



Single Central Record & DBS Guidance for Schools

STATUTORY POLICY
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1. Background

In addition to the information held on employees as part of normal business, from 1 January 2007 schools have been required to keep and maintain a Single Central Record (SCR) of recruitment and vetting checks.

Guidance relating to DBS disclosure certificates is included in the second part of this document.

Schools *must* keep records for the following people, as part of the SCR:

- All staff who work at the school
- All staff who are employed as supply staff, whether directly employed by the school, the local authority or through an agency
- All others who work in regular contact with children in the school, including volunteers

The person designated as responsible for maintaining the SCR should sign and date the record to verify that they have checked each individual's relevant details. Generally, the information to be recorded is whether or not the following checks have been carried out or certificates obtained, and the date on which the checks were completed. It is also necessary to record on what basis any decision was made in respect of any information provided by the checks, including offences, and the risk to children.

Information to be recorded on the following:

- verification of an individual's identity (see GOV.UK and DCC identification checking guidelines)
- an enhanced DBS certificate, with Barred List check
- a separate Barred List check, if an individual will start work in regulated activity before the enhanced DBS check is available
- a prohibition from teaching check*
- verification of checks to confirm professional qualifications and status, that are a requirement for the post **
- checks to establish the person's right to work in the United Kingdom (see GOV.UK)
- where the appointee has lived outside the United Kingdom, further checks the school considers appropriate
- independent schools, including academies and free schools, must check that a
- person taking up a management position is not subject to a section 128 direction made by the Secretary of State
- A check of all individuals who sit on the governing board of a maintained school to ensure that they are not subject to a section 128 direction made by the Secretary of State
- a check of any staff within the scope of the disqualification regulations under the Childcare Act 2006***

(*for information from the Teachers Regulation Agency on checking whether the Secretary of State has made a prohibition order in respect of a teacher see Teachers Regulation Agency <https://teacherservices.education.gov.uk/>.)

The check should be carried out by the school prior to appointment commencing.

See below section (page10) on Secretary of State Prohibition Orders for further detail and application of the check to Teaching Assistants.

(** Information about using the Teachers Regulation Agency system to carry out a range of 'teacher status checks' including verification of qualified teacher status (QTS) and the completion of teacher induction or teacher probation can be found at GOV.UK)

(*** this check is conducted by the school with relevant staff, i.e. those who work with children of reception age or under and those who work with children between reception age up to 8 years, if delivering childcare in after/before school settings. Those who are employed directly in the management of childcare/education to the relevant age groups are also within scope of the disqualification check. (See *detailed guidance on the Schoolsnet which also details the removal of Disqualification by Association for school staff*) [Disqualification under the Childcare Act - Guidance](#).)

(see page 8 for other levels of checks and/or Recruitment & Selection Policy)

2. Agency and third party staff

For those staff provided by an agency the school will require written confirmation from the supply agency that the organisation has carried out the checks and obtained the appropriate certificates on an individual who will be working at the school. This must include an enhanced DBS with children's barred list check and, if required, a check to see whether the person is subject to a prohibition order or interim prohibition order*, prior to appointing the individual. It will also include a statement that all individuals that are provided by the agency to work in roles which fall within the scope of the Disqualification under the Childcare Act regulations have undergone the appropriate check. Schools should record the date on which confirmation was received from the agency on these matters. Independent and non-maintained schools need to include the date on which the agency received the relevant certification.

The agency should share any relevant information from the checks with the school/academy and it is for the establishment to undertake the necessary risk assessment to determine whether the individual is suitable for the intended post.

It is particularly important in the case of agency staff that the school carries out an identity check to ensure that the person who arrives is the person referred by the agency.

3. Governors

In accordance with the guidance for other volunteers, governors who work in frequent contact with children should be included on the SCR and where they are in regulated activity, meet the frequency test and are unsupervised, will also need to receive an enhanced DBS check with Barred List. For maintained schools, from 1 April 2016 all new governors must receive an enhanced DBS check; the application to be made within 21

days of appointment. Governing Bodies of maintained schools had to apply for an enhanced DBS check on all existing governors, who did not already have this certificate, by 1 September 2016. These checks will not include a Barred List check unless the governor fulfils the eligibility criteria for being in regulated activity. Schools need to make it clear on the form requesting a DBS check for a governor whether the individual is in regulated activity or not.

A section 128 direction disqualifies a person from holding or continuing to hold office as a governor of a maintained School. Schools must carry out a section 128 check on all individuals who sit on the governing board of a maintained school and show this information on their SCR. Where the Governor will be engaging in regulated activity, a DBS barred list check will also identify any section 128 direction. A check for a section 128 direction can be carried out using the Teachers Regulation Agency Teacher Services' system for any individual who sits on a Governing Board of a maintained school but does not engage in regulated activity.

4. Staff who have lived outside the United Kingdom (UK)

Where staff have lived or worked outside the UK this must be recorded on the SCR. This means finding out if the successful candidate has been resident outside the UK since their eighteenth birthday, for a period of 6 months or more in the same country. A certificate of good conduct is an official document for which an individual can apply to the police or government agency of a country, to list any criminal records that an applicant may have.

DCC job application forms include a question about living or working abroad. If the successful candidate has ticked the relevant box, you should ask them, when offering the job, to obtain a certificate of good conduct. In such cases the school will also need to decide whether these must be completed prior to the individual starting work, using the usual risk assessment process.

They must undergo the same checks as all other staff in school. In addition, schools must make any further checks they think appropriate, based on how long the individual has been in the UK, so that any relevant events that occurred outside the UK can be considered. DBS disclosures will not generally show offences committed by individuals whilst living abroad (except in the case of service personnel and their families). The Home Office guide on overseas criminal records checks can be found on GOV.UK. If a Certificate of Good conduct (CGC) cannot be acquired, despite the best efforts of the individual, the Headteacher should consider the other available information (references, DBS check). Schools purchasing the HR Advice & Guidance Service are advised to confer with their HR consultant, who can provide guidance on a robust decision making process. If an applicant specifies that they have lived abroad, the DBS team will process the 'UK' DBS check but then put the record on hold until the school have confirmed whether a CGC has been acquired or not. The DBS team will refer the school to HR for the discussion.

Schools may be aware that there is no legal requirement to obtain an enhanced DBS certificate, or carry out checks, for events that may have occurred outside the UK if, in the 3 months prior to their appointment, the has applicant worked in a school since 12 May 2006 or in the further education sector, (giving them regular contact with children/young people). All other checks are still required, including Barred List check for those in regulated activity.

However, **it is DCC policy to require an enhanced DBS check** in such circumstances. This is to ensure that any additional information that is included in the check is received and available for consideration when assessing whether the individual is suitable to work with children in the particular role. The CGC would not be needed in these circumstances.

The Department for Education has also issued guidance on the employment of overseas-trained teachers. This gives information on the requirements for overseas-trained teachers from the European Economic Area to teach in England, and the award of qualified teacher status for teachers qualified in Australia, Canada, New Zealand and the USA.

Checks on teacher recruits who have lived/worked in EEA states must include use of the Teacher Services web page to check for restrictions/sanctions that have been imposed by regulators of the teaching profession in other EEA member states. EEA regulator restrictions do not prevent an individual from taking up teaching positions in England, however, employers should consider the circumstances leading to the restriction when assessing a candidate's suitability to be employed. The employer access service explains how to obtain more detail about EEA restrictions. Please note, only EEA restrictions that are determined after 18 January 2016 will be displayed and the process or access to this information may change as a result of BREXIT.

5. Contractors

Schools must ensure that arrangements are in place (included as a requirement of the contract) to ensure that any of the contractor's staff who will work in regulated activity, unsupervised and come into frequent contact with children have undergone the enhanced DBS check with Barred List. If the worker supplied by the contractor will not be engaged in regulated activity but will have regular contact with children an enhanced DBS, without Barred List Check, is required. Schools will need statements and documents from the company in the form of a statement to say all employees are DBS checked and have an awareness of Safeguarding. Each individual DBS will not necessarily be required

6. External Hires

Schools are expected to obtain written confirmation from those hiring the school outside of normal school hours that they have robust arrangements in place which safeguard children. Schools need to seek from the group/organisation a statement / letter clarifying that all members whether employed or volunteers are DBS checked; and they have a safeguarding policy or, as a minimum, an understanding of safeguarding through documentation and training. The School should ensure that they obtain from the group/organisation a copy of the relevant insurances both personal & liability.

A statement from a group would suffice, however if services or Hire are being provided by an individual (i.e. Dance Teacher) Schools will need to have on file details of their DBS check & References as well as Safeguarding Statement & copies of insurance certs.

A separate excel sheet on the SCR marked External Hire is required and all the information for each Hirer, club, etc should be stored in a folder which can be referenced as required.

When schools are renting out a room to a private hirer for a private party – (such as a child’s birthday party) schools must risk assess the potential hirer before agreeing the hire and should reinforce to them that they are required to ensure that appropriate supervision is in place at all times

7. Visitors

All visitors must be accompanied at all times, frequent visitors in the school must be entered onto the SCR and demonstrate checks. Often schools will have a separate excel sheet with them listed and checks along with regular contractors, clubs, coaches etc

See below for reference to centrally employed catering and cleaning/caretaking staff.

8. Other public sector staff & visiting staff

Staff such as educational psychologists, nurses and inspectors should be DBS checked by the ‘providing’ organisation e.g. university or local authority. For these individuals it is sufficient for schools to seek written confirmation that all appropriate checks have been undertaken, by whom and the date that they were carried out. This confirmation needs to be noted on the SCR for these individuals.

It is not a requirement to include centrally employed local authority staff who visit the school occasionally on the SCR but those engaged in regulated activity and visiting on a regular basis need to be included. The LA will provide a statement that all staff supplied for education support work (eg special education needs support staff) have received the appropriate checks. If the school has a contract with the LA for the provision of catering and/or cleaning/caretaking services, it is also the authority’s responsibility to carry out the relevant checks and provide a statement. The individuals will be included on the SCR. If you require confirmation that a member of centrally employed staff has been DBS checked, you may email the Shared Service Centre on DBS@derbyshire.gov.uk. The school will need confirmation that staff from the LA support services, who will work with children of reception age and under, have received the Disqualification check under the Childcare Act 2006.

There is no need for schools to ask these staff to provide copies of their DBS disclosure certificates. It is important that the school checks the identity of individuals supplied by public sector organisations, this is usually provided by way of a photographic identity badge.

9. Applicants for teacher training courses

Where applicants for initial teacher training are employed by the school, the school must ensure that all necessary checks are carried out. As trained teachers can undertake regulated activity, sometimes unsupervised, an enhanced DBS certificate and barred list check must be obtained.

Where trainee teachers are ‘fee-funded’ it is the responsibility of the initial teacher training provider to carry out the necessary checks. Schools will need a statement from the training provider that trainees have received all the pre-employment checks that the school would otherwise have had to perform and that the trainee has been judged by the provider

to be suitable to work with children. There is no requirement for the school to record details of fee-funded trainees on the single central record.

Headteachers have discretion to allow an individual to begin school based training pending receipt of the disclosure, providing the trainee has had a children's barred list check and they ensure the trainee is appropriately supervised.

10. Extended services (breakfast, after school clubs and other services)

Requirements placed upon schools relating to existing staff and volunteers at the school will extend to incorporate those involved in the provision of extended services.

Where the governing body provides services or activities directly under the supervision or management of school staff, the school's arrangements for recruitment, vetting checks and record keeping will apply. A SCR entry should be created accordingly.

Where a third party is responsible for running the service there should be clear lines of accountability and written agreements setting out the recruitment and vetting checks on staff and volunteers. This also applies in the case of Children's Centres based on the school site.

11. Existing Staff

If a school has concerns about an existing staff member's suitability to work with children, the school should, with the employee's consent, carry out all relevant checks as if the person were a new member of staff. Similarly if a person working at the school moves from a post that did not involve regulated activity, into work which falls into regulated activity, then the relevant checks must be carried out.

All this information must be retained as part of the SCR.

12. Other Levels of Checks

- Staff employed in the same post continuously prior to March 2002 do not need a DBS check **but do require an annual children's barred list check**. Schools need to contact the DBS Team to ensure this check is undertaken each year. If a school has concerns about an existing staff member's suitability to work with children, the school should with the employee's consent carry out relevant checks as if they were a new member of staff.
- As detailed above on page 4, since from 1 April maintained schools' governing bodies will have to apply for an enhanced DBS check on all new governors, within 21 days of appointment. Applications for enhanced DBS checks for all existing governors will need to have been made by 1 September 2016.
- For existing volunteers who provide personal care, the school **must** obtain an enhanced DBS certificate with barred list check. (This instance is not subject to the frequency and intensive test.) Volunteers who are supervised have been removed from being in regulated activity. If a volunteer is to be supervised while undertaking what would otherwise be regulated activity, no DBS check is required. However, the most current version of KCSiE states that there are certain circumstances where

schools and colleges may obtain an enhanced DBS certificate (not including barred list information), for volunteers who are not engaging in regulated activity. The school should undertake a risk assessment and use their professional judgement and experience when deciding whether to seek an enhanced DBS check for any volunteer not engaging in regulated activity. The LA has provided guidance, including forms, to support headteachers in considering whether to request an enhanced DBS check for a volunteer. *Please refer to this guidance, entitled 'Safer Recruitment and Disclosure & Barring Update – Supervised Volunteers' issued February 2017, to be found on Schoolsnet, before submitting a request.* Details of the risk assessment need to be recorded. It is for schools to determine whether a volunteer is considered to be supervised. In making this decision, and to help determine the appropriate level of supervision schools must have regard to the statutory guidance issued by the Secretary of State in an Annex of KCSiE).

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

- Subcontractors etc who come in when school is closed to pupils do not require a DBS check.
- Schools do not have the power to request DBS checks and barred list checks, or ask to see DBS certificates for visitors. Headteachers should use their professional judgement about the level of supervision needed to escort visitors.
- DBS checks cannot be requested for children/young people under the age of 16.
- It is necessary to verify a candidate's mental and physical fitness to carry out their work. A job applicant can be asked relevant questions about disability and health in order to establish whether they have the physical and mental capacity for the role. (see page 13 for references) This check does not need to be recorded on the SCR.

13. Adults who supervise children on work experience

Schools and colleges organising work experience placements should ensure that the placement provider has policies and procedures are in place to protect children from harm. An enhanced DBS check with children's barred list might be required for people who supervise a child under 16 on a work experience placement. The school would need to consider the circumstances of the work experience, in particular the nature of the supervision and the frequency of the activity being supervised, to determine what, if any, checks are necessary. These considerations would include whether the person providing the teaching/training/instruction/supervision to the child will be:

- Unsupervised; and
- Providing the activity frequently (at least once a week or 4 times or more than 4 days in a 30 day period) or overnight

If the person is unsupervised and the same person is in frequent contact with the child, the work falls into regulated activity. If so, the school could ask the employer providing the work experience to ensure that the individual providing the instruction or training is not a barred person.

14. Those undertaking work experience

If the activity undertaken by the young person on work experience takes place in a 'specified place', such as a school or college, and provides the young person, who is coming to the school for this activity, an opportunity for contact with children, this may itself be considered regulated activity. In such cases the work experience provider should consider whether an enhanced DBS check should be requested for the young person in question, but only if they are 16 years of age or above.

Where the school accommodates individuals on work experience and there is no benefit to the student, except to gain experience, develop skills and enhance their CV, then this is classed as voluntary work. As outlined above with regard to trainee teachers, if the student receives a qualification or credit towards a qualification, or earns any tax-free bursary payment, then they are not classed as a volunteer. The expectation would be for the institution sending the student on placement to have undertaken the relevant checks. If the checks have not already been undertaken the school would need pay for these to be carried out and may arrange to recharge the individual.

15. Alternative Provision

Where a school places a pupil with an alternative provision provider, the school continues to be responsible for the safeguarding of that pupil, and should be satisfied that the provider meets the needs of the pupil. Schools should obtain written confirmation from the alternative provider that appropriate safeguarding checks have been carried out on individuals working at the establishment, i.e. those checks that the school would otherwise perform in respect of its own staff.

16. Children staying with host families (homestay)

Schools and colleges quite often make arrangements for their children to have learning experiences where, for short periods, the children may be provided with care and accommodation by a host family to whom they are not related. This might happen, for example, as part of a foreign exchange visit or sports tour, often described as 'homestay' arrangements. The duty of schools to safeguard and promote children's welfare extends to considering their safety and how best to minimise risk of harm to those children during any exchange visit the school or college arranges, and when organising for the care and accommodation of a child with a host family. Schools should consider the suitability of the adults in the respective families who will be responsible for the visiting child during the stay. The approach will be different for those visits arranged within the UK from those for foreign stays. Schools should refer to the detailed guidance from the DfE in KCSiE

17. General Information

a. Accuracy

When reviewing safeguarding arrangements, Ofsted will consider whether the school's records are up to date. To ensure that the SCR remains current, it is recommended that schools check the accuracy of their SCR at frequent intervals, for example monthly or termly, and that it is agreed who will be responsible for this task (as well as identifying a deputy to act in their absence). All staff need to be reminded that they must inform the headteacher of any relevant change in their circumstances. There is no prescribed format for School's Single Central Record; however the example on page 14 provides a suggested format and, for schools that purchase the relevant service, there is a blank spreadsheet available to download from the RM Integris Resources page on Services 4 Schools (S4S).

b. DBS checks and Disclosures

All people employed by the school will require an enhanced DBS with children's barred list check as a school is designated as a specified place. A person will be considered to be in 'regulated activity' if, as a result of their work, they:

- will be responsible, on a regular basis in any setting for the care or supervision of children; or
- will regularly work in a school at times when children are on school premises, where the person's work requires interaction with children. A check will be required regardless of whether or not the work is paid (unless they are a supervised volunteer), or whether the person is directly employed or employed by a contractor

In a school a **supervised** volunteer, who regularly works with or looks after children is not in regulated activity and will therefore not require a DBS check. See below section on 'Other Levels of Checks' for circumstances when an enhanced DBS check **may** be requested for a supervised volunteer.

c. Secretary of State Prohibition Orders

Prohibition orders prevent a person from carrying out teaching work in schools, sixth form colleges, 16 to 19 academies, relevant youth accommodation and children's homes in England. A person who is prohibited from teaching must not be appointed to work as a teacher in such a setting. The Secretary of State may also issue interim prohibition orders. A check for any prohibition order can be carried out using the Teachers Regulation Agency site (<https://teacherservices.education.gov.uk/>).

There is no statutory requirement for a prohibition check to be made on applications for a teaching assistant (TA) position. Schools are advised to undertake such checks where someone applying for a TA role indicates that they have qualified teacher status or have previously worked as a teacher. Also, where a TA is undertaking teaching duties a prohibition check should be completed. Where schools intend to do this, they are advised to be open about the check in the

application process. Schools should show this information on their SCR if they have undertaken this check on TAs.

Prohibition from teaching would not automatically bar someone from being considered for a TA role. The reasons for prohibiting someone from teaching will not necessarily relate to safeguarding matters. Schools can also carry out general risk assessments, which they might want to do in such instances, to assure themselves that there are no concerns about appointing an individual to a TA role.

If a TA is being considered for a teaching role, in an academy, it is a mandatory requirement for a prohibition check to be made and the normal statutory requirements apply here.

d. Section 128 direction from the Teachers Regulation Agency Teacher Services' system

Where the person will be engaging in regulated activity, a DBS barred list check will also identify any section 128 direction that prohibits or restricts a person from taking part in the management of an independent school, including academies. A person who is prohibited is unable to participate in any management position in an academy as an employee; a trustee of an academy; a governor or member of a proprietor body for an independent school; or a governor on any governing body in an independent school, academy or free school that retains or has been delegated any management responsibilities. A person prohibited under Section 128 is also disqualified from holding or continuing to hold office as a governor of a maintained school. A check for a section 128 direction can be carried out using the Teachers Regulation Agency Teacher Services' system.

It is a decision for the Academy/ Independent school to determine whether a post requires this check. It is up to the school to justify why a check has not been undertaken so equally they are responsible for asking for such checks. Schools will normally undertake such checks on the Teachers Regulation Agency Teacher Services website but it can be included in a DBS check. **Schools need to register individually with the service and check proposed appointees prior to them commencing work.** All Schools, including Free, independent schools and academies need to alert the DBS team when requesting a DBS check of the need to include a section 128 check as this would normally be undertaken by the school.

Headteachers must ensure that any person who will hold or continues to hold an office as a governor of a maintained school, trustees of an academy; a governor or member of a proprietor body for an independent school; governors on a governing body in an independent school, academy or free school are aware of this check and the need to inform them of any change in their barred list status.

It is advised to discuss appropriate action to be taken, if any information revealed by the check, with the school's HR Advisory Service Provider.

For individuals who are included on the SCR it is advised that they are included in the column on the SCR used for the Prohibition from Teaching check, rather than creating another column.

e. Requirement for Enhanced DBS check with children's barred list information.

An enhanced DBS check with children's barred list information is required for

- All contracted staff employed directly by the school unless they were employed in their current post prior to March 2002 in which case they will just require an annual children's barred list check. This can be requested by emailing DBS@derbyshire.gov.uk and providing the employee's current and all previous surnames along with their date of birth.
- Relief and seasonal employees such as exam invigilators. These staff must be re-checked if there is a break in service of 3 months or more.
- Any volunteer parent helpers or work experience trainees who will be working unsupervised in regulated activity and meet the frequency test (checks not allowed for children under 16)
- Any individual accompanying pupils on a residential or school trip which involves overnight stay. (This instance is not subject to the frequency and intensive test.)
- Any individual assisting with toileting or entering changing room facilities (eg swimming) used by pupils. (This instance is not subject to the frequency and intensive test.)

Those listed below require DBS with children's barred list check, but these will be done by the employing Council department or by the external organisation. (Refer to paragraphs above in relation to the confirmations required that this has been undertaken)

- Subcontractors who will be working unsupervised in school with the opportunity for contact with children.
- DCC employees such as maintenance workers, music tutors, cleaners and caretakers, kitchen staff unless they have been employed prior to March 2002 and have continuity of employment.
- Supply staff, supplied by an agency. The agency should determine whether an enhanced DBS with barred list check is required based on whether the supply activity is regulated activity. The school should obtain written confirmation.
- Trainee teachers, as they are sometimes unsupervised.

18. Administrative Process for New Employees

For new employees, when a new starters form is sent to the SSC, a DBS check will be issued unless portability can be agreed. Schools can request a DBS check for a prospective employee by downloading the 'eBulk New Starters' form or 'eBulk new

Starters, Special Schools' form as appropriate from Schoolsnet. This form can be posted to the SSC or e-mailed to DBS@derbyshire.gov.uk.

There is a **DBS Update Service** to which prospective employees can choose to subscribe. On payment of an annual fee the individual can keep their DBS certificate up to date online, take their certificate from one employer to the next and give their employer permission to check the certificate online. If a prospective employee informs the school that they have joined this service, an Update service check form has been provided by DBS@derbyshire.gov.uk to submit the details of the individual, which will enable the team to check their subscription.

a. Confidential Information

Where confidential information on employees or volunteers connection with is held by the school this should be kept in the confidential personnel file and where particularly sensitive placed within 2 tamper proof envelopes marked to be opened by headteacher only.

No indication should be given on the SCR that such information is held on an employee but a second version of the SCR should be created and stored on a program to which only the headteacher has access. On this version of the SCR a marker, like an asterisk, should be placed next to an individual's name to indicate where further confidential information is held in the personnel file.

Arrangements should be made for the deputy or an acting headteacher to be able to access the program and the confidential information in the circumstances of the headteacher's extended absence, to be used only when necessary.

b. References

Although references are not recorded on the SCR it is important to note this aspect of the pre-employment checks required.

Applicants will be asked to provide the details of two referees. One referee will be the applicant's current or most recent employer. No open references or testimonials will be accepted, nor references from relatives or people solely in the capacity as friends.

In relation to safeguarding referees will be asked:

- About their relationship with the candidate. (E.g. how long they have known the candidate and in what capacity.)
- Whether the referee is satisfied that the person has the ability and is suitable to undertake the post
- Whether the referee is completely satisfied that the candidate is suitable to work with children and, if not, details will be requested of their concerns
- For teachers, the referee will be asked to state whether the candidate has been subject to Capability (professional competence) procedures, within the last 2 years, and to provide details where this is the case

- The current/most recent employer will be asked to provide information about current disciplinary sanctions and any expired disciplinary sanctions, relating to the safety and welfare of children. Complaints or allegations that were not proven or found malicious, false or unsubstantiated will not be included in references
- Missing References. If schools find that there are existing staff who do not have 2 references provided at the time of appointment in their file, they should take action. For more recent appointments, where possible, the relevant reference should be sought in retrospect. Where staff have been employed for some years a risk assessment should be completed and entered on file, as school leaders will now have significant direct knowledge of the employee's suitability to work with children. For schools purchasing the service a suggested Risk Assessment form can be found in the HR Advice and Guidance section of the Services 4 Schools website

c. DBS re-checks

From 1 January 2016 the policy of routinely re-checking employees in schools DBS status ceased. There will be no further automatic 3 yearly re-checks, although the option to re-check an individual's DBS status at any point, if there are grounds for concern, remains available. The usual charge for a DBS check will continue to apply.

If the school wishes to continue with routine 3 yearly re-checks of employees please contact the Shared Services, Corporate Resources (DBS@derbyshire.gov.uk) to communicate this decision.

In the absence of any communication from the school, the default position will be that the school's employees are no longer subject to a re-check. Headteachers should have informed staff that these have ceased.

Schools are advised to include an annual reminder to all employees that they are under obligation to report to their Headteacher immediately if they receive any subsequent convictions, cautions, reprimands, or final warnings that are not "protected" under the Rehabilitation of offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013). For those schools with provision for children from 3 to 5 years of age, this would sit alongside the existing routine of reminding all relevant staff of the 'Disqualification under the Childcare Act' requirements at the commencement of the academic year.

d. Portability

Schools are encouraged to apply portability to DBS checks undertaken by the Council in order to enable people to take up the post earlier and to reduce costs. DBS portability enables headteachers to consider the appointment of a candidate on the basis of a previous appointment where the DBS disclosure has been processed by the Council.

The process for utilising portability is as follows.

- Headteacher advises SSC of new appointment
- When appropriate the SSC contact the Headteacher asking if they wish to consider appointment on the basis of an existing DBS disclosure
- The Headteacher should then contact the successful candidate to ascertain
 - if the candidate had any police or criminal investigation, conviction or police caution or other issues on their existing DBS disclosure
 - if the candidate has been subject to any police or criminal investigation, conviction, warning, police caution or other issues arising since the check was undertaken, which would potentially compromise them undertaking their new role
 - As part of this discussion, the headteacher should ensure that the candidate is clear that, should information subsequently be received to the contrary, this may nullify the offer of appointment and result in dismissal
- On satisfactory completion of the above checks the headteacher should advise the SSC that they have accepted portability of the check.

In some instances portability cannot be accepted and a new DBS application will be required, these are:

- Where the level of the existing disclosure is different to that required in the new post
- Where the Register against which the existing disclosure was checked is different from that required for the new post. For example, if an employee has been previously checked against the Adults Barred List as a care worker they may still be barred from working with children
- If the applicant has confirmed they have received a caution or conviction since their last approved DBS certificate
- If the existing DBS disclosure indicates a trace
- The DBS check was undertaken by another council or external agency. However, where such an individual has chosen to join the DBS Update Service and is prepared to give permission for an online update status check to be carried out, then a new DBS need not be initiated. Please contact the LA DBS team for information on how to access this service

19. Glossary of terms and abbreviations:

SCR Single Central Record

Continuity of employment No break of service longer than 3 months (*for SCR purposes*)

DBS Disclosure and Barring Service

DBS Checks

There are three levels of DBS check, Standard, Enhanced and Enhanced with barred list information. An employer is entitled to ask exempted questions under the Exceptions Order to the Rehabilitation of Offenders Act (ROA) 1974 when one of these checks is required.

Safeguarding

Protecting children and young people from maltreatment; preventing impairment of children and young people's health or development; ensuring that children and young people are growing up in circumstances consistent with the provision of safe and effective care; undertaking that role so as to enable those children and young people to have optimum life chances and to enter into adulthood successfully.

Children's Barred List

A register of individuals who are barred from working with children maintained by the Disclosure and Barring Service

EEA European Economic Area

Frequent contact (SCR)

Once a week or more or on 4 or more days in a 30 day period.

Day to day management or supervision on a regular basis of a person providing this activity which would be regulated if unsupervised.

There are different definitions suggested in terms of the **frequency** with which an individual has contact with children for the purpose of their inclusion on the SCR and requirement for completion of a DBS. DCC would recommend that the most straight forward approach for schools would be to use the definition provided by The Safeguarding Vulnerable Groups Act 2006 as amended by the Protection of Freedoms Act 2012

Frequency and Intensive Test (DBS)

Teaching, training or instruction, care or supervision, advice or guidance performed in the school setting will be defined as regulated activities as the school is an educational setting. If they are done frequently (once a week or more), intensively (on four days or more in a single month) or overnight (with an opportunity for face-to-face contact even if only once), a DBS check with Barred List is required.

20. Further reading and sources of information:

- **Keeping children Safe in Education** – updated each year Department for Education document (available via Department for Education Publications site: www.gov.uk/government/publications)
- **Disqualification under the Childcare Act 2006, DfE Statutory guidance amended for September 2018**
- **Working Together to Safeguard Children: a guide to inter-agency working to safeguard and promote the welfare of Children, HM Government July 2018** (available via Department for Education Publications site: <http://publications.education.gov.uk/>)
- **Derbyshire Schoolsnet** is also a useful source of information and guidance for schools as is the Services 4 Schools (S4S) website for those purchasing traded services
- **Disclosure and Barring Service** website is a useful source of information and guidance regarding DBS checks and disclosures and can be accessed at:

<https://www.gov.uk/government/organisations/disclosure-and-barring-service>

- Education (Health Standards) (England) Regulations 2003
- Fitness to teach circular DfE

Extract from 'Keeping children safe in education' (DfE)

Statutory guidance – regulated activity (children)

This statutory guidance on the supervision of activity with children which is regulated activity when unsupervised is also published separately on [GOV.UK](https://www.gov.uk).

1. This document fulfils the duty in legislation that the Secretary of State must publish statutory guidance on supervision of activity by workers with children, which when unsupervised is regulated activity. This guidance applies in England, Wales and Northern Ireland. It covers settings including but not limited to schools, childcare establishments, colleges, youth groups and sports clubs.
2. For too long child protection policy has been developed in haste and in response to individual tragedies, with the well-intentioned though misguided belief that every risk could be mitigated and every loophole closed. The pressure has been to prescribe and legislate more. This has led to public confusion, a fearful workforce and a dysfunctional culture of mistrust between children and adults. This Government is taking a different approach.
3. We start with a presumption of trust and confidence in those who work with children, and the good sense and judgment of their managers. This guidance applies when an organisation decides to supervise with the aim that the supervised work will not be regulated activity (when it would be, if not so supervised). In such a case, the law makes three main points:
 - there must be supervision by a person who is in regulated activity
 - the supervision must be regular and day to day; and
 - the supervision must be “reasonable in all the circumstances to ensure the protection of children”

The organisation must have regard to this guidance. That gives local managers the flexibility to determine what is reasonable for their circumstances. While the precise nature and level of supervision will vary from case to case, guidance on the main legal points above is as follows.

4. Supervision by a person in regulated activity/regular and day to day: supervisors must be in regulated activity themselves. The duty that supervision must take place “on a regular basis” means that supervision must not, for example, be concentrated during the first few weeks of an activity and then tail off thereafter, becoming the exception not the rule. It must take place on an ongoing basis, whether the worker has just started or has been doing the activity for some time.

5. Reasonable in the circumstances: within the statutory duty, the level of supervision may differ, depending on all the circumstances of a case. Organisations should consider the following factors in deciding the specific level of supervision the organisation will require in an individual case:
- ages of the children, including whether their ages differ widely
 - number of children that the individual is working with
 - whether or not other workers are helping to look after the children
 - the nature of the individual's work (or, in a specified place such as a school, the individual's opportunity for contact with children)
 - how vulnerable the children are (the more they are, the more an organisation might opt for workers to be in regulated activity)
 - how many workers would be supervised by each supervising worker
6. An organisation is not entitled to request a barred list check on a worker who, because they are supervised, is not in regulated activity.

EXAMPLES

Volunteer, in a specified place

Mr Jones, a new volunteer, helps children with reading at a local school for two mornings a week. Mr Jones is generally based in the classroom, in sight of the teacher. Sometimes Mr Jones takes some of the children to a separate room to listen to them reading, where Mr Jones is supervised by a paid classroom assistant, who is in that room most of the time. The teacher and classroom assistant are in regulated activity. The head teacher decides whether their supervision is such that Mr Jones is not in regulated activity.

Volunteer, not in a specified place

Mr Wood, a new entrant volunteer, assists with the coaching of children at his local cricket club. The children are divided into small groups, with assistant coaches such as Mr Wood assigned to each group. The head coach oversees the coaching, spends time with each of the groups, and has sight of all the groups (and the assistant coaches) for most of the time. The head coach is in regulated activity. The club managers decide whether the coach's supervision is such that Mr Wood is not in regulated activity.

Employee, not in a specified place

Mrs Shah starts as a paid activity assistant at a youth club. She helps to instruct a group of children, and is supervised by the youth club leader who is in regulated activity. The youth club managers decide whether the leader's supervision is such that Mrs Shah is not in regulated activity.

In each example, the organisation uses the following steps when deciding whether a new worker will be supervised to such a level that the new worker is not in regulated activity:

- consider whether the worker is doing work that, if unsupervised, would be regulated activity. If the worker is not, the remaining steps are unnecessary
- consider whether the worker will be supervised by a person in regulated activity, and whether the supervision will be regular and day to day, bearing in mind paragraph 4 of this guidance
- consider whether the supervision will be reasonable in all the circumstances to ensure the protection of children, bearing in mind the factors set out in paragraph 4 of this guidance above; and if it is a specified place such as a school
- consider whether the supervised worker is a volunteer

Extract from 'Keeping children safe in education' (DfE)

Regulated activity

The full legal definition of regulated activity is set out in Schedule 4 of the Safeguarding Vulnerable Groups Act 2006 as amended by the Protection of Freedoms Act 2012. HM Government have produced a factual note on *Regulated Activity in relation to Children: scope*.

Regulated activity includes:

- a) teaching, training, instructing, caring for (see (c) below) or supervising children if the person is unsupervised, or providing advice or guidance on well-being, or driving a vehicle only for children
- b) 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 (a) or (b) is regulated activity only if done regularly. Some activities are always regulated activities, regardless of their frequency or whether they are supervised or not.

This includes:

- c) relevant personal care, or health care provided by or provided under the supervision of a health care professional
 - personal care includes 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 or disability
 - health care means care for children provided by, or under the direction or supervision of, a regulated health care professional

Identity			Qualifications *			Prohibition From Teaching & Section 128	Children's Barred List	DBS ⌘	Right to work in the UK	Overseas Checks <input checked="" type="checkbox"/>	Disqualification under C.A.	
Proof should include name, date of birth, address and photographic identity			Although good practice, it is not a requirement to show addresses									
Name	Address	Date of birth	Evidenced & date	Qualifications required: Yes / No	Qualifications Evidenced: Yes / No	Teacher Regulation Agency check teachers new to the school, record & date	Check evidenced & date	Check evidenced & date	Check evidenced & copy retained - date	Checks required: Yes / No	Checks carried out: Yes / No	
Identity documents Identity documents should be retained if they form part of the Asylum and Immigration (right to work in the UK) checking process. DBS certificates should not be retained.			Checked by Nora Batty on 01.12.06	Yes – QTS	Checked certificate qualified on 01.06.82 (GTC registration number: 223344) by Nora Batty on 01.12.06	Checked with GTC before TS introduced	Checked by Nora Batty on 01.12.17	Not required – employee commenced before March 2002 and has continuity of employment	Checked by Nora Batty on 01.12.06	No – individual is EEA national and has not lived abroad	No	N/A Working with age 7+
<i>started on 01.09.01 in same role, has continuous service since 01.09.01)</i>	Middle Town DE20 1DT											
John Smith <i>(Teaching Assistant, started on 03.01.09)</i>	Elm Cottage Littlewood DE74 1PQ	01.02.60	Checked by Nora Batty on 03.01.09	N/A	N/A	Not undertaken as existing employee & no 'teaching duties'. RA by HT 1/10/16	Checked by Nora Batty on 03.01.09	Checked by Nora Batty on 03.01.09 unique disclosure no 012345678910	Checked by Nora Batty on 03.01.09	No – individual is EEA national and has not lived abroad	No	N/A Deployed with junior children

Joe Bloggs (Peripatetic Music Teacher, attending the school twice weekly to teach pupils on 1 to 1 basis)	centrally employed LA staff who work in the school on a regular basis to be entered		Checked identity badge on arrival (date of 1 st visit) 08.09.14 Nora Batty	Notified by Shared Service Centre (see enclosed email) that the necessary qualification, DBS, barred list info and right to work in the UK checks have been completed by the Local Authority (date email received & signed) Nora Batty			<div style="border: 1px solid black; padding: 5px;"> <p>Qualifications (and where relevant registration / membership number) record where a legal requirement of the job, e.g. qualified teacher status (QTS) or national professional qualification for headship (NPQH), + for teachers check for prohibition order *</p> </div>			
Josephine Bloggs (student teacher, started placement on 01.09.09)	1 The Street Big Town DE3 0HP	31.07.85	Checked by Nora Batty on 01.09.18	N/A	N/A	Received written confirmation from teaching college that enhanced DBS and barred list info & right to work in UK have been completed. Confirmation received on 20.07.18		Yes – individual worked outside EEA for 5 years	Certificate of good conduct obtained from Embassy (or Police force) in Zimbabwe <input checked="" type="checkbox"/>	
Jill White MDS/Play leader Nursery	2 School Lane	14.2.58	Nora Batty on 10.09.13	N/A	N/A	N/A		Checked by Nora Batty on 10.09.13	Checked by (signed) Nora Batty on 03.01.15	NO

The SCR must show the date on which each check was completed or the relevant certificate obtained, and should show who carried out the check.

For All school staff, whether employed directly or by the local authority as well as agency staff an enhanced DBS certificate with barred list check must be obtained.
-A separate children's barred list check is required if an individual will start work in regulated activity before the DBS is available.

In the case of **DBS & Children's Barred List checks**, the record must show (except for agency staff) the date the check was carried out and who carried out the check

The record should show evidence of **DBS checks** for:

- all **staff appointed since March 2002** and;

must show evidence of **DBS checks** for:

- all **staff appointed since 12 May 2006**, whether or not they have regular contact with children, .

