



DBS Checking Policy

Last Review on: 1st September 2024
Next review due by: 1st September 2025

Signed By: *La Barton*

Position: Director / Head of Centre



Policy statement

The Disclosure and Barring Service (DBS), launched on 1st December 2012, merged the services previously provided by the Criminal Records Bureau (CRB) and the Independent Safeguarding Authority (ISA).

The safeguarding of children and young people is paramount, and early life enterprise is fully committed to the rigorous implementation of the DBS requirements. It is a statutory requirement that all new appointments to early life enterprise's workforce must have an enhanced DBS disclosure. This includes those recruited to the provision from overseas, where additional checks will also be made. Early life enterprise pays full regard to the DfE guidance Keeping children safe in education 2018.

Staff who are recruited to work in the provision will not be permitted to start work until their DBS Enhanced Disclosure (with Barred List Check) Certificate has been seen.

There is also a requirement under the above regulations for early life enterprise to keep a single central record detailing a range of checks carried out on provision employees and others who have regular contact with children and young people. All employees of early life enterprise and all regular helpers must have an up-to-date DBS Enhanced Disclosure Certificate prior to taking up their post or role. If the DBS is not in place before the employee's start date, they must have a completed Children's Barred List certificate and be accompanied on site at all times. A DBS Enhanced Disclosure will also indicate if an individual has been barred from working with children.

Early life enterprise's policy is to renew DBS checks for all employees and volunteers every five years. Early life enterprise reserves the right to undertake a DBS check on an employee at any time whilst they are employed by early life enterprise.

Selection and Screening Process

It is vital that early life enterprise has robust recruitment and vetting procedures to ensure that children and young people are safeguarded. This includes the prevention of unsuitable persons entering Provision premises. It is therefore essential that the provision checks the identity, relevant qualifications, Enhanced DBS Disclosure, medical clearance, Right to Live & Work in the UK, Prohibition from Management Check, EEA Check and references for all staff, prior to the individual starting work.

When interviewing, interviewers will always adhere to the Safer Recruitment process. There must always be one member of the interviewing panel that is safer recruitment trained.

References will always be taken up and must be obtained directly from the referee. Two written references are required, the first of which must be from the current employer, or most recent employer if the applicant is not currently employed.

If an enhanced DBS certificate has not been returned before the start date of an employee, an early employment risk assessment (EERA) must be carried out. This includes:

- an Early Employment Risk Assessment;
- a Safeguarding induction by the Designated Safeguarding lead;
- a completed and submitted enhanced DBS application;
- a Children's Barred List Check (previously List 99);
- pre-employment checks
- sufficient safeguards are introduced by the employee's manager for the employee not to have unsupervised access to children or adults until a clear enhanced DBS check has been returned;
- for management positions, a section 128 check will be conducted to establish whether the candidate has been barred in a management position by the secretary of state.

Any offer of employment made to a successful candidate, including one who has lived or worked abroad, will be conditional on satisfactory completion of the necessary pre-employment checks.

DBS Enhanced Disclosures Provided by the Individual

Photocopying

The photocopying of any DBS Disclosure is only actioned when approval has been given by the owner.

Information disclosed as part of a DBS check will be treated as confidential. It is an offence for information in a disclosure to be passed to anyone who does not need it in the course of their duties. The details will be taken and recorded on the Provision's single central registers.

Obtaining a Disclosure

When completing a DBS application form, the applicant must confirm they have read and understood the DBS privacy notice. The form to confirm that they have read this will be kept on file at the Provision site.

A new declaration will need to be completed upon renewal of their DBS every 5 years.

Employees

All Provision employees must have an Enhanced Disclosure prior to taking up their post or role. This also applies to any other individuals, who is a regular visitor to any Provision site and has unsupervised access to children or young people.

Volunteers

a) Early life enterprise ensures all regular volunteers have an enhanced DBS disclosure, that ID copies are provided, qualification certificate copies are provided (if applicable), Safeguarding and Prevent Training has been undertaken and a Provision checklist is signed covering Provision policies, data protection and confidentiality.

b) Volunteers helping with single events and infrequent visitors to the sites who do not have unsupervised access to children will not be checked.

c) Many other volunteers fall between these two extremes and the Managing Partner, will make a risk assessment and apply their professional judgement in deciding whether a disclosure is required. The DBS definition of a volunteer is:

“A person engaged in an activity which involves spending time, unpaid (except for travel and other approved out-of-pocket expenses), doing something which aims to benefit some third party and not a close relative.”

d) Under no circumstances must a volunteer in respect of whom no checks have been made be left unsupervised or allowed to work in regulated activity.

Work experience providers

Early Life Enterprise utilises a network of organisations across the city to provide real life work experience for the students who attend the provision. These providers are classed as volunteers for the organisation as they are “A person engaged in an activity which involves spending time, unpaid (except for travel and other approved out-of-pocket expenses), doing something which aims to benefit some third party and not a close relative.”

However, they are in close contact with students on a regular basis and as such Early Life Enterprise holds DBS records for these individuals.

Contractors

a) Early life enterprise will seek assurances that any contractor, or any employee of the contractor, who is to work on any of early life enterprise sites has been subject to the appropriate level of DBS check and the necessary recruitment checks.

b) Early life enterprise recognises that there will be different types of contractors working on its sites and as such different levels of DBS clearance will be required. Contractors engaging in regulated activity will require an enhanced DBS (with barred list information). For those contractors who will come into contact with children but whose primary work is something else (and as such their work is not regulated activity), an enhanced DBS (not including barred list information) will be required.

An enhanced DBS (not including barred list information) will also be required for those contractors who will come into contact with children, but whose work is not regulated.

In considering whether the contractor is regular, it is irrelevant whether the contractor works on a single site or across a number of early life enterprise sites. Please see table below for clarification.

d) A central record is held at Provision headquarters to record these verifications for regular contractors.

e) In determining whether or not an activity is regulated, early life enterprise adheres to the DfE’s guidance Regulated activity in relation to children: scope.

g) Under no circumstances must a contractor in respect of whom no checks have been made be left unsupervised or allowed to work in regulated activity.

| Type of Contractor | Example | Required DBS |
|---|---|-------------------------------------|
| Contractor engaging in regulated activity | Counsellor Some site workers Work experience provider | Enhanced DBS with barred list check |
| Contractor whose work provides them with an opportunity for regular contact | Builders Plumbers Landscapers | Enhanced DBS (no barred list check) |

| | | |
|--|--|--|
| with children but whose work is primarily something else | | |
| Contractor who we know will have contact with children but whose work is not regulated | Educational psychologist Consultant Inspectors | Enhanced DBS (no barred list check) |
| Contractor who does not have unsupervised contact with children | Builders Service people | Enhanced DBS is preferred. If the contractor does not have a DBS then they must be supervised or work in an area separate from children. |

Organisations occupying shared entrance site

Early life enterprise recognises that it has a shared access site. This site is occupied by two other organisations. One is Abbey Taylor (an insolvency practice) and the other is a women’s charity. As such the employees of these organisations are already required to poses Enhanced DBS checks. Early Life Enterprise has had sight of these DBS checks.

The site has an intercom entrance system so that no-one can enter without the knowledge of the organisations occupying the space and these visitors must be let in by a member of staff.

Early life Enterprise shares kitchen and toilet facilities with these organisations. The main provision space is a self-contained office space on the top floor of the building.

People Not Requiring an Enhanced Disclosure

Examples of people who do not require a disclosure include:

- a) visitors who have business with Provision staff or who have only occasional or brief contact with children with a staff member present;
- b) visitors, including building and other contractors; who come on site only to work in an area where no children are present; or if in an area where children are present, the visitor is accompanied by an appropriate Provision employee;
- c) people who are on site before or after teaching hours when children are not present (Note: if children are participating in the activity during the hire period, whether students of the provision or not, then a DBS disclosure will be required.)

When a Conviction or Caution is Revealed

When a conviction or caution is revealed, the Managing Partner will speak to the Head of Provision in confidence and offer advice on how to proceed. Following these discussions, the Managing Partner will write a confidential letter to the employee concerned, a copy of which will be put on their personnel file with any notes, including the action taken. This will state whether any further action will be taken or not.

Children’s Barred List (previously List 99) Checks

A barred list check is a service provided by an external agency to check whether the applicant has been placed on the sex offenders register.

This check can be carried out when an employee/volunteer is starting their role at the provision within a time period which is too short for a DBS check to be processed and returned. It is carried out as an additional part of the DBS in this case.

An Enhanced DBS check must also be completed even if the barred list check is returned as clear and the employee must not work unsupervised with children until their DBS check has been returned and early life enterprise is satisfied with the outcome of the check. An Early Employment Risk Assessment (EERA) will be carried out in this situation.

If a barred list check is returned showing that there is a risk, the Managing Partner will follow national guidance from the DBS service.

Provision-Record Keeping of Recruitment and Vetting Checks

Single Central Record

The DfE requires all provisions to be able to demonstrate that they have robust and accurate records of all pre-employment recruitment and vetting checks that they have carried out. This information must be compiled in a single central record of completed checks in each Provision.

Individual Records

A record will be held for all individuals within the following categories on each provision SCR, unless they operate a Provision role:

- a) all staff who are employed by early life enterprise;
- b) all staff employed by early life enterprise as supply staff, and having regular contact with children; and
- c) all others who work for early life enterprise who have regular contact with children, including volunteers and people brought into the provision to provide additional teaching or other experience to students, but who are not staff members e.g. a specialist sports coach or artist.

Information Held

The following information will be held on the provision's central record:

- identity – name, address and date of birth;
- photo ID verification and date seen;
- qualifications – where the qualification is a requirement of the job role, e.g. those posts where a person must have QTS;
- evidence of permission to work for those who are not nationals of a European Economic Area (EEA) country;
- Living and Working Abroad Checks;
- DBS Enhanced Disclosure and date the check was evidenced and date of renewal;
- Pre-employment medical clearance;
- Details of two satisfactory references;
- Safer Recruitment Training – date taken and date of renewal;
- Safeguarding Training – date taken and date of renewal;
- Teachers Prohibition Check (applicable to teachers and teaching assistants only);
- A section 128 check for management positions;
- Further checks for living / working abroad including an EEA check and risk assessment if appropriate;

- Children's Barred List Check;
- Date of EERA.

Identity

For identity, the information to be held is name, address and date of birth. Early life enterprise must ask to see proof of identity, such as a birth certificate, driving licence or passport, combined with evidence of address. Some form of photographic ID must be seen. Individuals must provide details of any other names by which they may have been known i.e. maiden names or names changed by deed poll.

Qualifications

The information should record evidence of only those qualifications which are a regulatory requirement for the post concerned and are noted in the personal specification for the position. Early life enterprise is not expected to include in the record of checks all the qualifications which staff have declared in their job applications, only those relevant to the job role.

DBS Certificate Date and Number

The DBS certificate date and disclosure number will be recorded on the Provision's / Federation's single central register.

Medical Clearance

The date the clearance was received will be recorded on the single central register.

Duty to Refer (Refer to Secretary of State 121 (KCSIE))

13.1 A referral to the DBS should be made when an employee or volunteer has harmed or poses a risk of harm to a child.

13.2 Employers and volunteer managers of people working in 'regulated activity' in England, Wales and Northern Ireland are called 'regulated activity providers', and the legal duty to refer applies to them.

13.3 When making a referral, the Managing Partner must complete and sign a referral form and include any information that has been requested on the form, and is held by early life enterprise, then post to the DBS.

13.4 Referrals must be made to the DBS when two conditions have been met.

These conditions are:

Condition 1 - Early life enterprise withdrew permission for a person to work in regulated activity with children and/or adults either through dismissal or by moving the person to another area that is not regulated activity.*

Condition 2 - Early life enterprise thinks the person has carried out one of the following:

- o Been cautioned or convicted of a relevant (automatic barring) offence; or

- o Engaged in relevant conduct in relation to children and/or adults (i.e. an action or inaction (neglect) that has harmed a child or vulnerable adult or put them at risk or harm); or
- o Satisfied the Harm Test in relation to children or vulnerable adults. (i.e. there has been no relevant conduct (i.e. no action or inaction) but a risk of harm to a child still exists).

*Condition 1 includes situations where an employer/volunteer manager would or may have dismissed the person or moved them to other duties, if the person had not resigned, retired or otherwise left their work.

Disclosure of Information

All staff shall immediately inform early life enterprise if they are the subject of a criminal investigation and / or convicted of a criminal offence (including motoring offences) at any stage during their employment. A failure to inform early life enterprise may result in disciplinary action.

Data Protection

Early life enterprise will ensure that sensitive personal information is held securely, and only seen by those entitled to see it in the course of their duties. All personal information will only be stored for as long as necessary, and then confidentially destroyed. For further information see HR6 Data Protection Policy.



EARLY LIFE

ENTERPRISE | ENGAGE | INSPIRE

Email: hello@earlylifeenterprise.co.uk

Web: www.earlylifeenterprise.co.uk