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Purpose

The purpose of this policy and procedure is to ensure that RB Worthing complies fully with its duties and powers under the Safeguarding Vulnerable Groups Act 2006, as amended by the Protection of Freedoms Act 2012, and current Disclosure and Barring Service (DBS) guidance, in using the DBS process to make safer recruitment decisions.

It does this by identifying those who may be unsuitable for certain work – particularly work involving vulnerable groups, including children.

Scope

This policy and procedure applies to the recruitment and engagement of staff, agency workers and volunteers across RB Worthing.

It should be followed when recruiting, both internally and externally, to all posts which have been identified as providing access to children (persons under the age of 18) or to other defined posts of trust, within RB Worthing.

Policy Statement

This policy sets out RB Worthing's approach to using Disclosure and Barring Service (DBS) checks and the implications arising from their use for employees and workers. It relates to checks carried out upon recruitment and, where appropriate, during the course of employment or engagement.

All checks will be carried out in accordance with current legislation and DBS eligibility criteria.

Posts Which Require a Criminal Records Check

RB Worthing will ensure that DBS checks are undertaken only where a role is eligible under current DBS legislation and guidance.

The level of check required (standard, enhanced, or enhanced with barred list check) will be determined based on:

- the duties of the role
- whether the role meets the definition of regulated activity, as set out in the Safeguarding Vulnerable Groups Act 2006 (as amended)

RB Worthing will ensure that appropriate DBS and barred list checks are obtained for all staff undertaking regulated activity.

In addition to DBS checks, robust safer recruitment processes will always be followed, including references, identity checks, and employment history verification.

RB Worthing will remain vigilant at all times, ensuring effective day-to-day management so that any unusual or concerning behaviour is identified and addressed promptly.

Recruitment

All recruitment, both internal and external, will be in line with RB Worthing's Recruitment and Selection Policy and Procedure, which follows safer recruitment guidance and Keeping Children Safe in Education (KCSIE).

Prior to advertising, the Head of Centre will identify the level of DBS check required for the post. The job advertisement and selection criteria will:

- clearly state the level of DBS check required

- include RB Worthing's commitment to safeguarding children and vulnerable adults

DBS Checks and Starting Employment

A DBS check (and barred list check, where applicable) will be obtained following a conditional offer of employment.

Where appropriate, and in exceptional circumstances:

an individual may commence employment before the DBS certificate is received provided that:

- a written risk assessment has been completed
- appropriate supervision is in place
- the individual does not undertake unsupervised regulated activity where a barred list check is required

No individual will be permitted to engage in regulated activity requiring a barred list check until that check has been completed and confirmed.

DBS Currency

A DBS certificate provides a snapshot of criminal record information at the time of issue and does not have a formal expiry date.

RB Worthing requires DBS checks to be reviewed or renewed on a three-year cycle as part of its internal safeguarding procedures.

DBS Update Service

Once a conditional offer is made, the recruiting manager should check whether the applicant is registered with the DBS Update Service. For new applicants who already have a DBS check and who have registered with the online update service, the recruiting manager will accept this disclosure, and carry out an online status check to ensure that their disclosure is still valid. <https://www.gov.uk/government/publications/dbs-update-service-employer-guide>. In addition, the applicant will be required to bring in their original certificate for the recruiting manager to see. If the online status check reveals a change in the disclosure status, then a new check will be required and a risk assessment completed, as detailed above.

For candidates offered a post but who do not hold a current DBS (less than 3 years old), or are not on update service, the Centre Business Manager will advise the preferred candidate on the process to complete the disclosure application. The Centre Business Manager is responsible for checking and verifying the ID required for the DBS check from the applicant. The Centre Business Manager must ask the applicant to bring in their original certificate, and should record they have seen the certificate and record the disclosure number and the date of disclosure on the DBS verification form and stored on the personnel file of the candidate.

Individuals appointed will not be set up as a new staff member or allowed to commence their employment until a valid current DBS check (and barred list check if relevant) has been seen and documented. In very exceptional circumstances, the requirement for a satisfactory DBS check prior to commencement may be waived by the Head of Centre, verifying that a written supervision plan is in place. No individual will be allowed to engage in any regulated activity, in any circumstances, until a suitable DBS and barred list check has been completed.

Dealing with Positive Disclosures

If the disclosure certificate shows cautions, warnings and convictions, spent and unspent, the Head of Centre is responsible for taking all decisions on whether to employ. A record of the

rationale for reaching a decision and the final decision should be kept on file. A DBS risk assessment must also be completed, as detailed above. The Chair of Trustees will be informed of the decision. Before a decision is reached on whether to withdraw a conditional offer, the individual will be offered the opportunity to discuss the content of the disclosure with the Head of Centre. Notes of any discussions with the individual will be made and retained confidentially on file. The decision on whether to or not to confirm the appointment will take into account a range of factors, including:

- Whether they are barred from appointment under the DBS lists (and therefore it is unlawful to employ them in specific roles involving regulated activity)
- whether the conviction is relevant to the position
- the circumstances surrounding the offence, and any explanations given by the applicant
- the seriousness of the offence
- the length of time since the offence occurred
- whether there is a pattern of behaviour, or whether it was a one off
- whether the applicant's circumstances have changed
- whether the applicant disclosed the information on convictions, cautions, warnings or bind overs at the application / interview stage.

Decisions will be made based on an assessment of any possible risk to children or vulnerable groups, rather than the simple fact that a conviction or other information is disclosed, and managers must apply discretion based on the full circumstances of each case. However, where there is doubt, the decision will always favour the welfare and safeguarding of children and vulnerable groups. Any positive disclosures on criminal records checks must be signed off by the Head of Centre via the agreed risk assessment process before any employment can commence. Where a candidate has not declared a criminal record on their application form and the disclosure check reveals the existence of a criminal record, the Head of Centre will discuss the matter with the applicant, but it will normally result in the offer of employment being withdrawn. If the applicant is already an employee of RB Worthing, the matter will be investigated under RB Worthing's Disciplinary Procedure before any decision or action is taken.

Volunteers, Learners and Work Placements

Volunteers and individuals on work placement will be assessed in line with DBS eligibility criteria. Where individuals are:

working under appropriate day-to-day supervision by a person in regulated activity they may not be eligible for a barred list check, however:

an enhanced DBS check may still be required, depending on the nature, frequency, and level of contact within the role.

Where volunteers or learners are undertaking unsupervised regulated activity, the same stringent checks must be applied as for paid staff, including enhanced DBS and barred list checks where applicable.

Overseas Applicants / Applicants Who Have Lived Abroad

The DBS cannot access criminal records held overseas.

For applicants who have lived abroad, RB Worthing will undertake additional checks, which may include:

- certificates of good conduct or overseas police checks
- employment references covering the period abroad
- other appropriate safeguarding checks in line with safer recruitment guidance

Agency Workers

Agency workers in roles which would require an employee to have a criminal records check must also have an up-to-date DBS check. The agency is required to inform RB Worthing of any issues which arise from the checks. Whilst the agency might recommend a worker, it is RB Worthing who takes the final decision about whether an agency worker is suitable for engagement.

Adopting robust recruitment and vetting procedures is essential to minimise the risks of engaging individuals who may prove a risk to vulnerable groups, including children. Therefore, in addition to ensuring that the checks undertaken by the agency are satisfactory, RB Worthing also requires the agency worker to bring their up-to-date DBS check (original copy) with them on their first day, to be checked and verified by the Head of Centre. Workers engaged via an agency must be rechecked annually.

RB Worthing will ensure that all checks carried out by agencies comply with current DBS eligibility rules and safer recruitment requirements.

Reporting to the DBS

RB Worthing will forward information to the DBS in all cases where an individual is dismissed or removed from regulated activity (or would have been removed had they not already left) because they harmed or posed a risk of harm to vulnerable groups including children. In cases where RB Worthing believes the person has committed a criminal offence, information will also be forwarded to the police at the earliest opportunity.

Single Central Register – legal requirements

The School Staffing (England) Regulations 2009 require maintained schools to keep a register (the Single Central Register - SCR) showing, in relation to each member of staff appointed after 1 January 2007 or before that date but still in post on 1 April 2007, whether various checks have been carried out, and the date on which each such check was completed. RB Worthing is fully compliant with this requirement and an up-to-date SCR is held at each RB Worthing site.

Related Legislation and Guidance

External Documents:

- Safeguarding Vulnerable Groups Act 2006 (as amended by the Protection of Freedoms Act 2012)
- Protection of Freedoms Act 2012
- Keeping Children Safe in Education (current version)
- DBS Guidance and Code of Practice