

DBS Policy Statement

2022 - 2023

Approved by: Pip
Burley

Date: 16/03/2023

Last reviewed on: 01/06/2022

Next review due by: 16/03/2023

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1. Purpose

The purpose of this policy statement is to outline the process for DBS checks for everyone in 'regulated activity' at LAMP Learning.

2. What is 'regulated activity'?

'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 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 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.' ¹

3. Roles and Responsibilities

Directors

The directors are responsible for;

- the activities of the Designated Safeguarding Lead and the Quality and Compliance Manager.
- ensuring that those involved in recruitment follow Safer Recruitment guidance
- Overseeing and approving all appointments at LAMP once notified that the appropriate checks have been made.

Designated Safeguarding Lead (DSL)

The DSL is responsible for;

- Applying for DBS and Barred List checks at Leamington LAMP, via the Warwickshire County Council DBS website, where appropriate and according to the procedure in Appendix 1.
- checking the results of the checks and notifying the directors of the outcomes so they can approve start dates for new starters.
- Notifying the QCM of the information so that the Single Central Register (SCR) entry can be completed.

Quality and Compliance Manager (QCM)

The QCM is responsible for;

- ensuring that Teacher Prohibition checks are completed
- ensuring that Section 128 checks, where appropriate, are completed
- checking the results of the checks and notifying the directors of the outcomes so they can approve start dates for new starters.
- Completion of the SCR

4. Types of DBS Check

There are 2 types of DBS check available for those working at Leamington LAMP

- **Enhanced:** a check of the police national computer records of spent and unspent convictions, cautions, reprimands and warnings, plus any additional information held by the police that a chief police officer believes should be disclosed
- **Enhanced with children's and/or adults' barred list information:** the same information as the enhanced check, plus checks of whether someone is included on the national DBS 'barred lists' of individuals unsuitable for working with children or adults

5. New Staff

LAMP will apply for a new DBS and Barred List check for every prospective new staff member.

One of the conditions of an offer of employment is that it is subject to the outcome of the DBS and Barred List check.

A staff member will only be able to start work at LAMP once the DSL has received notification of the appropriate outcome of the checks.

In the exceptional circumstance that LAMP were to consider starting new staff before the arrival of their checks, a risk assessment would be completed. LAMP would consider;

- whether there was a recent (dated within 3 months) DBS already in place from a previous establishment.
- only allow them to work in a supervised capacity
- make it clear that the offer of employment only stands if the results of the checks are clear.
- Cease their supervised employment with immediate effect if the results show they are unsuitable.

6. The results of the checks

Upon receipt, the DSL will look at the results of the checks performed.

If a DBS shows a criminal record, LAMP will review;

- what the offences were and hold a disclosure discussion if necessary, followed by completion of a criminal record assessment (Appendix 2)
- If they have committed offences that disqualify them from working in certain roles

If they are barred, then they will not be allowed to work in regulated activity and will not be employed if that is a requirement of their role.

7. Renewal

Although they do not expire, LAMP renew the DBS for their staff every 3 years or sooner if;

- There are concerns about a staff member or volunteer's suitability to work with children.
- A person moves from a post that was not regulated activity into work that is regulated activity

If any LAMP staff member has subscribed to the DBS update service then updated DBS information can be requested by the DSL from that.

DBS and Barred List checklist

JOB ROLE	ENHANCED DBS CHECK	BARRED LIST CHECK*	NOTES
New school staff	Yes	If involved in regulated activity*	New school staff need an enhanced DBS check. This will need to include barred list information if they're engaging in regulated activity. Most staff in schools work in regulated activity, as they work regularly in a position that provides an opportunity for contact with children.
Existing staff	No, unless: <ul style="list-style-type: none"> You have concerns about their suitability to work with children The person moves from a role that isn't regulated activity into one that is regulated activity* 	No, unless: <ul style="list-style-type: none"> You have concerns about their suitability to work with children The person moves from a role that isn't regulated activity into one that is regulated activity* 	DBS checks don't expire, and there's no requirement to renew them regularly. Read more about whether DBS checks need to be renewed .
Appointees from another school/college	No, unless there's been a break in employment of more than 3 months	If involved in regulated activity*	You don't have to obtain new enhanced DBS checks for appointees who've worked in a similar position without a break in service of more than 3 months, but you can if you wish. A new barred list check must always be obtained where staff will be working in regulated activity.
Agency/supply staff	Yes (to be completed by the agency/third-party organisation)	If involved in regulated activity* (to be completed by the agency/third-party organisation)	You must obtain written notification from the organisation that employs the staff member that the necessary checks have been carried out.
Trainee teachers (salaried)	Yes	If involved in regulated activity*	For trainee teachers who are salaried by the school, the school is responsible for carrying out the necessary checks.
Trainee teachers (fee-funded)	Yes (to be completed by initial teacher training provider)	If involved in regulated activity* (to be completed by initial teacher training provider)	Where trainee teachers are fee-funded, it's the responsibility of the initial teacher training provider to carry out the necessary checks. You should obtain written confirmation from the provider that the checks have been carried out and the trainee has been judged by the provider to be suitable to work with children.

JOB ROLE	ENHANCED DBS CHECK	BARRED LIST CHECK*	NOTES
Contractors	<p>Yes, if in regulated activity*</p> <p>Yes, if they have the opportunity for contact with children during their work</p>	If involved in regulated activity*	<p>Where a contractor (or employee of a contractor) is engaging in regulated activity, an enhanced DBS check with barred list information will be required.</p> <p>Where a contractor (or employee of a contractor) has the opportunity for contact with children during their work, but isn't in regulated activity, they'll need an enhanced DBS check without barred list information.</p> <p>If the contractor is self-employed, you'll need to apply for the DBS check. If they're employed by someone else, you should get written confirmation of checks from the employer.</p>
Governors/trustees	Yes	If involved in regulated activity*	<p>Maintained school governors, academy members, trustees and local governors require enhanced DBS checks. They'll only need barred list checks if also engaging in regulated activity (governance is not itself a regulated activity).</p> <p>Associate members don't require a DBS check unless they're involved in regulated activity.</p> <p>The chair of trustees must have a DBS check countersigned by the secretary of state.</p>
Volunteers	<p>Yes, if involved in regulated activity*</p> <p>Yes, if not involved in regulated activity (if supervised, for example) but you think it's necessary</p>	If involved in regulated activity*	<p>There's no requirement to conduct an enhanced DBS check on supervised volunteers, but you can ask for one (without barred list information) if you wish – do a risk assessment and use this and your professional judgement to decide if it's necessary.</p> <p>If volunteers will be in regulated activity, you must get an enhanced DBS check with barred list information.</p>
Visitors	No	No	You don't have the power to conduct DBS checks on volunteers, or ask to see existing certificates.
Work experience students	Yes, if 16 or older	If 16 or older, unsupervised and involved in regulated activity*	DBS checks can't be carried out on children under the age of 16.
Work experience providers	If supervising a child under 16 – decide on checks required after considering the circumstances	If involved in regulated activity*	You don't need to request an enhanced DBS check with barred list information for staff supervising children aged 16 to 17 on work experience.

Source: [Keeping Children Safe in Education, GOV.UK – DfE](#). See our article '[DBS checks: who needs one?](#)' for more detail on all of the above.

* Barred list checks can only be carried out on those who are engaging in regulated activity. The definition of 'regulated activity' includes where individuals:

- Are responsible, on a regular basis, for teaching, training, instructing, caring for or supervising children; or
- Carry out paid, or unsupervised unpaid, work regularly where that work provides an opportunity for contact with children; or
- Engage in intimate or personal care or overnight activity, even if this happens only once

Appendix 2

NAME OF APPLICANT:	
ROLE APPLIED FOR:	
DATE OF ASSESSMENT:	
NAMES OF STAFF MEMBERS PRESENT:	
NAME OF HR REPRESENTATIVE PRESENT:	

FACTORS	GUIDANCE	CONVICTION 1	CONVICTION 2
Relevance	<p>Consider whether the offence is relevant to the role. Every role is different.</p> <p>Do any of the convictions listed on the DBS certificate relate to, or impact on, the responsibilities of the role?</p> <p>Would the role provide opportunities for re-offending?</p>		
Nature	<p>Consider not just the category of the offence, but what the offence involved.</p> <p>For instance:</p> <ul style="list-style-type: none"> • Financial offences – was it theft or fraud? • Violent offences – was it against a vulnerable person? • Drugs offences – was it possession or supply? 		
Seriousness	<p>The DBS certificate will give you a good indication of how serious an offence is.</p> <p>For example, it will specify whether a drugs offence was for possessing or supplying it.</p> <p>How serious the offence is, as determined by the charge and sentence set out on the DBS certificate, may help you determine whether an offence is relevant when balanced against other factors.</p> <p>But consider:</p> <ul style="list-style-type: none"> • Current DBS filtering rules mean that even minor, very old offences will still be disclosed if the person has more than one conviction or caution • Just because something appears on a DBS check doesn't always mean it's very serious • Sentencing is not always uniform or consistent, so don't rely on previous examples of similar convictions to inform your decision, and take into account the circumstances around the offence 		

FACTORS	GUIDANCE	CONVICTION 1	CONVICTION 2
Pattern	<p>Consider whether the person committed a single offence, or whether there is/was a pattern of offending.</p> <p>Think about the following:</p> <ul style="list-style-type: none"> • If they committed a number of offences, is there a significant gap between them? • Were the offences committed over a particular period of time? • How much time has elapsed since the last offence? • Have their circumstances or motivation changed? (see below) <p>Those with a pattern of offending up until quite recently may not be able to demonstrate that they have stopped offending.</p> <p>Clear evidence of a break in the pattern of offending can be important, especially for drink and drug-related offences.</p> <p>It may also be true that someone with a single offence (committed quite recently) won't be able to demonstrate sufficient change.</p>		
Age/Time	<p>Look at:</p> <ul style="list-style-type: none"> • The person's current age • Their age when the offence was committed • The length of time since the offence was committed <p>Remember: conviction dates can often be much later than when the offence was committed.</p>		

FACTORS	GUIDANCE	CONVICTION 1	CONVICTION 2
Circumstances	<p>You may not need to consider the circumstances around every offence (such as minor offences dealt with by way of a caution or fine).</p> <p>If you do need to understand the circumstances, consider what you learned from the disclosure discussion about:</p> <ul style="list-style-type: none"> • What happened • Who was involved • Why it happened <p>Think about any aggravating or mitigating circumstances, such as issues with:</p> <ul style="list-style-type: none"> • Accommodation • Education or employment • Finances • Lifestyle and associates • Relationships • Drug and alcohol use • Health • Emotional or mental well-being <p>Also take into account:</p> <ul style="list-style-type: none"> • Whether their circumstances have changed • Whether they have addressed the reason for their offending 		