

Safer Recruitment at Greenslade Primary School

September 2023

This policy will be reviewed in the Autumn Term 2024 as part of our Safeguarding Policy and implementation of Keeping Children Safe in Education.

Greenslade Primary School is committed to promoting the welfare of children and young people and expects all staff and volunteers to share this commitment.

The aim of these procedures is to prevent unsuitable people working with children and young people and to promote safe practice. Our aim is to provide clarity of expectation in order that we all feel confident to challenge poor and unsafe practice. It is vital that the culture of our school is one of vigilance and openness so that we have the courage to challenge practice that causes concern in order to keep our children safe.

- The Headteacher, Office Staff and Governors receive regular Safer Recruitment Training provided by RBG in accordance with guidance in Keeping Children Safe in Education.
- Following training our policy and practice is reviewed to ensure outcomes from training are put in place in order to provide a safer environment for our children.
- Outcomes from training are incorporated into our recruitment processes.
- Greenslade Primary School applies the Finkelhor model to recruitment. Our aim is that unsuitable people are deterred from applying, unsuitable candidates are rejected, procedures prevent appointment and induction of unsuitable people and our culture of vigilance prevent and detect unsuitable practices at our school.
- The Headteacher, a member of trained office staff or a Governor who has received training takes a full part in each stage of the recruitment process.
- Planning is vital to the process of recruitment to ensure that safeguards are not skimmed or overlooked. Job Descriptions, Person Specifications, Application Packs, timetables, reference documents and procedures are in place in advance to allow clarity and to ensure the process runs safely and smoothly.
- Adverts are placed in the appropriate media outlet depending on the type of vacancy. The adverts contain a statement regarding our commitment to safeguarding and the level of DBS Disclosure required for the post.
- Greenslade Primary School uses the standard Greenwich application form due to the safeguards this form ensures and the common set of core data obtained for all applicants.
- The application form we use requires candidates to complete a full employment history to ensure that any gaps can be challenged at the appropriate stage in the process.
- Job Descriptions contain the main duties of the post and a statement regarding the individual's responsibility for promoting and safeguarding the welfare of children.
- Person Specifications include the qualifications and experience and any other requirements needed to perform the role in relation to working with children and young people.

- The application pack includes a statement restating our commitment to safeguarding children, the authority's policy about equal opportunities and the recruitment of sex offenders etc.
- Applications are scrutinised to ensure they are fully and properly completed and that the information provided is consistent and does not contain any discrepancies or anomalies. These are explored and challenged.
- Gaps in employment history and reasons for leaving posts are areas for close scrutiny during the recruitment process.
- Incomplete applications are not accepted and are returned for completion.
- We request that on line application forms are signed by shortlisted candidates when they come to school for interview.
- Shortlisted candidates are asked to provide two references.
- Greenslade Primary School use a reference proforma that includes questions related to safeguarding, disciplinary or capability action and suitability to work with children.
- We do not accept "open" references and ask if a reference has been completed as part of a compromise agreement.
- One referee should be the applicant's current or most recent employer / line manager.
- The reference requires referee to comment on the candidates suitability to work with children.
- The selection process for people who will work with children always includes a face to face interview as well as other appropriate assessments to ensure suitability for the post.
- References are checked against information provided by the application form to ensure consistency.
- References are scrutinised by all members of the "recruitment panel".
- Shortlisted candidates are informed that a "social media search" will be carried out to ensure they meet our expectations in regard to their on line profile and behaviour.
- Frequent or unexplained changes in employment are explored and verified.
- Candidates are requested to bring documentary evidence of their identity that will satisfy DBS requirements and ability to work in the UK.
- Candidates are asked to bring documents confirming educational and professional qualifications relevant for the post.
- Members of the interview panel have the relevant authority to make decisions about employment.
- During the interview the panel will explore the candidate's attitude toward children and young people, his/her ability to support the LA and School's agenda for safeguarding and promoting the welfare of children.
- During the interview any gaps in the candidate's employment history and any concerns or discrepancies arising from the information provided by the candidate or a referee are explored and challenged.
- Our interview questions aim to ascertain information regarding the candidate's values, motives and attitudes toward keeping children safe and understanding of boundaries in order to establish a culture of safety and vigilance.
- During the interview candidates are, once again, made aware of the need for DBS disclosure and asked if they have anything to declare at this stage.

- Once the successful candidate has been appointed, part of our induction process includes an introduction and ongoing training in regards to our policies and practice on safeguarding children and young people. The induction process includes a Health and Safety and safeguarding briefing.
- Our Code of Conduct for behaviour of staff and volunteers is shared and clarified with the aim of working in an open and vigilant environment.
- We work hard to maintain a “safer culture” by ensuring we are continually aware of safeguarding issues and all members of staff understand their roles and responsibilities and are confident in carrying them out.
- Recruitment is not seen as the end of “safer working practice” and all staff and volunteers are made aware of the issues related to safeguarding and must feel able to raise concerns about what seems to be poor or unsafe practice by colleagues, and that these concerns or those expressed by children, parents or others are listened to and taken seriously.
- The RBG Whistle Blowing Policy is shared with new staff and is part of the practice we follow to ensure our children are kept safe.
- Greenslade Primary School follows all guidelines and legislation regarding pre-employment Recruitment and Vetting Checks.
- DBS and “Barred List (99)” are carried out in accordance with guidelines.
- This process includes requesting information related to Disqualification by Association.
- We check that candidates have the authority to work in the UK.
- Copies of ID and appropriate qualifications are kept on file.
- A conditional offer of employment can be made pending the outcomes of the pre-employment checks.
- Our “Single, Central Record” is audited annually by our HR consultant and more regularly by our Governor with responsibility for safeguarding.

This policy will be reviewed in September 2024, in line with changes to Keeping Children Safe in Education.

Appendix A

Keeping Children Safe In Education. September 2023

Part three: Safer recruitment

This part of the guidance has four sections providing schools and colleges with the legal requirements ‘**must** do’, what they **should** do, what is considered **best practice** and **important information** about:

- [the recruitment and selection process](#)
- [pre-appointment and vetting checks, regulated activity and recording of information](#)
- [other checks that may be necessary for staff, volunteers and others, including the responsibilities on schools and colleges for children in other settings, and](#)
- [how to ensure the ongoing safeguarding of children and the legal reporting duties on employers.](#)

i. Recruitment and selection process

206. This section focuses on ensuring potential applicants are given the right messages about the school and college's commitment to recruit suitable people.

207. It is vital that as part of their whole school or college approach to safeguarding, governing bodies and proprietors create a culture that safeguards and promotes the welfare of children in their school or college. As part of this culture, it is important that they adopt robust recruitment procedures that deter and prevent people who are unsuitable to work with children from applying for or securing employment, or volunteering opportunities in schools and colleges.

208. Governing bodies and proprietors should ensure that those involved with the recruitment and employment of staff to work with children have received appropriate safer recruitment training, the substance of which should at a minimum cover the content of this part (Part three) of this guidance.

209. The School Staffing (England) Regulations 2009⁵⁶ and the Education (Pupil Referral Units) (Application of Enactments) (England) Regulations 2007⁵⁷ require governing bodies of maintained schools and management committees of pupil referral units (PRUs) to ensure that at least one of the persons who conducts an interview has completed safer recruitment training. Governing bodies of maintained schools and management committees of PRUs may choose appropriate training and may take advice

⁵⁶ [The School Staffing \(England\) Regulations 2009 \(legislation.gov.uk\)](#) regulation 9.

⁵⁷ [The Education \(Pupil Referral Units\) \(Application of Enactments\) \(England\) Regulations 2007 \(legislation.gov.uk\)](#)

from the safeguarding partners in doing so.

Advert

210. Schools and colleges should think about including the following information when defining the role (through the job or role description and person specification):

- the skills, abilities, experience, attitude, and behaviours required for the post, and
- the safeguarding requirements, i.e. to what extent will the role involve contact with children and will they be engaging in regulated activity relevant to children. See page 60 for further information about regulated activity.

211. The advert should include:

- the school or college's commitment to safeguarding and promoting the welfare of children and make clear that safeguarding checks will be undertaken
- the safeguarding responsibilities of the post as per the job description and personal specification, and
- whether the post is exempt from the Rehabilitation of Offenders Act (ROA) 1974. The amendments to the ROA 1974 (Exceptions Order 1975, (amended 2013 and 2020)) provide that when applying for certain jobs and activities, certain spent convictions and cautions are 'protected', so they do not need to be disclosed to employers, and if they are disclosed, employers cannot take them into account. The MOJ's guidance on the [Rehabilitation of Offenders Act 1974 and the Exceptions Order 1975](#), provides information about which convictions must be declared during job applications and related exceptions and further information about filtering offences can be found in the [DBS filtering guide](#).

Application forms

212. Where a role involves engaging in regulated activity relevant to children, schools and colleges should include a statement in the application form or elsewhere in the information provided to applicants that it is an offence to apply for the role if the applicant is barred from engaging in regulated activity relevant to children.⁵⁸

213. Schools and colleges should also provide a copy of the school's or college's child protection policy and practices and policy on employment of ex-offenders in the application pack or refer to a link on its website.

214. Schools and colleges should require applicants to provide:

⁵⁸ [Section 7\(1\)\(a\) of the SVGA 2006 \(Legislation.gov.uk\)](#).

- personal details, current and former names, current address and national insurance number

- details of their present (or last) employment and reason for leaving
- full employment history, (since leaving school, including education, employment and voluntary work) including reasons for any gaps in employment
- qualifications, the awarding body and date of award
- details of referees/references (see below for further information), and
- a statement of the personal qualities and experience that the applicant believes are relevant to their suitability for the post advertised and how they meet the person specification.

215. Schools and colleges should only accept copies of a curriculum vitae alongside an application form. A curriculum vitae on its own will not provide adequate information.

Shortlisting

216. Shortlisted candidates should be asked to complete a self-declaration of their criminal record or information that would make them unsuitable to work with children. Self-declaration is subject to Ministry of Justice guidance on the disclosure of criminal records, further information can be found on GOV.UK.

For example:

- if they have a criminal history
- if they are included on the children's barred list
- if they are prohibited from teaching
- if they are prohibited from taking part in the management of an independent school
- information about any criminal offences committed in any country in line with the law as applicable in England and Wales, not the law in their country of origin or where they were convicted
- if they are known to the police and children's local authority social care
- if they have been disqualified from providing childcare (see paras 263-267), and,
- any relevant overseas information.

217. This information should only be requested from applicants who have been shortlisted. The information should not be requested in the application form to decide who should be shortlisted.

218. Applicants should be asked to sign a declaration confirming the information they have provided is true. Where there is an electronic signature, the shortlisted candidate should physically sign a hard copy of the application at point of interview. 219. The purpose of a self-declaration is so that candidates will have the opportunity to share relevant information and allow this to be discussed and considered at interview before the DBS certificate is received.

220. Schools and colleges should:

- ensure that at least two people carry out the shortlisting exercise (it is recommended that those who shortlist carry out the interview for a consistent approach)
- consider any inconsistencies and look for gaps in employment and reasons given for them, and
- explore all potential concerns.

221. In addition, as part of the shortlisting process schools and colleges should consider carrying out an online search as part of their due diligence on the shortlisted candidates. This may help identify any incidents or issues that have happened, and are publicly available online, which the school or college might want to explore with the applicant at interview. Schools and colleges should inform shortlisted candidates that online searches may be done as part of due diligence checks. See Part two – Legislation and the Law for information on data protection and UK GDPR.

Employment history and references

222. The purpose of seeking references is to allow employers to obtain factual information to support appointment decisions. Schools and colleges should obtain references before interview, where possible, this allows any concerns raised to be explored further with the referee and taken up with the candidate at interview.

223. Schools and colleges should:

- not accept open references e.g. to whom it may concern
- not rely on applicants to obtain their reference

- ensure any references are from the candidate's current employer and have been completed by a senior person with appropriate authority (if the referee is school or college based, the reference should be confirmed by the headteacher/principal as accurate in respect of any disciplinary investigations)

- obtain verification of the individual's most recent relevant period of employment where the applicant is not currently employed

- secure a reference from the relevant employer from the last time the applicant worked with children (if not currently working with children), if the applicant has never worked with children, then ensure a reference from their current employer

- always verify any information with the person who provided the reference

- ensure electronic references originate from a legitimate source

- contact referees to clarify content where information is vague or insufficient information is provided

- compare the information on the application form with that in the reference and take up any discrepancies with the candidate

- establish the reason for the candidate leaving their current or most recent post, and

- ensure any concerns are resolved satisfactorily before appointment is confirmed.

224. When asked to provide references, schools and colleges should ensure the information confirms whether they are satisfied with the applicant's suitability to work with children and provide the facts (not opinions) of any substantiated safeguarding concerns/allegations that meet the harm threshold. They should not include information about concerns/allegations which are unsubstantiated, unfounded, false, or malicious. Further guidance on references, including on the position regarding low-level concerns, is set out in Part four. References are an important part of the recruitment process and should be provided in a timely manner and not hold up proceedings. Any repeated concerns or allegations which do not meet the harm threshold which have all been found to be false, unfounded, unsubstantiated or malicious should not be included in any reference.

Selection

225. Schools and colleges should use a range of selection techniques to identify the most suitable person for the post. Those interviewing should agree structured questions.

These should include:

- finding out what attracted the candidate to the post being applied for and their motivation for working with children

- exploring their skills and asking for examples of experience of working with children which are relevant to the role, and

- probing any gaps in employment or where the candidate has changed employment or location frequently, asking about the reasons for this.

226. The interviews should be used to explore potential areas of concern and to determine the applicant's suitability to work with children. Areas that may be concerning and lead to further probing include:

- implication that adults and children are equal

- lack of recognition and/or understanding of the vulnerability of children

- inappropriate idealisation of children

- inadequate understanding of appropriate boundaries between adults and children, and

- indicators of negative safeguarding behaviours.

227. Any information about past disciplinary action or substantiated allegations should be considered in the circumstances of the individual case.

228. Pupils/students should be involved in the recruitment process in a meaningful way.

Observing short listed candidates and appropriately supervised interaction with pupils/students is common and recognised as good practice.

229. All information considered in decision making should be clearly recorded along with decisions made.

ii. Pre-appointment vetting checks, regulated activity and recording information

230. This section provides the legal requirements that governing bodies and proprietors need to understand (and which **must** be carried out) when appointing individuals to engage in regulated activity relating to children. It covers the importance of ensuring the correct pre-appointment checks are carried out. These checks will help identify whether a person may be unsuitable to work with children (and in some cases is legally prohibited from working with children and/or working as a teacher). These checks should be seen as part of the wider whole school or college safeguarding regime, which will continue following appointment. This section also explains what information schools and colleges **must** record on the single central record.

231. The Education and Training (Welfare of Children) Act 2021 extended safeguarding provisions to providers of post-16 Education: **16-19 Academies, Special Post-16 institutions and Independent Training Providers**. Some safer recruitment regulations do not apply to these providers and as such some of the “musts” for colleges do not apply to them. These checks are an essential part of safeguarding, carried out to help employers check the suitability of candidates. Therefore, the providers set out above **should** carry out these pre-appointment checks. This has been made clear via footnotes.

232. All offers of appointment should be conditional until satisfactory completion of the mandatory pre-employment checks. All schools and colleges **must**:

- verify a candidate’s identity, it is important to be sure that the person is who they claim to be, this includes being aware of the potential for individuals changing their name. Best practice is checking the name on their birth certificate, where this is available. Further identification checking guidelines can be found on the [GOV.UK](#) website⁵⁹.
- obtain (via the applicant) an enhanced DBS check (including children’s barred list information, for those who will be engaging in regulated activity with children). ^{60 61 62 63} Note that when using the DBS update service, you still need to obtain the original physical certificate (see paragraphs 249-252) ⁶⁴
- obtain a separate children’s barred list check if an individual will start work in regulated activity with children before the DBS certificate is available; See paragraph 261-262 on how to obtain a separate children’s barred list check. **This does not apply to 16-19 Academies, Special Post-16 institutions and Independent Training Providers**⁶⁵
- verify the candidate’s mental and physical fitness to carry out their work responsibilities.⁶⁶ 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 specific role ^{67,68}
- verify the person’s right to work in the UK, including EU nationals. If there is uncertainty about whether an individual needs permission to work in the UK, then schools and colleges should follow advice on the [GOV.UK](#) website

⁵⁹ 16-19 Academies, Special Post-16 institutions and Independent Training Providers should verify the candidate’s identity.

⁶⁰ 16-19 Academies, Special Post-16 institutions and Independent Training Providers must carry out a DBS check with barred list information as per their funding agreement.

⁶¹ Where the individual will be or is engaging in regulated activity, schools and colleges will need to ensure that they confirm on the DBS application that they have the right to barred list information.

⁶² Regulations 12 and 24 of [The School Staffing \(England\) Regulations 2009](#) for maintained schools also apply to the management committee of pupil referral units through the [Education \(Pupil Referral Units\) \(Application of Enactments\) \(England\) Regulations 2007](#). Part 4 of the Schedule to [The Education \(Independent School Standards\) Regulations 2014](#) applies to independent schools, including free schools and academies. The Schedule to [The Non-Maintained Special Schools \(England\) Regulations 2015](#) applies to non-maintained special schools.

⁶³ Regulation 5 of [The Further Education \(Providers of Education\) \(England\) Regulations 2006](#) applies to further education institutions. Further Education providers should also note Regulation 10 of the Further Education (Providers of Education) (England) Regulations 2006, which requires that members of staff (other than agency staff) who move from positions not involving the provision of education into a position involving the provision of education are to be treated as new staff members.

⁶⁴ See the status checking section of the [DBS update service employer guide](#)

⁶⁵ A separate barred list check is not available to these providers. As such they should not allow an individual to start work in regulated activity until they obtain an enhanced DBS plus barred list check.

⁶⁶ [Education \(Health Standards\) \(England\) Regulations 2003](#)

⁶⁷ See [legislation.gov.uk Section 60 of the Equality Act 2010](#).

⁶⁸ 16-19 Academies, Special Post-16 institutions and Independent Training Providers should - verify the candidate’s mental and physical fitness to carry out their work responsibilities, check the person’s right to work in

the UK; make further checks if the candidate has lived or worked outside the UK and verify professional qualifications where appropriate.

- if the person has lived or worked outside the UK, make any further checks the school or college consider appropriate (see 280-285) and,
- verify professional qualifications, as appropriate. The Teaching Regulation Agency's (TRA) Employer Access Service should be used to verify any award of qualified teacher status (QTS), and the completion of teacher induction or probation.

In addition:

- independent schools, including academies and free schools, **must** check that a person taking up a management position as described at paragraph 256 is not subject to a section 128 direction made by the Secretary of State
- all schools **must** ensure that an applicant to be employed to carry out teaching work⁶⁹ is not subject to a prohibition order issued by the Secretary of State (see paragraph 253) for prohibition checks or any sanction or restriction imposed (that remains current) by the GTCE (see paragraph 255), before its abolition in March 2012
- before employing a person to carry out teaching work in relation to children, colleges **must**⁷⁰ take reasonable steps to establish whether that person is subject to a prohibition order issued by the Secretary of State
- all schools and colleges providing childcare⁷¹ **must** ensure that appropriate checks are carried out to ensure that individuals employed to work in reception classes, or in wraparound care for children up to the age of 8, are not disqualified from working in these settings under the 2018 Childcare Disqualification Regulations. Further details about the application of these arrangements are provided at paragraphs 263-267.

Applicant moving from previous post

233. There is no requirement for a 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 person's appointment, the applicant has worked, in a school in England, in a post:

- which brought the person regularly into contact with children, or
- to which the person was appointed on or after 12th May 2006 and which did not bring the person regularly into contact with children or young persons, or
- in another institution within the further education sector in England, or in a 16-19 academy, in a post which involved the provision of education which brought the person regularly into contact with children or young persons.

234. For a college⁷² there is no requirement 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 person's appointment, the applicant has worked in:

- a school in England in a position which brought him or her regularly into contact with persons aged under 18, or
- another institution within the further education sector in England, or in a 16 to 19 academy, in a position which involved the provision of education and caring for, training, supervising or being solely in charge of persons aged under 18.

235. Whilst there is no requirement to carry out an enhanced DBS check in the circumstances described above, schools or colleges should carefully consider if it would be appropriate to request one, to ensure they have up to date information. Schools and colleges **must** still carry out all other relevant pre-appointment checks (as listed at paragraph 232), including where the individual is engaging in regulated activity with children, a separate children's barred list check (see paragraph 262 on how to carry out a barred list check).

Regulated activity

236. In summary, a person will be engaging in regulated activity with children if, as a result of their work, they:

- will be responsible, on a regular basis in a school or college, for teaching, training instructing, caring for or supervising children
- will be working on a regular basis in a specified establishment, such as a school, or in connection with the purposes of the establishment, where the work gives opportunity for contact with children, or

⁷² The three-month rule does not apply for 16-19 Academies, Special Post-16 institutions and Independent Training Providers. An enhanced DBS certificate (with barred list information where appropriate) is required.

- engage in intimate or personal care or healthcare or any overnight activity, even if this happens only once.

Further details on regulated activity below.

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 has produced [Factual note on regulated activity in relation to children: scope](#).

Regulated activity includes:

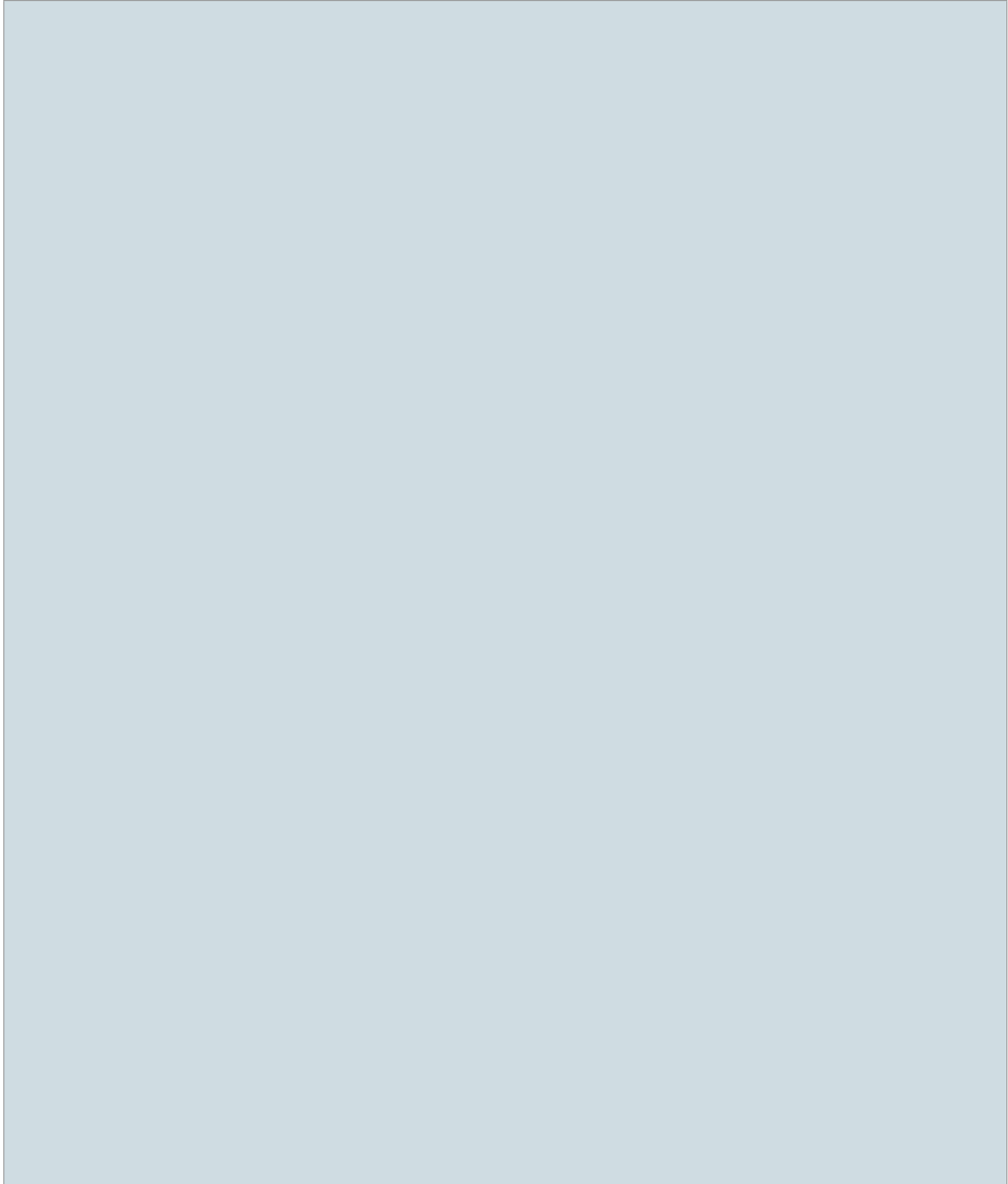
- a. teaching, training, instructing, caring for (see (c) below) or supervising children if the person is unsupervised, or providing advice or guidance on physical, emotional or educational well-being, or driving a vehicle only for children;
- b. work for a limited range of establishments (known as 'specified 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.⁷³ Some activities are always regulated activities, regardless of 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;⁷⁴
 - health care means care for children provided by, or under the direction or supervision of, a regulated health care professional.

Regulated activity will not be:

- paid work in specified places which is occasional and temporary and does not involve teaching, training; and
- supervised activity which is paid in non-specified settings such as youth clubs, sports clubs etc.



⁷³ The Safeguarding Vulnerable Groups Act 2006 provides that the type of work referred to at (a) or (b) will be regulated activity if “it is carried out frequently by the same person” or if “the period condition is satisfied”. Paragraph 10 of Schedule 4 to this Act says 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 and, for the purposes of the work referred to at (a), apart from driving vehicle only for children, it is also satisfied if it is done at any time between 2am and 6am and it gives the person the opportunity to have face to face contact with children.

Types of DBS checks

237. These are the types of checks available:

- **Basic DBS check** – this provides details of convictions and conditional cautions considered to be ‘unspent’ under the terms of the Rehabilitation of Offenders Act 1974.

- **Standard DBS check** –this provides information about convictions, cautions, reprimands and warnings held on the Police National Computer (PNC), regardless or not of whether they are spent under the Rehabilitation of Offenders Act 1974. The law allows for certain old and minor matters to be filtered out.
- **Enhanced DBS check** – this provides the same information about convictions, cautions, reprimands and warnings held on the Police National Computer (PNC) as a Standard DBS check, plus additional information held by the police such as interviews and allegations. Additional information will only be disclosed where a chief police officer reasonably believes it to be relevant and considers that it ought to be disclosed. The position being applied for/ or activities being undertaken **must** be covered by an exempted question in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 and by provisions in the Police Act 1997 (Criminal Records) Regulations 2002⁷⁵.
- **Enhanced DBS check with children’s barred list information** – where people are working or seeking to work in regulated activity relating to children, this allows an additional check, to be made, about whether the person appears on the children’s barred list, along with a check of the Police National Computer records plus additional information held by the police as above. The position being applied for, or activities being undertaken, **must** be eligible for an enhanced DBS check as above and be for a purpose listed in the Police Act 1997 (Criminal Records) (No2) Regulations 2009 as qualifying for a barred list(s) check. In addition, this check **can** also include information as to whether an individual is subject to a section 128

⁷⁴ It is not intended that personal care includes such activities as, for example, parent volunteers helping with costumes for school plays or helping a child lace up football boots.

⁷⁵ This legislation does not provide a list of job roles that are eligible for this check – such a list does not exist. Instead, [The Rehabilitation of Offenders Act 1974 \(Exceptions\) Order 1975](#) sets out the ‘exempted questions’ for which a Standard DBS check can be obtained. Similarly, [The Police Act 1997 \(Criminal Records\) Regulations 2002](#) set out the purposes for which an Enhanced DBS check can be obtained, and [The Police Act 1997 \(Criminal Records\) \(No 2\) Regulations 2009](#) list the circumstances in which an application for an Enhanced DBS check can also include suitability information relating to children (a children’s barred list check and confirmation as to whether an individual is subject to a s.128 direction). It is important to note that the Regulations can also remove roles, duties or activities through the removal of an exempted question or of a particular purpose. Any individual (including an applicant for a job which does not involve working with children) can be asked to apply for a Basic criminal record check. This will show only unspent convictions and cautions. Further details can be found on gov.uk.

direction. However, they have to use specific wording in the position applied for field (see paragraph 259).

Considering which type of check is required

238. Most staff in a school and those in colleges working with children will be engaging in regulated activity relating to children, in which case an enhanced DBS check which includes children’s barred list information, will be required.

239. For all other staff (e.g. contractors) who have an opportunity for regular contact with children who are not engaging in regulated activity, an enhanced DBS certificate, which does not include a barred list check, will be appropriate.

240. Barred list information **must not** be requested on any person who is not engaging in or seeking to engage in regulated activity.

241. The flowchart below (page 66) provides more information on the decision-making process.

242. Where a DBS certificate is required, it **must** be obtained from the candidate before, or as soon as practicable after, the person's appointment, including when using the DBS update service (see paragraphs 249-252).

243. Once the checks are complete, the DBS will send a DBS certificate to the applicant. The applicant **must** show the original paper DBS certificate to their potential employer before they take up post, or as soon as practicable afterwards. Schools and colleges will be able to compare any information disclosed on the certificate with any information shared by the applicant during the recruitment process. DBS guidance on how to check a DBS certificate can be found on [GOV.UK](https://www.gov.uk).

244. Schools and colleges should assess cases fairly, on an individual basis. A decision not to appoint somebody because of their conviction(s) should be clearly documented, so if challenged the school or college can defend its decision, in line with its policy on the recruitment of ex-offenders.

245. When assessing any disclosure information on a DBS certificate, schools and colleges should take into consideration the explanation from the applicant, including for example:

- the seriousness of any offence and relevance to the post applied for
- how long ago the offence occurred
- whether it was a one-off incident or a history of incidents
- the circumstances around the incident, and
- whether the individual accepted responsibility for their actions.

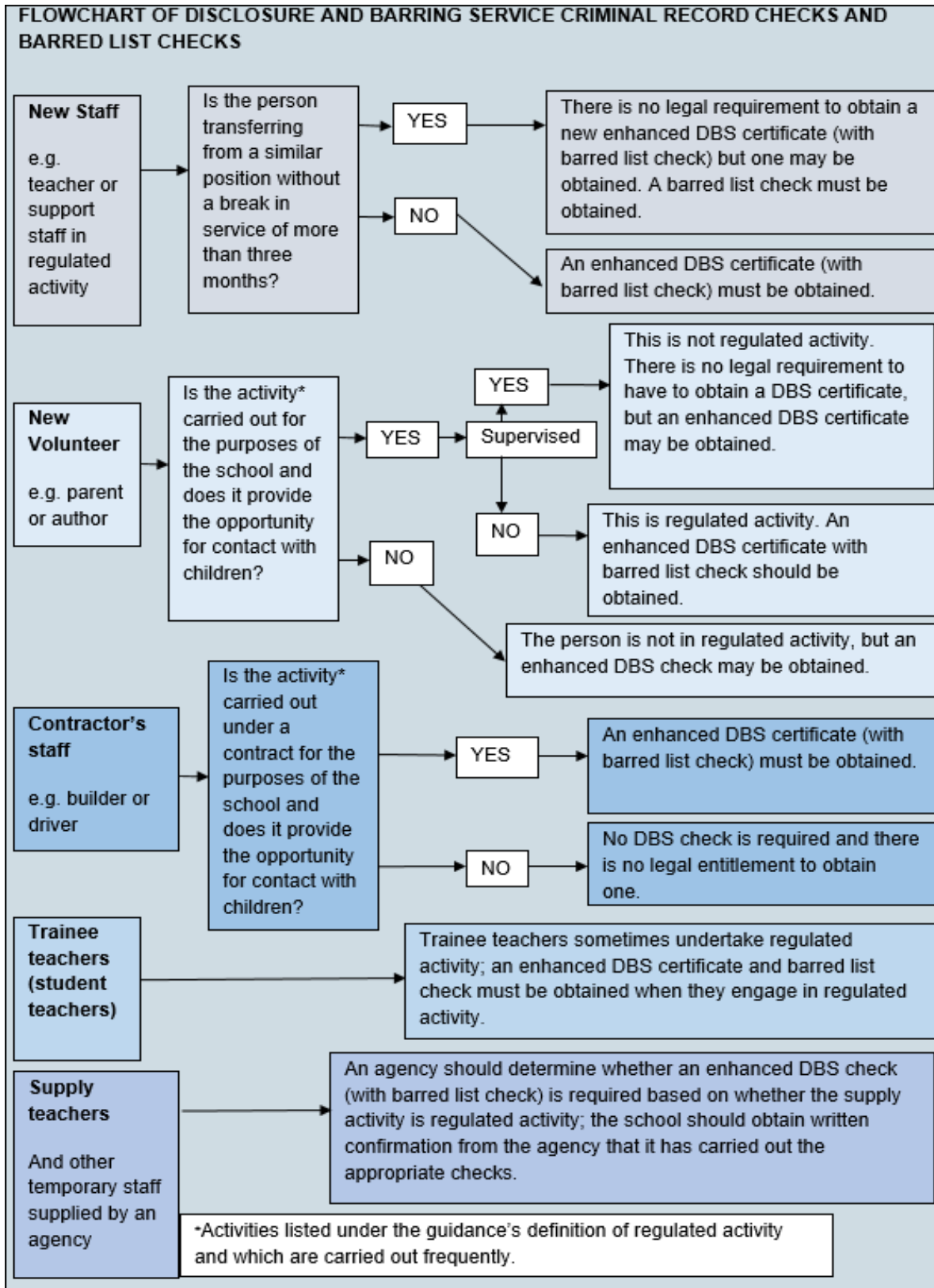
246. The school or college should also consider the incident in the context of the

[Teachers' standards](#) and [Teacher misconduct guidance](#), if the applicant is applying for a teaching post.

247. Where a school or college allows an individual to start work in regulated activity relating to children before the DBS certificate is available, it should ensure that the individual is appropriately supervised and that they carry out **all other** checks, including a separate **children's barred list check**⁷⁶, see paragraphs 261-262.

248. Separate barred list checks **must** only be carried out 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 Disclosure and Barring Service (DBS) (and where all other relevant checks as per paragraph 232 have been carried out), or
- where an individual has worked in a post in a school or college that brought them into regular contact with children or young persons which ended not more than three months prior to that person's appointment to the organisation (and where all other relevant checks as per paragraph 232 have been carried out).



DBS Update Service

249. Individuals can join the DBS Update Service⁷⁷ at the point that an application for a new DBS check is made. Subscription to the service enables future status checks to be carried out by employers to confirm that no new information has been added to the check since its issue.

250. As good practice, many schools and colleges require new staff to join the Update Service as part of their employment contract. The benefits of joining the Update Service are:

- portability of a DBS check across employers
- free online checks to identify whether there has been any change to the information recorded, since the initial certificate was issued and advice whether the individual should apply for a new DBS check, and
- that individuals will be able to see a full list of those organisations that have carried out a status check on their account.

251. Before using the Update Service, schools and colleges **must**:

- obtain consent from the individual to carry out an online check to view the status of an existing standard or enhanced DBS check
- confirm the DBS certificate matches the individual's identity
- examine the original certificate to ensure that it is valid for employment with the children's workforce, and
- ensure that the level of the check is appropriate to the job they are applying for, e.g. enhanced DBS check/enhanced DBS check including with barred list information.

252. Further information about the Update Service, including when updated information can be used, can be found on [GOV.UK](https://www.gov.uk).

⁷⁷ [DBS Update Service - GOV.UK \(www.gov.uk\)](https://www.gov.uk) please note there is an annual fee for applicants using the update service.