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Better futures for children & young people.

The Charter Schools Educational Trust

DBS Policy

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Approver (s)	Chief Executive Officer
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The Charter Schools Educational Trust (the 'Trust') promotes and achieves excellence by ensuring the very best education and care for every child within our schools. It recognises the importance of outstanding teaching and learning by actively encouraging creativity and innovation, whilst having consistent standards of behaviour and attendance. Treating everyone as equal, whilst celebrating diversity, is non-negotiable; protecting all through robust safeguarding, health and safety and welfare policies and practice is paramount.

Statement of intent

At The Charter Schools Educational Trust, we are committed to the safeguarding of our pupils, staff and visitors. Ensuring the safety of our school community is of paramount importance and, as a result, this policy has been created to support a safe environment where pupils are cared for appropriately and are free from harm.

For certain roles, the Trust schools will be required to request a Disclosure and Barring Service (DBS) check as part of the recruitment process. This check may also include barred list information held on the DBS barred list, as well as any information held by the police which is relevant to the role applied for.

DBS checks allow schools to ascertain an individual's suitability to work with children in an educational environment. This policy will ensure that all staff, volunteers, pupils and parents are aware of the measures taken by the school to protect the welfare of the school community.

Legal framework

This policy has due regard to legislation and statutory guidance including, but not limited to, the following:

- Rehabilitation of Offenders Act 1974
- Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2015)
- Police Act 1997
- The Police Act 1997 (Criminal Records) (Registration) Regulations 2006
- Data Protection Act 2018
- Safeguarding Vulnerable Groups Act 2006
- Equality Act 2010
- Home Office (2015) 'Revised Code of Practice for Disclosure and Barring Service Registered Persons'
- DfE (2025) 'Keeping children safe in education'

This policy operates in conjunction with the following policies:

- TCSET Recruitment Policy
- School and Trust Safeguarding Policies
- TCSET Data Protection Policy
- TCSET Records Management Policy
- TCSET Disciplinary Policy

Definitions

Standard DBS

This provides information about convictions, cautions, reprimands and warnings held on the Police National Computer (PNC), regardless of whether they are spent under the Rehabilitation of Offenders Act 1974. The law does allow old and minor matters to be filtered out.

Enhanced DBS

This provides the same information as a standard check, plus any approved information held by the police which a chief officer reasonably believes to be relevant and considers ought to be disclosed.

Enhanced DBS with barred list check

Where people are working or seeking to work in regulated activity with children, this allows an additional check to be made as to whether the person appears on the children's barred list.

Regulated activity

Regulated activity includes:

- Teaching, training, instructing, caring for or supervising children if the person is unsupervised, or providing advice or guidance on physical, emotional or educational wellbeing, or driving a vehicle only for children.
- Work for a limited range of establishments (known as 'specified places', which include schools and colleges) with the opportunity for contact with children, but not including work done by supervised volunteers.

Work is regulated activity if it is carried out frequently by the same person or if the 'period condition' is satisfied. The period condition is satisfied if:

- The person carrying out the activity does so at any time on more than three days in any period of 30 days.

Some activities are always regulated activities, regardless of frequency or whether the person conducting the activity is supervised. This includes the following:

- Personal care, including helping a child with eating and drinking for reasons of illness or disability or in connection with toileting, washing, bathing and dressing for reasons of age, illness and disability
- Health care, i.e. care for children provided by, or under the direction or supervision of, a regulated health care professional

Roles and responsibilities

The Trust Board is responsible for:

- Making decisions with regards to disclosure information concerning existing and prospective employees.
- Ensuring that current and prospective employees do not commence or continue their practice without a satisfactory DBS check and an appropriate risk assessment on their suitability to work with children.
- Ensuring that this DBS Policy and the Home Office's Code of Practice (CoP) is adhered to at all times.
- Ensuring that the identity of any existing or prospective employee is confirmed and verified beyond doubt before commencing or continuing employment.
- Monitoring the school's single central record (SCR), ensuring its compliance with requirements.

The Headteacher (*also assume Head of School*) is responsible for:

- Ensuring that they are aware of any posts in the school that are subject to a DBS check.
- Maintaining an up-to-date Single Central Record (SCR).
- Ensuring that any job descriptions and person specifications for any posts within the school indicate whether an individual will require a DBS check, as well as what level of check is required.
- Taking reasonable steps to make sure that any individual who is not an employee, but who is covering an existing post or other work within the school, holds the appropriate level of DBS check.
- Ensuring that all members of staff hold current, acceptable DBS checks according to the appropriate level required, and that upcoming renewals are applied for within two months prior to the renewal date. A staff member's DBS must be renewed every 3

years. For governors and trustees, a check must be performed at the start of each term of office.
- Ensuring that new employees are aware of the DBS update service and encouraging them to subscribe to this.
- Informing the Central HR Team of any decisions made regarding disclosure information.

Procedures for staff

New members of staff:

Staff who will be in regulated activity are required to obtain an enhanced DBS certificate with a barred list check.

All other staff who have an opportunity for regular contact with children who are not engaging in regulated activity are required to obtain an enhanced DBS certificate, which does not include barred list information.

Staff in management roles are required to obtain an additional check to ensure they are not prohibited under section 128 provisions.

Staff are required to show the original DBS certificate to the Headteacher before they begin their employment or as soon as practicable after their employment begins.

Where a member of staff will start work in regulated activity before the DBS certificate is available, the Headteacher will ensure the individual is appropriately supervised and that all other checks, including a separate barred list check, have been carried out.

There is no requirement for the school to obtain an enhanced DBS certificate for events that may have occurred outside the UK if, during a period that ended not more than three months before the individual's appointment, they have worked in:

- A school in England:
  - Which brought them regularly into contact with children or young people.
  - To which they were appointed on or after 12 May 2006 and which did not bring them regularly into contact with children or young people.
  - In an institution within the FE sector in a post which involved the provision of education which brought them into regular contact with children or young people.

Existing staff

The Trust will carry out all relevant checks as if the individual were a new member of staff every three years.

If a member of staff moves from a post that was not in regulated activity into a post involving regulated activity, all the relevant checks will be carried out.

Agency and third-party staff
The Headteacher will obtain written confirmation from any agency or third-party organisation that the organisation has carried out all the necessary DBS checks on an individual who will be working at the school that the school would otherwise perform.

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

The Headteacher will check that the individual presenting themselves for work is the same person for whom the checks have been made.

Trainee/student teachers
Where trainee teachers are fee-funded, the training provider is responsible for carrying out the necessary checks. The Headteacher will obtain written confirmation that the necessary checks have been carried out.

Procedures for local governors
Local governors are required to have an enhanced DBS certificate – a section 128 check will also be carried out.

Procedures for trustees
All members of the trust, individual trustees and the chair of the board of trustees are required to obtain an enhanced DBS check – a section 128 check will also be carried out.

Procedures for volunteers
Under no circumstances will a volunteer who has undergone no checks be left unsupervised or allowed to work in regulated activity.

The Headteacher will obtain an enhanced DBS check, with barred list information, for any volunteer who is new to working in regulated activity.

Volunteers will be re-checked every three years in line with Trust policy.

The Headteacher will undertake a risk assessment and use their professional judgement when deciding whether to obtain an enhanced DBS certificate for any volunteer not engaging in regulated activity. The risk assessment will consider the following:

- The nature of the volunteer's work with children
- What the school knows about the volunteer, including formal or informal information offered by others
- Whether the volunteer has other employment or undertakes voluntary activities where referees can advise on their suitability
- Whether the role is eligible for an enhanced DBS check

Details of the risk assessment will be recorded.

The Headteacher will determine whether a volunteer is supervised. For a person to be considered supervised, the supervision must be:

- By a person who is in regulated activity.
- Regular and day-to-day.
- Reasonable in all the circumstances to ensure the protection of children

When allowing any volunteers to work at the school, the Headteacher will check that the individual presenting themselves for work is the same person for whom the checks have been made.

Procedures for visitors

Schools do not have the power to request DBS checks to be carried out on visitors. The Headteacher will ensure that visitors are escorted and supervised at all times whilst on the school premises.

Procedures for contractors

Under no circumstances will a contractor who has undergone no checks be allowed to work unsupervised or engage in regulated activity at the school.

Contractors who engage in regulated activity will be required to obtain an enhanced DBS certificate with barred list check.

Any contractors who have the opportunity for regular contact with children, but who would not be in regulated activity, will be required to obtain an enhanced DBS check.

The Headteacher will ensure that any contractors without an enhanced DBS are escorted and supervised at all times whilst on the school premises.

The Headteacher will check the identity of contractors and their staff upon arrival to the school, including seeing evidence of an enhanced DBS.

Staff who have lived or worked outside the UK

New staff members who have lived or worked outside the UK will be checked in the same way as all other staff, in line with the procedures outlined in this policy.

The DBS cannot obtain police records from overseas; however, a check will be conducted to establish whether the individual has disclosed any criminal convictions during their time in the UK.

As the DBS cannot provide details of police records for overseas applications, the Trust is aware that the DBS information may not provide a complete picture of a candidate's criminal record.

In relation to the above, the school will conduct additional recruitment checks such as obtaining a certificate of good conduct from relevant embassies or the police.

Candidates from overseas must undergo the same checks as all other staff in schools. This still applies even if the candidate has never been to the UK.

When recruiting, the Trust will:

1. follow part 3 of Keeping children safe in education (KCSIE) statutory guidance, which sets out the safer recruitment checks schools must conduct.
2. make any further checks as appropriate so that relevant events that occurred outside of the UK can be considered - the Home Office provides guidance on criminal records checks for overseas applicants. This can be accessed via the GOV.UK website.
3. carry out additional checks for teaching roles, which should include information about their past conduct, for example, by checking documents issued by overseas teaching authorities - this should be a letter of professional standing issued by the professional regulating authority in the country in which they worked. This evidence, together with other information which you have obtained through other safer employment checks will be considered.

The school will be extra vigilant when considering an applicant from overseas and will obtain additional references to ensure their suitability for the role. Employers and public

service providers should continue to accept EU citizens' passports and identity cards as evidence of their immigration status until 30 June 2021. The Trust has a duty not to discriminate against EU, EEA or Swiss citizens. The Trust cannot require them to show their status under the EU Settlement Scheme until after 30 June 2021. *Refer – TCSET Recruitment Policy: Sections 11.4, 11.5, 11.6 & 12.*

Procedures for adults supervising children on work experience

Barred list checks by the DBS might be required on some people who supervise a child under the age of 16 on a work experience placement. The school will consider the specific circumstances of the work experience. Consideration will be given in particular to the nature of the supervision and the frequency of the activity being supervised, to determine what, if any, checks are necessary.

Work experience providers are not able to request any DBS checks for pupils under 16.

Procedures for alternative provision

Where a pupil is placed in alternative provision, the Headteacher will obtain written confirmation from the provider that the appropriate DBS checks have been carried out on the provider's staff.

Disclosures containing criminal information

A DBS check is considered to contain criminal information if it includes details of the following:

- A police record of convictions, cautions, reprimands and final warnings
- DBS barred list
- Any other relevant criminal information obtained by the police

In the event of a disclosure containing criminal information, the Headteacher will check whether the individual has obtained any previous criminal convictions or cautions by instructing them to complete a disclosure review form, which will be followed by a meeting.

The Headteacher will discuss the disclosed information with the Trust Director of HR immediately to agree a course of action regarding any prospective or existing employee.

The individual will be required to attend a meeting with the Headteacher to confirm that the convictions are theirs. If the individual denies that the convictions relate to them, the Headteacher will contact the DBS to carry out an investigation.

If it is established by the DBS that the convictions do concern the individual, the Headteacher will explore the circumstances surrounding these and their suitability to work with children, in accordance with the Trust Director of HR.

For prospective employees, all posts will remain pending whilst meetings and investigations take place.

For current employees, the Headteacher will consider whether adjustments will need to be made whilst meetings and investigations take place, including:

- Whether the employee can continue their practice.
- Whether closer supervision is required of the employee.
- Whether the employee should be temporarily transferred to other duties.
- Whether the employee should be dealt with in accordance with the Disciplinary Policy and suspended with entitlement to full pay.

The Headteacher will consult the Trust Director of HR when deciding what adjustments will need to be made for the employee concerned.

An exception is if the Headteacher and Trust Director of HR were already aware of the employee's convictions and had previously agreed that they were still suitable for their appointment, or, if it is revealed that the convictions do not relate to the individual concerned.

Making a decision

The Trust Director of HR will consider the magnitude of any DBS disclosures and make recommendations to the CEO.

Major disclosures will result in the candidate being automatically unsuitable for the role. These include where the adult is named on the following lists:

- Children's barred list
- Adults' barred list

Serious disclosures which involve criminal activity, but do not pose a risk to pupils, will be discussed with the Headteacher prior to the candidate being accepted for the role.

The Headteacher will endeavour to ascertain the relevant facts from the individual and decide upon a conclusion. Following this, the candidate will receive a rejection or acceptance letter.

When considering an applicant, the school will not take into account any minor or old convictions which are 'protected' from disclosure, as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2015).

When deciding to accept or reject a candidate, the school will consider the following information:

- The relevance of the disclosure in relation to the position applied for
- The nature of the offence or other matters revealed
- The length of time since the offence or other matters occurred
- Whether there is a pattern of offending behaviour
- Whether the candidate's circumstances have changed since the offending behaviour or other matters occurred
- Any extenuating circumstances surrounding the offence and explanations offered

A risk assessment will be conducted by the Headteacher following a positive disclosure, before deciding on the candidate's suitability.

A record of all recruitment decisions following positive DBS disclosures will be kept by the School Business Manager or HR Manager/Officer within the relevant school.

Referral to the DBS

The school has a legal duty to refer to the DBS any member of staff who has harmed, or poses a risk of harm, to a pupil where:

- The harm test is satisfied.
- The staff member has received a caution or conviction for a relevant offence, or if there is reason to believe the staff member has committed a listed relevant offence.
- The staff member has been removed from working in regulated activity or would have been removed had they not left the school.
- The staff member has been moved to an area of work not in regulated activity.
- The staff member has been suspended.

Referrals will be made as soon as possible after the resignation, removal, or redeployment of the staff member.

Recruitment of ex-offenders

The Trust is aware of its responsibility under the Police Act 1997 not to discriminate against applicants based on their criminal record.

The Trust will only ask an individual to provide details of convictions and cautions that the school is legally entitled to consider when recruiting candidates.

The Trust selects all candidates for interview based on their skills, qualifications and experience.

All job application forms, job adverts and recruitment briefs that require a DBS check will outline that an application for a DBS certificate will be submitted for all candidates once they have been offered the position.

During the recruitment process, the individual school will ensure that a discussion between the recruitment panel and Headteacher takes place to evaluate any offences or other matters relevant to the position.

Candidates will be informed that failure to reveal any information which is directly related to the post could result in withdrawal of an offer of employment.

Any DBS certificates that reveal criminal information will be discussed with the individual, and their eligibility for the position will be reviewed in accordance with this policy.

Single Central Record (SCR)

The Headteacher/Head of School, in collaboration, with the Trust Director of HR will maintain an up-to-date SCR of pre-appointment checks covering all staff, volunteers, contractors, local governors, trustees and supply staff.

The SCR indicates whether the following checks have been carried out or certificates obtained, and the date on which each check was completed, or certificate obtained:

- An identity check
- A barred list check
- An enhanced DBS check
- A prohibition from teaching check
- A section 128 check
- Further checks on individuals who have lived or worked outside the UK
- A check of professional qualifications
- A check to establish the individual's right to work in the UK

For supply staff, the SCR records whether written confirmation has been received from the agency supplying the member of staff that the relevant checks have been carried out.

The SCR is securely stored electronically.

Data handling

The school will not keep any copy of DBS certificates. However, a record will be kept of the following:

- The date of issue of the certificate
- The name of the subject
- The type of certificate requested
- The position for which it applied to
- The unique reference number
- The details of the final recruitment decision

Monitoring and review

This policy will be reviewed every three years.

Any changes made to the policy will be communicated to all members of staff.

All staff are required to familiarise themselves with this policy as part of their induction programme.