

Disclosure and Barring Service Checklist – August 2017

This guidance is based on the Department of Education publication “Keeping children safe in education” September 2016. It includes changes caused by the Protection of Freedoms Act 2012 and is cross referenced against Ofsted’s inspecting safeguarding briefing paper August 2016.

Category	Requirement	Ref
New Staff	All new appointments to the schools’ workforce must have an Enhanced Disclosure and Barring Service (DBS) check which must include barred list information for those who engage in regulated activity.	i
Current Staff	Enhanced DBS checks including barred list information became mandatory for the entire maintained schools’ workforce appointed from 12th May 2006. The only requirement for those appointed before this date is that they must have been list 99 checked.	ii
Volunteers	Volunteer checks including barred list information are required for those who have regular and unsupervised access to children and young people or provide personal care. Under the terms of the Protection of Freedoms Act 2012 where a volunteer is being adequately supervised, they are not considered to be working in regulated activity and the school do not require a DBS check. However if you do not check an individual you would be wise to have a written risk assessment to explain your decision. Employers are not legally permitted to request barred list information on a volunteer in unregulated activity.	iii iv
Volunteers in Nurseries and Special Schools	The frequency and period condition for regulated activity excludes “relevant personal care” for example assisting children by reason of illness or disability with eating or drinking or by reason of age, illness or disability with toileting, washing or bathing or dressing. If volunteers cover such tasks they must be Enhanced DBS checked including barred list information.	v
Governors	From April 2016 all new governors will need to be checked. By September 2016 all maintained school governing bodies to apply for an enhanced DBS for any serving governor who does not have one.	vi
Visitors	Schools cannot check but can escort/supervise. Heads should use professional judgement about escorting and supervising visitors.	vii
Agency / Visiting Staff	Where staff such as educational psychologists, supply teachers, trainee teachers, nurses sport coaches and inspectors are in regulated activity, their DBS disclosure certificates should be obtained by their providing organisation, for example the supply agency, the university, primary care trust, local authority and so on. It is sufficient for schools to seek written confirmation that appropriate checks, including DBS checks, have been carried out and by whom and to confirm the identity of the visitors.	viii
Ofsted Inspectors	Ofsted and their inspection partners carry out all the required checks for staff who visit nurseries & schools as part of an inspection. This includes appropriate employment checks and an enhanced DBS checks. All HMI inspectors carry photo ID which still must be checked. Where there are concerns over identity, schools can contact Ofsted’s National Business Unit on 0300 123 4234.	

Starting work without a DBS certificate

If an early years setting, school or college allows an individual to start work in regulated activity before the DBS certificate is available, it should ensure that the individual is appropriately supervised and that all other checks have been completed. We also ask that a risk assessment be undertaken.

Regulated Activity

The government have provided a definition of regulated activity in relation to children.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/316179/Regulated_Activity_in_relation_to_Children_DfE_.pdf

Renewals

There has never been a statutory requirement for DBS disclosure certificates to be renewed whilst with the same employer.

DBS Certificates

From 17th June 2013, the DBS stopped issuing two DBS certificates. A DBS certificate will only be sent to the applicant. The school will NOT be sent a DBS certificate even if it contains any criminal record information so they need to ensure the new employee must bring their DBS certificate into the school to ensure it is satisfactory. According to DBS guidance they are no longer able to reveal whether the certificate was issued blank or not to enable a recruitment decision. You will need to ask the individual to show you a copy of their certificate.^{ix}

ⁱ The school staffing (England) (Amendment) (No2) Regulations 2006

ⁱⁱ Keeping Children Safe in Education Sept 2016 Para 105

ⁱⁱⁱ <http://www.egfl.org.uk/categories/personnel/safe/dbs.html> MAYFIELD RISK ASSESSMENT FOR VOLUNTEER IN SCHOOL

^{iv} Keeping children safe in education Sept 2016 Para 122 - 127

^v Protection of Freedoms Act 2012 – Part 5, Chapter 1 Section 64

^{vi} The new school Governance (Constitution and Federations) (England) (Amendment) Regulations 2016)

^{vii} Keeping children safe in education Sept 2016 Para 137

^{viii} For Ealing LA staff visiting schools <https://www.egfl.org.uk/human-resources/safer-working-practice/la-staff-visiting-schools>

^{ix} Disclosure and Barring Service – DBS Update Service – Employer Guide July 2013 page 11.