

Headteachers and
Chairs of Governors

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Our ref
Your ref
Date August 2017

Dear Colleagues,

Single Central Record

Please find attached an update of the authority's advice on the maintenance of the single central record (SCR). The revisions include:

- additional advice on pre-employment checks for staff who have lived or worked overseas,
- consideration of whether to check a Teaching Assistant against the National College for Teaching & Leadership list of teachers who have received a prohibition order,
- clarification of advice in relation to agency staff,
- guidance concerning reference requirements and addressing circumstances where it is identified that existing staff do not have 2 references on file,
- a reminder concerning when it may be appropriate to request an enhanced DBS check (without Barred List) for a supervised volunteer and
- additional information on Section 128 checks.

Schools are reminded that staff employed in the same post continuously prior to March 2002, who did not need a DBS check, do require an annual children's barred list check. Also to issue the annual reminders to all employees that they are under obligation to immediately report any convictions, cautions, reprimands, or final warnings that are not "protected" and to any relevant staff of the declaration requirements under the Disqualification under the Children Act 2006.

Updating the Single Central Record

Schools are advised to check their current approach with the advice and guidance included in the revised document to ensure they are checking and recording all necessary information. As new guidance or regulations that affect these procedures are published fairly frequently by the government, it is recommended that schools also closely monitor statutory documents issued through the DfE or other relevant sources and take any appropriate action to ensure they remain up to date with the requirements and latest relevant information.

Developments in Disclosure and Barring

It has been announced that some new DBS Services will become available during the next

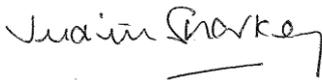
academic year. In September a new system is due to be launched for employers to submit barring referrals online and:

- register to create an online account with DBS
- manage one or several barring referrals online
- share information with DBS through a secure government platform.

It will also allow individuals to register to communicate securely with the DBS about their situation.

Should you have any queries about the Single Central Record please contact Children's Services HR Advice & Guidance Team through 01629 535734, the DBS team on 01629 532947 or Governor Support, depending on the nature of your enquiry.

Yours sincerely



Judith Sharkey
HR Service Partner (Schools)



Single Central Record & DBS – Guidance for Schools

Single Central Record

In addition to the information held on employees as part of normal business, from 1 January 2007 schools have been required to keep and maintain a Single Central Record (SCR) of recruitment and vetting checks.

Guidance relating to DBS disclosure certificates is included in the second part of this document.

Schools *must* keep records for the following people, as part of the SCR:

- All staff who work at the school,
- All staff who are employed as supply staff, whether directly employed by the school, the local authority or through an agency;
- All others who work in regular contact with children in the school, including volunteers

The person designated as responsible for maintaining the SCR should sign and date the record to verify that they have checked each individual's relevant details generally, the information to be recorded on these individuals is whether or not the following checks have been carried out or certificates obtained, and the date on which the checks were completed. It is also necessary to record on what basis any decision was made in respect of any information provided by the checks, including offences, and the risk to children.

- identity checks
- a Barred List check
- an enhanced DBS check
- a prohibition from teaching check*
- checks to confirm professional qualifications that are a requirement for the post
- checks to establish the person's right to work in the United Kingdom and further checks, where the appointee has lived outside the United Kingdom
- a check with any staff with the scope of the disqualification regulations under the Childcare Act 2006**

(*for information from the National College for Teaching & Leadership on checking whether the Secretary of State has made a prohibition order in respect of a teacher see National College for Teaching & Leadership <https://teacherservices.education.gov.uk/>.

The check should be carried out by the school prior to appointment commencing. See below section on Secretary of State Prohibition Orders for further detail and application to Teaching Assistants.

(** the check is conducted by the school with relevant staff, i.e. those who work with children of reception age or under and those who work with children between reception age and under 8 years, delivering childcare in after/before school settings. Those who are employed directly in the management of childcare/education to the relevant age groups are also within scope of the disqualification check. (See *detailed guidance on the Schoolsnet.*) [Disqualification under the Childcare Act - Guidance.](#)

Agency and third party staff

For those staff provided by an agency the school will require written confirmation from the supply agency that the organisation has carried out the checks and obtained the appropriate certificates on an individual who will be working at the school. This must include an enhanced DBS with children's barred list check and, if required, a check to see whether the person is subject to a prohibition order or interim prohibition order*, prior to appointing the individual. It will also include a statement that all individuals that are provided by the agency to work in roles which fall within the scope of the Disqualification regulations have undergone the appropriate check. Schools should record the date on which confirmation was received from the agency on these matters. Independent and non maintained schools need to include the date on which the agency received the relevant certification.

The agency should share any relevant information from the checks with the school/academy and it is for the establishment to undertake the necessary risk assessment to determine whether the individual is suitable for the intended post.

It is particularly important in the case of agency staff that the school carries out an identity check to ensure that the person who arrives is the person referred by the agency.

Governors

In accordance with the guidance for other volunteers, governors who work in frequent contact with children should be included on the SCR and where they are in regulated activity, meet the frequency test and are unsupervised will also need to receive an enhanced DBS check with Barred List. For maintained schools, from 1 April 2016 all new governors must receive an enhanced DBS check; the application to be made within 21 days of appointment. Governing Bodies of maintained schools had to apply for an enhanced DBS check on all existing governors, who did not already have this certificate, by 1 September 2016. These checks will not include a Barred List check unless the governor fulfils the eligibility criteria for being in regulated activity. Schools need to make it clear on the form requesting a DBS check for a governor whether the individual is in regulated activity or not.

The regulation does not apply to Associate Governors.

Staff who have lived outside the United Kingdom (UK)

Where staff have lived or worked outside the UK this must be recorded on the SCR. This means finding out if the successful candidate has been resident outside the UK since their eighteenth birthday, for a period of 6 months or more in the same country. 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 are being amended to 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. In such cases the school will also need to decide whether these must be completed prior to the individual starting work, using the usual risk assessment process.

They must undergo the same checks as all other staff in school. In addition, schools must make any further checks they think appropriate if in the opinion of the school the DBS disclosure is unlikely to provide sufficient information, based on how long the individual has been in the UK, so that any relevant events that occurred outside the UK can be considered. DBS disclosures will not generally show offences committed by individuals whilst living abroad (except in the case of service personnel and their families). If a Certificate of Good conduct (CGC) cannot be acquired, despite the best efforts of the individual, the Headteacher should consider the other available information (references, DBS check). Schools purchasing the HR Advice & Guidance Service are advised to confer with their HR consultant, who can provide guidance on a robust decision making process. If an applicant specifies that they have lived abroad, the DBS team will process the 'UK' DBS check but then put the record on hold until the school have confirmed whether a CGC has been acquired or not. The DBS team will refer the school to HR for the discussion.

Schools may be aware that there is no legal requirement to obtain an enhanced DBS certificate, or carry out checks, for events that may have occurred outside the UK if, in the 3 months prior to their appointment, the applicant worked in a school since 12 May 2006 or in the further education sector, (giving them regular contact with children/young people). All other checks are still required, including Barred List check for those in regulated activity.

However, **it is DCC policy to require an enhanced DBS check** in such circumstances. This is to ensure that any additional information that is included in the check is received and available for consideration when assessing whether the individual is suitable to work with children in the particular role. The CGC would not be needed in these circumstances.

DBS disclosures and all other checks must be recorded on the SCR. Advice on the criminal record information which may be obtained from overseas police forces is published by the Home Office.

The Department for Education has also issued guidance on the employment of overseas-trained teachers. This gives information on the requirements for overseas-trained teachers from the European Economic Area to teach in England, and the award of qualified teacher status for teachers qualified in Australia, Canada, New Zealand and the USA.

Employers in England can now use NCTL Teacher Services to check for restrictions/sanctions that have been imposed by regulators of the teaching profession in other EEA member states. EEA regulator restrictions do not prevent an individual from

taking up teaching positions in England, however, employers should consider the circumstances leading to the restriction when assessing a candidate's suitability to be employed. The employer access service explains how to obtain more detail about EEA restrictions. Please note, only EEA restrictions that are determined after 18 January 2016 will be displayed.

Employers will need to access the "Teachers sanctioned in other EEA member states list" to identify restrictions in force. Where the employer holds a teacher reference number and date of birth the general search function can now be used.

Contractors

Schools should ensure that arrangements are in place (included as a requirement of the contract where possible) to ensure that any of the contractor's staff where they work unsupervised and come into frequent contact with children have undergone the appropriate checks.

Other public sector staff & visiting staff

Staff such as educational psychologists, nurses and inspectors should be DBS checked by the 'providing' organisation e.g. university or local authority. For these individuals it is sufficient for schools to seek written confirmation that all appropriate checks have been undertaken, by whom and the date that they were carried out. This information needs to be retained with the SCR for these individuals. There is no need for schools to ask these staff to provide copies of their DBS disclosure certificates.

It is important that the school check the identity of these individuals; this is usually provided by way of a photographic identity badge.

It is not a requirement to include centrally employed local authority staff (such as peripatetic music teachers) on a school's SCR, although it would be good practice to do so if they visit the school on a regular basis. If you require confirmation that a member of centrally employed staff has been DBS checked, you may email the Shared Service Centre on DBS@derbyshire.gov.uk. The school will need confirmation that staff from the LA support services, who will work with children of reception age and under, have received the Disqualification check under the Childcare Act 2006.

Applicants for teacher training courses

Where applicants for initial teacher training are employed by the school, the school must ensure that all necessary checks are carried out. As trained teachers can undertake regulated activity, sometimes unsupervised, an enhanced DBS certificate and barred list check must be obtained. Where trainee teachers are 'fee-funded' it is the responsibility of the initial teacher training provider to carry out the necessary checks. Headteachers have discretion to allow an individual to begin school based training pending receipt of the disclosure, providing they have had a children's barred list check and ensure the trainee is appropriately supervised. These checks must be appropriately referenced on the SCR. Schools will also need a statement from the training provider that all trainees falling within scope of the disqualification regulations have received the appropriate check.

Extended services (breakfast, after school clubs and other services)

Requirements placed upon schools relating to existing staff and volunteers at the school will extend to incorporate those involved in the provision of extended services.

Where the governing body provides services or activities directly under the supervision or management of school staff, the school's arrangements for recruitment, vetting checks and record keeping will apply. A SCR entry should be created accordingly.

Where a third party is responsible for running the service there should be clear lines of accountability and written agreements setting out the recruitment and vetting checks on staff and volunteers. This also applies in the case of Children's Centres based on the school site.

Existing Staff

If a school has concerns about an existing staff member's suitability to work with children, the school should, with the employee's consent, carry out all relevant checks as if the person were a new member of staff. Similarly if a person working at the school moves from a post that did not involve regulated activity, into work which falls into regulated activity, then the relevant checks must be carried out.

All this information must be retained as part of the SCR.

When reviewing safeguarding arrangements, Ofsted will consider whether the school's records are up to date. To ensure that the SCR remains current, it is recommended that schools check the accuracy of their SCR at frequent intervals, for example monthly or termly, and that it is agreed who will be responsible for this task (as well as identifying a deputy to act in their absence). Staff who fall within scope of the disqualification regulations under the Childcare Act 2006 should be informed that they must inform the headteacher of any relevant change in their circumstances. There is no prescribed format for School's Single Central Record; however the example on page 13 provides a suggested format and for schools that purchase the relevant service there is a blank spreadsheet available to download from the RM Integrus Resources page on Services 4 Schools (S4S).

DBS checks and Disclosures

All people employed by the school will require an enhanced DBS with children's barred list check as a school is designated as a specified place. A person will be considered to be in 'regulated activity' if, as a result of their work, they:

- will be responsible, on a regular basis in any setting for the care or supervision of children; or
- will regularly work in a school at times when children are on school premises, where the person's work requires interaction with children. A check will be required regardless of whether or not the work is paid (unless they are a supervised volunteer), or whether the person is directly employed or employed by a contractor;

In a school a **supervised** volunteer, who regularly works with or looks after children is not in regulated activity and will therefore not require a DBS check. See below section on 'Other Levels of Checks' for circumstances when an enhanced DBS check **may** be requested for a supervised volunteer.

Secretary of State Prohibition Orders

Prohibition orders prevent a person from carrying out teaching work in schools, sixth form colleges, 16 to 19 academies, relevant youth accommodation and children's homes in England. A person who is prohibited from teaching must not be appointed to work as a teacher in such a setting. The Secretary of State may also issue interim prohibition orders. A check for any prohibition order can be carried out using the NCTL site (<https://teacherservices.education.gov.uk/>).

There is no statutory requirement for a prohibition check to be made on applications for a teaching assistant (TA) position. Schools are advised to undertake such checks where someone applying for a TA role indicates that they have qualified teacher status or have previously worked as a teacher. Also, where a TA is undertaking teaching duties a prohibition check should be completed. Where schools intend to do this, they are advised to be open about the check in the application process. Schools should show this information on their SCR if they have undertaken this check on TAs.

Prohibition from teaching would not automatically bar someone from being considered for a TA role. The reasons for prohibiting someone from teaching will not necessarily relate to safeguarding matters. Schools can also carry out general risk assessments, which they might want to do in such instances, to assure themselves that there are no concerns about appointing an individual to a TA role.

If a TA is being considered for a teaching role, in an academy, it is a mandatory requirement for a prohibition check to be made and the normal statutory requirements apply here.

Section 128 direction from the Teacher Services' system.

Where the person will be engaging in regulated activity, a DBS barred list check will also identify any section 128 direction that prohibits or restricts a person from taking part in the management of an independent school, including academies. A person who is prohibited is unable to participate in any management position in an academy as an employee; a trustee of an academy; a governor or member of a proprietor body for an independent school; or a governor on any governing body in an independent school, academy or free school that retains or has been delegated any management responsibilities. A check for a section 128 direction can be carried out using the Teacher Services' system.

It is a decision for the school to determine whether a post requires this check. It is up to the school to justify why a check has not been undertaken so equally they are responsible for asking for such checks. Schools will normally undertake such checks on the NCTL website but it can be included in a DBS check. All Free, independent schools and academies need to alert the DBS team when requesting a DBS check of the need to include a section 128 check as this would normally be undertaken by the school.

Headteachers are advised to ensure that trustees of an academy; a governor or member of a proprietor body for an independent school; governors on a governing body in an independent school, academy or free school are aware of this check and the need to

inform them of any change in their barred list status. It is advised to discuss appropriate action to be taken, if any information revealed by the check, with the school's advisory HR service.

For organisations that have to undertake this check it is advised that they are included in the column on the SCR used for the Prohibition from Teaching check, rather than creating another column.

This check should not be undertaken for governors of maintained schools.

Schools need to register individually with the service and check proposed appointees prior to them commencing work.

Enhanced DBS check with children's barred list information is required for

- All contracted staff employed directly by the school unless they were employed in their current post prior to March 2002 in which case they will just require an annual children's barred list check. This can be requested by emailing DBS@derbyshire.gov.uk and providing the employee's current and all previous surnames along with their date of birth.
- Relief and seasonal employees such as exam invigilators. These staff must be re-checked if there is a break in service of 3 months or more.
- Any volunteer parent helpers or work experience trainees who will be working unsupervised in regulated activity and meet the frequency test (checks not allowed for children under 16)
- Any individual accompanying pupils on a residential or school trip which involves overnight stay. (This instance is not subject to the frequency and intensive test.)
- Any individual assisting with toileting or entering changing room facilities (eg swimming) used by pupils. (This instance is not subject to the frequency and intensive test.)

Those listed below require DBS with children's barred list check, but these will be done by the employing Council department or by the external organisation.

- Subcontractors who will be working unsupervised in school with the opportunity for contact with children.
- DCC employees such as maintenance workers, music tutors, cleaners and caretakers, kitchen staff unless they have been employed prior to March 2002 and have continuity of employment.
- Supply staff, supplied by an agency. The agency should determine whether an enhanced DBS with barred list check is required based on whether the supply activity is regulated activity. The school should obtain written confirmation.
- Trainee teachers, as they are sometimes unsupervised.

Other Levels of Checks

- Staff employed in the same post continuously prior to March 2002 do not need a DBS check **but do require an annual children's barred list check**. Schools need to contact the DBS Team to ensure this check is undertaken each year. If a school has concerns about an existing staff member's suitability to work with children, the school should with the employee's consent carry out relevant checks as if they were a new member of staff.
- As detailed above on page 4, since from 1 April maintained schools' governing bodies will have to apply for an enhanced DBS check on all new governors, within 21 days of appointment. Applications for enhanced DBS checks for all existing governors will need to have been made by 1 September 2016.
- For existing volunteers who provide personal care, the school **must** obtain an enhanced DBS certificate with barred list check. (This instance is not subject to the frequency and intensive test.) Volunteers who are supervised have been removed from being in regulated activity. If a volunteer is to be supervised while undertaking what would otherwise be regulated activity, no DBS check is required. However, KCSiE 2016 states that Schools **may** obtain an enhanced DBS certificate (not including barred list information), for volunteers who are not engaging in regulated activity, but have the opportunity to come into contact with children on a regular basis, e.g. supervised volunteers. Employers are not legally permitted to request barred list information on a volunteer who, because they are supervised, is not in regulated activity. The school should undertake a risk assessment and use their professional judgement and experience when deciding whether to seek an enhanced DBS check for any volunteer not engaging in regulated activity. The LA has provided guidance, including forms, to support headteachers in considering whether to request an enhanced DBS check for a volunteer. *Please refer to this guidance, entitled 'Safer Recruitment and Disclosure & Barring Update – Supervised Volunteers' issued February 2017, to be found on Schoolsnet, before submitting a request.*
- Subcontractors etc who come in when school is closed to pupils do not require a DBS check.
- Schools do not have the power to request DBS checks and barred list checks, or ask to see DBS certificates for visitors. Headteachers should use their professional judgement about the need to escort or supervise visitors.
- DBS checks cannot be requested for children/young people under the age of 16.
- It is necessary to verify a candidate's mental and physical fitness to carry out their work. A job applicant can be asked relevant questions about disability and health in order to establish whether they have the physical and mental capacity for the role. (see page 9 for references) This check does not need to be recorded on the SCR.

Adults who supervise children on work experience

An enhanced DBS check with children's barred list might be required for people who supervise a child under 16 on a work experience placement. The school would need to consider the circumstances of the work experience, in particular the nature of the supervision and the frequency of the activity being supervised, to determine what, if any, checks are necessary. These considerations would include whether the person providing the teaching/training/instruction/supervision to the child will be:

- Unsupervised; and
- Providing the activity frequently (at least once a week or 4 times or more than 4 days in a 30 day period) or overnight.

If the person is unsupervised and the same person is in frequent contact with the child, the work falls into regulated activity. If so, the school could ask the employer providing the work experience to ensure that the individual providing the instruction or training is not a barred person.

Those undertaking work experience

If the activity undertaken by the young person on work experience takes place in a 'specified place', such as a school or college, and provides the young person, who is coming to the school for this activity, an opportunity for contact with children, this may itself be considered regulated activity. In such cases the work experience provider should consider whether an enhanced DBS check should be requested for the young person in question, but only if they are 16 years of age or above.

Where the school accommodates individuals on work experience and there is no benefit to the student, except to gain experience, develop skills and enhance their CV, then this is classed as voluntary work. As outlined above with regard to trainee teachers, if the student receives a qualification or credit towards a qualification, or earns any tax-free bursary payment, then they are not classed as a volunteer. The expectation would be for the institution sending the student on placement to have undertaken the relevant checks. If the checks have not already been undertaken the school would need pay for these to be carried out and may arrange to recharge the individual.

Administrative Process for New Employees

For new employees, when a new starters form is sent to the SSC, a DBS check will be issued unless portability can be agreed. Schools can request a DBS check for a prospective employee by downloading the 'eBulk New Starters' form or 'eBulk new Starters, Special Schools' form as appropriate from Schoolsnet. This form can be posted to the SSC or e-mailed to DBS@derbyshire.gov.uk.

There is a **DBS Update Service** to which prospective employees can choose to subscribe. On payment of an annual fee the individual can keep their DBS certificate up to date online, take their certificate from one employer to the next and give their employer permission to check the certificate online. If a prospective employee informs the school that they have joined this service, an Update service check form has been provided by

DBS@derbyshire.gov.uk to submit the details of the individual, which will enable the team to check their subscription.

Confidential Information

Where confidential information on employees, volunteers or third parties (eg in connection with Disqualification check) is held by the school this should be kept in the confidential personnel file and where particularly sensitive placed within 2 tamper proof envelopes marked to be opened by headteacher only.

No indication should be given on the SCR that such information is held on an employee but a second version of the SCR should be created and stored on a program to which only the headteacher has access. On this version of the SCR a marker, like an asterisk, should be placed next to an individual's name to indicate where further confidential information is held in the personnel file.

Arrangements should be made for the deputy or an acting headteacher to be able to access the program and the confidential information in the circumstances of the headteacher's extended absence, to be used only when necessary.

References

Although references are not recorded on the SCR it is important to note this aspect of the pre-employment checks required.

Applicants will be asked to provide the details of two referees. One referee will be the applicant's current or most recent employer. If the applicant is not currently working with children but has done so in the past, details will also be requested of that employer. No open references or testimonials will be accepted, nor references from relatives or people solely in the capacity as friends.

In relation to safeguarding referees will be asked:

- About their relationship with the candidate. (E.g. how long they have known the candidate and in what capacity.)
- Whether the referee is satisfied that the person has the ability and is suitable to undertake the post
- Whether the referee is completely satisfied that the candidate is suitable to work with children and, if not, details will be requested of their concerns
- For teachers, the referee will be asked to state whether the candidate has been subject to Capability (professional competence) procedures, within the last 2 years, and to provide details where this is the case
- The current/most recent employer will be asked to provide information about current disciplinary sanctions and any expired disciplinary sanctions, relating to the safety and welfare of children. Complaints or allegations that were not proven or found malicious will not be included in references.
- Missing References. If schools find that there are existing staff who do not have 2 references provided at the time of appointment in their file, they should take action. For more recent appointments, where possible, the relevant reference should be sought in retrospect. Where staff have been employed for some years a risk assessment should be completed and entered on file, as school leaders will now

have significant direct knowledge of the employee's suitability to work with children. For schools purchasing the service a suggested Risk Assessment form can be found in the HR Advice and Guidance section of the Services 4 Schools website.

Identity			Qualifications *			Prohibition From Teaching & Section 128	Children's Barred List	DBS	Right to work in the UK	Overseas Checks	Disqualification under C.A.	
Proof should include name, date of birth, address and photographic identity			Although good practice, it is not a requirement to show addresses						<input checked="" type="checkbox"/>			
Name	Address	Date of birth	Evidenced & date	Qualifications required: Yes / No	Qualifications Evidenced: Yes / No	Teacher services check teachers new to the school, record & date	Check evidenced & date	Check evidenced & date	Check evidenced & copy retained - date	Checks required: Yes / No	Checks carried out: Yes / No	
Identity documents Identity documents should be retained if they form part of the Asylum and Immigration (right to work in the UK) checking process. DBS certificates should not be retained.												
<i>on 01.09.01 in same role, has continuous service since 01.09.01)</i>	Town DE20 1DT		Checked by Nora Batty on 01.12.06	Yes – QTS	Checked certificate qualified on 01.06.82 (GTC registration number: 223344) by Nora Batty on 01.12.06	Checked with GTC before introduced	Checked by (signed) Nora Batty on 01.12.06	Not required – employee commenced before March 2002 and has continuity of employment	Checked by (signed) Nora Batty on 01.12.06	No – individual is EEA national and has not lived abroad	No	N/A Working with age 7+
John Smith (<i>Teaching Assistant, started on 03.01.09</i>)	Elm Cottage Littlewood DE74 1PQ	01.02.60	Checked by Nora Batty on 03.01.09	N/A	N/A	Not undertaken as existing employee & no 'teaching duties'. RA by HT 1/10/16	Checked by (signed) Nora Batty on 03.01.09	Checked by (signed) Nora Batty on 03.01.09 unique disclosure no 012345678910	Checked by (signed) Nora Batty on 03.01.09	No – individual is EEA national and has not lived abroad	No	N/A Deployed with junior children

Joe Bloggs (Peripatetic Music Teacher, attending the school twice weekly to teach pupils on 1 to 1 basis)			Checked by Nora Batty on arrival of 1st visit	Notified by Shared Service Centre (see enclosed email) that the necessary qualification, DBS, barred list info and right to work in the UK checks have been completed by the Local Authority (date email received & signed) Nora Batty						
<p>It is not a requirement to include centrally employed LA staff on the SCR, but it would be good practice if they visit the school on a regular basis.</p>			<p>Qualifications (and where relevant registration / membership number) record where a legal requirement of the job, e.g. qualified teacher status (QTS) or national professional qualification for headship (NPQH), + for teachers check for prohibition order *</p>							
Josephine Bloggs (student teacher, started placement on 01.09.09)	1 The Street Big Town DE3 0HP	31.07.85	Checked by Nora Batty on 01.09.09	N/A	N/A		Received written confirmation from teaching college that enhanced DBS and barred list info & right to work in UK have been completed. Confirmation received on 20.07.09	Yes – individual worked outside EEA for 5 years	Certificate of good conduct obtained from Embassy (or Police force) in Zimbabwe <input checked="" type="checkbox"/>	
Jill White MDS/Playeader Nursery	2 School Lane	14.2.58	Nora Batty on 10.09.13	N/A	N/A	N/A	Checked by Nora Batty on 10.09.13	Checked by (signed) Nora Batty on 03.01.15	NO	HT obtained dec. 02.04.15

The SCR must show the date on which each check was completed or the relevant certificate obtained, and should show who carried out the check.

For All school staff, whether employed directly or by the local authority as well as agency staff an enhanced DBS certificate with barred list check must be obtained.
 -A separate children's barred list check is required if an individual will start work in regulated activity before the DBS is available.

In the case of **DBS & Children's Barred List checks**, the record must show (except for agency staff) the date the check was carried out and who carried out the check

The record should show evidence of **DBS checks** for:

- all **staff** appointed **since March 2002** and;

must show evidence of **DBS checks** for:

- all **staff appointed since 12 May 2006** , whether or not they have regular contact with children, .

DBS re-checks

From 1 January 2016 the policy of routinely re-checking employees in schools DBS status ceased. 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 please contact the Shared Services, Corporate Resources (DBS@derbyshire.gov.uk) to communicate this decision.

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. Headteachers should inform staff that these have ceased.

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). For those schools with provision for children from 3 to 5 years of age, this would sit alongside the existing routine of reminding all relevant staff of the 'Disqualification under the Childcare Act' requirements at the commencement of the academic year.

Portability

Schools are encouraged to apply portability to DBS checks undertaken by the Council in order to enable people to take up the post earlier and to reduce costs. DBS portability enables headteachers to consider the appointment of a candidate on the basis of a previous appointment where the DBS disclosure has been processed by the Council.

The process for utilising portability is as follows.

- Headteacher advises SSC of new appointment.
- When appropriate the SSC contact the Headteacher asking if they wish to consider appointment on the basis of an existing DBS disclosure.
- The headteacher should then contact the successful candidate to ascertain
 - if the candidate had any police or criminal investigation, conviction or police caution or other issues on their existing DBS disclosure,
 - if the candidate has been subject to any police or criminal investigation, conviction, warning, police caution or other issues arising since the check was undertaken, which would potentially compromise them undertaking their new role.

- As part of this discussion, the headteacher should ensure that the candidate is clear that, should information subsequently be received to the contrary, this may nullify the offer of appointment and result in dismissal.
- On satisfactory completion of the above checks the headteacher should advise the SSC that they have accepted portability of the check.

In some instances portability cannot be accepted and a new DBS application will be required, these are:

- Where the level of the existing disclosure is different to that required in the new post.
- Where the Register against which the existing disclosure was checked is different from that required for the new post. For example, if an employee has been previously checked against the Adults Barred List as a care worker they may still be barred from working with children.
- If the applicant has confirmed they have received a caution or conviction since their last approved DBS certificate.
- If the existing DBS disclosure indicates a trace.
- The DBS check was undertaken by another council or external agency. However, where such an individual has chosen to join the DBS Update Service and is prepared to give permission for an online update status check to be carried out, then a new DBS need not be initiated. Please contact the LA DBS team for information on how to access this service.

Glossary of terms and abbreviations:

SCR	Single Central Record
Continuity of employment months (for SCR purposes)	No break of service longer than 3 months
DBS	Disclosure and Barring Service

DBS Checks There are three levels of DBS check, Standard, Enhanced and Enhanced with barred list information.

An employer is entitled to ask exempted questions under the Exceptions Order to the Rehabilitation of Offenders Act (ROA) 1974 when one of these checks is required.

Safeguarding Protecting children and young people from maltreatment; preventing impairment of children and young people's health or development; ensuring that children and young people are growing up in circumstances consistent with the provision of safe and effective care; undertaking that role so as to enable those

children and young people to have optimum life chances and to enter into adulthood successfully.

Children's Barred List A register of individuals who are barred from working with children maintained by the Disclosure and Barring Service

EEA European Economic Area

There are different definitions suggested in terms of the **frequency** with which an individual has contact with children for the purpose of their inclusion on the SCR and requirement for completion of a DBS. DCC would recommend that the most straight forward approach for schools would be to use the definition provided by The Safeguarding Vulnerable Groups Act 2006.

Frequent contact (SCR) Once a week or more or on 4 or more days in a 30 day period.

Frequency and Intensive Test (DBS) Duties performed in the school setting will be defined as regulated activities as the school is an educational setting. If they are done frequently (once a week or more), intensively (on four days or more in a single month or overnight a DBS is required

Further reading and sources of information:

- **Keeping children Safe in Education** – updated Department for Education document issued 2016 (available via Department for Education Publications site: www.gov.uk/government/publications).
- **Disqualification under the Childcare Act 2006, DfE document issued February 2015**
- **Working Together to Safeguard Children: a guide to inter-agency working to safeguard and promote the welfare of Children**, HM Government 2015 (available via Department for Education Publications site: <http://publications.education.gov.uk/>). *Please note: A letter to local authorities and their Board partners on Local Safeguarding Children Boards has been issued and provides guidance under section 16(2) of the Children Act 2004. This letter should be read in conjunction with Chapter 8.*
- **Derbyshire Schoolsnet** is also a useful source of information and guidance for schools as is the Services 4 Schools (S4S) website for those purchasing traded services
- **Disclosure and Barring Service** website is a useful source of information and guidance regarding DBS checks and disclosures and can be accessed at:

<https://www.gov.uk/government/organisations/disclosure-and-barring-service>

- Education (Health Standards) (England) Regulations 2003
- Fitness to teach circular DfE

Appendix 1

Extract from 'Keeping children safe in education' (DfE)

Annex D: Statutory guidance – regulated activity (children)

This statutory guidance on the supervision of activity with children which is regulated activity when unsupervised is also published separately on [GOV.UK](https://www.gov.uk).

1. This document fulfils the duty in legislation that the Secretary of State must publish statutory guidance on supervision of activity by workers with children, which when unsupervised is regulated activity. This guidance applies in England, Wales and Northern Ireland. It covers settings including but not limited to schools, childcare establishments, colleges, youth groups and sports clubs.

2. For too long child protection policy has been developed in haste and in response to individual tragedies, with the well-intentioned though misguided belief that every risk could be mitigated and every loophole closed. The pressure has been to prescribe and legislate more. This has led to public confusion, a fearful workforce and a dysfunctional culture of mistrust between children and adults. This Government is taking a different approach.

3. We start with a presumption of trust and confidence in those who work with children, and the good sense and judgment of their managers. This guidance applies when an organisation decides to supervise with the aim that the supervised work will not be regulated activity (when it would be, if not so supervised). In such a case, the law makes three main points:

- there must be supervision by a person who is in regulated activity;
- the supervision must be regular and day to day; and
- the supervision must be “reasonable in all the circumstances to ensure the protection of children”.

The organisation must have regard to this guidance. That gives local managers the flexibility to determine what is reasonable for their circumstances. While the precise nature and level of supervision will vary from case to case, guidance on the main legal points above is as follows.

4. Supervision by a person in regulated activity/regular and day to day: supervisors must be in regulated activity themselves. The duty that supervision must take place “on a regular basis” means that supervision must not, for example, be concentrated during the first few weeks of an activity and then tail off thereafter, becoming the exception not the rule. It must take place on an ongoing basis, whether the worker has just started or has been doing the activity for some time.

Reasonable in the circumstances: within the statutory duty, the level of supervision may differ, depending on all the circumstances of a case. Organisations should

consider the following factors in deciding the specific level of supervision the organisation will require in an individual case:

- ages of the children, including whether their ages differ widely;
- number of children that the individual is working with;
- whether or not other workers are helping to look after the children;
- the nature of the individual's work (or, in a specified place such as a school, the individual's opportunity for contact with children);
- how vulnerable the children are (the more they are, the more an organisation might opt for workers to be in regulated activity);
- how many workers would be supervised by each supervising worker.

6. In law, an organisation will have no entitlement to do a barred list check on a worker who, because they are supervised, is not in regulated activity.

EXAMPLES

Volunteer, in a specified place

Mr Jones, a new volunteer, helps children with reading at a local school for two mornings a week. Mr Jones is generally based in the classroom, in sight of the teacher. Sometimes Mr Jones takes some of the children to a separate room to listen to them reading, where Mr Jones is supervised by a paid classroom assistant, who is in that room most of the time. The teacher and classroom assistant are in regulated activity. The head teacher decides whether their supervision is such that Mr Jones is not in regulated activity.

Volunteer, not in a specified place

Mr Wood, a new entrant volunteer, assists with the coaching of children at his local cricket club. The children are divided into small groups, with assistant coaches such as Mr Wood assigned to each group. The head coach oversees the coaching, spends time with each of the groups, and has sight of all the groups (and the assistant coaches) for most of the time. The head coach is in regulated activity. The club managers decide whether the coach's supervision is such that Mr Wood is not in regulated activity.

Employee, not in a specified place

Mrs Shah starts as a paid activity assistant at a youth club. She helps to instruct a group of children, and is supervised by the youth club leader who is in regulated activity. The youth club managers decide whether the leader's supervision is such that Mrs Shah is not in regulated activity.

In each example, the organisation uses the following steps when deciding whether a new worker will be supervised to such a level that the new worker is not in regulated activity:

- consider whether the worker is doing work that, if unsupervised, would be regulated activity. If the worker is not, the remaining steps are unnecessary;
- consider whether the worker will be supervised by a person in regulated activity, and whether the supervision will be regular and day to day, bearing in mind paragraph 4 of this guidance;
- consider whether the supervision will be reasonable in all the circumstances to ensure the protection of children, bearing in mind the factors set out in paragraph 5 of this guidance above; and if it is a specified place such as a school:
- consider whether the supervised worker is a volunteer.

Appendix 2

Extract from ‘Keeping children safe in education’ (DfE)

Regulated activity

The full legal definition of regulated activity is set out in Schedule 4 of the Safeguarding Vulnerable Groups Act 2006 as amended by the Protection of Freedoms Act 2012. HM Government have produced a factual note on *Regulated Activity in relation to Children: scope*.

Regulated activity includes:

- a) teaching, training, instructing, caring for (see (c) below) or supervising children if the person is unsupervised, or providing advice or guidance on well-being, or driving a vehicle only for children,
- b) work for a limited range of establishments (known as ‘specified places’, which include schools and colleges), with the opportunity for contact with children, but not including work done by supervised volunteers;

Work under (a) or (b) is regulated activity only if done regularly. Some activities are always regulated activities, regardless of their frequency or whether they are supervised or not. This includes:

- c) relevant personal care, or health care provided by or provided under the supervision of a health care professional:
 - personal care includes helping a child, for reasons of age, illness or disability, with eating or drinking, or in connection with toileting, washing, bathing and dressing;
 - health care means care for children provided by, or under the direction or supervision of, a regulated health care professional.