



Boroughbridge High School and King James's School Federation

DBS Policy and Guidance

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1. Introduction

- 1.1. King James's School and Boroughbridge High School is committed to ensuring people who pose a threat to children are prevented from working in positions of trust with children. As part of this commitment to safeguarding, the school will ensure that a rigorous pre-employment checking process is undertaken for all new staff, volunteers and other adults working within the school.
- 1.2. Under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 and regulations made under the Policy Act 1997, the school must obtain conviction and barring information to enable it to assess the suitability of individuals to work with children within its setting. This information is obtained through a self-declaration process and obtaining an appropriate Disclosure and Barring Service (DBS) certificate. This will include a children's barred list check for those working in regulated activity.
- 1.3. This policy details how the school will request, consider and use conviction information obtained through DBS certificates, including the decision-making process when information is disclosed. It will also outline how the school will share, store and retain conviction information to ensure compliance with the DBS Code of Practice.
- 1.4. Whilst the disclosure of conviction and barring information is important when assessing the suitability of an individual to work with children, it is recognised that this is just one part of the initial assessment and the ongoing aim of maintaining a safer culture within the school. Therefore, this policy also includes the measures in place to ensure relevant information is shared with the school during employment.
- 1.5. This policy should be read in conjunction with the Recruitment and Selection Policy and Procedure, the staff Code of Conduct and the school's Safeguarding Policy and statutory guidance including Keeping Children Safe in Education.
- 1.6. [Where employees of the school also work in regulated activity with adults, they will be required to have a DBS which covers both children and adults, including a check of both barred lists. References in this policy relating to children, including checks relating to children, should be taken to include any additional checks required for those employees who are also working in regulated activity with adults.]

2. Policy statement

- 2.1 The school requires all employees to have a satisfactory enhanced DBS check for work with children on commencement. All employees of the school are considered to be working in regulated activity and must, therefore, also have a satisfactory children's barred list check. All offers of employment will be made conditionally subject to a range of pre-employment checks including these DBS and barred lists checks.
- 2.2 It is this school's policy that the DBS check is completed prior to the employee's commencement in school. In very exceptional circumstances, an employee may be able to commence before the DBS check is complete, however, this will be subject to a written risk assessment being in place and subject to other checks being completed, including the completion of a separate children's barred list check (see section 5).
- 2.3 Where the individual has declared any information through their self-declaration process, they will not be allowed to start employment until this information has been confirmed through a DBS certificate and consideration through the LA joint decision-making process (see section 6).

3. DBS application process

- 3.1 The school will include in recruitment adverts and documentation that the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 applies, and the post is subject to a satisfactory enhanced DBS check for work with children.
- 3.2 Candidates shortlisted for interview will be asked to complete a self-declaration form allowing any conviction or relevant information to be discussed and considered at interview. Individuals will only be asked to declare cautions and convictions which are not protected and will, therefore, appear on an enhanced DBS check.
- 3.3 Candidates will be asked to bring to interview relevant identity documentation in line with DBS checking requirements. A copy of these documents will be taken and used for the DBS verification process for the successful candidate and then retained on their confidential personal file. For unsuccessful candidates, copies of identity documents will be confidentially destroyed when a recruitment decision has been made.
- 3.4 The school's policy is to check original identity documents in person, preferably at interview. Where this has not been possible, the successful applicant will be asked to bring their documents to school as soon as possible for checking. The school will only undertake ID checking over a live video link in exceptional circumstances and the reasons for doing this will be recorded. All ID checking will be undertaken in line with the prevailing guidance from the DBS, including what are acceptable documents.
- 3.5 All new staff joining the school must undertake a new DBS check to assess suitability to work with children. When a conditional offer of employment is made, the successful applicant will be required to apply for their DBS in a timely manner. There are some limited situations where the school will not require the individual to undertake a new DBS check and these are detailed in section 7 below.
- 3.6 The applicant is required to provide the school with their original DBS certificate to check, usually before an unconditional offer of employment can be confirmed. If information is disclosed in the certificate, the Local Authority in liaison with the Headteacher, will decide whether to proceed with the appointment, paying due regard to the school's policy on the Recruitment of Ex-offenders. Failure to allow the school to view the original certificate will result in the offer of employment being withdrawn.

4. Regulated activity

- 4.1 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, for teaching, training, instructing, caring for or supervising children, including providing advice/guidance on wellbeing or driving a vehicle only for 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 give opportunity for contact with children, or
 - engage in intimate or personal care or healthcare or any overnight activity, even if this happens only once.
- 4.2 Regular is defined as on more than three days in any period of 30 days or overnight, specified as between 2am and 6am. Regulated activity does not include supervised volunteers or those working on an ad hoc and very temporary basis in a role which does not include teaching or

training. Further information regarding the definition of Regulated Activity is available within Keeping Children Safe in Education.

- 4.3 This school will only request children's barred list information for those working in regulated activity. This will not usually include supervised volunteers and members of the governing body unless they have another role within the school which is covered by the definition of regulated activity.
- 4.4 The children's barred list check will be requested as part of the enhanced DBS application process and will be included in the DBS certificate when it is issued. A separate children's barred list check will only be undertaken when an employee starts prior to the return of the DBS certificate as detailed in section 5.
- 4.5 [Employees of the school who undertake a role that is covered by the definitions of regulated activity for both children and adults, will require an enhanced DBS which covers both the children's and adult's workforce including both barred lists.]

5. Starting employment prior to the return of the DBS

- 5.1 In some circumstances, there may be exceptional reasons which mean an employee is required to commence employment with the school prior to the return of their DBS certificate. In all such cases, the Headteacher must authorise this, and the following conditions must be met:
- an application for an enhanced DBS with barred list check must have been submitted
 - a separate children's barred list check has been undertaken prior to the individual starting work (through the DfE Sign-in portal)
 - all other pre-employment checks have been completed and no concerns have been identified
- 5.2 In such cases, a documented risk assessment will be put in place, outlining the supervision arrangements, which will be shared with the employee. The risk assessment will be reviewed at least every two weeks.

6. Decision-making process where information is disclosed

- 6.1 A disclosure regarding an individual's criminal record or other suitability information, may be made at various points of the recruitment process, including:
- self-disclosure at shortlisting
 - during the selection/interview process
 - through the DBS application process or on the DBS certificate
 - when a separate children's barred list is undertaken
- 6.2 When information is disclosed prior to and during the interview process, the school will discuss with the candidate the circumstances around this and make a record of this discussion. If this individual is made a conditional offer of employment, confirmation of this information will be sought through the DBS process.
- 6.3 Where the DBS certificate contains information, the Headteacher will make a joint appointment decision in liaison with the LA's safeguarding decision-makers. This decision will pay due regard to the school's Policy on the Recruitment of Ex-offenders.

- 6.4 It is an offence for a barred person to seek work with children, so if information of this nature arises during the recruitment process, the school will notify relevant agencies, including the LADO, the Police and the Disclosure and Barring Service.

7. Portability

- 7.1 The school follows the NYC policy position that DBS checks are not portable (transferrable) from other employers. The only exceptions to this are where the individual is moving from another NYC maintained school or they have a clear DBS certificate registered on the DBS Update Service which is relevant to the new role they are being appointed to (see paragraph 7.4 below).
- 7.2 Existing school volunteers who take up paid employment will be required to undertake a new DBS check, with barred list check, due to the level of responsibility being greater than that of a volunteer, and the potential for additional information to be disclosed by the DBS.

Moving from another NYC maintained school

- 7.3 A previous DBS check will be accepted by the school where the new member of staff was recruited directly from other NYC maintained school and the following conditions are met:
- the original DBS certificate has been seen and was clear
 - the employee has not had a break of 3 months between employments
 - the DBS check was for the same type and level of role

DBS Update Service

- 7.4 The school will accept DBS certificates registered with the DBS Update Service provided that:
- the original DBS certificate is appropriate for the role appointed to, that is it:
 - is for the same workforce i.e. the children's workforce
 - is at the correct level, i.e. an enhanced DBS
 - includes the same barred list if relevant i.e. the children's barred list
 - is for the same employment status e.g. employee or volunteer
 - the original DBS certificate shows a clear check with no offences, convictions, cautions or additional information
 - the DBS Update Service check, when undertaken, is clear i.e. no change to the information shown on the original DBS certificate
- 7.5 Where these conditions are not met, the individual will be asked to apply for a new DBS check.
- 7.6 When the Update Service is used, the school will view the original DBS certificate and still check the individual's identity documents. The school will obtain consent from the individual before checking their certificate using the Update Service. A record that the check has been undertaken will be made and retained on the employee's personal file.

8. Arrangements for other adults working in the school

Supply and casual workers

- 8.1 Where supply and casual staff are directly employed by the school, they will be subject to an enhanced DBS, including a children's barred list check if they are assessed as working in regulated activity. If a supply or casual worker does not work at the school for a period of three months or more, the school will undertake rechecks before offering them any further work.

Volunteers

- 8.2 The school will take a risk assessed approach to determining what checks need to be undertaken for volunteers and what supervision arrangements are appropriate. Volunteers working regularly in the school will usually be required to have a satisfactory enhanced DBS for work with children. Those who volunteer for one-off events, for example, parents helping out on sports days, are not required to have a DBS. Where a volunteer is in regulated activity (see section 4 above), they will be required to have an enhanced DBS for work with children, including a barred list check.
- 8.3 The DBS definition of a volunteer is someone who spends unpaid time doing something which aims to benefit someone other than themselves. Therefore, roles such as a student undertaking work experience, or a person attending school to gain experience with children with a view to completing a teaching course, are not volunteers for DBS purposes. In such cases, the school may require individuals in this category to pay the cost of obtaining a DBS.
- 8.4 Any individual moving from a voluntary to a paid position in school will be required to apply for a new enhanced DBS with barred list check prior to confirmation in their new role.

Governors

- 8.5 In line with the School Governance (Constitution and Federations) (England) (Amendment) Regulations 2016 all members of the school's governing body will be required to have a satisfactory volunteer enhanced DBS for work with children, without a children's barred list check.
- 8.6 If the governor has another voluntary position in school, they will be considered for a barred list check in line with the arrangements for other volunteers (see paragraph 8.2).

Students

- 8.7 The school will obtain written confirmation from the training provider regarding the checks it has undertaken on any student placed in the setting. This will cover all the pre-appointment checks that the school would otherwise be required to perform, including an enhanced DBS, with children's barred list check if applicable, and that the trainee has been judged by the provider to be suitable to work with children.

Agency supply staff

- 8.8 Where the school engages agency supply staff it will ensure receipt of written confirmation of all pre-employment checks, including an enhanced DBS for work with children including barred list check, before the individual is allowed to start work in the school.

Contractors and visitors

- 8.9 The school will ensure that any contractors, who is to work at the school, has been subject to the appropriate level of DBS check, including whether they require a barred list check. These checks are undertaken by the contractor's employer, but the school will ensure it obtains written confirmation from that organisation that the appropriate checks have been undertaken. The school will set out its safeguarding requirements in contractual documentation with any providers.
- 8.10 The nature and purpose of their visit will determine whether any checks are required on visitors to schools. Where no checks have been undertaken, the visitor will be appropriately supervised whilst in school. For visitors who are there in a professional capacity, the school will check their identity on arrival and obtain assurance from the visitor's employer that they have had the appropriate DBS check and other pre-employment checks if relevant.

9. Ongoing measures to support safeguarding

- 9.1 This school is committed to ensuring a culture of safeguarding and has in place ongoing measures following the initial assessment of suitability undertaken on first appointment.

Rechecking

- 9.2 Ongoing employment with the school is subject to an individual's suitability to work with children and any employee selected for a recheck will be required to comply with this request.
- 9.3 [The school follows the NYC rechecking policy under which random rechecks will be undertaken across posts required to have a DBS check.] [The school's policy is to undertake a recheck of all DBSs every [3/5] years.]
- 9.4 If the employee is registered with the DBS Update Service, then the recheck may take place using this service. The Update Service will only be used where the conditions detailed in section 7 above are met and the school will require sight of the original DBS certificate. Separate consent to access the Update Service for a recheck will be sought from the employee.
- 9.5 A recheck may also be requested where there are reasonable safeguarding concerns and the employee's suitability for their role needs to be reassessed. In such cases, advice may be sought from the Local Authority Designated Officer (LADO).
- 9.6 If information is disclosed through the rechecking process, the Local Authority in liaison with the Headteacher, will determine next steps, including whether a LADO referral is required.

Declaration of convictions during employment

- 9.7 Under the school's Code of Conduct, and individual contracts of employment, employees are required to notify the school of any information which may impact, or be perceived to impact, their suitability to work with children. This information should be shared with the Headteacher or the Chair of Governors in the case of the Headteacher. Any information shared will be treated in the strictest confidence and in line with the arrangements detailed in section 10. Where such information is disclosed, the school will seek HR advice.

10. Handling, use and retention of DBS certificate information

- 10.1 As an organisation using the Disclosure and Barring Service (DBS) to help assess the suitability of applicants for positions of trust, the school ensures the correct handling, use, storage, retention and disposal of DBS certificate information and complies with its obligations under the Data Protection Act 2018. This includes copies of DBS certificates (paper and electronic) and criminal record and non-conviction information (disclosed by the Police) obtained from DBS certificates.
- 10.2 Access to DBS certificate information within the school is limited to those who are entitled to see it as part of their duties. DBS certificate information is sensitive personal data and is only used for the specific purpose for which it was requested and for which the applicant's consent has been given. The school will ensure all such information is always held confidentially and securely.
- 10.3 The school recognises that there are legal restrictions on the retention of DBS certificate information, and this is limited to the time necessary to make a recruitment (or other) decision, including the consideration and resolution of any disputes or complaints. Where information has been disclosed and a decision is made to proceed with employment, the documented rationale for this decision will be retained on the individual's personal file, however, no detail regarding the DBS certificate information will be included within this.
- 10.4 The school may take a copy of a DBS certificate to support the decision-making process, but this will be destroyed once the employment decision has been made or where any disputes or complaints have been resolved. The school will ensure that any copies of DBS certificates

and any documents containing DBS certificate information, including self-declarations by the employee, are securely destroyed or permanently deleted, if held electronically. Copies of DBS certificates will not be retained on personal files.

- 10.5 The school will keep a record of the relevant details from DBS checks on the single central record for all individual's appointed to work in the school.