



CHRISTOPHER PICKERING PRIMARY SCHOOL



Disclosure Barring and Service Checks and Childcare Disqualification Policy



Be the Best you can Be!

Headteacher: Mrs Jane Marson
TLR Holder: Mrs Laura Leeman

Date: Summer 2019
Next Review Date: Summer 2020

All decision making at Christopher Pickering Primary School is informed by the desire to raise:
Standards of achievement
The quality of teaching and learning
The continued personal development of pupils and staff
and
To enjoy learning, working and being together
Safeguarding Children in our care

Christopher Pickering Primary School recognise that “...through their day to day contact with pupils and direct work with families, our education staff have a crucial role to play in noticing indicators of possible abuse or neglect and in referring concerns to the appropriate agency.” (Working Together to Safeguard Children 1999).

Christopher Pickering Primary School Disclosure Barring and Service Checks and Childcare Disqualification Policy

Background

We believe this policy relates to the following legislation:

- Rehabilitation of Offenders Act 1974
- Data Protection Act (1998)
- Human Rights Act (1998)
- School Standards and Framework Act 1998
- Immigration, Asylum and Nationality Act 2006
- Safeguarding Vulnerable Groups Act 2006
- School Staffing (England) Regulations 2009
- Independent School Standards Regulations 2010
- Education (School Teachers) (Qualifications and Specified Work) (Miscellaneous Amendments) (England) Regulations 2012
- Protection of Freedoms Act 2012
- Statutory guidance on the childcare disqualification requirements, which are based on the Childcare Act 2006 and the Childcare (Disqualification) Regulations 2009. February 2015

The following documentation is also related to this policy:

- Conditions of Service for School Teachers in England and Wales (Burgundy Book) (Council of Local Education Authorities)
- Keeping Children Safe in Education: Statutory Guidance for Schools and Colleges (DfE)

We have a statutory duty of care to safeguard the welfare of children and vulnerable adults and providing them with a safe learning environment. By undertaking checks via the Disclosure and Barring Service (DBS) for those people who are looking to work with children, we aim to prevent unsuitable people from working with children and vulnerable adults.

Disclosure Barring and Service Checks

The DBS provides the following checks namely:

Standard check: records of convictions, cautions, reprimands and warnings as found on the Police National Computer (PNC)

Enhanced check: as above plus other relevant information held by the police

Enhanced check with a Barred List check (child) and Enhanced check with a Barred List check (adult). Those people who are deemed unsuitable to work with children and vulnerable adults are placed on to either the Children's Barred List or Adults' Barred List.

We realise that the majority of school appointments are for personnel who will be responsible for the care and supervision of children on a regular basis (regulated activity) and as part of the process of safe recruitment all prospective employees will need to have an enhanced DBS check with barred list information. The level of check will be appropriate for the post or type of work undertaken. We have a mandatory duty to make checks for anyone who will be in regulated activity.

We are aware that we do not have the power to request DBS checks and barred list checks or ask to see DBS certificates for visitors but we will ensure that all visitors are escorted whilst on school premises.

We have 'a legal duty to refer to the DBS anyone who has harmed, or poses a risk of harm, to a child, or if there is reason to believe the member of staff has committed one of a number of listed offences, and who has been removed from working (paid or unpaid) in regulated activity, or would have been removed had they not left.' (Keeping Children Safe in Education: Statutory Guidance for Schools and Colleges (DfE))

Childcare Disqualification Regulations

Disqualification criteria include:

The DfE guidance explains that individuals who would be disqualified in this way are those **convicted of, or cautioned for, a criminal offence of a specified type or category.**

- Being on the Children's Barred List
- Being cautioned for or convicted of certain violent and sexual criminal offences against children or adults
- Grounds relating to the care of children (including where an order is made in respect of a child under the person's care)
- Having registration refused or cancelled in relation to childcare or children's homes or being disqualified from private fostering
- Living in a household where another person who is disqualified lives or works (this is disqualification 'by association')
- Committing an offence overseas which would have resulted in disqualification if it occurred in the U.K

Which Offences Will Lead to a Person Being Disqualified?

See List A and B in the DfE Disqualification Under the Childcare Act 2006 (Statutory Guidance February 2015)

Who do the disqualification requirements apply to?

Page 6 of the DfE guidance, explains that the Childcare (Disqualification) Regulations 2009 apply to **staff who work in, or are "directly concerned" with managing:**

- **Early years provision:** this covers those who provide any care for a child up to and including reception age. This includes education in nursery and reception classes, lunchtime supervision and work in before and after-school care (such as breakfast clubs)
- **Later years provision** (for children under eight): this covers those who work in childcare provided by a school outside of school hours for children under eight, such as before and after-school settings (breakfast and after-school clubs). **This does not include education or supervision during school hours.**

Paragraph 17 of the guidance makes clear that the **regulations also apply to volunteers and "casual workers"** who regularly work in or manage these settings, whether they are supervised or not.

Paragraph 9 of the guidance says:

... most staff who are **only occasionally deployed** and are not regularly required to work in relevant childcare will not automatically come within the scope of the legislation. Schools and local authorities (LAs) should exercise their judgment about when and whether such staff are within scope, evaluating and recording any risks and control measures put in place. A record of the assessment should be retained on the employee's personnel file. – Risk Assessment.

Who is directly involved in the management of the setting?

Paragraph 15 of the guidance says schools will need to use their judgment to determine who is included in the **management aspect of the criteria**.

It adds that it **will include the headteacher, and could include other members of the leadership team and any manager, supervisor, leader or volunteer responsible for the day-to-day management of the provision**.

Staff who are not employed directly?

For workers supplied by an agency or third party, schools must make sure that the agency or organisation has carried out the relevant checks.

This is confirmed in paragraph 12 of the DfE guidance, which notes that schools must obtain confirmation that:-

... the agency or organisation providing the staff has informed [staff] that they will be committing an offence if they are deployed to work in relevant childcare, or are directly concerned in the management of such provision, if they are disqualified under the 2009 Regulations. This should include the provider requesting that their staff inform them if they consider that they could be disqualified under the legislation.

... schools must make sure that the agency or organisation has carried out the relevant checks

Contractors working on site

The disqualification regulations only apply to staff who provide early years or later year's childcare for children under eight, or are directly involved in the management of this provision.

In light of this, schools are not required to carry out childcare disqualification checks on contractors who are not involved in this type of work (for example, building contractors).

However, paragraph 13 of the guidance notes:

Where the school deploys a contractor who is self-employed to work in relevant childcare provision, the school must ensure that they are compliant with the requirements of the legislation.

Trainee teachers

Paragraph 14 of the DfE guidance explains that the **regulations also apply where training providers place trainees or students at a school**. It says:

Where trainee staff are salaried, for example on employment based teacher training programmes, and work in a relevant setting, the **school must obtain** confirmation from the provider that they comply with the legislation.

Providers who hire or rent school premises

The guidance explains in paragraph 8 that schools should ensure that childcare providers who hire or rent school facilities or premises have "appropriate policies and procedures in place in regard to safeguarding children, including under the 2009 Regulations".

Disqualification by association?

Page 5 of the DfE guidance explains that individuals can be **disqualified because they live in a household where another person who is disqualified lives or works**. This is known as disqualification 'by association'.

How is 'household' defined under the regulations?

The DfE representative explained that the term 'household' refers to the home of the member of staff. The rule only applies to people living and/or working in that household. It does not cover partners, family members and friends who live elsewhere.

How long must someone have lived with a disqualified person for this to apply?

The DfE have said there is no set minimum time period for sharing a household with a disqualified individual for disqualification by association to apply.

This requirement would not apply to temporary visitors. However, it would apply in the case of shared housing. For example, if a teacher is sharing a rented property with a disqualified person, he/she will be disqualified by association.

What if someone doesn't know that they live with a disqualified person?

The National Day Nurseries Association (NDNA) explains that **employees are not guilty of an offence if they do not know a person they are living with is disqualified**. For example, it says:

... a member of staff may live in shared housing and may not have any knowledge about the people he/she lives with including whether those people are disqualified.

Neither the member of staff nor the provider has any legal requirement to seek this type of information.

In summary the school will:

- Ensure that they are not knowingly employing a person who is disqualified in a relevant childcare setting
- Make staff in the relevant settings aware of the legislation, including the fact that they may be disqualified by association

- Tell staff what information the school requires and how it will be used to make decision about disqualification (for example, by updating the school's safeguarding policy or amending contracts of employment and alerting staff to these changes)
- Take steps to gather information about whether any member of staff in a relevant setting is disqualified by association, or otherwise. Staff should also be asked to inform the school if their circumstances change.
- Keep a record of those staff who are employed to work in or manage relevant settings and the date on which disqualification checks were completed. Schools may wish to include this as part of the single central record (SCR)
- Ensure that any information is kept to a minimum, is accurate and is only stored for the minimum period of time necessary

(See Template form in Appendix 1)

We will consider any person with a criminal record equally with others applying for any vacant post at this school unless their DBS checks indicates that they present a risk to children.

We as a school community have a commitment to promote equality. Therefore, an equality impact assessment has been undertaken and we believe this policy is in line with the Equality Act 2010.

We believe it is essential that this policy clearly identifies and outlines the roles and responsibilities of all those involved in the procedures and arrangements that is connected with this policy.

Aims

- To provide protection for children and vulnerable adults against those who might wish to harm them.
- To protect the interests of the school from those who may not be considered suitable to work with pupils and vulnerable adults.
- To share good practice within the school.
- To work with other schools to share good practice in order to improve this policy.

Responsibility for the Policy and Procedure

Role of the Governing Body

The Governing Body has:

- delegated powers and responsibilities to the Headteacher to ensure DBS and Disqualification checks are in place;
- delegated powers and responsibilities to the Headteacher to ensure all school personnel and visitors to the school are aware of and comply with this policy;
- responsibility for ensuring that the school complies with all equalities legislation;
- nominated a designated Equalities governor to ensure that appropriate action will be taken to deal with all prejudice related incidents or incidents which are a breach of this policy;
- responsibility for ensuring funding is in place to support this policy;
- responsibility for ensuring this policy and all policies are maintained and updated regularly;

- responsibility for ensuring all policies are made available to parents;
- nominated a link governor to visit the school regularly, to liaise with the Headteacher and to report back to the Governing Body;
- responsibility for the effective implementation, monitoring and evaluation of this policy

Role of the Headteacher

The Headteacher will:

- implement this policy;
- carry out DBS Disclosure checks and Childcare Disqualification checks in accordance with current guidelines;

Group	No contact with children	Contact with children		Type of DBS check
		Supervised	Not supervised	
New member of staff			•	DBS certificate (with barred list check)
New member of staff transferring from another school without a break in service			•	No legal requirement to obtain an enhanced DBS certificate (with barred list check)
New volunteer		•		No legal requirement to obtain a new enhanced DBS certificate (with barred list check) but an enhanced DBS certificate may be obtained
			•	DBS certificate (with barred list check) must be obtained
	•			Not in regulated activity but an enhanced DBS certificate may be obtained
Contractors			•	DBS certificate (with barred list check) must be obtained
	•			No DBS check is required
Trainee teachers (student teachers)			•	An enhanced DBS certificate (with barred list check) must be obtained
Supply teachers and other temporary agency staff			•	An enhanced DBS certificate (with barred list check) must be obtained by the agency with written confirmation sent to the school
Governors			•	Enhanced DBS certificate (with

				barred list check) must be obtained
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- use the online DBS Update service to check the validity of DBS certificates;
- request disclosure checks;
- update Childcare Disqualification checks on an annual basis;
- carry out a rolling programme of review for DBS checks;
- using the disclosure check information decide whether an appointment can proceed;
- keep up to date a single central record;
- ensure all school personnel, pupils and parents are aware of and comply with this policy;
- work closely with the link governor and coordinator;
- provide leadership and vision in respect of equality;
- provide guidance, support and training to all staff;
- monitor the effectiveness of this policy;

Role of the Nominated Governor

The Nominated Governor will:

- work closely with the Headteacher;
- ensure this policy and other linked policies are up to date;
- ensure that everyone connected with the school is aware of this policy;
- report to the Governing Body every term;

Role of School Personnel

School personnel will:

- comply with all aspects of this policy;
- ensure they provide all the necessary documentation for the disclosure process;
- implement the school’s equalities policy and schemes;
- report and deal with all incidents of discrimination;
- attend appropriate training sessions on equality;
- report any concerns they have on any aspect of the school community

Single Central Record

We will keep a single central record that records the following information:

Checks	Date when checked
▪ Identity check	
▪ Barred list check	
▪ Enhanced DBS check	
▪ Prohibition from teaching check	
▪ Checks on individuals living or working outside the UK	
▪ Professional qualifications check	
▪ Right to work in the UK check	
▪ Reference Check	
▪ Childcare Disqualification Check	

Role of Parents/Carers

Parents/carers will be made aware of this policy.

Raising Awareness of this Policy

We will raise awareness of this policy via:

- the school website
- the Staff Handbook
- meetings with school personnel
- reports such annual report to parents and Headteacher reports to the Governing Body

Training

All school personnel:

- have equal chances of training, career development and promotion
- receive training on this policy on induction;
- receive periodic training so that they are kept up to date with new information
- receive equal opportunities training on induction

Equality Impact Assessment

Under the Equality Act 2010 we have a duty not to discriminate against people on the basis of their age, disability, gender, gender identity, pregnancy or maternity, race, religion or belief and sexual orientation.

This policy has been equality impact assessed and we believe that it is in line with the Equality Act 2010 as it is fair, it does not prioritise or disadvantage any pupil and it helps to promote equality at this school.

Monitoring the Effectiveness of the Policy

The practical application of this policy will be reviewed annually or when the need arises by the coordinator, the Headteacher and the nominated governor.

Appendix 1

Staff Disqualification Declaration for Existing and New Staff and Volunteers

Staff information

Name	
Role	

As part of our duty to safeguard pupils, under the Childcare (Disqualification) Regulations 2009, we are required to check whether you, or the persons you live with, have been disqualified from caring for children.

Please answer the questions below to the best of your knowledge and sign the declaration at the end of the form. Please note that you must answer all questions yourself and for all others who live or work in the same household as you.

Self declaration

Please circle one option for every question

Have you been barred from working with children in regulated activity by the Disclosure & Barring Service?	Yes / No
Have you been cautioned or convicted of any violent or sexual criminal offences against a child or children?	Yes / No
Have you been cautioned or convicted of any violent or sexual criminal offences against an adult?	Yes / No
Have your own child/children been subject to a child protection order made by the courts?	Yes / No
Have you been refused registration or had registration cancelled in relation to childcare or child’s homes, or been prohibited from private fostering?	Yes / No
Have you committed an offence overseas which would have resulted in disqualification if it had occurred in the UK?	Yes / No
Please provide any further information where you have answered ‘Yes’ to any of the questions above. _____ _____ _____ _____	
I will make the school/academy aware of any changes in my circumstances, including any cautions or convictions that affect my suitability to care for children.	
Signed Dated	

Disqualification by association declaration

<p>To the best of your knowledge, is anyone in your *household disqualified from working with children under the Regulations?</p> <p>*Household includes – partner, spouse, children, parents, flatmate, lodgers, tenants on a permanent or temporary basis.</p>	<p>Yes / No</p>
<p>Please provide any further information where you have answered 'Yes' to any of the questions above.</p> <hr/> <hr/> <hr/> <hr/> <hr/> <p>I will make the school/academy aware of any changes in these circumstances, and will notify the Headteacher if I become aware that a person who lives in my household is disqualified from caring for children.</p> <p>Signed Dated</p>	

*Table A & B of the **DfE Disqualification under the Childcare Act 2006** statutory guidance provides a list of offences that are mentioned in Regulation 4 of the **Childcare (Disqualification) Regulations 2009**.*

Initial Equality Impact Assessment

Policy Title	The aim(s) of this policy	Existing policy (✓)	New/Proposed Policy (✓)	Updated Policy (✓)
DBS and Childcare Disqualification Policy			✓	

This policy affects or is likely to affect the following members of the school community (✓)	Pupils	School Personnel	Parents/carers	Governors	School Volunteers	School Visitors	Wider School Community
	✓	✓	✓	✓	✓	✓	

Question	Equality Groups																		Conclusion							
	Age			Disability			Gender			Gender identity			Pregnancy or maternity			Race			Religion or belief			Sexual orientation			Undertake a full EIA if the answer is 'yes' or 'not sure'	
	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Yes	No
	Does or could this policy have a negative impact on any of the following?		✓			✓			✓			✓			✓			✓			✓			✓		
Does or could this policy help promote equality for any of the following?		✓			✓			✓			✓			✓			✓			✓			✓			✓
Does data collected from the equality groups have a positive impact on this policy?		✓			✓			✓			✓			✓			✓			✓			✓			✓

Conclusion	We have come to the conclusion that after undertaking an initial equality impact assessment that a full assessment is not required.
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Preliminary EIA completed by	Date	Preliminary EIA approved by	Date
S.M.McGlinchey	Spr 16	Governors	Summer 16

