



# The Bishop Konstant Catholic Academy Trust

Learning Communities, Inspired by Faith

## Trust DBS (Disclosure & Barring Service) Procedure 2023 - 2024



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<b>POLICY DOCUMENT</b>	DBS (Disclosure & Barring Service) Procedure
<b>Legislation/Category: Academy Schools</b>	<b>Legally Required</b>
<b>Lead Member of Staff:</b>	Trust Head of HR
<b>Approved by:</b>	Trust Board
<b>Date Approved:</b>	September 2023
<b>Revision Date:</b>	September 2024
<b>Review Frequency:</b>	Annual

## Mission Statement

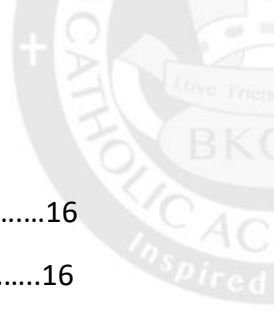
*All policies are written in line with our Trust Mission statement:*

With Jesus Christ at the centre of the life of the Trust, we seek to provide learning communities offering the highest possible standards of education. We are committed to working in partnership and trust for the common good. We strive to encourage and empower children and young people to recognise and realise their God-given potential and to discern their vocation in life. As learning communities inspired by faith, we celebrate achievement, offering each other challenge and support, as together we follow Christ in self-giving love and service.



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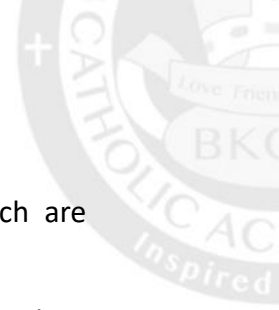
**1. Introduction**

The Trust and Academies within it, are committed to safeguarding both their pupils, and other vulnerable members of the community, in accordance with its statutory duty of care under the Safeguarding Vulnerable Groups Act (2006), Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Orders 2013 and 2014, and the statutory guidance for schools/academies and colleges, Keeping Children Safe in Education 2019 (revised 2021 and September 2022). However, it is also important to understand that only relevant information about an individual should be requested. Provisions set in the Protection of Freedoms Act 2012, the General Data Protection Regulations(2016), the Data Protection Act (2018), the DBS Code of Practice and the Human Rights Act (1998) aims to protect an individual’s civil liberties.

This procedure sets out the issues which need to be considered and processes to follow, when applying the Trust’s DBS Policy to all of its staff and associates, who fall within the scope of the policy, and in particular the large majority who are undertaking ‘regulated activity’ as defined within the legislation referred to above.

**2. Data Protection**

The Trust/Academies process personal information/data collected in the application of this DBS Procedure in accordance with their legal obligations set out in the Data



Protection Act 2018 and the General Data Protection Regulations 2016, which are confirmed within the Trust's Data Protection Policy.

Information/data specifically obtained to address issues raised under this DBS Procedure is held securely and accessed by, and disclosed to, individuals only for the purposes of addressing these issues. Inappropriate access or disclosure of an employee's personal information/data constitutes a data breach and should be reported in accordance with the Trust's Data Protection Policy immediately. It may also constitute a matter which will be considered in accordance with the Trust's Disciplinary Policy.

### 3. Definitions

**Applicant** – any person applying for a DBS check in accordance with the Trust DBS Policy.

**DBS** – Disclosure and Barring Service

**Enhanced Check for Regulated Activity** – this check includes a check against the appropriate barred list in addition to the enhanced DBS check. All employees within the Academy working with children on a regular basis will require this level of check.

**Enhanced DBS Check** – this check does not include a barred list check and it will apply to individuals having access with children not deemed to be 'regulated activity'.

**Workforce** – this relates to the vulnerable groups (children and/or vulnerable adults) the applicant/employee will be working/ volunteering with.

**Recruiting Manager** – the manager who makes the final decision as to whether any information disclosed impacts upon the candidate's suitability to be given a confirmed offer of appointment.

**ID Verifier** – may be designated within an Academy to support the identity checking process, however, the verification as to the accuracy of a DBS application will usually be undertaken by the recruiting manager.

**Authorised Officer** – may be designated within an Academy who have a specialised role within the Academy supporting the recruitment procedure.

### 4. Responsibilities

#### **Recruiting Managers will;**

- ensure that all pre-employment checks are carried out satisfactorily prior to an appointment including liaising with HR, if necessary, to ensure they are satisfied about the identity of the applicant.
- undertake the role of Authorised Officer to act in this capacity, or liaise with designated Authorised Officer for the Academy to ensure that a DBS check has been completed before an offer of appointment is confirmed.



- ensure that the Authorised Officer has sight of the original DBS certificate irrespective where it shows a disclosure<sup>1</sup>.
- undertake a Risk Assessment (Appendix 1) where information is disclosed to determine whether the information is relevant to the role and if it impacts on the decision to confirm an appointment.
- ensure that this procedure is followed with respect to DBS checks and rechecks for volunteers, agency workers, contractors, Academy governors and others as described below.
- seek advice from HR if they are uncertain about any DBS Disclosure Certificate and or procedure.

#### **ID Verifiers will;**

- ensure that all identification documents presented by the applicant are original, appropriate and relevant and then verify this to be the case.

#### **Authorised Officers will;**

- receive the DBS certificate from the applicant and where this is a positive disclosure, check its content and alert the recruiting manager (if they are not the recruiting manager).
- undertake a final check on all DBS certificates to ensure that they relate to the correct workforce and that no information has been missed.
- ensure that the DBS certificate reference number and other details required, are placed on the Single Central Records database.

#### **Applicants must;**

- if applying for a post which is identified within the Rehabilitation of Offenders Act (Exemptions) Order including where 'regulated activity' is being undertaken, declare if they have spent convictions (including driving offences), cautions, reprimands or final warnings that would not be filtered out by the DBS (i.e. those relevant to the position being applied for) and all unspent convictions.
- complete the electronic DBS application fully and accurately, again taking into account filtering rules.
- ensure that they have sufficient original identification documents as set out in the DBS applicants' guide.
- present their original DBS certificate for view by the recruiting manager and/or Authorised Officer, where applicable.
- inform their manager immediately if their DBS status changes, for example if they receive a conviction or caution.

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<sup>1</sup> Where a paper application is submitted the Authorised Officer will need sight of the original certificate whether there is a disclosure or not.



#### HR will;

- provide support and guidance to recruiting managers in the application of the Trust's DBS Policy and Procedure.

### 5. Determining the Level of a DBS Check

All persons in paid employment by the Trust will have a role which falls under the post 10<sup>th</sup> September 2012 definition of 'regulated activity' and is therefore subject to an enhanced check for 'regulated activity' including a check on the appropriate barred list.

The full legal definition of 'regulated activity', (requiring an enhanced DBS check with a barred list check), is set out in Schedule 4 of the Safeguarding Vulnerable Groups Act 2006 as amended by the Protection of Freedoms Act 2012.

The definition of 'regulated activity' prior to September 2012 included situations where volunteers worked in close proximity to children under supervision on a regular basis<sup>2</sup>.

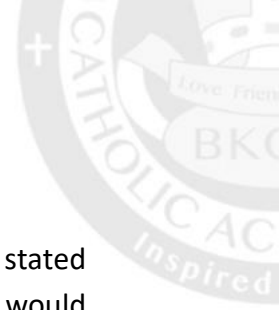
To assist in ascertaining what type of DBS check should be required, an assessment should be carried out by the manager responsible for the activity that the individual will be undertaking. Recruiting managers should conduct the assessment before the activity commences, and in the case of recruitment to a vacant position it should take place prior to the recruitment process. Recruiting managers are also responsible for the on-going reassessment of the work to ascertain if the level and type of contact the individual has with children has changed and, if necessary, to initiate a new DBS Check (e.g. where a volunteer who has previously worked under supervision begins to work with children unsupervised on occasions). Further guidance can be found on the government website [eligibility tool](#) checker.

The DBS cannot provide barred list information on any person, including volunteers, who are not in or seeking to enter regulated activity.

It is an offence to employ an individual (or for individuals to apply for positions) who are on a Barred List where the role meets the current definition of 'regulated activity'. Should this situation occur, the Academy must report the individual to the relevant authorities. However, if individuals are on the barred list they can apply for positions that fall under the old definition of regulated activity, as long as they do not fall within the parameters of the new definition.

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<sup>2</sup> Person carrying out the activity more than 3 days in any period of 30 days.



It should be noted, that the fact that someone is on the barred list, will not be stated on an enhanced DBS check, but there will be details of criminal convictions that would indicate that someone might be on the barred list.

## 6. Academy Checks and the DBS Application Procedure

### Recruitment

All paid posts at the Academy are subject to an enhanced DBS check including a barred list check. The job advertisement, or job specification, will contain information advising that this will be requested in the event of the individual being successful in being offered a position. This information will only be seen by those that need to as part of the recruitment process and it must match the information subsequently provided on the DBS disclosure certificate.

### The Academy:

will use these checks (and where appropriate checks without a barred list check) as one part of a range of safeguarding tools for assessing the suitability of an employee, volunteers, contractor, agency worker, and the continued employment of those in specified roles which require re-checking.

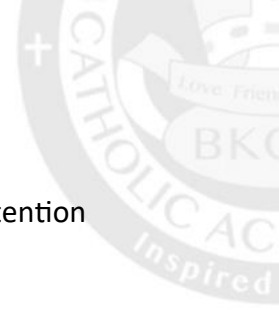
In addition to the enhanced check for regulated activity all applications for a teaching post will also be subject to a check against the list of persons prohibited from teaching by the Secretary of State. The Academy will undertake these checks by registering with the [Teaching Regulation Agency \(education.gov.uk\)](https://www.education.gov.uk).

Other required checks include thoroughly confirming identity, qualifications, taking up and verifying references and examining dates of employment histories on application forms to ensure there are no unexplained gaps.

Prospective employees with a conditional offer of employment must provide a range of original identity documents at the time they complete their DBS application form. The ID Verifier will check the validity of the individual's identity documents and check for any undisclosed name changes. Full guidelines on what documents can be used to authenticate someone's identity can be found on the [ID checking guidelines for standard/enhanced DBS check applications from 1 July 2021 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/id-checking-guidelines-for-standard-enhanced-dbs-check-applications-from-1-july-2021)

Copies of the identification documents will be kept on a confidential file within the Academy pending the appointment of the new employee and will be retained as these provide right to work and identity checks. Where a decision is taken not to confirm the





appointment, all relevant documentation will be destroyed in line with retention guidelines.

### Post DBS Check

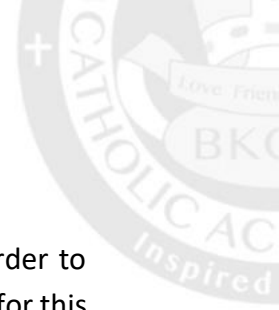
The DBS will send a disclosure certificate direct to the applicant on whom the check was carried out. This allows the applicant the chance to challenge any disclosures made before the certificate is made available to the Academy.

The applicant must present the **original** DBS disclosure certificate to the Academy's Authorised Officer. If the certificate shows a disclosure, the recruiting manager should be informed and asked to undertake a Risk Assessment (see Appendix 1) to determine whether the information disclosed has a material effect on the appointment decision. If the applicant wishes to dispute the information contained on the certificate the completion of Risk Assessment and the remainder of the recruitment procedure will need to be deferred until the outcome of the applicant's dispute is confirmed.

Before completing the Risk Assessment and making a final decision as to whether to confirm the appointment, it may be appropriate to offer the applicant the opportunity to discuss the content of the disclosure with the recruiting manager. This will enable the recruiting manager to make a balanced decision taking account of the following factors;

- whether the information disclosed is relevant to the position including the level of supervision the post holder will receive;
- whether the issue(s) have been discussed previously. A large degree of caution should be applied where the DBS disclosure certificate reveals information which had not previously been declared by the applicant, irrespective of the nature of the disclosure and the related date(s).
- the circumstances surrounding the disclosed information and any explanations provided by the applicant
- the length of time since the matters disclosed occurred and whether there has been a recurring pattern of behaviour
- whether the applicant's circumstances has changed

If the DBS certificate indicates that the applicant is barred from working with children then the offer of employment must be withdrawn immediately, without the need to undertake a Risk Assessment. Similarly if the applicant is found to be on the Secretary of State's list of persons prohibited from teaching then again the offer of employment must be withdrawn immediately. Recruiting managers should seek further advice from HR with regard to the procedure to follow when withdrawing an offer of employment.



As part of the above process, a copy of the DBS certificate may be taken in order to ensure that the information disclosed is fully investigated. This will only be used for this purpose, will be securely held and once a decision has been made regarding suitability, the copy will be destroyed in accordance with the correct disposal guidelines. As such, all copies of DBS certificates must be destroyed within 6 months of receipt.

A copy of the Risk Assessment should be retained by the applicant's manager, if they are appointed, however this should be held on a highly confidential basis taking account of GDPR provisions and the Data Protection Act 2018.

Appointments to posts undertaking a 'regulated activity' should not be confirmed until the Academy has received confirmation that the DBS check is 'clear' or until the recruiting manager has completed a full risk assessment where a disclosure has been made. If there is an urgent need to expedite an appointment before the DBS disclosure certificate has been seen, then as a minimum requirement, a check to ensure that the applicant is not on the barred list must be undertaken where applicable. If an employee is appointed in these circumstances then they must not work alone undertaking regulated activity until the certificate has been received and its content assessed. The decision to allow an individual to start working without the recruiting manager having an awareness of the content of the DBS disclosure certificate must not be made without the consultation of the Headteacher and advice from HR.

### **Overseas recruitment**

If a candidate is from overseas, a DBS check may not provide a comprehensive representation of their criminal record, however police checks are possible in countries which have reciprocal arrangements with the UK providing the applicant has lived at an overseas address in the last five years.

Obtaining a complete disclosure varies from country to country. The information provided by some countries involves a certificate of good conduct or no criminal conduct. However, in other countries, a criminal records disclosure will indicate the existence of criminal convictions, as long as it is in accordance with local rehabilitation laws and regulations.

Where an applicant is from a country where criminal record checks cannot be made, the Academy must take extra care in taking up references and carrying out other checks on a person's background by following the guidance provided by the DBS on [Criminal records checks for overseas applicants - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/criminal-records-checks-for-overseas-applicants).



These further checks should include a check for information about any teaching sanction or restriction that the EEA professional regulating authority has imposed using the [Teaching Regulation Agency \(education.gov.uk\)](https://www.education.gov.uk) system. Whilst the restrictions imposed do not prevent a person taking up a teaching post the Academy should consider the circumstances surrounding the restriction or sanction when deciding whether the candidate is suitable for the post.

### **Internal Applicants**

Paid staff employed by the Academy, who apply for posts within that Academy, will not be subject to a new enhanced check for regulated activity if they are offered the post unless there is a substantial difference in responsibilities for the new post e.g. a Lunch Time Supervisor takes up a Teaching Assistant role.

In addition, where a paid member of staff accepts a role or is redeployed at another of the Trust's maintained Academies, their current DBS can be used where the level of check and workforce are the same and as long as they haven't had a break in service of more than 12 weeks. They will however need to have a barred list check carried out if applicable.

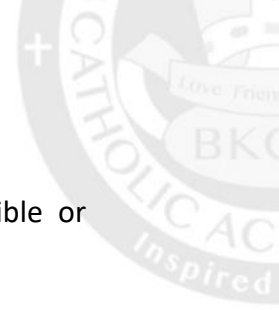
### **Re- engagement of Former Employees**

All former employees seeking re-engagement either within the same Academy or not, will be subject to a new DBS check where their break in service has been longer than 12 weeks or where their current DBS doesn't match the same level or workforce. Where a DBS is required, the same procedure and requirements as set out above will apply.

A barred list check can be undertaken by the Academy by visiting the [Teaching Regulation Agency \(education.gov.uk\)](https://www.education.gov.uk)

### **Volunteers**

Volunteers who support the Academy and who come into contact with children on a regular basis, will need to apply for a DBS check. If the role is also classed as 'regulated activity' (post 10<sup>th</sup> September 2012) new volunteers will be required to have an enhanced check for 'regulated activity' (including a barred list check). Where new volunteers are fully supervised, working regularly in an environment close to children,



they will require an enhanced DBS certificate however it will not be possible or appropriate to request a barred list check.

The Academy should undertake a risk assessment and use their professional judgement and experience when deciding whether to obtain an enhanced DBS certificate for any volunteer that is not engaged in regulated activity. A list of considerations and further information can be found in [Keeping children safe in education - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/keeping-children-safe-in-education)

Volunteers working in an unsupervised capacity must have a barred list check before returning after a break from the Academy of between 6 and 12 weeks and a full enhanced DBS check for 'regulated activity' if they have not attended Academy for more than 12 weeks. Similarly supervised volunteers returning to Academy will not require another enhanced DBS check unless their break in attendance at Academy is greater than 12 weeks. However they will need to declare any relevant cautions or convictions that have occurred during a break of any length.

A barred list check can be undertaken by the Academy by visiting the [Teacher Regulation Agency](https://www.gov.uk/government/organisations/teacher-regulation-agency).

The DBS does not make a charge for checking volunteers. For the individual to be entitled for a free check they must meet the DBS' criteria of not benefitting directly from the position they are applying for. In addition the applicant must not:

- receive any payment (except for travel and out of pocket expenses);
- be on a placement/work experience;
- be on a course that requires them to do this job role; and/or
- be in a trainee position that will lead to a full-time role post qualification.

Volunteers should be encouraged to sign up to the DBS Online Update Service as this will allow a quick and efficient check to be made on their DBS record as and when required, particularly if they are working on behalf of the Academy intermittently.

### **TUPE Transfers**

Where individuals undertaking paid work are transferred into the Academy under the Transfer of Undertakings (Protection of Employment) Regulations (TUPE), and they continue in the role they were previously employed, the Academy will carry out a DBS check at the appropriate level.



### **Trainee/Student Teachers**

Where an applicant from initial teacher training is salaried by the Academy, the Academy must ensure that all necessary checks are carried out. They would therefore need to obtain an enhanced DBS for regulated activity check and a barred list check.

Where the applicant is fee funded it is the responsibility of the initial teacher training provider to ensure that all necessary checks are carried out. The Academy should ensure that they have written confirmation from the provider that these checks have been carried out and that they have been judged suitable to work with children. There is no requirement for the Academy to record information on the Academy's central record for fee funded trainees.

### **Existing Employees**

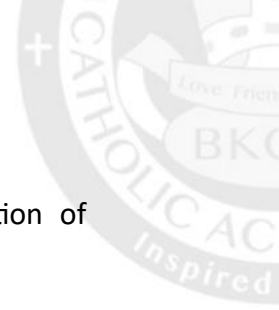
It is the Academy's policy that rechecks for existing employees and volunteers will be undertaken if the job role undertaken, changes substantially and not every three years (or as and when any concerns arise regarding their behaviour).

Where an existing employees DBS re-check is returned with a disclosure, the manager must immediately hold an informal meeting with the employee to discuss the disclosure and undertake a Risk Assessment. The manager must assess whether the information disclosed is relevant to the position. If the disclosure is considered not to warrant any further action, this will be relayed to the individual in writing and they will be able to continue working in their contractual role.

However, if the Risk Assessment raises concerns as to the employee's suitability to work in their current role with children, consideration must be given as to what action is taken in accordance to the Academy's Disciplinary Policy, including whether it may be appropriate to move the employee to an alternative position where there is no access to children pending the outcome of a fuller investigation of the facts.

There may be occasions where there are no suitable duties that the employee could undertake during this period. In this instance the Headteacher must give consideration to suspending the employee on full pay pending the outcome of any investigation.

If the disclosure results are considered to be of a serious nature and prove to be correct the Headteacher may consider various options. Options include:



- Referral to a disciplinary hearing which may result in the termination of employment.
- Redeployment pending the availability of a suitable vacancy.
- The introduction of safeguards.

It is a requirement of the [Early education and childcare - GOV.UK \(www.gov.uk\)](http://www.gov.uk) for employees providing early years childcare or later years childcare (up to the age of 8) or those directly responsible for managing such employees to bring to their manager's attention any criminal conviction, caution, police enquiry or pending prosecution. Therefore, managers of such employees should be aware of the content of their DBS disclosure certificates before they are presented to them. In addition, it is also a requirement of the Code of Conduct that all employees must notify their manager immediately or at the earliest opportunity of serious misconduct or criminal offences which bring themselves and/or the Academy into disrepute. Therefore regardless of whether the Risk Assessment concludes that a disclosure is relevant to an employee's current position, any failure to comply with these provisions is a breach of that Code of Conduct, which may be the subject of investigation under the Academy's Disciplinary Policy.

If an employee reports a conviction or caution, as required by the Code of Conduct, their manager must immediately undertake a Risk Assessment on the implications this has on their suitability to remain in post.

### **Career Breaks**

If an employee takes a career break of between 6 to 12 weeks and they are working in regulated activity, then they will be subject to a barred list check and must be asked to disclose any convictions or cautions which have arisen during their absence from work prior to the employee returning to their post. If a disclosure is made this should be followed up with the appropriate DBS check for the work being undertaken and fully risk assessed before they are allowed to return. If the career break is longer than 12 weeks, an appropriate DBS check for the work undertaken should automatically be made and where appropriate an [overseas criminal records](#) check should also be made prior to the employee returning to their post.

A barred list check can be undertaken by the Academy by visiting the [Teacher Regulation Agency](#).

The above provisions apply to career breaks and sabbaticals but they do not apply to maternity/paternity or adoption leave.



## Casual Workers

Casual workers will be subject to the same checking procedures as all paid employees prior to commencing work at the Academy. Casual workers who have breaks in attendance at Academy of between 6 to 12 weeks will not be subject to a recheck. Casual workers must have a barred list check before returning if a break in working at the Academy of more than 12 weeks elapses however a full enhanced check for 'regulated activity' is not required unless they have not attended Academy for more than 12 months (subject to the paragraph below).

Casual workers returning to Academy after a break of over 12 weeks must be asked to disclose any convictions or cautions which have arisen during their absence from Academy using the Self Disclosure Form. If a disclosure is made this should be followed up with an enhanced level DBS check, and fully risk assessed before they are allowed to return.

A barred list check can be undertaken by the Academy by visiting the [Teacher Regulation Agency](#).

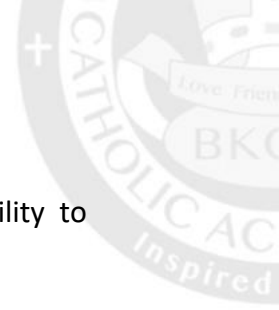
## Agency Workers and Contractors

There will be occasions where the Academy needs extra or specialist resources to deliver its services. In these instances it will look to employ an agency worker and/or contractors to provide such support.

The employment agency and/or the contractor is legally the employer of the worker and the responsibility to obtain the appropriate level of DBS check is theirs. However, it is the Academy's responsibility to ensure that the employment agency provides individuals who have up-to-date and relevant DBS checks.

When using an agency worker to undertake a 'regulated activity', a manager should ask to see written confirmation from the agency that the worker has been the subject of a DBS check within the last year, and that the check was satisfactory against the children's barred list.

If the agency/contractor recommends or intends to deploy a worker with a DBS check disclosure they must inform the Academy prior to their engagement to enable the



Academy to undertake a Risk Assessment to determine the workers suitability to undertake the job.

Managers will ensure that agency workers and/or contractors engaged on a long term basis will be subject to a DBS recheck every 5 years, either by liaising with the agency or consulting with their worker/contractor directly.

A contractor who attends the Academy routinely but relatively infrequently (i.e. less than once per week but on a repeated basis) working on an unsupervised basis (e.g. building maintenance or grounds maintenance contractors) should be risk assessed to determine whether it is appropriate for them to be subject to a standard DBS check.

### **Academy Governors**

All Academy Governors must have a DBS check and should be treated on the same basis as other volunteers. Therefore if they have regular unsupervised contact with children (Active Governor) they must have an enhanced check for 'regulated activity'. If they do not undertake a 'regulated activity', (e.g. they only visit the Academy to attend governing body meetings), the Academy will still ask for an enhanced DBS check as part of the appointment process (Inactive Governor). When an Academy governor is appointed, a DBS check must be applied for within 21 days of the appointment.

In addition to a DBS check, a Section 128 check must also be carried out for Academy Governors, because a person subject to one is disqualified from being a Governor. This can be checked by accessing the [Teaching Regulation Agency \(education.gov.uk\)](https://www.gov.uk/teaching-regulation-agency).

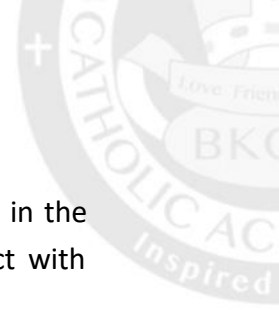
Associate members who are appointed by an Academy Council, including those appointed to serve one or more Academy's, would still need to be assessed in the same way as any other visitor to site.

The Diocese will instigate DBS checks for Foundation Governors and the Academy is responsible for undertaking DBS checks on Parent Governors. Staff Governors who have had a DBS check as part of their pre-employment check, will not require a further check for their Governor role.

### **Exam Invigilators**

It is the Academy's decision as to which role they feel an Exam Invigilator has within the Academy. Those who stay within an exam hall and supervised at a reasonable level will not meet the criteria for regulated activity and will therefore not require a DBS check.





Where the Invigilator does a number of different roles within the Academy, is in the Academy more than 3 days in a 30 day period and has unsupervised contact with children, this meets the criteria for a DBS check.

### **Other Visitors**

The Academy does not have the right to request DBS checks or ask to see DBS certificates for visitors (e.g. children's relatives, community representatives, education advisors). The Headteacher will use their professional judgement to determine the need to escort or supervise such visitors whilst on Academy premises.

### **Work Experience Placements**

The Academy will undertake an individual safeguarding risk assessment with regard to the placement of each of its pupils, under the age of 16, into a work experience setting. Consideration will need to be given to the specific circumstances of the work experience, in particular the nature of supervision being provided to the child and the frequency of the activity being supervised, to determine what, if any, checks are necessary. If the person working with the child is unsupervised and is in frequent contact with the child (more than three days in a 30 day period, or overnight), the work is likely to be 'regulated activity'.

Checks cannot be made on persons supervising children aged 16 and 17 on work experience.

### **External Providers In/Out of Academy**

If the Academy provides lessons and activities on a regular basis to its pupils, through a third party provider, either on Academy premises or external to the Academy (e.g. swimming lessons) it will satisfy itself that the persons having direct contact with the children have been satisfactorily checked through an enhanced DBS check with a barred list check.

### **Placement with Host Families**

The Academy will ensure that all possible checks will be undertaken with regard to families who host its pupils either within the UK or abroad. Such arrangements could



amount to 'private fostering' as defined in the Safeguarding Vulnerable Groups Act 2006 with regard to placements in the UK and as such be deemed a 'regulated activity' requiring the appropriate level of check.

The DBS cannot access criminal records overseas however the Academy will seek assurances from its partner organisations or Academy s abroad that appropriate checks have been undertaken.

### **Young people**

No request can be made for applicants under the age of 16 years.

### **Transgender Applicants**

If applicants do not wish to reveal details of their previous identity due to reassignment of gender, the DBS provides a confidential checking process for transgender applicants. Further information or guidance can be obtained from [Transgender applications - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/transgender-applicants).

### **Relevant Third Party Information**

Employees and/or volunteers may not have convictions or relevant disclosures of information in their own right. However they may be in a relationship or related to someone who is deemed to present a risk to children or vulnerable adults through their behaviour/convictions. It could be through this relationship that children may be groomed or vulnerable to abuse and therefore it is important to consider whether the employee/volunteer may indirectly pose a risk to children through the contact they and the third party may have with them, and the perceived position of trust that they hold within the local community.

Therefore when information about a third party is contained on an employee's and/or volunteer's DBS disclosure certificate, this is because the police believe it to be relevant to the role that individual will have in their employment/volunteering activities.

### **Childcare Disqualification Regulations**

Under the Childcare (Disqualification) Regulations 2009 staff employed and/or providing early years childcare in any setting (this covers the age range from birth until 1 September following a child's fifth birthday i.e. up to and including reception age), or later years childcare (this covers children above reception age but who have not



attained the age of 8) in a breakfast and/or after school club setting, will be asked to sign a declaration, confirming that they are not disqualified from undertaking their role. Staff should be reminded of their need to declare any changes in their circumstances which would lead to them becoming disqualified. Similar provisions apply to employees who are directly concerned with the management of such childcare.

Anybody disqualified in this way will not be permitted to continue in their role and detailed information relating to their disqualification must be provided to Ofsted within 14 days of the Academy being made aware of the situation. The employee will also be advised of their right to seek a waiver of disqualification from Ofsted. The employee will not be permitted to resume their duties until a waiver has been granted by Ofsted.

### **Online Update Service**

The Academy acknowledges that individuals can apply to subscribe to the online DBS Update Service, subject to paying an annual subscription fee, which allows them to keep their DBS certificate up to date (and as such makes their DBS certificate portable between employers). If a new recruit subscribes to this service and they give the Academy permission through the consent form to view their record online, then it will not be necessary to undertake a new DBS check, as long as they also provide an original version of their most recent DBS disclosure certificate (which is at the same level and workforce type as required for the role being undertaken with the Academy) as well as proof of identity and the online check shows no changes since the date that the certificate was issued.

The Academy will not reimburse any individuals who have subscribed to the online service neither will it require them to maintain their subscription. As such if the Academy requires an employee to have a DBS check, either in line with any rechecks or as and when required as a result of concerns arising, they will be asked to complete an application which the Academy will then submit to the DBS. However as mentioned previously volunteers are able to sign up to the online update service free of charge. More information on the criteria for the free service can be found at [DBS Update Service: applicant guide - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/db-update-service-applicant-guide) under the volunteer link.

### **Single Central Record**

The Academy will retain a single central record of checks undertaken with respect to all new appointees. The single central record will relate not only to the appointment of paid employees but also volunteers. The checks recorded will include, where appropriate:



- an identity check
- a barred list check
- an enhanced DBS check
- a prohibition from teaching check
- further checks on people previously living or working outside the UK; this would include recording checks for those EEA teacher sanctions and restrictions.
- a check of professional qualifications
- a check to establish the person's right to work in the UK

For supply staff, the Academy will need to ensure a written record is kept confirming that relevant checks have been carried out by the agency supplying the member of staff including that they have provided appropriate certificates, enhanced DBS check and the date the confirmation was received.

### **Safer Recruitment Training**

Employees involved in recruitment and selection processes should attend appropriate training including;

- Either Recruitment & Selection or Recruitment & Selection refresher
- Safer Recruitment where the recruitment activity relates to posts with safeguarding responsibilities (see Section 3 of the Recruitment toolkit);
- Safer Recruitment Refresher every 2 years

### **Referrals to the DBS and Professional Bodies**

The Academy has a legal responsibility as an employer to refer any person to the DBS where consideration needs to be given, as to whether they should be placed on the Barred Lists for working with children.

This can occur under the following circumstances:

- As a result of a member of staff being dismissed or removed from working with children or vulnerable adults following a management investigation undertaken as a consequence of safeguarding concerns.
- The Academy has evidence that any employee has been cautioned or convicted of a relevant offence.
- Or that any employee has satisfied the 'harm test' in relation to children and/or vulnerable adults. Harm is defined in its widest context and includes physical, sexual, financial harm, neglect, emotional or verbal psychological harm.



Referrals should be made at the point that information comes to the Academy's attention which justifies a decision to remove an employee from working with children or vulnerable adults, or on conclusion of an investigation, which results in the employee's dismissal, resignation to avoid dismissal or permanent removal from working with children or vulnerable adults. As such it may be appropriate to make a referral where an employee has been suspended as a result of information coming to the Academy's attention prior to a disciplinary hearing taking place.

Where there is the possibility of a referral, employees should be made aware during the early stages of the process so they understand the possible consequences. The employee must also be made aware of their referral to the DBS by including a paragraph in their dismissal letter.

If the employee leaves the Academy's employment prior to the dismissal hearing or is terminated, the Headteacher must inform the DBS and appropriate professional body as soon as a date of leaving is known. Similar notification should be made to the DBS and appropriate professional body, if an employee resigns during disciplinary proceedings which would have resulted in their dismissal.

Academies have a statutory duty to refer members of teaching staff to the NCTL where they have ceased to use that teacher's services for reasons of serious misconduct or where they have resigned to avoid any such allegation and/or investigation. Such referrals must always be made where a teacher is dismissed following a management investigation being undertaken. Referrals cannot be made where the Secretary of State has no legal power, such as professional incompetence or if the individual concerned is not a teacher.



## Change Control

<b>Version</b>	<b>Date</b>	<b>Author</b>	<b>Changes</b>
1.0	July 2022	Trust HR Officer	First version
1.1	July 2023	Trust HR Officer	No changes apart from date

### Monitoring and Review of this Policy

The Trust shall be responsible for reviewing this policy from time to time to ensure that it meets legal requirements and reflects best practice.

The Bishop Konstant Catholic Academy Trust is an exempt charity regulated by the Secretary of State for Education. It is a company limited by guarantee registered in England and Wales, company number 08253770, whose registered office is at St Wilfrid's Catholic High School & Sixth Form College, Cutsyke Road, Featherstone WF7 6BD



## Appendix 1

### Risk Assessment

What are the risks? (e.g. what could cause harm?)	Who might be at risk and how? (e.g. employees, public etc. and the significant risk(s))?	What existing control measures are in place to reduce/ prevent the risk? (i.e. what are you already doing?)	Considering existing controls, what is the current risk level? (i.e. high, medium or low)	Is there any further action to be taken to control the risk? (i.e. only record action/additional controls measures you are going to implement)	Assigned to?	Completed by whom and when
(Insert rows as necessary)						

Name of Assessor:

Name of the employee:

Signature of Assessor:

Signature of the employee:



## Guide to completing the risk assessment

### What are the risks?

First you need to work out how people could be at risk.

- Walk around your workplace and look at what could reasonably be expected to be a risk. Carefully observe the person or task being assessed.
- Ask your employees or their representatives what they think. They may have noticed things that are not immediately obvious to you.
- Remember to also think about long-term risks.

### Who might be at risk? How might they be at risk?

- For each risk you need to be clear about who might be harmed; it will help you identify the best way of managing the risk. Some employees may have particular requirements.
- Remember your risk assessment should only include what you could reasonably be expected to know- you are not expected to anticipate unforeseeable risks. Consider all elements of the process, the people at risk, the environment and equipment etc.

### What existing control measures are in place to reduce/prevent the risk?

Firstly, look what you're already doing to control the risk and what measures you have in place and how the work is organised. The existing control measures must be accurate and in place at the time the risk assessment is produced to reflect actual practice.

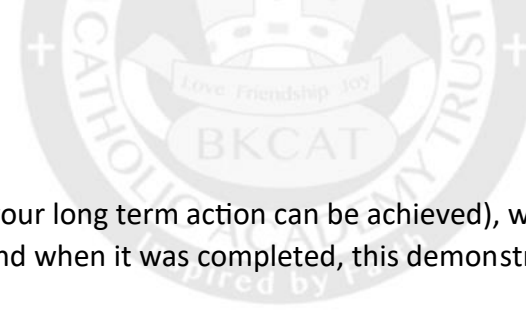
### Considering your existing (current) controls, what is the risk level?

- Once all existing control measures have been identified the risk level should then be evaluated. This is to identify whether your current control measures are suitable and sufficient in reducing the risk to the lowest possible level. You will therefore need to decide how likely it is that the harm will occur with the controls in place, and what the likely severity will be.

### Action to be taken

- If you therefore deem further controls are necessary then the 'further action column' must be completed. In this section, you must only record those controls that you do not currently have in place.



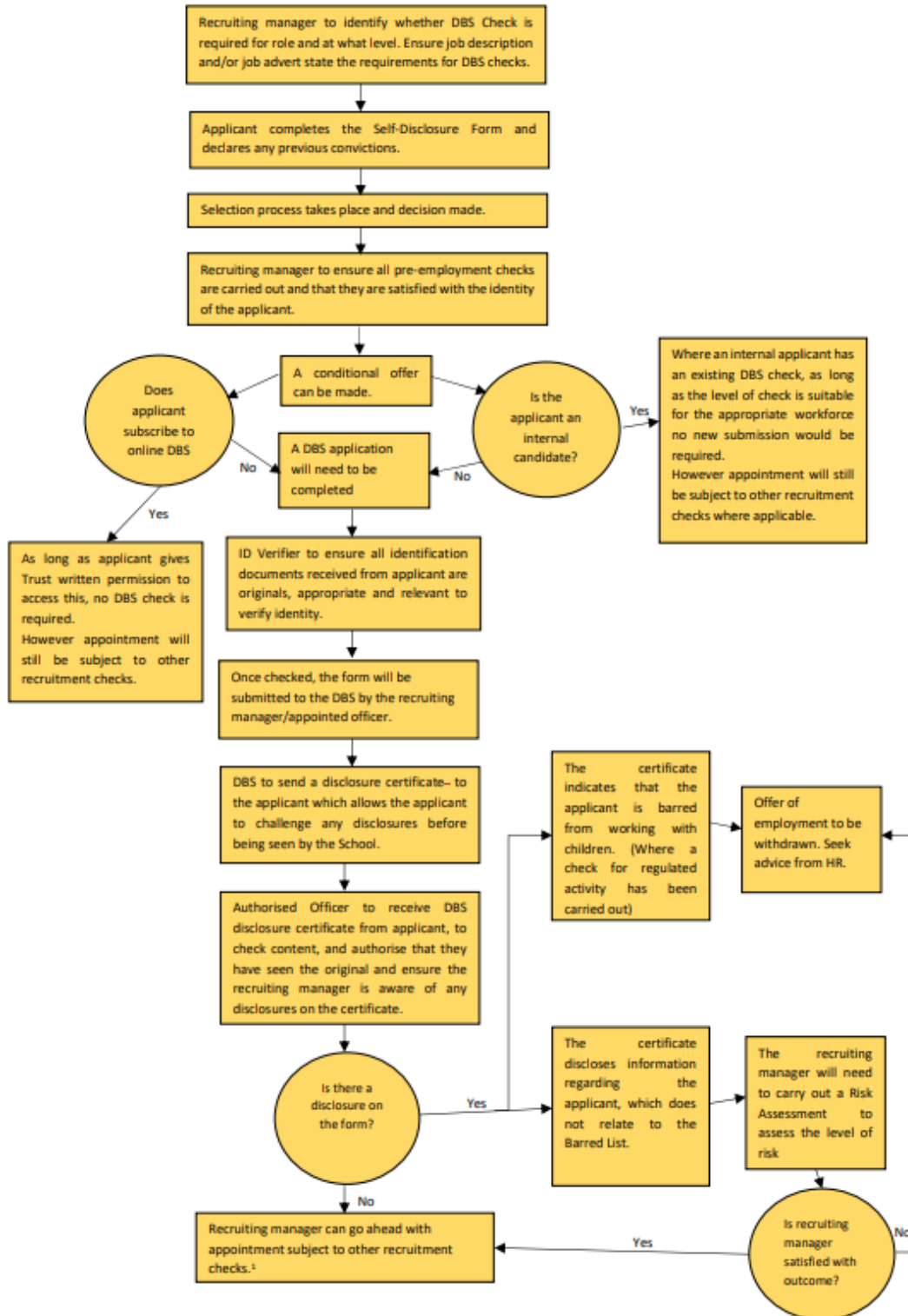


- Detail what action needs to be taken (which may be a short term action until your long term action can be achieved), who is going to implement it. Once the action has been taken/implemented, state by whom and when it was completed, this demonstrates that the control is now an existing control.

#### Monitor and review

- Monitor on an ongoing basis monitor your work activities to ensure that the control measures you've implemented are working as planned.
- Review what you are doing on an ongoing basis.
- Make sure your risk assessment stays up to date

**BKCAT DBS Flowchart – Appendix 2**



<sup>1</sup>Where an applicant starts employment prior to a DBS disclosure certificate being issued, a Barred List Check must have been completed and it must be guaranteed that they are accompanied at all times until the content of the DBS disclosure certificate has been seen by the recruiting manager.