DBS Policy and Procedures

South Milford Preschool complies fully with the DBS Code of Practice, and any other relevant legislation, regarding the correct handling, use, storage, retention and disposal of Disclosures and Disclosure information. South Milford Pre-School treats all applicants fairly.

Implementation

* All members of staff and regular volunteers are required to have an enhanced level DBS check carried out as soon as recruited. Their employment is subject to a satisfactory DBS check and disqualification declaration.
* Any adult that does not have a DBS check or that is awaiting clearance will not have unsupervised access to children in the setting. They will always work with the children within the main hall under supervision of another member of staff with a cleared DBS disclosure. They will not be able to take photos of children or have access to any children’s files. They will not be involved in any personal care of the children.
* Any adult applying for a job at South Milford Preschool will have to disclose any convictions on their application and provide information regarding their conviction in a sealed confidential envelope to be opened at the shortlisting stage. Please refer to staffing and recruitment policy.
* Mel Riches, manager and owner, is the person who authorises the DBS checks through NYCC.
* On receipt of the DBS disclosure the date of issue, staff members name, the unique reference number and recruitment decision is logged on the Single Central Record. This information will be kept for up to 21 years after employment. Certificates are shredded within 6 months.
* The DBS information is then kept in a locked filing cabinet at home.
* Should the results of a DBS check disclose criminal convictions, South Milford Preschool may take disciplinary action which may lead to dismissal. Disclosures will be discussed with the member of staff in question and a full risk assessment carried out (see appendix 1) before any action is taken. Certificate information is only used for the specific purpose for which it was requested and for which the applicant’s full consent has been given.
* Any disclosures or convictions will be dealt with in the strictest of confidence by the managers.
* Staff who have signed up for the portable DBS (update service) will be subject to a yearly (or management’s discretion) online update check undertaken by the Senior Management Team, if the DBS certificate has been recorded as “no longer current” the staff member will be asked to renew their DBS within 5 working days at their cost.
* Staff have a duty within their contract to inform Mel Riches immediately if anything has happened since their DBS check that would stop them receiving a satisfactory DBS check or from working with children. Failure to disclose any offences post-employment could also lead to loss of employment, depending on the nature of the offence.
* Staff are also required to complete a disqualification declaration annually(see appendix 2), in which they agree to state any disqualification or criminal convictions they acquire after the completion of their DBS. Failure to disclose a disqualification or criminal conviction could lead to termination of employment. In the event of an individual being employed and it is later identified that they have a criminal conviction, then an urgent meeting will take place with the individual. A risk assessment will be carried out (see appendix 1) and depending on the nature of the conviction, a decision will be made as to whether the individual is suitable to remain employed. Ofsted will be informed if the employee is deemed unacceptable to work with children as well as the DBS team. Referral helpline: 01325 953795

M Riches - July 2023

Appendix 1

Risk Assessment based on disclosure from DBS

Risk Assessment DBS Certificate – To be completed if the DBS Certificate have criminal record disclosures

Name on DBS Certificate: Certificate No:

Post: Date of issue:

|  | Comments/Actions/Explanation |
| --- | --- |
| What information has been disclosed?What has the individual said in relation to the disclosure? |  |
| How serious or otherwise is the information that has been disclosed? |  |
| Does the disclosure show a pattern of offending? |  |
| What were the circumstances surrounding the event? |  |
| What was the individual’s level of involvement in the event? |  |
| What is the likelihood of the event happening again? |  |
| What is the person’s attitude to the event? E.g. regretful, remorseful; minimising. |  |
| What was the persons age at the time of event? |  |
| How much time has elapsed since the event? |  |
| Previous and subsequent good character? |  |
| Any other mitigating or aggravating circumstances? |  |
| Does the information pose a risk of harm to children? |  |
| Do any offences have any relevance to the job role?  |  |
| Does the nature of the job present any opportunities for the post holder to reoffend in the place of work? |  |
| Where completed, has the applicant disclosed their offences on the application form or at interview? |  |
| What was the outcome of the discussion with the applicant about their criminal background? |  |
| Was the person working with children at the time of event? Was there a duty to refer to employer and DBS? |  |

Outcome of Assessment

| I am satisfied that based on the above, the criminal background of this person should not prevent them taking up the position  |  |
| --- | --- |
| I am not satisfied that based on the above, the criminal background of this person makes them suitable to take up the position |  |

Managers Name:

Managers Signature:

Date:

Appendix 2:

| Pre-School Staff Disqualification Declaration - CONFIDENTIAL  |
| --- |

| Name |  | Post |  |
| --- | --- | --- | --- |
| Please circle one answer for each question |
| Section 1 – Orders or other restrictions |
| Have any orders or other determinations related to childcare been made in respect of you? | YES / NO |
| Have any orders or other determinations related to childcare been made in respect of a child in your care? | YES / NO |
| Have any orders or other determinations been made which prevents you from being registered in relation to child care, children’s homes or fostering? | YES / NO |
| Are there any other relevant orders, restrictions or prohibitions in respect of you as set out in the Schedule 1 of the Regulations? Available at the link below:<http://www.legislation.gov.uk/uksi/2009/1547/schedule/1/made> | YES / NO |
| Are you barred from working with Children by the Disclosure and Barring Service (DBS)? | YES / NO |
| Are you prohibited from teaching by the National College for Teaching & Leadership (NCTL)? | YES / NO |
| Section 2 – Specified and Statutory Offences |
| Have you ever been cautioned, reprimanded, given a warning for or convicted of: |  |
| ∙ Any offence against or involving a child? (A child is a person under the age of 18) | YES / NO |
| ∙ Any violent or sexual offence against an adult? | YES / NO |
| ∙ Any offence under the Sexual Offences Act? | YES / NO |
| * Any other relevant offence?
 | YES / NO |
| Further information available at the links below:<http://www.legislation.gov.uk/uksi/2009/1547/schedule/2/made><http://www.legislation.gov.uk/uksi/2009/1547/schedule/3/made> |  |
| Have you ever been cautioned, reprimanded, given a warning for or convicted of any similar offence in another country? | YES / NO |
|  |
|  |  |
| Section 3 – Provision of Information |  |
| If you have answered YES to any of the questions above you should provide details the below in respect of yourself, or where relevant the member of your household. You may supply this information separately if you so wish, but you must do so without delay. | YES / NO |
| Details of the order, restriction, conviction, caution etc. including dates and relevant court(s) body(ies) (give details below) |
| You must also provide a copy of the relevant order, caution, conviction etc. In relation to cautions/convictions a DBS Certificate may be provided. |
| Section 4 – Declaration |
| In signing this form, I confirm that the information provided is true to the best of my knowledge and that: |
| ∙ I understand my responsibilities to safeguard children. |
| ∙ I understand that I must notify my manager immediately of anything now or in the future that affects, or might affect, my suitability to work in the School, including any cautions, warnings, convictions, orders or other determinations made in respect of me or a member of my household that would render me disqualified from working with children under the Childcare (Disqualification) Regulations 2009, replacement or similar legislation. Failure to notify will be a serious matter, considered as gross misconduct under the Disciplinary processes and could result in summary dismissal. |
| Signed:  | Date |
| Print Full Name: |