



## Cardinal Langley RC High School

### **POLICY STATEMENT IN RELATION TO SAFER RECRUITMENT, DISCLOSURE & BARRING SERVICE (DBS) & BACKGROUND CHECKS**

It is the policy of Cardinal Langley RC High School to comply with the Local Authority’s *Recruitment and Selection Policy* and *Disclosure and Barring Policy* to help ensure compliance with our obligations towards the safeguarding of our pupils.

The following exception applies in the case of Cardinal Langley RC High School:

- The Diocese of Salford requires Catholic schools to use the CES application forms in the recruitment process, rather than the Rochdale Local Authority form.

The Local Authority’s recruitment and selection process is in accordance with the DfE Keeping Children Safe in Education statutory guidance, and ensures that the necessary clearances and safeguards are in place for all staff, governors, volunteers, contractors, student teachers, supply staff, etc. before they are allowed to undertake their duties.



Compliance with policies and guidance is assured and monitored in the following ways:

1. Safer recruitment training for key members of staff involved in the recruitment process. At least one member of the shortlisting and interview panel will be trained in safer recruitment. Safer recruitment training is refreshed at least every 5 years.
2. Single Central Record of recruitment and vetting checks maintained by the School Business Manager (live updates)
3. Single Central Record of recruitment and vetting checks monitored by the Designated Safeguarding Lead on at least a termly basis.
4. Safeguarding/Safer Recruitment Link Governor visits to ensure there are adequate systems in place, and to monitor compliance
5. Audit of the Single Central Record of recruitment and vetting checks carried out at least annually by the School Improvement Partner, or as part of:
  - Pre-Ofsted Inspection Audit by the Local Authority
  - Ofsted Inspection
  - Audit by the Governing Board (if concerns about compliance are raised)

Related documents:

- **Appendix A:** Regulated Activity and Eligibility for DBS and Barred List Checks
- **Appendix B:** Agency and third party (supply) staff; contractors; trainee/student teachers; visitors; volunteers; school governors; alternative provision; work experience
- [DfE Keeping Children Safe in Education \(September 2024\)](#)
- RBC Recruitment and Selection Policy (revised September 2022)
- RBC Disclosure & Barring Policy (revised April 2015)
- RBC Guidance on the Single Central Record (September 2023)
- Link Governor Report Form

**Review/Approval:** This document will be updated annually or following any change to related policy, procedure, guidance or legislation.

Updated September 2024		Signed	Date approved
Safeguarding/Safer Recruitment Link Governor	Mr B McAnenny		22.10.2024
Headteacher	Mr A Bridson		22.10.2024

## Appendix A

From the DfE document: Keeping Children Safe in Education (September 2024)

### Regulated activity

242. In summary, a person will be engaging in regulated activity with children if, as a result of their work, they:

- will be responsible, on a regular basis in a school or college, for teaching, training instructing, caring for or supervising children
- will be working on a regular basis in a specified establishment, such as a school, or in connection with the purposes of the establishment, where the work gives opportunity for contact with children, or
- engage in intimate or personal care or healthcare or any overnight activity, even if this happens only once.

Further details on regulated activity below.

**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 has produced [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 physical, emotional or educational 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.<sup>75</sup> Some activities are always regulated activities, regardless of 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 with eating and drinking for reasons of illness or disability or in connection with toileting, washing, bathing and dressing for reasons of age, illness or disability;<sup>76</sup>
  - health care means care for children provided by, or under the direction or supervision of, a regulated health care professional.

Regulated activity will not be:

- paid work in specified places which is occasional and temporary and does not involve teaching, training; and
- supervised activity which is paid in non-specified settings such as youth clubs, sports clubs etc.

### [Factual note on regulated activity in relation to children scope](#)

<sup>75</sup> The Safeguarding Vulnerable Groups Act 2006 provides that the type of work referred to at (a) or (b) will be regulated activity if "it is carried out frequently by the same person" or if "the period condition is satisfied". Paragraph 10 of Schedule 4 to this Act says the period condition is satisfied if the person carrying out the activity does so at any time on more than three days in any period of 30 days and, for the purposes of the work referred to at (a), apart from driving vehicle only for children, it is also satisfied if it is done at any time between 2am and 6am and it gives the person the opportunity to have face to face contact with children.

<sup>76</sup> It is not intended that personal care includes such activities as, for example, parent volunteers helping with costumes for school plays or helping a child lace up football boots.

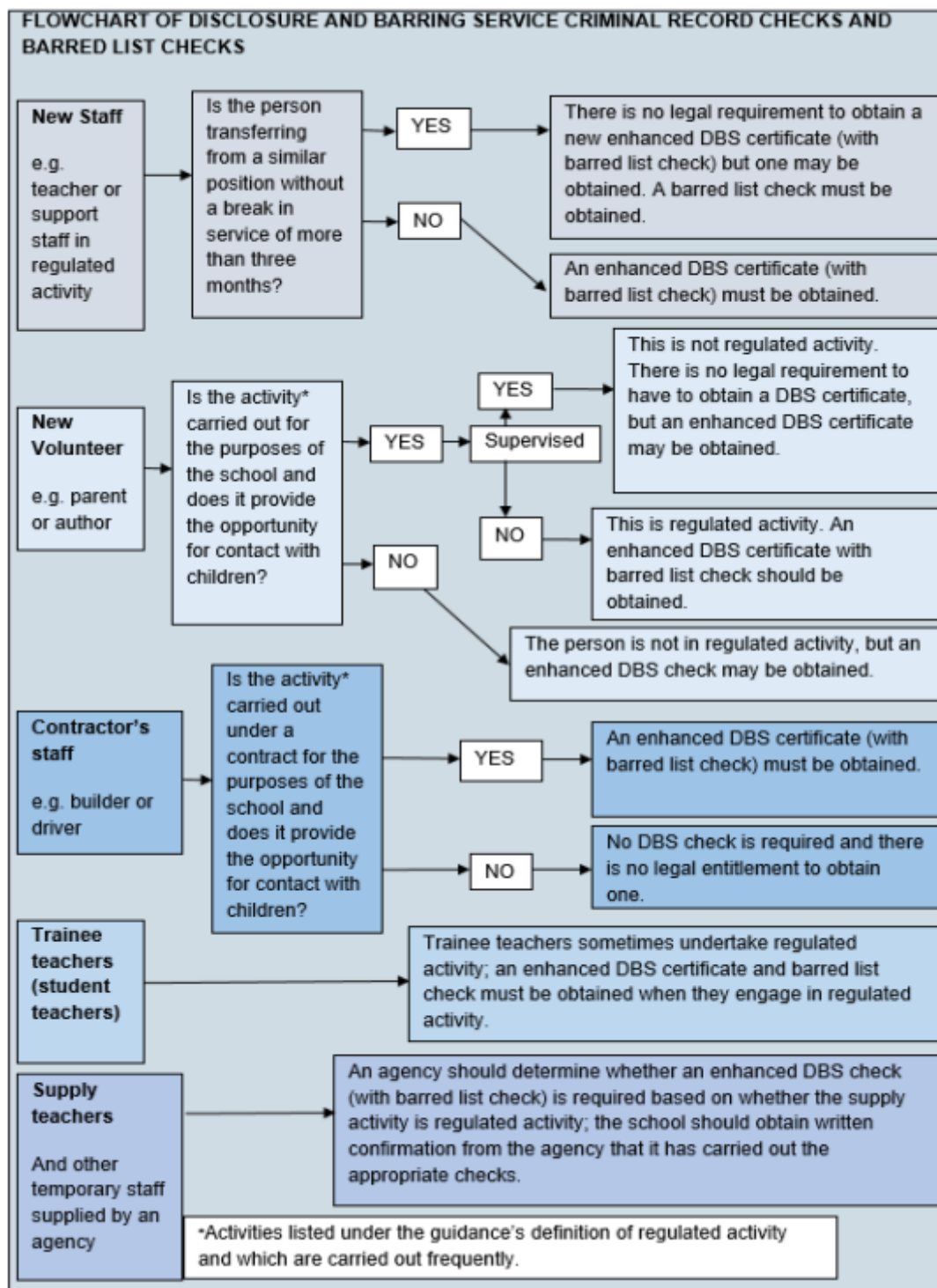
### Considering which type of check is required

244. Most staff in a school and those in colleges working with children will be engaging in regulated activity relating to children, in which case an enhanced DBS check which includes children’s barred list information, will be required.

245. For all other staff (e.g. contractors) who have an opportunity for regular contact with children who are not engaging in regulated activity, an enhanced DBS certificate, which does not include a barred list check, will be appropriate.

246. Barred list information must not be requested on any person who is not engaging in or seeking to engage in regulated activity.

247. The flowchart below (page 70 of KCSIe) provides more information on the decision-making process.



## Appendix B

### Agency and third-party staff (supply staff)<sup>93</sup>

286. Schools and colleges **must**<sup>94</sup> obtain written notification from any agency, or third party organisation, that they have carried out the same checks as the school or college would otherwise perform on any individual who will be working at the school or college (or who will be providing education on the school or college's behalf, including through online delivery).<sup>95</sup> In respect of the enhanced DBS check, schools and colleges **must**<sup>96</sup> ensure that written notification confirms the certificate has been obtained by either the employment business or another such business.

### Agency and third-party staff (supply staff)<sup>95</sup>

292. Schools and colleges **must**<sup>96</sup> obtain written notification from any agency, or third party organisation, that they have carried out the same checks as the school or college would otherwise perform on any individual who will be working at the school or college (or who will be providing education on the school or college's behalf, including through online delivery).<sup>97</sup> In respect of the enhanced DBS check, schools and colleges **must**<sup>98</sup> ensure that written notification confirms the certificate has been obtained by either the employment business or another such business.

293. Where the agency or organisation has obtained an enhanced DBS certificate before the person is due to begin work at the school or college, which has disclosed any matter or information, or any information was provided to the employment business, the school or college **must**<sup>99</sup> obtain a copy of the certificate from the agency.

294. Where the position requires a children's barred list check, this **must**<sup>100</sup> be obtained by the agency or third party by obtaining an enhanced DBS certificate with children's barred list information, prior to appointing the individual.

295. The school or college should also check that the person presenting themselves for work is the same person on whom the checks have been made.

<sup>95</sup> Further advice on safer recruitment for schools and colleges using recruitment and supply agencies can be found within the [Better Hiring Institute's Education Supply Chains A better Hiring Toolkit](#) advice.

<sup>96</sup> 16-19 Academies, Special Post-16 institutions and Independent Training Providers should obtain written notification regarding checks when they use agency or third-party staff.

<sup>97</sup> Colleges **must** comply with regulations 11 to 19 of The Further Education (Providers of Education) (England) Regulations 2006 in respect of agency workers; maintained schools **must** comply with regulations 18 and 30 of the School Staffing (England) Regulations 2009; non-maintained special schools **must** comply with paragraphs 5 and 16 of the Schedule to The Non-Maintained Special Schools (England) Regulations 2015; and independent schools (including academies and free schools) **must** comply with paragraph 19 of the Schedule to The Education (Independent School Standards) Regulation 2014.

<sup>98</sup> 16-19 Academies, Special Post-16 institutions and Independent Training Providers should ensure that written notification confirms the certificate has been obtained by either the employment business or another such business.

<sup>99</sup> 16-19 Academies, Special Post-16 institutions and Independent Training Providers should obtain a copy of the certificate in such circumstances.

<sup>100</sup> Where using a third party 16-19 Academies, Special Post-16 institutions and Independent Training Providers should ensure a DBS with barred list information is obtained for those engaging in regulated activity

### Contractors

296. Where schools and colleges use contractors to provide services, they should set out their safeguarding requirements in the contract between the organisation and the school or college.

297. Schools and colleges should ensure that any contractor, or any employee of the contractor, who is to work at the school or college, has been subject to the appropriate level of DBS check. Contractors engaging in regulated activity relating to children will require an enhanced DBS check (including children's barred list information).

298. For all other contractors who are not engaging in regulated activity relating to children, but whose work provides them with an opportunity for regular contact with children, an enhanced DBS check (not including children's barred list information) will be required.<sup>101</sup> In considering whether the contact is regular, it is irrelevant whether the contractor works on a single site or across several sites. In cases where the contractor

does not have opportunity for regular contact with children, schools and colleges should decide on whether a basic DBS disclosure would be appropriate.

299. Under no circumstances should a contractor on whom no checks have been obtained be allowed to work unsupervised or engage in regulated activity relating to children. Schools and colleges are responsible for determining the appropriate level of supervision depending on the circumstances.

300. If an individual working at a school or college is self-employed, the school or college should consider obtaining the DBS check, as self-employed people are not able to make an application directly to the DBS on their own account.

301. Schools and colleges should always check the identity of contractors on arrival at the school or college

<sup>101</sup> It will only be possible to obtain an enhanced DBS certificate for contractors in colleges which are exclusively or mainly for the provision of full-time education to children.

### **Trainee/student teachers**

302. Where applicants for initial teacher training are salaried by the school or college, the school or college must<sup>102</sup> ensure that all necessary checks are carried out. If these trainee teachers are engaging in regulated activity relating to children (which in most cases by the nature of the work, they will be), an enhanced DBS check (including children's barred list information) must<sup>103</sup> be obtained.

303. Where trainee teachers are fee-funded, it is the responsibility of the initial teacher training provider to carry out the necessary checks. Schools and colleges should obtain written confirmation from the provider that it has carried out all pre appointment checks that the school or college would otherwise be required to perform, and that the trainee has been judged by the provider to be suitable to work with children.

304. There is no requirement for the school or college to record details of fee-funded trainees on the single central record. However, schools and colleges may wish to record this information under non statutory information, see paragraph 279.

<sup>102</sup> 16-19 Academies, Special Post-16 institutions and Independent Training Providers should ensure all necessary checks are carried out.

<sup>103</sup> 16-19 Academies, Special Post-16 institutions and Independent Training Providers must ensure an enhanced DBS check with barred list information is obtained as per their funding agreement

### **Visitors**

305. Schools and colleges have different types of visitors, those with a professional role i.e. educational psychologists, social workers etc. those connected with the building, grounds maintenance, children's relatives or other visitors attending an activity in school such as a sports day. For visitors provided via a third party see paragraphs 292-295.

306. Schools and colleges should not request DBS checks or barred list checks, or ask to see existing DBS certificates, for visitors such as children's relatives or other visitors attending a sports day.

307. Headteachers and principals should use their professional judgement about the need to escort or supervise such visitors.

308. For visitors who are there in a professional capacity schools and colleges should check ID and be assured that the visitor has had the appropriate DBS check (or the visitor's employers have confirmed that their staff have appropriate checks. Schools and colleges should not ask to see the certificate in these circumstances).

309. Whilst external organisations can provide a varied and useful range of information, resources and speakers that can help schools and colleges enrich children's education, careful consideration should be given to the suitability of any external organisations.

310. School and college safeguarding policies should set out the arrangements for individuals coming onto their premises, which may include an assessment of the education value, the age appropriateness of what is going to be delivered and whether relevant checks will be required.



## Volunteers

311. Under no circumstances should a volunteer on whom no checks have been obtained be left unsupervised or allowed to work in regulated activity.

312. Whilst volunteers play an important role and are often seen by children as being safe and trustworthy adults, the nature of voluntary roles varies, so schools and colleges should undertake a written risk assessment and use their professional judgement and experience when deciding what checks, if any, are required.

313. The risk assessment should consider:

- the nature of the work with children, especially if it will constitute regulated activity, including the level of supervision
- what the establishment knows about the volunteer, including formal or informal information offered by staff, parents and other volunteers
- whether the volunteer has other employment or undertakes voluntary activities where referees can advise on their suitability, and
- whether the role is eligible for a DBS check, and if it is, the level of the check, for volunteer roles that are not in regulated activity.

314. Details of the risk assessment should be recorded.<sup>104</sup>

### When should a DBS with barred list be obtained for volunteers<sup>105</sup>?

315. Schools or colleges should obtain an enhanced DBS check (which should include children's barred list information) for all volunteers who are new to working in regulated activity with children, i.e. where they are unsupervised and teach or look after children regularly or provide personal care on a one-off basis in schools and colleges. See Annex E of KCSiE for statutory supervision guidance. Employers are not legally permitted to request barred list information on a supervised volunteer, as they are not considered to be engaging in regulated activity.

## Supervision of volunteers

316. It is for schools and colleges to determine whether a volunteer is considered to be supervised. Where an individual is supervised, to help determine the appropriate level of supervision, all schools and colleges<sup>106</sup> must have regard to the statutory guidance issued by the Secretary of State (replicated at Annex E of KCSiE).

317. For a person to be considered supervised, the supervision must be:

- by a person who is in regulated activity relating to children<sup>107</sup>
- regular and day to day, and
- reasonable in all the circumstances to ensure the protection of children.

## Existing volunteers

318. Volunteers do not have to be re-checked if they have already had a DBS check (which should include children's barred list information if engaging in regulated activity). However, if the school or college has any concerns, they should consider obtaining a new DBS check at the level appropriate to the volunteering role.

<sup>104</sup> Schools and colleges are free to determine where to store this information.

<sup>105</sup> The DBS does not charge for checks on volunteers. However, if schools or colleges use an external organisation to carry out the check, there may be an administration charge.

<sup>106</sup> This also applies to 16-19 Academies, Special Post-16 institutions and Independent Training Providers

<sup>107</sup> It should be noted that if the work is in a specified place such as a school, paid workers remain in regulated activity even if supervised.

## Maintained school governors

319. Governors in maintained schools are required to have an enhanced DBS check.<sup>108</sup> It is the responsibility of the governing body to apply for the certificate for any governors who do not already have one.

320. Governance is not a regulated activity relating to children, so governors do not need a children's barred list check unless, in addition to their governance duties, they also engage in regulated activity.

321. Schools should also carry out a section 128 check for school governors, because a person prevented from participating in the management of an independent school by a section 128 direction, is also disqualified from being a governor of a maintained school. Using the free Employer Secure Access sign-in portal via the TRA Teacher Services web page, schools can check if a person they propose to recruit as a governor is barred as a result of being subject to a section 128 direction. There is no requirement for schools to record this information on the single central record, but they can if they chose to.

322. Associate members are appointed by the governing body to serve on one or more governing body committees. The School Governance (Constitution and Federations) (England) (Amendment) Regulations 2016 which make enhanced DBS checks mandatory for maintained school governors do not apply to associate members, and so there is no requirement for them to be checked unless they also engage in regulated activity at their school.

<sup>108</sup> The School Governance (Constitution) (England) Regulations 2012 were amended by the School Governance (Constitution and Federations) (England) (Amendment) Regulations 2016 to include this requirement.

### Alternative Provision

333. Where a school places a pupil with an alternative provision provider, the school continues to be responsible for the safeguarding of that pupil, (further information provided in part 2 of KCSiE).

334. Schools should obtain written confirmation from the alternative provision provider that appropriate safeguarding checks have been carried out on individuals working at the establishment, i.e. those checks that the school would otherwise perform in respect of its own staff.

### Adults who supervise children on work experience

335. Schools and colleges organising work experience placements should ensure that the placement provider has policies and procedures in place to protect children from harm.<sup>118</sup>

336. Children's barred list checks via the DBS might be required on some people who supervise a child under the age of 16 on a work experience placement.<sup>119</sup> The school or college should consider the specific circumstances of the work experience. Consideration must be given in particular to the nature of the supervision and the frequency of the activity being supervised, to determine what, if any, checks are necessary.

337. These considerations would include whether the person providing the teaching/ training/ instruction/ supervision to the child on work experience will be:

- unsupervised themselves, and
- providing the teaching/training/instruction frequently (more than three days in a 30-day period, or overnight).

338. If the person working with the child is unsupervised and the same person is in frequent contact with the child, the work is likely to be regulated activity relating to children. If so, the school or college could ask the employer providing the work experience to ensure that the person providing the instruction or training is not a barred person.

339. Schools and colleges are not able to request that an employer obtains an enhanced DBS check with children's barred list information for staff supervising children aged 16 to 17 on work experience.<sup>120</sup>

340. If the activity undertaken by the child on work experience takes place in a 'specified place'<sup>121</sup>, such as a school or sixth form college, and gives the opportunity for contact with children, this may itself be considered to be regulated activity relating to children. In these cases, and where the child doing the work experience is 16 years of age or over, the work experience provider e.g. school or sixth form college should consider whether a DBS enhanced check should be requested for the child in question. DBS checks cannot be requested for children under the age of 16.<sup>122</sup>

<sup>119</sup> Safeguarding Vulnerable Groups Act 2006, as amended by the Protection of Freedoms Act 2012, which came into force on 10 September 2012.

<sup>120</sup> The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 was amended by the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) (England and Wales) Order 2012 so that employers may no longer request checks in these circumstances.

<sup>121</sup> See page 8 of DBS guidance: Regulated activity with children England which can be found at:  
<https://www.gov.uk/government/publications/dbs-guidance-leaflets>

<sup>122</sup> Under the Police Act 1997, an individual must be 16 or over to be able to make an application for a DBS check.