St Margaret's Academy

DBS Policy

Reviewed Bi-annually – Last Reviewed Autumn Term 2025

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Statement of intent

At St Margaret's Academy we are committed to promoting the welfare of our staff, pupils and visitors. Ensuring the safety of our school community is of paramount importance and, as a result, this policy has been created to establish a safe environment where pupils are cared for appropriately and are free from harm.

For certain roles, the school may be required to request a DBS check as part of its 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 the school to ascertain an individual's suitability to work with children in an educational environment. This policy will ensure that all staff, pupils and parents are aware of the measures taken by the school to promote the welfare of the school community.

1. Legal framework

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

- Rehabilitation of Offenders Act 1974
- Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2016
- Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2020
- Police Act 1997
- Police Act 1997 (Criminal Records) (Registration) Regulations 2006
- Childcare (Disqualification) Regulations 2018
- Data Protection Act 2018
- Safeguarding Vulnerable Groups Act 2006
- Equality Act 2010
- Human Rights Act 1998
- Children Act 1989
- The UK General Data Protection Regulation (UK GDPR)
- DfE (2025) 'Keeping children safe in education'
- DfE (2020) 'Changes to checks for EU sanctions on EEA teachers'
- DfE (2021) 'Recruit teachers from overseas'
- DBS (2014) 'Sample policy on the recruitment of ex-offenders'
- DBS (2018) 'Handling of DBS certificate information'
- DBS and Ministry of Justice (2020) 'DBS filtering guide'
- Home Office (2015) 'Revised Code of Practice for Disclosure and Barring Service Registered Persons'

This policy operates in conjunction with the following school policies:

- Safer Recruitment Policy
- Employment of Ex-Offenders Policy
- Child Protection and Safeguarding Policy
- Single Central Record
- Data Protection Policy
- Records Management Policy
- Disciplinary Policy and Procedure

2. Definitions

Standard DBS

This provides information about convictions and cautions (unless they relate to a youth caution) held on the Police National Computer (PNC), regardless of whether they are spent under the Rehabilitation of Offenders Act 1974. The law does allow for certain 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.

The position being applied for, or activities undertaken, must be eligible for an enhanced DBS check in line with the above criteria and be for a purpose listed in the Police Act 1997 (Criminal Records) (No2) Regulations 2009 as qualifying for a barred list(s) check.

DBS certificates issued on or after 28 November 2020

The following changes to filtering rules have been made for standard and enhanced DBS certificates:

- Warnings, reprimands and youth cautions will no longer be automatically disclosed on a DBS certificate
- The multiple conviction rule has been removed, meaning that if an individual has more than one conviction, regardless of offence type or time passed, each conviction will be considered against the remaining rules individually, rather than all being automatically disclosed

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 under the above criteria 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.
- If the activity is done at any time between 2:00am and 6:00am and it gives the person the opportunity to have face-to-face contact with children.

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

- Intimate or personal care, or overnight activity, 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

Regulated activity does not include the following:

- Paid work in specified places which is occasional and temporary and does not involve teaching and training
- Supervised activity, which is paid, in non-specified settings, e.g. youth clubs, sport clubs.

3. Roles and responsibilities

The Board of Trustees is responsible for:

- Approving the headteacher's decisions with regards to disclosure information concerning existing and prospective employees.
- Ensuring that this DBS Policy is adhered to at all times.
- Ensuring all agreed DBS procedures are adhered to for both current and prospective employees.
- Monitoring the school's single central record (SCR), ensuring its compliance with requirements.

The headteacher is responsible for:

- Making decisions with regards to disclosure information concerning existing and prospective employees.
- Ensuring that they are aware of any posts in the school that are subject to a DBS check.
- Maintaining an up-to-date SCR.
- Ensuring that advert 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.

4. 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.

Separate barred list checks will only be conducted in the following circumstances:

- For newly appointed staff who are engaging in regulated activity, pending the receipt of an enhanced certificate with barred list information from the DBS
- Where an individual has worked in a role in an education setting that brought them into regular contact with pupils which ended not more than three months prior to that person's appointment to the organisation

There is no requirement for the school to obtain an enhanced DBS certificate or carry out checks for events that may have occurred outside the UK if, during a period which 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 England, or in a 16-19 academy, in a post which involved the provision of education which brought them into regular contact with children or young people.

All other pre-appointment checks will be completed, including a barred list check, where an individual is engaging in regulated activity.

For staff who work in childcare provision, or who are directly concerned with the management of such provision, the school will ensure the appropriate checks are carried out to confirm the individuals are not disqualified under the Childcare (Disqualification) Regulations 2018.

Existing staff

Where the school has concerns about an existing staff member's suitability to work with children, all relevant checks will be carried out as if the individual were a new member of staff. 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.

Apart from the circumstances outlined above the school is not required to request a DBS or barred list check for existing staff members.

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, e.g. by asking to see photo ID.

Trainee/student teachers

Where applicants for ITT are salaried by the school, the headteacher will ensure that all necessary DBS checks are carried out. As trainee teachers are likely to be engaging in regulated activity, an enhanced DBS certificate (including barred list information) must be obtained.

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, and that the trainee has been judged by the provider to be suitable to work with children.

5. Procedures for trustees

The ESFA will carry out suitability checks on all newly appointed chairs of trustees. These checks include:

- An identity check.
- Confirmation of the right to work in the UK.
- An enhanced DBS check.
- A requirement to provide additional information if the individual has lived outside the UK for a period of 12 months or longer.

All members of the trust, individual charity 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.

6. 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.

In some circumstances, the headteacher may obtain an enhanced DBS certificate for volunteers who are not engaged in regulated activity but will not request barred list information. There is no requirement to re-check volunteers in regulated activity if they have already had a DBS check, including barred list information; however, the school will conduct a repeat DBS check, with barred list information, where there are concerns about a volunteer.

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.

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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.

7. Procedures for visitors

The school does not have the power to request DBS checks to be carried out on visitors, e.g. pupils' relatives or other visitors attending a sports day, or ask to see DBS certificates for visitors. The headteacher will use their professional judgement when considering the need to escort or supervise visitors.

For visitors attending the school in a professional capacity, ID checks will be carried out and the school will be assured that the visitor has had the appropriate DBS check or will have the visitor's employer(s) confirm that their staff have received the appropriate checks.

8. 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. The school is responsible for determining the appropriate level of supervision depending on the circumstances.

The headteacher will ensure the school's safeguarding requirements are set out in the contract with the contractor.

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. In considering whether contact is regular, it is irrelevant whether the contractor works on a single site or across a number of sites.

Where the contractor does not have opportunity for regular contact with pupils, the headteacher will decide whether a basic DBS disclosure is appropriate.

If a contractor working at the school is self-employed, the headteacher will consider if they need to obtain a DBS check on the contractor's behalf. The headteacher will check the identity of contractors and their staff upon arrival to the school.

9. Staff who have lived or worked outside the UK

New staff members who have lived or worked outside the UK will undergo the same checks as all other staff, including obtaining an enhanced DBS certificate with barred list information, in line with the procedures outlined in section 4 of this policy.

As of January 2021, the TRA no longer maintains a list of teachers from the European Economic Area (EEA) with sanctions. The school will continue to carry out safer recruitment checks on all applicants.

For applicants who have lived or worked outside of the UK, the school will make any further checks it deems appropriate so that relevant events that occurred outside the UK can be considered, even if the applicant has never been to the UK.

Additional checks will be carried out for teaching roles, e.g. checking documents issued by overseas teaching authorities. The school will request that teachers provide a letter of professional standing issued by the professional regulating authority in the country in which they worked, confirming that they have not imposed any sanctions or restrictions and if they are aware of any reason why they may be unsuitable to teach.

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 school is aware that the DBS information may not provide a complete picture of a candidate's criminal record. Where appropriate, the school will conduct additional recruitment checks such as obtaining a certificate of good conduct from relevant embassies or the police.

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

10. Procedures for adults supervising children on work experience

The school will consider the specific circumstances of the work experience placement when considering what level, if any, of DBS check is required on individuals supervising pupils, including those aged 16 and over, on the placement. Consideration will be given to whether the person providing supervision to the pupil will be unsupervised themselves and providing the supervision frequently, i.e. more than three days in a 30-day period, or overnight.

The headteacher will ask the employer providing the work experience to confirm that any member of staff who will be working with the child unsupervised and frequently is not a barred person.

The school is not able to request an enhanced DBS check with barred list information for staff supervising pupils who are aged 16 to 17. Work experience providers are not able to request any DBS checks for pupils under 16. The school will ensure all work experience providers have policies and procedures in place to protect pupils from harm.

11. 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 and cautions
- DBS barred list
- Any other relevant criminal information obtained by the police

If an individual has more than one conviction, regardless of offence type or time passed, each conviction will be considered individually, rather than all being automatically disclosed.

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 governing board 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 governing board.

For prospective employees, all posts will remain pending whilst meetings and investigations take place - an exception applies if the headteacher was already aware of the employee's convictions and had previously discussed with the governing board that they were still suitable for their appointment, or, if it is revealed that the convictions do not relate to the individual concerned.

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 Procedure and suspended with entitlement to full pay.

The headteacher will consult the SBM when deciding what adjustments will need to be made for the employee concerned.

12. Making a recruitment decision

All offers of employment made by the school will be conditional upon satisfactory completion of the mandatory pre-employment checks.

The Headteacher will consider the magnitude of any DBS disclosures.

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 who will not be working in regulated activity, 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 2016).

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

- The seriousness and 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 it was a one-off incident or if there is a pattern of offending behaviour
- Whether the candidate's circumstances have changed since the offending behaviour or other matters occurred
- The circumstances around the incident, including any extenuating circumstances surrounding the offence, and explanations offered
- Whether the candidate has accepted responsibility for their actions

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 SBM. Depending on the circumstances of each case, the chair of the governing board may be asked to countersign the form recording the recruitment decision.

13. 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.

14. Recruitment of ex-offenders

The school is aware of its responsibility under the Police Act 1997 not to discriminate applicants based on their criminal record. The school will only ask an individual to provide details of convictions and cautions that the school is legally entitled to consider when recruiting candidates. All candidates will be selected 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 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 section 14 and section 15 of this policy.

All applicants will be given a copy of the school's Recruitment of Ex-offenders Policy prior to the interview.

15. Single central record (SCR)

The headteacher maintains an up-to-date SCR of pre-appointment checks covering all staff (including teacher trainees on salaried routes) and supply staff.

The SCR covers pre-appointment checks covering all members of the proprietor body.

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
- [Management positions in independent schools and governors or maintained schools] 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 also records whether written confirmation has been received from the agency supplying the member of staff that the relevant checks have been carried out and the appropriate certificates have been obtained, and details of the date on which the confirmation was received and whether any enhanced DBS certificate check have been provided in respect of the member of staff. There is no requirement for fee-funded trainee teachers to be recorded on the SCR.

The SCR is securely stored electronically.

The details of an individual will be removed from the SCR once they no longer work at the school.

16. Data handling

All information from DBS certificates will be stored in accordance with the school's Data Protection Policy and will be stored in a securely locked and non-portable cabinet. Access to information will be strictly controlled and limited to those who are entitled to see them as part of their duties.

In accordance with the Police Act 1997, access to DBS certificates is strictly controlled and records will only be accessed by the headteacher and appropriate staff.

DBS certificate information will only be used for the specific purpose for which it was requested and for which the individual's full consent has been given.

The school will not keep DBS certificates for any longer than is necessary once a recruitment decision has been made the DBS will be destroyed. Copies of other documents used to verify the applicant's identify, right to work and required qualifications will be kept for the personnel file. DBS certificates will be disposed of securely such as by shredding, pulping or burning. Prior to disposal, all waste will be stored securely in confidential shredding bags.

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Although the school will not keep any copy of the certificate after disposal, 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

17. Monitoring and review

This policy will be reviewed on bi-annually by the headteacher and SBM in conjunction with the board of trustees. Any changes made to the policy will be amended by the headteacher and will be communicated to all members of staff. All staff are required to familiarise themselves with this policy as part of their induction programme.

Recruitment of ex-offenders statement

St Margaret's Academy makes available a copy of its policy on the recruitment of ex-offenders to all job applicants via the St Margaret's Academy website which outlines the following:

- The governing board fully complies with the DBS Code of Practice and will not discriminate unfairly against any subject of a disclosure on the basis of conviction or other information revealed.
- All applicants are subject to a DBS check before the job appointment is confirmed; this includes details of convictions and cautions, as well as spent and unspent convictions. A positive disclosure will not necessarily prohibit a candidate from being offered a position.
- The school is committed to the fair treatment of all applicants, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical or mental disability or offending background.
- The school promotes equal opportunity and welcomes applicants from a wide range of backgrounds, including those with criminal records.
- Candidates are selected for interviews based on their skills, qualifications and expertise.
- All application forms and recruitment notices will contain a statement that a disclosure will be requested if a position is offered.
- All applicants are encouraged to provide details of their criminal record at the earliest stage possible. This may be sent under a separate and confidential cover.
- All applicants will be made aware of the existence of the DBS Policy and will be provided with a copy on request.
- The school is committed to ensuring all disclosure information will only be seen by those who require access as part of their duties.

- The school will discuss any matters revealed on a DBS certificate with the applicant before withdrawing a conditional offer of employment.
- At the interview, or in a subsequent discussion, open and measured discussion will take place on the subject of the offences.
- Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of any offer made.
- Legal advice is available for all involved in the recruitment process to ensure they can identify and assess the relevance and circumstances of offences.
- All recruitment personnel have received appropriate training and guidance in the relevant legislation relating to the employment of ex-offenders.

Flowchart of DBS and barred list checks

