working for CtKCC and each disclosure is assessed individually. Each individual case will be considered with reference to the sentence, severity and nature of the offence and the potential risk to children.

5.7 CtKCC Board of Directors has made the decision not to undertake DBS re-checks during employment with the MAC unless a specific concern arises.

6. Retention of Documents

6.1 As an organisation using the Disclosures & Barring Service to help assess the suitability of applicants for positions of trust, we comply fully with the DBS Code of Practice regarding the correct handling, use, storage, retention and disposal of certificates and certificate

information. We also comply fully with our obligations under the General Data Protection Regulations (GDPR) and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of certificate information.

6.2 All documents used to support the DBS process are retained securely in a lockable, non-portable cabinet with access limited to the Primary/Secondary Academy Business Manager.

6.3 Documents for unsuccessful candidates are destroyed immediately after the recruitment process is completed. ID documents for the successful candidate should be retained on the personnel file.

6.4 A Record of all DBS applications, their outcome and (where appropriate) employment details will be retained at each academy and centrally for all employees, volunteers, Local Academy Representatives, Directors and agency/service staff. This is known as the Single Central Record (SCR) which is an Ofsted requirement. All records including the SCR have restricted access.

7. Further Guidance

Further guidance on the need for a DBS check in all circumstances is to be obtained from the CtKCC HR Consultant (via the HR administrator) in the first instance.

8. Before and After School Activities

8.1 Non-employed staff who provide a service to academies should provide the following information before engagement:

- The DBS Certificate number
- The date of issue
- Proof of identification on arrival at the academy

Confirmation of a valid DBS certificate being held must be obtained from the employer before activities commence using the letter at Annex A.

8.2 Self-employed service providers must obtain an enhanced DBS Certificate which can be obtained via the Academy. The individual is to reimburse the Academy for the cost incurred. The Headteacher is to satisfy themselves that the certificate contains no information which would cause a safeguarding risk to learners.

9. DBS Update Service

9.1 When the applicant initially applies for a DBS check they can register to use the Update Service with a registration cost of £13 per year. There is no charge if the applicant is a volunteer.

9.2 The online DBS Update Service allows:

- Applicants to keep their DBS certificates up-to-date
- Employers to do an instant DBS check against a DBS certificate previously issued

9.3 The DBS tracking service can be used to check the progress of the DBS application/certificate.

9.4 Where an applicant subscribes to the DBS Update Service the applicant must give consent to CtKCC to check there have not been changes since the issue of a disclosure certificate.

9.5 To check a DBS Certificate status online the MAC will obtain the applicant's permission in the first instance. The MAC can then see the results from the check straight away.

10. Checking Criminal Records Overseas and Certificates of Good Conduct

10.1 CtKCC **will attempt** to obtain a certificate of good conduct and any other references for any previous overseas employees. This is in accordance with guidance from the Disclosure and Barring Service (DBS) and the Home Office for employers on applying for DBS checks. It notes that the standard of foreign police checks "varies".

10.2 If verifying an individual it may be necessary to contact the embassy or High Commission of the country in question to check criminal records. CtKCC can also contact the embassy, or the authorities in a country, to find out more about the standard of checks. See the link at: https://www.gov.uk/guidance/dbs-check-requests-guidance-for-employers#overseas-applicants.

10.3 It is the Head teacher's responsibility to determine how far back a 'history' check should be based on the 'risk factor'. There is no statutory guidance on this issue therefore it is a recommendation that for the purpose of this policy and until statutory guidance is available that checks should go back "**as far as possible".**

Annex A

To be on Academy Headed Paper

Dear Sir/ Madam

Safeguarding Children – Employer Assurance

As you are a company whose staff members frequently visit our Academy and may have unsupervised contact with the children we are required to obtain written assurance in accordance with the Governments Keeping Children Safe in Education (KCSE) documentation (published by the DFE in September annually) that the correct checks are being carried out. Paragraph 268 to 271 of the KCSE states:

> *268. Schools and colleges **must** obtain written notification from any agency, or third party organisation, that they have carried out the checks on an individual who will be working at the school or college that the school or college would otherwise perform. In respect of the enhanced DBS check, schools and colleges **must** ensure that written notification confirms the certificate has been obtained by either the employment business or another such business*
>
> *269. Where the agency or organisation has obtained an enhanced DBS certificate before the person is due to begin work at the school or college, which has disclosed any matter or information, or any information was provided to the employment business, the school or college **must** obtain a copy of the certificate from the agency.*
>
> *270. Where the position requires a children's barred list check, this **must** be obtained by the agency or third party by obtaining an enhanced DBS certificate with barred list information, prior to appointing the individual.*
>
> *271. The school or college should also check that the person presenting themselves for work is the same person on whom the checks have been made.*

Please provide a letter of assurance confirming that your company undertakes the required checks for staff who will be working in our Academy. The checks include:

- Enhanced DBS check with children's barred check list
- Pre appointment checks - Identity checks, medical checks, right to work in the UK with overseas record check if appropriate, professional qualifications, employment history and references.
- That the company has the required indemnity insurance.

In addition, please ensure that your staff members carry a company ID card which will be checked prior to being allowed to work on our premises.

If you are unable to confirm this information this may affect the ability of your employee to work in school until all checks have been carried out.

Yours sincerely,

Headteacher