



Prepared by:

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Signature:




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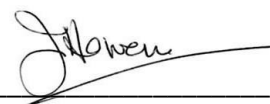
Approved by:

Tony Lacey
Chief Executive Officer



20th October 2023

Jane Owens
Chair of Trustees



20th October 2023

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1. Introduction

- 1.1. Oak Trees Multi Academy Trust recognises that people are a key resource and therefore fully accepts its responsibilities as an employer with regards to its Health, Safety and Well-being of its employees, pupils within its care, visitors to the premises and others who could be affected by its undertakings.
- 1.2. Oak Trees Multi Academy Trust understands its responsibilities under the Health and Safety at Work Act 1974 (HASAWA) and that the effective management of Health and Safety plays an important role in its overall performance as an educational establishment by the reduction in injuries, ill health, protecting the environment and by the avoidance of unnecessary losses and liabilities.
- 1.3. This policy should be read in conjunction with other pertinent documents, including but not limited to, KCSIE (latest version released by DfE), Safer Recruitment and Staff Code of Conduct.

2. Purpose and Intention

- 2.1. With effect from 1 December 2012, the CRB and the ISA merged to become the Disclosure and Barring Service (DBS). Since then, a number of changes have taken place in relation to process and advice. This policy applies to all academy employees within the Oak Trees Multi Academy Trust and contains pertinent information to those that will work across the trust without being direct employees.
- 2.2. The intention of the policy is to safeguard and protect, as far as possible, all children and vulnerable persons within the Oak Trees Multi Academy Trust. It is also the intention of the policy to ensure that the academy meets existing national requirements relating to DBS checking and safeguarding. The policy will be applied fairly to all employees irrespective of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation.
- 2.3. In addition to carrying out checks on prospective staff, the Trust will also seek to prevent unsuitable persons entering Trust premises. The Trust will carry out checks (or seek assurances where appropriate) on individuals coming onto site to work with children and young people (the level of check will depend upon the nature and frequency of the work being undertaken).
- 2.4. DBS checks for established schools within the MAT will be processed through the chosen approving body, Sign In Central Record (formerly SCR Tracker). The Chair of Trustees requires a DBS countersigned by the Secretary of State, whilst all MAT employees require a DBS in the name of the Trust as they may be visiting other Trust schools at times. All Trustees will be DBS checked and Barred List checked as a matter of course.

3. Procedure for New Employees

- 3.1. The processes followed in recruitment and selection, will be enclosed with the information sent to job applicants. A DBS check is only requested after a thorough risk assessment has indicated that one is relevant to the job/role concerned. All potential employees being

recruited to posts assessed as needing a DBS (Disclosure and Barring Service) check because of access to children or vulnerable persons will undergo such a check at the enhanced level.

- 3.2. Apprentices who are in areas of work where they may come into contact with children or vulnerable persons will require a DBS check before they start.
- 3.3. The DBS checks will be organised on behalf of the Academy by the individual academy admin staff. All DBS checks will be recorded on the school Single Central Record online, with MAT staff and Trustees on all SCRs across all MAT schools.
- 3.4. No member of staff, whether permanent, temporary or casual should start work until the DBS check has been received and appropriately considered and all other pre-employment checks have been completed. Offers of employment must be made subject to satisfactory check results.
- 3.5. If for any reason a DBS check is delayed and there is an urgent need for an applicant to commence work, and all other checks are complete, the Headteacher will make appropriate decisions following a thorough risk assessment. This must be highlighted to the CEO. Continuation of contract will still be subject to acceptable DBS check.

4. DBS check results

- 4.1. When an acceptable DBS check has been received and all other processes have been completed (such as references, ID checks, barred list check etc.) the employee may start work.
- 4.2. When a DBS check produces a history then that history needs to be considered in order to decide whether the employment may proceed. This consideration needs to take into account number, type, frequency and age of any convictions or warnings.
- 4.3. The Headteacher, with HR or legal advice where appropriate, will consider the history to decide whether employment can proceed. The decision made must be recorded. If there is doubt or dissent the matter should be referred to the Chair of Governors, Chair of Trustees and CEO for further consideration alongside the Headteacher and HR.

5. Repeat DBS checks

- 5.1. DBS checks for Academy employees and for relevant school governors and trustees/members will be repeated every 5 years. Headteachers/Oak Trees Multi Academy Trust retain the right to repeat the DBS checks at their discretion.
- 5.2. Oak Trees Multi Academy Trust accepts that the DBS checks of all employees are valid to work in their respective Oak Trees Multi Academy Trust schools upon conversion date, and that they will then be repeated as part of the 5-year school cycle.

6. Information received after/between DBS checks

- 6.1. If, following their initial employment, an employee is convicted of any offence or receives a police warning then he/she is required to declare this.
- 6.2. As soon as the Headteacher becomes aware of a conviction or warning having been issued to an employee, they need to consider this and can refer to HR/legal services for advice. This may also give rise to the need to request an updated DBS check.
- 6.3. In some instances, the police will notify the academy of investigations/convictions relating to staff employed at the academy.
- 6.4. When information/concerns are raised, these should be considered by the Headteacher as soon as possible with HR/legal advice. In cases of doubt, dissent or difficulty, the case should be referred to the Chair of Governors/Chair of Trustees/CEO for further and final consideration.

7. Rehabilitation of offenders

- 7.1. Under the requirements of the Rehabilitation of Offenders legislation there is a system for cautions and convictions and for both systems there is a list of exempt offences. This means that any caution or conviction for an offence may or may not be filtered.
- 7.2. In November 2020, the rules were updated and as a result, warnings, reprimands and youth cautions will no longer be automatically disclosed on a DBS certificate. The multiple conviction rule has been removed, meaning that if an individual has more than one conviction, regardless of offence type or time passed, each conviction will be considered against the remaining rules individually, rather than all being automatically disclosed.
- 7.3. The list of offences that will **never** be filtered from a standard or enhanced check can be found [here](#). All convictions resulting in a custodial sentence, whether or not suspended, will always be disclosed.
- 7.4. Further guidance regarding filtering for DBS purposes can be found [here](#).

8. Contractors and Agency Staff

- 8.1. All contractors are required to ensure that any person, be it an employee or someone acting on behalf of the contractor, who visits the academy and has unsupervised contact with children or vulnerable people, has DBS clearance to an enhanced level.
- 8.2. The contracting organisation should provide the academy with a list of staff and confirmation of the number and date of their DBS checks. Their employees should carry photo ID whilst on site.
- 8.3. The trust recognises that there will be occasions whereby contractors are on site to perform roles whereby they are not considered to be in regulated activity (see appendix 1) nor will their role be in relation to children and young people. In any such circumstance, and in

keeping with their role, DBS checks will not be in place. When working in areas with access to children and young people, these contractors will be supervised by an appropriate member of academy staff at all times.

- 8.4. Any setting which utilises agency staff must obtain written notification from any agency, or third-party organisation they use that the organisation has carried out the checks (in respect of the enhanced DBS certificate, written notification that confirms the certificate has been obtained by either the employment business or another such business), on an individual who will be working at the setting that the Trust would otherwise perform.
- 8.5. Written notification must be received prior to the agency staff commencing work with the Trust.
- 8.6. Details of the agency staff's DBS check will be recorded on the relevant settings Single Central Record (SCR).

9. VISITORS TO SCHOOLS AND VOLUNTEERS

- 9.1. Employees of other organisations – unless they meet the definition of Regulated Activity - will no longer require DBS checks. Should the Headteacher have any concerns with regard to this they should contact HR for further guidance/support. Oak Trees MAT employees should always wear their ID cards when visiting sites across the academy.
- 9.2. Visitors to the academy who undertake work with children will require a DBS check and their employing organisation should provide the academy with a list of names and confirmation of the number and the date of the enhanced DBS checks.
- 9.3. Visitors to the academy who are simply attending a meeting with staff or using meeting facilities do not require DBS checks.
- 9.4. Teacher training organisations and some other educational establishments, which organise placements in schools, are responsible for DBS checks and will provide details to academy schools along with photo ID of students. This will be kept on the individual academy schools' Single Central Record.
- 9.5. Volunteers taking part in regulated activities (see Appendix 1) within academy schools will require DBS clearance, with details kept on individual schools' Single Central Records.
- 9.6. All regular volunteers must have an enhanced DBS check before being allowed to volunteer at a school. If the DBS is not clear, then the policies and procedures outlined above should be followed at all times.

Appendix 1 – Regulated activity

Further details about what constitutes regulated activity with children can be found [here](#) and [here](#).

Regulated Activity for Children

The new definition of Regulated Activity relating to children is set out in three parts by The Protection of Freedoms Act.

A person can be in a Regulated Activity because of what they do (activities), where they work (establishments) or who they are (specified position).

The new definition of Regulated Activity covers:

- Unsupervised activities: teach, train, instruct, care for or supervise children, or provide advice/guidance on wellbeing, moderate a public electronic interactive service or drive a vehicle only for children carried out on a frequent (once a week or more often), intensive (on 4 or more days in a 30-day period) or overnight basis.
- An individual carrying out activities as above, under reasonable day-to-day supervision by another person who is also engaging in Regulated Activity is not undertaking Regulated Activity.
- Work for a limited range of establishments (schools, nursery schools, PRU's, childcare premises, children's homes, children's centres) with the opportunity for contact with children carried out on a frequent, intensive or overnight basis.
- A volunteer carrying out supervised activities under reasonable day-to-day supervision by another person who is also engaging in Regulated Activity is not undertaking Regulated Activity, however a supervised paid employee working for a specified establishment does come under Regulated Activity.
- Activities by a person contracted (or volunteering) to provide occasional or temporary services (which are not teaching, training or supervision of children) is no longer undertaking a Regulated Activity (e.g. maintenance contractors) but please remember, as stated above, supervised paid employees in specified establishments are in a Regulated Activity.
- Providing healthcare – provision by a healthcare professional or under the direction or supervision of one. This may include psychotherapy and counselling, first-aid administered on behalf of an organisation established for the purposes of providing first aid. This does not include workplace first aiders, members of peer support groups or life coaching.
- Providing personal care – physical assistance (or prompting with supervision or training or providing advice or guidance) with eating or drinking because of illness or disability, physical assistance (or prompting with supervision or training or providing advice or guidance) with going to the toilet, washing or bathing or dressing because of age, illness or disability.
- Registered childminders and foster carers.
- Day-to-day management or supervision of individuals carrying out Regulated Activity relating to children.