

Disclosure and Barring Service (DBS) procedures

On 13th October 2015, Derbyshire County Council (DCC) Cabinet approved a number of changes with regard to our DBS procedures. This document explains how this will affect schools.

Ceasing routine enhanced DBS rechecks

From 1 January 2016 the policy of routinely re-checking employees in schools DBS status will cease. There will be no further automatic 3 yearly re-checks, although the option to re-check an individual's DBS status at any point, if there are grounds for concern, remains available. The usual charge for a DBS check will continue to apply.

If the school wishes to continue with routine 3 yearly re-checks of employees' DBS status then an email will need to be sent by Friday 18 December to the DBS address at Shared Services, Corporate Resources (DBS@derbyshire.gov.uk) to communicate this decision. Schools may want to email anyway to confirm to the DBS team that they wish to adopt the council's new approach and cease re-checks. **In the absence of any communication from the school, the default position will be that the school's employees are no longer subject to a re-check.**

Unless the school is intending to continue with routine 3 yearly re-checks, Headteachers should now inform staff that these will cease. Schools are advised to include an annual reminder to all employees that they are under obligation to report to their Headteacher immediately if they receive any subsequent convictions, cautions, reprimands, or final warnings that are not "protected" under the Rehabilitation of offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013).

Certificates of good conduct

Schools are expected to seek certificates of good conduct for successful applicants for jobs which require a DBS check, who have lived or worked abroad since the age of 18 in the last 5 years, this is in addition to the normal DBS checks. DBS checks only cover criminal records held in the UK; offences which have been committed abroad will not normally show up on a DBS certificate.

A certificate of good conduct is an official document for which an individual can apply to the police or government agency of a country, to list any criminal records that an applicant may have. DCC job application forms include a question about living or working abroad. If the successful candidate has ticked the relevant box, you should ask them, when offering the job, to obtain a certificate of good conduct. Advice on the [criminal record information](#) which may be obtained from overseas police forces is published by the Home Office and can be found on the GOV.UK website.

An alternative point of contact for requesting such certification would be an embassy or consulate.

It is the individual themselves who must apply, and pay for, the certificate, rather than the employer. For centrally employed staff, the council has agreed to reimburse candidates for these costs and schools are advised to consider adopting a similar

approach, in the interest of securing the best candidate for a post. It is important that a consistent approach is taken within the school to such requests for reimbursement.

Any information on criminal activity which is disclosed on a certificate of good conduct should be considered and assessed in the same way as a DBS disclosure. The identity of a successful candidate who has lived or worked abroad must still be verified. It's recognised that it's not always possible to obtain a certificate of good conduct from countries which do not have functioning criminal record regimes or who refuse to provide these to anyone other than their own citizens. Therefore, the absence of a certificate of good conduct will not preclude an individual from gaining a job. If a certificate of good conduct cannot be acquired, despite the best efforts of the individual, the Headteacher should consider the other available information (references, DBS check), confer with their HR consultant as appropriate and agree a decision.

Pre-employment checks on staff employed centrally and working in schools

It is good practice for each school to include staff employed centrally by DCC on their SCR if they visit the school on a regular basis. This would include staff from services like those supporting children with special educational needs and for behaviour support. Schools are not expected to carry out pre-employment checks on practitioners employed by organisations external to the school, but are required to secure confirmation that such staff have received the relevant checks. Schools should not ask to see a copy of the DBS certificate of employees from support services and do not need a separate statement for each individual officer from DCC who visits the school. Staff employed centrally by DCC will have undergone all the relevant checks at the time of their appointment to the post. Additionally, any ongoing checks will have been undertaken as required.

As you do with all visitors to school, you should always check ID badges or documentation to ensure they are the person they are purporting to be. This check, alongside the written assurance of the employer that relevant checks have been undertaken on all individuals who are deployed to work in the school is the procedure schools are expected to follow. (Keeping Children Safe in Education, July 2015).